

## **APPENDIX A ZONING ORDINANCE<sup>1</sup>**

### **ARTICLE 1. TITLE**

This ordinance, enacted under Act 207, Public Acts of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, governing the City of Hudsonville, Ottawa County, Michigan, is adopted to regulate and restrict the location and use of buildings, structures, and land for trade, industry, and residence, and for public, semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population. To obtain said purposes and any others allowed by applicable law, this ordinance, as adopted, shall divide the municipality into districts and establish the boundaries thereof; provide for changes in the regulations, restrictions, and boundaries of such districts; define certain terms used herein; provide for enforcement; establish a board of appeals; and impose penalties for the violation of this ordinance.

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE CITY OF HUDSONVILLE ZONING ORDINANCE.

### **ARTICLE 2. PREAMBLE AND ENACTING CLAUSE**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, this City of Hudsonville Zoning Ordinance, made and provided for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of Hudsonville by protecting and conserving the character, social, and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; by preventing overcrowding of the land and undue congestion of population; by providing adequate light, air, and reasonable access; by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a master plan, now therefore: the City of Hudsonville, Ottawa County, Michigan, ordains:

### **ARTICLE 3. DEFINITIONS**

#### **Sec. 3-1. Rules of construction.**

- A. The particular shall control the general.
- B. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- C. The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.

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<sup>1</sup>Editor's note(s)—App. A contains the zoning ordinance of the city adopted Sept. 8, 1992, and amendments thereto. Amendments have been included in the affected section(s) and history notes, parenthetically enclosed, have been added at the end of such section(s). Capitalization and numerical expressions have been conformed; any obvious typographical errors have been corrected without comment, and any words appearing in brackets [ ] were added by the editor for clarity.

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

### **Sec. 3-2. General definitions.**

For the purpose of this ordinance, certain words and terms shall have the meanings defined in this section. Where certain words or terms are defined in other articles or sections of this ordinance, such words or terms shall have the meanings defined in such articles or sections.

*Abutting (lot or parcel):* A lot or parcel which shares a common border with the subject lot or parcel.

*Accessory use, building or structure:* A use, building, or structure which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related. An accessory building is considered attached when it is connected to a principal building by common, major structural elements such as a wall or roof; otherwise it is considered detached.

*Adjacent (lot or parcel):* A lot or parcel which abuts or is directly across a street right-of-way from any lot or parcel line of the subject lot or parcel.

*Attached dwelling unit:* (See Dwelling unit, attached).

*Average grade:* (See Grade, average).

*Basement:* That portion of a building which is partly or wholly below finished 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.

*Berm:* A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

*Building:* Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition shall include tents, awnings, mobile homes, or vehicles used for such purposes.

*Building height:*

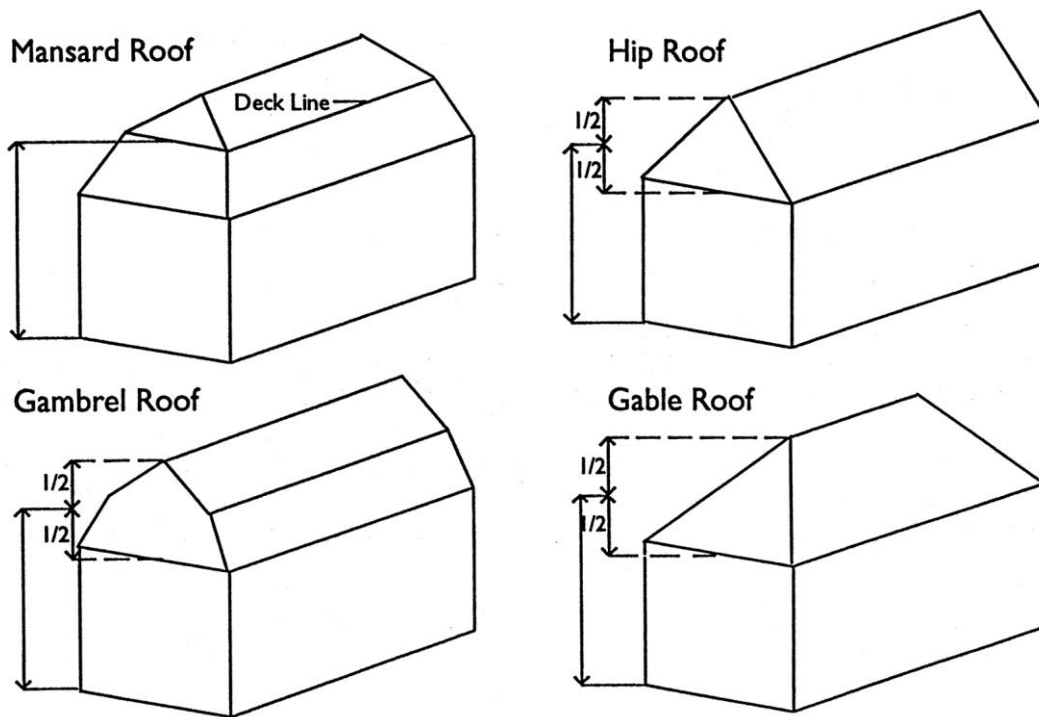


Figure 3.1 Measurement of Building Height

*Building, principal:* (See Principal building or structure).

*Child care center:* A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child.

A child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A child care center does not include a Sunday school; a vacation Bible school; a religious class where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period; or a facility operated by a religious organization where children are cared for not greater than four hours per day, while persons responsible for the children are attending religious classes or services.

*Communication tower:* A radio, telephone, cellular telephone or television relay structure of skeleton framework or monopole, attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

*Corner lot:* (See Lot, corner).

*Cul-de-sac:* A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

*Day care center:* (See Family day care home or Group day care home).

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*Density:* The number of dwelling units situated on or to be developed on per gross specified area of land. Density is expressed in units per acre.

*Detached dwelling unit:* (See Attached dwelling unit [and Dwelling unit, detached]).

*Driveways:* (See article 9).

*Dwelling unit:* A building, or enclosed portion thereof, designed for occupancy by one family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site-built units. Reference to dwelling shall mean dwelling unit.

*Dwelling unit, attached:* A dwelling unit attached to one or more dwelling units by common, major, structural elements.

*Dwelling unit, detached:* A dwelling unit which is not attached to any other dwelling unit by any means.

*Dwelling unit, multiple-family:* A building designed exclusively for and containing three or more dwelling units.

*Dwelling unit, single-family:* A detached building designed exclusively for and containing one dwelling unit only.

*Dwelling unit, two-family:* A detached building designed exclusively for, and containing two dwelling units only.

*Easement:* A grant of one or more of the property rights by a property owner to and/or for use by the public or another person or entity.

*Entry grade:* (See Grade, entry).

*Essential public services:* The erection, construction, alteration, or maintenance by public utilities, city-authorized cable-television companies, municipal departments, commissions, boards, or other government agencies of specific underground, surface, or overhead systems or structures reasonably necessary for the furnishing of adequate services, or for the public health, safety, or general welfare, but not including buildings other than those necessary to house or protect such essential services/utilities. Such systems shall include gas, electric, steam, water transmission/distribution, storm water, waste water collection, or cable-television. Such structures shall include dams, weirs, culverts, bridges, canals, fire alarm boxes and hydrants, traffic signals, signs and other similar equipment and accessories. Wireless communication towers, poles, antenna and related equipment are not essential public services.

*Family:* One or more persons living together as a single, non-profit housekeeping unit, organized as a single entity in which the members share a dwelling unit based on marriage, consanguinity, adoption, or other domestic bond. This definition does not include any society, combine club, fraternity, sorority, association, federation lodge, coterie, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

*Family day care home:* A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which at least one minor child, but less than seven minor children, are given care and supervision for periods of less than 24 hours per day. These children shall be 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 homes include homes that give care to an unrelated minor child(ren) for more than four weeks during a calendar year.

*Finished grade:* (See Grade, finished).

*Floodplain:* Reference to floodplain(s) in this ordinance shall refer to the 100-year floodplain as identified by the Federal Emergency Management Agency or other governmental agency qualified to make such determination.

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The 100-year floodplain is that land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.

*Floor area, gross:* The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Except where they are utilized for commercial purposes, unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area.

*Front lot line:* (See Lot line, front).

*Grade, average:* The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure.

*Grade, entry:* That grade at which the primary entrance to the first story of a building is established.

*Grade, finished:* The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.

*Gross floor area:* (See Floor area, gross).

*Group day care home:* A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six, but not more than 12, minor children are given care and supervision for periods of less than 24 hours per day. Children shall be unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care homes include homes that give care to an unrelated minor child(ren) for more than four weeks during a calendar year.

*Height, building:* (See Building height).

*Home occupations:* Any occupation conducted within a residential dwelling unit located within a residential district. Such occupation is incidental and subordinate to the use of the dwelling unit for residential purposes.

*Housekeeping unit:* A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

*Landscaping:* (See article 8).

*Lot:* A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description; having frontage upon a public street or city approved private road; and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage, and open space.

*Lot area:* The amount of space contained within a lot, typically expressed in square feet or acres.

*Lot, corner:* Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

*Lot coverage:* The percentage of a lot which is taken up by building space.

*Lot depth:* The horizontal distance between the front and rear lot lines, measured along the median between side lot lines. (See Figure 3.2)

*Lot frontage:* The length of the front lot line.

*Lot line:* A line bounding a lot or parcel from another lot or parcel, existing street right-of-way, approved private-road easement, or ordinary high-water mark.

*Lot line, front:* The lot line which separates the lot from the street right-of-way or approved private-road easement that provides primary access to the lot. (See Figure 3.2)

*Lot line, rear:* The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. (See Figure 3.2)

Lot line, side:

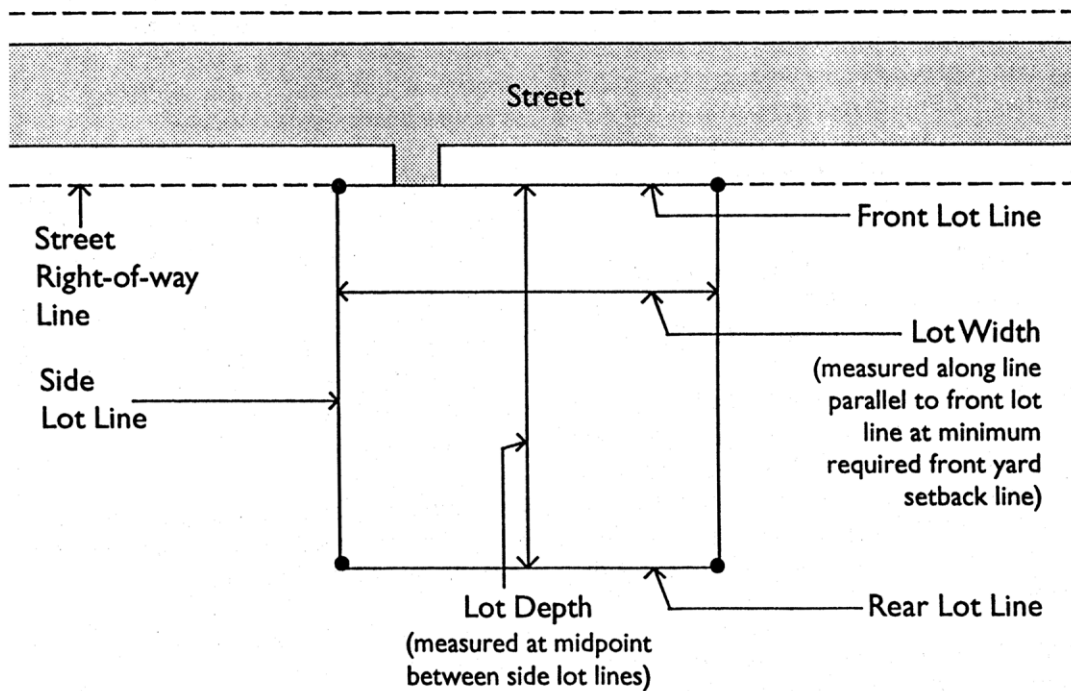


Figure 3.2 Measurement of Lot Lines

**Lot of record:** A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Ottawa County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the office of the register of deeds.

**Lot width:** The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front yard setback line.

**Master Plan of City of Hudsonville:** A document containing the future development policy and map for the City of Hudsonville, together with supporting documentation as most recently adopted or amended by the City of Hudsonville Planning Commission pursuant to Michigan Public Act 285 of 1931, as amended.

**Mobile home:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities. The plumbing, heating, air-conditioning, and electrical systems are contained in the structure. Mobile homes shall not include modular homes, motor homes, or travel trailers.

**Mobile home park:** A parcel or tract of land upon which three or more mobile homes are located. The park is intended to be used on a continual, residential, non-recreational-specific basis and is offered to the public for that purpose.

**Motor home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

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*Multiple-family dwelling unit:* (See Dwelling unit, multiple-family).

*Nonconforming building or structure:* A building, structure, or portions thereof lawfully existing at the effective date of this ordinance or subsequent amendment which fails to meet the regulations for the zoning district in which it is located, as contained in this ordinance or any subsequent amendment thereto.

*Nonconforming lot:* A lot of record which does not meet the dimensional requirements of this ordinance or subsequent amendments thereto.

*Nonconforming use:* A use which lawfully existed prior to the effective date of this ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

*On-premises:* Something being located totally within a lot, and not encroaching into any street right-of-way or access easement.

*Parking area:* Any on-premises parking lot, together with associated circulation aisles, and access drives.

*Planning commission:* The City of Hudsonville Planning Commission as created pursuant to Michigan Public Act 285 of 1931.

*Plat:* A map of a subdivision of land.

*POA:* The property owner's association.

*PUD:* A planned unit development.

*Principal building or structure:* A building or structure in which is conducted the principal use of the lot upon which it is situated.

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

*Private street:* Any street or thoroughfare for vehicular traffic which is privately owned and maintained, and which provides the principal means of access to two or more abutting properties.

*Rear lot line:* (See Lot line, rear).

*Required yards:* (See Yards, required).

*Right-of-way:* A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over said passage.

*Satellite dish antenna:* A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum dimension of three feet or greater. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extraterrestrial based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

*[Sexually oriented business and related definitions:]*

*Sexually oriented business:* An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult live entertainment theater, escort agency, nude model studio, or sexual encounter center and includes:

- (A) The opening or commencement of any sexually oriented business as a new business;
- (B) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
- (C) The addition of any sexually oriented business to any other existing sexually oriented business;

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- (D) The relocation of any sexually oriented business;
  - (E) The substantial enlargement of an existing sexually oriented business; or
  - (F) The continuation of any sexually oriented business in existence on the effective date of this ordinance.

*Adult arcade:* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

*Adult bookstore or adult video store:* A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- (B) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas. A principal business purpose need not be a primary or majority use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

*Adult cabaret:* A nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features one or more of the following:

- (A) Persons who appear nude or in a state of nudity or semi-nudity;
- (B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- (C) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas;
- (D) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

*Adult entertainment:* Any exhibition, display or dance which involves exposure to view of specified anatomical areas or specified sexual activities.

*Adult live entertainment theatre:* An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see-through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas" or individuals conducting "specified sexual activities."

*Adult motel:* A hotel, motel or similar commercial establishment which:

- (A) Offers accommodation to the public for any form or consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or



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specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

- (B) Offers a sleeping room for rent for a period of time that is less than 24 hours; or
- (C) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.

*Adult motion picture theater:* An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

*Employee:* For purposes of subsection I of section 13-7 of article 13 hereof, means a person who works or performs in and/or for a sexually oriented business, including the manager, regardless of whether or not said person is paid a salary, wage or other compensation by the manager or owner of said business.

*Entertainer:* Any person who performs any entertainment, exhibition or dance of any type within an adult cabaret, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.

*Escort:* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.

*Escort agency:* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

*Licensee:* For purposes of subsection I of section 13-7 of article 13 hereof, a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license. It also means the general partners of a partnership, the partners of a limited liability partnership and the members of a limited liability company that is a licensee.

*Manager:* For purposes of subsection I of section 13-7 of article 13 hereof, an employee, other than the licensee, who is employed by a sexually oriented business to act as a manager or supervisory of employees or who is otherwise responsible for the operation of, or in charge of, a licensed sexually oriented business.

*Nude model studio:* Any place where a person who appears nude or in a state of nudity or displays specified anatomical areas or specified sexual activities is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.

*Nudity or a state of nudity:* The display of any specified anatomical areas.

*Operator:* For purposes of subsection I of section 13-7 of article 13 hereof, all persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over a sexually oriented business or its affairs, without regard to whether such person(s) owns the premises in which the sexually oriented business does business. An operator effectively exerts management control or authority when he or she actually does, or is in a position to, participate in the management, direction or oversight of a sexually oriented business or its affairs, whether or not such person's name appears on any public record filed with any government agency in connection with a sexually oriented business or any parent company or affiliate.

*Owner:* For purposes of subsection I of section 13-7 of article 13 hereof, a person owning, directly or beneficially, any interest or part interest, however identified, in a sexually oriented business.

*Peep booth:* A viewing room, other than a private room not authorized for admittance by patrons, of less than 150 square feet of floor space upon the premises of a sexually oriented business where there is

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exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

*Person:* An individual, proprietorship, partnership, corporation, limited liability company, limited liability partnership, association or other legal entity.

*Premises:* All lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

*Private room:* A room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

*Semi-nudity:* A state of dress in which clothing covers no more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.

*Sexual encounter center:* A business or commercial establishment that, as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nudity. This definition does not apply to any actions otherwise authorized by law or the examination of another person for a bona fide medical purpose consistent with reasonable medical practices.

*Specified anatomical areas:* The male genitals in a state of sexual arousal even if completely and opaquely covered, any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals of any person.

*Specified sexual activities:* Includes any of the following:

- (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (C) Masturbation, actual or simulated; or
- (D) Excretory functions as part of or in connection with any of the activities set forth in (A) through (B) above.

*Substantial enlargement of a sexually oriented business:* The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on the effective date of this ordinance.

*Setback:* The minimum distance that a building or structure must be from any lot line to meet the requirements of this ordinance.

*Side lot line:* (See Lot line, side).

*Signs:* (See article 7).

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

*Site condominiums:* (See article 12).

*Special land use:* A use of land which is permitted within a particular zoning district only if the standards contained in the ordinance have been met. A special land use requires that a special-use permit be obtained.

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*Story:* That portion of a building (excluding a basement) included between the surface of any floor and the surface of the next floor above it. If there is no floor above the floor, the space between the floor and the ceiling next above it shall be included as a story.

*Structure:* Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

*Structure, principal:* (See Building or structure, principal).

*Trip generation (rates):* The number of trip ends associated with a development, based on building area, lot size, number of units, number of employees, or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources. An example of an accepted source is a trip generation manual developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration (FHWA).

*Two-family dwelling unit:* (See Dwelling unit, two-family).

*Variance:* A relaxation or modification of the requirements of this ordinance as authorized by the zoning board of appeals under the provisions of this ordinance, as amended.

*Wetlands:* Any land area meeting the definition of wetlands as most currently recognized by the Michigan Department of Natural Resources or other governmental unit having jurisdiction over wetland regulation within the city.

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

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

*Wireless facility, small cell:* a wireless facility that meets both of the following requirements:

- (i) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
- (ii) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

*Yards:* Except as otherwise provided in this ordinance and as defined herein, the open space unoccupied and unobstructed from the ground upward on the same lot with a principal building.

1. *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 foundation.
2. *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 foundation of the main building.

3. *Side yard*: An open space between the principal building and the side lot line, extending from the front yard to the rear yard. The width of the side yard is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building. (See Figure 3.3)

*Yards, required:*

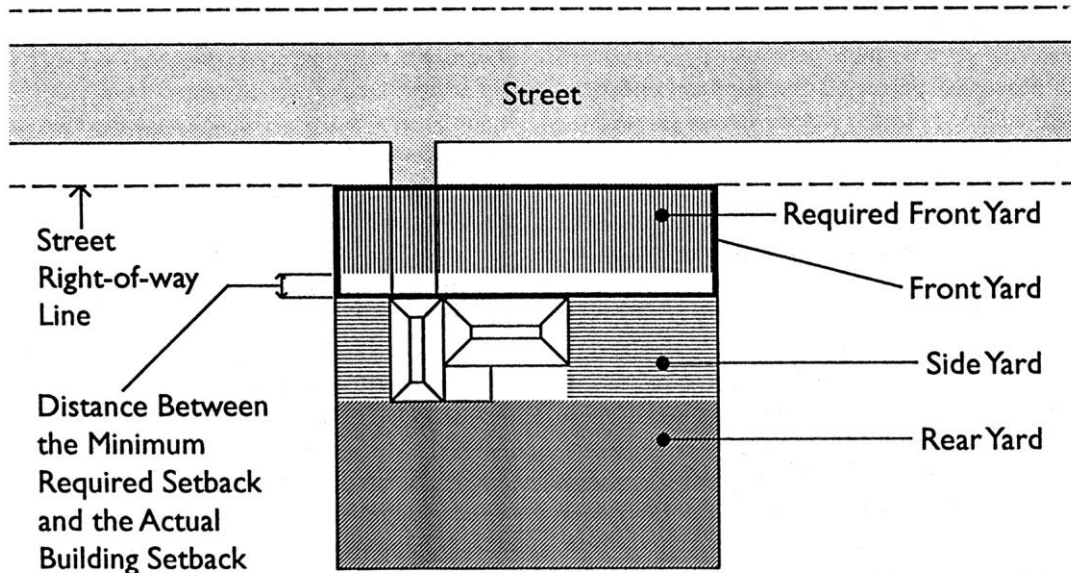


Figure 3.3 Yards

*Zoning administrator*: An individual appointed by the planning commission with the consent of the city manager to administer the City of Hudsonville Zoning Ordinance.

*Zoning board of appeals (ZBA)*: The City of Hudsonville Zoning Board of Appeals created under Michigan Public Act 207 of 1921, as amended.

(Ord. No. 97-200, § 1, 12-9-97; Ord. No. 98-210, § 1, 10-13-98; Ord. No. 00-217, § 1, 3-14-00; Ord. No. 19-319, §§ 2, 3, 12-10-19)

## ARTICLE 4. GENERAL REGULATIONS

### Sec. 4-1. Effect of zoning.

No building, structure, premises, lot, or parcel of land in the city shall hereafter be used or occupied; and no building or part thereof shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this ordinance.

### Sec. 4-2. Extent of regulations.

The general regulations contained in article 4 shall apply to all zoning districts except as otherwise noted.

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**Sec. 4-3. Accessory uses—Single-family lots.**

**A. Location requirements.**

1. Detached accessory buildings shall only be permitted in the rear yard with the exception of a garage accessory building, intended principally for the storage of automobiles, small trucks, vans and related uses customary and incidental to a single-family residential dwelling, which may be permitted in the side yard.
2. No detached accessory building roofline shall extend over an adjacent property, nor shall the drainage from any accessory building roof be drained onto an adjacent property.
3. No detached accessory buildings shall be permitted within any required setback area as defined in the "Building Setbacks From Public/Private Right-Of-Way" map (Figure 4.1).
4. Detached accessory buildings shall be set back a minimum of four feet from any property line (measured from the nearest point of the building wall) with the exception of a garage accessory building in the side yard which shall meet the side yard setbacks of the principal building.
5. Attached accessory buildings shall comply with the corresponding principal building setback requirements.
6. Detached accessory buildings shall be located at least ten feet from the principal building.
7. Paved areas for driveways and parking shall be permitted up to one foot from the property line.

**B. Number permitted.**

1. A single-family home shall be permitted two detached accessory buildings and one attached accessory building.
2. A two-family dwelling unit shall be permitted a total of two detached accessory buildings and one attached accessory building; provided, however, two attached accessory buildings shall be permitted if each is a garage separately serving each of the family units.

**C. Size and height restrictions.**

1. Accessory buildings shall not exceed the height of the principal building, and in no case shall the accessory building height exceed 14 feet in height unless a special use permit is obtained.
2. The permitted size of accessory buildings shall be in accordance with Table 4.1.
3. Accessory buildings exceeding the provisions of Table 4.1 shall require a special use permit. When considering the issuance of a special use permit under this subsection 3, the planning commission may take into consideration screening provided by the topography and vegetation.
4. No roof overhang, cornice, or any other part of the accessory building may exceed 24 inches from the outside of the building's wall.

**D. Use requirement.** Accessory buildings shall not include residential or living quarters for human beings.

**E.** For accessory buildings of 200 square feet or greater, the type and kind of construction, and the general architectural character of the building shall be compatible with the principle structure.

(Ord. No. 00-217, §§ 3, 4, 3-14-00; Ord. No. 13-296, §§ 2, 3, 12-10-13)

Table 4.1. Permitted Single-Family Lots  
Accessory Building Space

Type of Accessory Building	Maximum Size—Lot area under 22,000 square feet	Maximum Size—Lot area of 22,000 feet or greater
Single detached	The lesser of 576 square feet or 25% of the lot's rear yard	The lesser of 864 square feet or 25% of the lot's rear yard
Single attached	100% of the ground floor area of the principal building	100% of the ground floor area of the principal building
All detached and attached combined*	1,024 square feet total	1,536 square feet total

\*All detached and attached accessory space combined shall not exceed the ground floor area of the principal building.

(Ord. No. 00-217, § 5, 3-14-00)

**Sec. 4-4. Accessory uses—Non-single-family lots.**

- A. *Approvals required.* Any accessory-use building which exceeds either five percent of the principal building or exceeds 960 square feet in size shall require site-plan review by the planning commission. Accessory buildings which are less than five percent shall only require the approval of the zoning administrator.
- B. *Setback requirements.*
  - 1. The minimum setback for accessory buildings and structures which are 200 square feet or less in area shall be equal to the required perimeter landscape screen width as specified in section 8-4 of this ordinance.
  - 2. All accessory buildings which exceed 200 square feet in size shall meet all building setbacks for the zoning district in which it is located.
  - 3. No accessory buildings shall be permitted within any setback areas as defined in the "Building Setbacks From Public Rights-of-Way Map" (Figure 4.1).

(Ord. No. 00-217, § 4, 3-14-00)

**Sec. 4-5. Basement and illegal dwellings.**

- A. *Permitted use of basement as living quarters.* The use of a basement as living quarters may be permitted if it meets the city's building code as amended for ingress and egress.
- B. *Use of basement as living quarters.*
  - 1. When not attached to any above-ground dwelling, the use of a basement for living quarters shall be prohibited.
  - 2. The use of a basement of a partially completed building as a dwelling unit is prohibited.

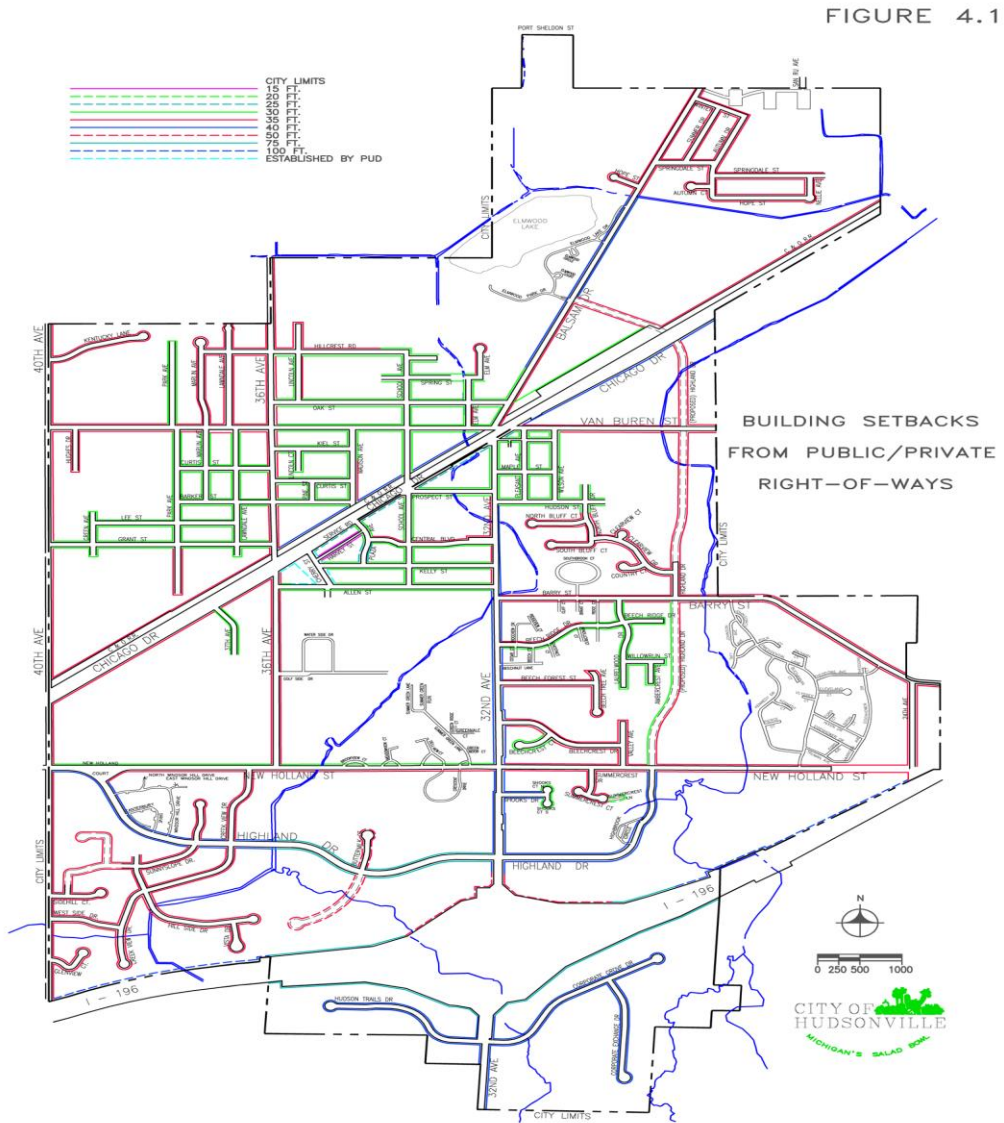
**Sec. 4-6. Building demolition.**

No building shall be demolished unless a permit is obtained from the zoning administrator. The permit issued shall prescribe the method of demolition to be used and time frame in which the demolition and site restoration shall be completed. The zoning administrator may also condition the permit on other reasonable regulations related to the health and safety of the public. If utility connections are involved, the city's building inspector shall ensure that such utilities are properly disconnected and, where applicable, capped off.

**Sec. 4-7. Building setbacks.**

Building setbacks from any public road right-of-way shall comply with the setbacks designated on the "Building Setbacks From Public Rights-of-Way Map" in Figure 4.1. Where more stringent, these setbacks shall supersede any zoning district yard requirements.

(Ord. No. 03-242, § 1, 8-12-03)



**FIGURE 4.1. BUILDING SETBACKS**

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**Sec. 4-8. City access.**

City personnel shall be allowed access on private streets, easements and common open-space areas to provide police and fire protection to the area, to meet emergency needs, to conduct city services, to enforce city ordinances and codes, and to generally ensure the health and safety of the residents living in proximity to such roadways.

**Sec. 4-9. Clear vision areas.**

Clear vision areas at street intersections shall be maintained in conformance with the regulations contained in article 9.

**Sec. 4-10. Conflicting regulations.**

Whenever any provision of this ordinance imposes more stringent regulations than are imposed 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 impose more stringent regulations than are imposed by this ordinance, the provisions of such law or ordinance shall govern.

**Sec. 4-11. Continued conformance with regulations.**

The maintenance of yards, landscaping, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

**Sec. 4-12. Driveways.**

All developments shall comply with the driveway design and spacing regulations contained in article 9 of this ordinance.

**Sec. 4-13. Essential public services.**

The construction, alteration, or maintenance of essential public services shall be permitted in any zoning district. If the provision of essential public services involves the construction or alteration of above-ground buildings, plans for such buildings shall be submitted for site-plan review. Above-ground buildings required for the provision of essential public services shall be constructed in compliance with all applicable zoning ordinance regulations where feasible. Commercial wireless telecommunication services are not an essential public service.

(Ord. No. 19-319, § 4, 12-10-19)

**Sec. 4-14. Existing platted lots not meeting district standards.**

Platted lots existing prior to the enactment of this zoning ordinance or any subsequent amendment shall be allowed to be developed in accordance with the permitted uses in the district in which they are located, subject to the following conditions:

- A. All requirements of the zoning district shall apply where no practical difficulties exist.
- B. If a variance is required, the zoning board of appeals shall seek the maximum compliance possible.



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- C. If more than one lot is owned by the same owner and are contiguous, and use of more than one lot enables compliance with the zoning ordinance, then such compliance shall be required.

#### **Sec. 4-15. Family day care homes.**

Permitted family day care homes shall comply with the following standards:

- A. The family day care home shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973.
- B. A minimum of 200 square feet of general activity space must be provided within the home. General activity space shall not include hallways, bathrooms, kitchens, or bedrooms.
- C. There shall be a minimum of 2,500 square feet of outdoor play area provided. The outdoor play area shall not be located within the required front yard setback area.

The planning commission may waive the requirement for outdoor play area on-premises if they feel there exists suitable outdoor play area of equal or greater size within 500 feet of the home.

- D. Family day care homes shall provide a safe environment. Such environment shall be free from nuisance conditions either on or adjacent to the premises which would place children's health or safety at risk. Nuisance conditions might include, but are not limited to, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.

The planning commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.

- E. The family day care home shall provide two parking spaces on-premises for pickup and drop off of children.

#### **Sec. 4-16. Frontage on public or private streets.**

No building shall be erected unless the premises upon which it is to be constructed shall abut upon a public street or private street which has received the approval of the planning commission. This regulation applies to site condominium and planned unit development projects, as well as more conventional development on platted or unplatted lots.

#### **Sec. 4-17. Home occupations.**

- A. *Required standards to be permitted by right.* Home occupations shall be permitted by right if they meet the below-listed standards. However, if a home occupation does not meet one or more of the below standards it shall not be permitted, unless approved for a special use permit by the planning commission:

- 1. The home occupation shall not involve any person not residing at the home.
- 2. The home occupation shall not involve any outdoor activities.
- 3. The home in which the occupation is proposed must be used principally for residential purposes.
- 4. The home occupation shall not involve the storage of any significant amount of materials for which there is high risk of inflammability or explosion.
- 5. The home occupation shall not generate more than five client trips to the home in any 24-hour period.
- 6. The home occupation shall be permitted one sign of not more than two square feet in size. Such sign shall be attached to the dwelling.

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7. The home occupation shall not result in the exterior of the home having other than a residential appearance.
  8. The home occupation shall not involve deliveries by trucks greater than 25 feet in length.
  9. Noise emanating from the home occupation dwelling as a result of the home occupation shall not exceed 65 DNL as defined by the U.S. Department of Housing and Urban Development.
- B. *Approval of home occupation not an acceptance of commercial uses in residential zones.* The allowance of any home occupation by the city, subject to the regulations contained in this section of the ordinance, shall not in any way constitute an acceptance of, or give validity to, the introduction of nonresidential uses into any residential zoning district.

#### **Sec. 4-18. Landscaping.**

All developments or uses shall comply with the landscaping regulations contained in article 8 of this ordinance.

#### **Sec. 4-19. Lighting.**

- A. *Places and periods of time when lighting is required.* Parking areas, walkways, and building entryways associated with commercial, public, industrial, and multiple-family residential complex uses shall be illuminated during all hours of darkness for which the use is in operation. Hours of operation shall include all times during which employees or residents may normally be arriving or departing any building.
- B. *Height limitation for lighting fixtures.* Lighting fixtures intended to light the grounds or parking areas shall not be mounted on any building or supporting structure at a height of greater than 30 feet. This regulation shall not apply to recreational facilities.
- C. *Lighting prohibitions* No lights shall shine directly into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision or the privacy of adjacent uses.

#### **Sec. 4-20. Lot-to-building relationship.**

There shall not be more than one principal structure permitted on any one lot in any R-1 Residential District.

#### **Sec. 4-21. Lot coverage.**

In determining percent of lot coverage, both principal and accessory buildings shall be included in the calculation.

#### **Sec. 4-22. Lot width of cul-de-sac lots.**

The planning commission may reduce the minimum lot width for cul-de-sac lots by up to 20%.

#### **Sec. 4-23. Parcel or lot division.**

No parcel or lot division shall be made which results in a parcel or lot being in nonconformance with any provision of this ordinance as amended, or is in violation of the city's subdivision control ordinance as amended.

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#### **Sec. 4-24. Parking.**

All developments or uses shall comply with the parking and unloading regulations contained in article 6 of this ordinance.

#### **Sec. 4-25. Relocation of existing buildings on parcels or lots in the city.**

- A. *Special use permit requirements.* A special use permit shall be required if any building from either inside or outside of the city is to be relocated upon any parcel or lot in the city.
- B. *Design compatibility.* Any building proposed to be relocated within the city shall be compatible in design and construction with buildings and other structures already existing in the immediate area of the proposed building relocation site.
- C. *Compliance with zoning ordinance requirement.* Any building proposed for relocation shall conform to all other requirements of the zoning district in which the relocation site is located.
- D. *Bond requirement.* The city may require a bond to insure against damage to city roads or other public property and also to provide for proper relocation of any building.
- E. *Route approval.* The route to be taken within the city must be approved by the city.
- F. *Responsibility for payment of public expenses incurred.* The permittee shall be responsible to pay for all costs incurred by the city which are attributable to the building relocation.

#### **Sec. 4-26. Repair and maintenance of motor vehicles and equipment in residential districts.**

- A. *Permitted repair and maintenance.*
  - 1. Normal and customary maintenance work (vehicle washing, changing oil, tune ups, etc.) shall be permitted.
  - 2. Repair involving body work or major engine repair shall only be permitted if performed within an enclosed building.
- B. *Prohibited repair and maintenance.*
  - 1. When not performed within an enclosed building, repair involving body work or major engine repair shall be prohibited.
  - 2. Commercial repair (repair being conducted for monetary compensation on vehicles or equipment owned by other than residents of home where the repair activity is taking place) shall be prohibited.
  - 3. Repair and maintenance activities being performed outside of an enclosed building shall not be permitted for more than two days in any week.
  - 4. Repair or maintenance being performed outside of an enclosed building shall not be conducted between the hours of 9:00 pm and 9:00 am.
- C. *Prohibited vehicle storage.* Inoperable vehicles and vehicles without a valid license plate shall not be permitted to be stored in a residential district unless within an enclosed building.

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### **Sec. 4-27. Rooftop accessory structures.**

- A. *Allowance for exceeding maximum building height.* The height of accessory structures, such as chimneys, air conditioning units, and other mechanical appurtenances, may exceed the maximum building height for the district in which it is located by a maximum amount of 15 feet.
- B. *Required screening.* Where rooftop appurtenances are within 15 feet of a building edge, the planning commission may require that they be screened to a height of three feet above roof grade. The planning commission shall base their decision to require screening on the aesthetic quality of the rooftop appurtenances and degree of visibility to adjacent uses and the general public.

### **Sec. 4-28. Satellite dish antennas.**

Installation of a satellite dish antenna in any zoning district shall require the issuance of a zoning compliance permit by the zoning administrator. Prior to the issuance of the permit, the following provisions must be met:

- A. *Site plan requirement.* A site plan shall be provided to the zoning administrator. The site plan shall be to scale and show the proposed location and elevation of the antenna, other buildings, roads and natural features.
- B. *Design and location standards.*
  - 1. No portion of the antenna shall display any advertising message or other graphic representation other than a manufacturer's logo or nameplate, provided such logo or nameplate is of a size and character that it is not legible from adjacent properties.
  - 2. Satellite dish antennas shall be designed to blend into the adjacent background through use of color, texture, or other design features.
  - 3. No satellite dish antenna shall be located in any front yard.
  - 4. No satellite dish antenna with support structures located on the ground shall exceed 15 feet in height. Roof-mounted dish antennas located in residential districts shall not exceed the building-height limitation for the district. And further, in any residential district no roof-mounted dish antenna shall exceed four feet of height as measured from the base of the mounting structure.
- C. *Determination of requirement for special-use permit.* A special use permit shall be required prior to the installation of dish antennas having one or more of the following characteristics:
  - 1. Any dish antenna exceeding 12 feet in height and ten feet in diameter;
  - 2. Any dish antenna which is not permanently anchored to a foundation located on the ground; and
  - 3. Any dish antenna which is to serve more than one structure.

### **Sec. 4-29. Sidewalks.**

Sidewalks and bicycle paths shall be provided in accordance with applicable city policies and ordinances.

### **Sec. 4-30. Soil removal, grading, and filling.**

- A. *Intent.*
  - 1. It is the intent of this section to regulate the removal of soil, the grading and leveling of soil, and the filling of soil within the City of Hudsonville. These regulations are necessary because of the potential for adverse impacts and damages including:

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- a. Noise,
  - b. Dust,
  - c. Odors,
  - d. Alteration of topographical and geographical characteristics of the land,
  - e. Elimination of topsoil,
  - f. Erosion,
  - g. Filtration of soil into city storm sewers,
  - h. Shifting earth, and
  - i. Standing water.
2. The regulations are also intended to preserve city resources, prevent nuisances and hazards, and require reasonable control of the above-stated activities.
- B. *Definitions.* The following definitions shall be used for this section of the ordinance:
1. *Fill project:* The depositing, removal, redistribution, or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.
  2. Soil: topsoil, subsoil, sand, gravel, rock, stone, aggregate, earth or any other similar material.
- C. *Requirements for permit.* It shall be unlawful for any person to undertake any fill project upon any land in the city without a permit issued by the zoning administrator pursuant to the terms of this section.
- Exceptions to this regulation shall include:
1. Projects which are a part of uses or activities approved under site plan review or special use permit;
  2. Projects incidental to development of land subject to the Subdivision Control Act, Act 288 of 1967, as amended, when final preliminary plat approval has been obtained; and
  3. Projects involving any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interests of good land husbandry.
- D. *Requirement for obtaining a permit.*
1. The application for a permit shall be filed with the zoning administrator. The zoning administrator may request such information from the applicant as is necessary to determine that the fill project for which approval is requested will meet the requirements of this section. The zoning administrator may consult with the city engineer to make such a determination. The zoning administrator shall issue the permit requested if he/she is satisfied that the following provisions have been met:
    - a. The fill project will not impede drainage.
    - b. The fill project will not alter the topographical features of the applicant's property, causing a change in the natural flow of surface waters with respect to adjoining properties.
    - c. The fill project will not be in violation of any condition of this ordinance or other city ordinance or state law.
    - d. The fill project uses only soil as defined in subpart B of this section.
    - e. The fill project does not endanger health, safety or welfare of any individual.
    - f. The proposed operation will not create an unreasonable hazard, annoyance, or inconvenience to the owners or occupants of nearby property; will not significantly change the character of the

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neighborhood or unreasonably reduce the value of nearby properties; and will not adversely affect implementation of the zoning ordinance or city master plan.

2. Where necessary for proper consideration of the factors listed in subpart D.1 of this section, the zoning administrator is authorized to require the applicant to furnish any or all of the following information:
- a. A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted;
  - b. The residence and business address of the applicant;
  - c. The exact nature of the proposed soil to be used in the project and an estimate of the approximate number of cubic yards involved;
  - d. The proposed route where soil is to be transported;
  - e. The location of the place and the name and address of all persons and firms from whom the soil and any materials to be used in the project are to be obtained;
  - f. The start and completion date for the project, including the hours during which the soil will be transported;
  - g. A topographic map of existing land features prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at a scale not smaller than 100 feet to one inch, indicating
    - i. A legal survey of the property wherein filling is proposed,
    - ii. The existing ground surface elevations for involved property and adjacent contiguous areas within 300 feet of said property, bounded by accurate contours at intervals not exceeding two feet U.S.G.S. datum,
    - iii. All existing surface and subsurface improvements to include such features as buildings, roads, driveways, fences, culverts, pipe lines, electric and telephone lines, etc.,
    - iv. The existing drainage courses with channel cross-section and profile information,
    - v. The permanent parcel (sidwell) number on record with the County of Ottawa of the subject site and all abutting properties with ownership, and
    - vi. The seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof; and
  - h. A map or drawing of the proposed land fill/land balancing project, prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at the same scale as the topographic map indicating:
    - i. The proposed finished surface elevations and slopes, by contours at intervals not exceeding two feet U.S.G.S. datum, with cross-sections as necessary to clearly indicate proposed slopes and drainage provisions around the periphery of proposed site;
    - ii. A clear delineation of limits of proposed grade changes,
    - iii. The location of proposed access roads,
    - iv. The stormwater-drainage provisions (both during and following completion of operations, including drainage pattern, run-off calculations, and detailed information for proposed, new or improved drainage facilities),
    - v. The type of proposed fill material and proposed placement and compaction methods,

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- vi. The details of provisions for controlling soil erosion and for controlling sedimentation onto contiguous properties and into water courses (both during and following completion of operations), and
    - vii. Seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof.
  - E. *Violations and zoning administrator powers.* The zoning administrator may attach such conditions to the granting of the permit which may be necessary to insure that the intent and purpose of this ordinance is in all respects observed. Any violation of a condition(s) included in the permit shall be construed as a violation of this ordinance, shall give rise to the penalties provided in this ordinance, and shall be grounds for revoking the permit. The permittee shall submit a written request to the zoning administrator for approval of changes to the original plans, specifications, reports, and methods of operation submitted with a permit application. No such change shall be initiated until the written approval of the zoning administrator has been obtained.
  - F. *Payment of fees and issuance of permits.* At the time of application, the applicant shall pay an application fee as established by the Hudsonville City Commission. If the application is approved and all fees paid, the zoning administrator shall issue a permit.
  - G. *Expiration, termination, suspension and revocation of a permit.*
    - 1. When a fill project is completed, as described in the application, the permit granted shall terminate and no further materials may be deposited or moved on the site until a new application has been filed and a permit granted in the same manner as provided for the original application and permit.
    - 2. In the event that any fill project for which a permit has been granted is not started within three months from the date the permit is issued, the permit will expire. The permit shall also expire on the date stated in the permit, unless the applicant formally requests an extension from the zoning administrator, and such request is approved.
    - 3. Failure of a permit holder to conform the fill project to the activities described in the approved permit application and plans upon which granting of the permit was based (and any approved amendments thereto) shall result in the suspension or revocation of the permit, forfeiture of any and all bonds furnished, and prosecution under the terms of this ordinance.
  - H. *Bond.* The zoning administrator may require a bond or similar financial surety as a condition to issuing a permit under this section. In establishing the amount of the bond, the zoning administrator shall consider the scale of operation, the costs to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses.

#### **Sec. 4-31. Solid waste receptacle areas.**

- A. *Location requirements.* Other than for single-family home use, any outdoor, commercial solid waste receptacle shall comply with the following:
  - 1. No receptacle shall be placed in a front yard.
  - 2. For multiple-family residential developments, receptacles shall be located a minimum of 50 feet from any residential building, but not to exceed 500 feet from any building they are intended to serve.
  - 3. No receptacle shall be placed closer than 20 feet to any single-family residential lot line.
- B. *Design requirements.*
  - 1. All receptacles shall be placed on an asphalt or concrete pad.

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2. All receptacles shall be fully screened from view by a masonry or wood wall or fence, to include a gate. The screen shall not exceed six feet in height. The planning commission may waive this requirement if the receptacle is adequately screened by perimeter landscaping treatment.

#### **Sec. 4-32. Swimming pools.**

- A. *Permit requirements.* Installation of any swimming pool or spa which is two feet deep or greater shall require a building permit and shall meet the following requirements:
  1. A set of plans and specifications for the pool, including fencing, decks, and related equipment, shall be submitted to the zoning administrator.
  2. The swimming pool shall meet the specification of the BOCA Electrical Code and BOCA Building Code as most recently adopted by the city commission.
- B. *Location.* Swimming pools shall not be located closer than ten feet from a dwelling unit or any lot line.

#### **Sec. 4-33. Temporary buildings.**

Temporary buildings shall only be permitted if approved under special-use permit.

#### **Sec. 4-34. Utilities for residential developments.**

All utilities shall be placed underground for new residential developments, including single-family plats, multiple-family complexes, and mobile-home parks.

#### **Sec. 4-35. Single-family and two-family dwelling units outside mobile home parks.**

- A. *Standards.* All single-family and two-family dwelling units located outside mobile home parks shall comply with the following standards:
  1. An enclosed storage area of not less than 384 square feet shall be provided in conjunction with the dwelling unit. The storage area may consist of a basement or an attached or detached accessory structure that is in compliance with all other applicable provisions of this ordinance.
  2. If the dwelling unit is a mobile home, the mobile home must either be (a) new and certified by the manufacturer or appropriate inspection agency as meeting the United States Department of Housing and Urban Development Regulations entitled "Manufactured Home Construction and Safety Standards" at the time the mobile home is located in the city or (b) used and certified by the manufacturer or appropriate inspection agency as meeting the above-referenced standards and found, upon inspection by the building inspector or his/her designee, to be safe and fit for residential occupancy.
  3. The dwelling unit shall be firmly attached to a permanent frost free foundation with a wall of the same perimeter dimensions as the dwelling unit and is to be constructed of such materials and type as required by the building code, as amended from time to time, enforced within the city for on-site constructed single-family dwelling units. If the dwelling unit is a mobile home, its foundation shall fully enclose the chassis and undercarriage.
  4. The foundation shall have a minimum depth of 42 inches below grade and a minimum exposed foundation about grade of eight inches.
  5. All dwelling units without basements shall provide a "broom finished" crawl space below the entire floor of the dwelling unit at least two feet in depth with a vapor barrier consisting of two inches of



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concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized for the crawl space if it is consistent with the building code, as may be amended from time to time, enforced within the city.

6. If the dwelling unit is a mobile home, it shall be installed with the wheels, towing mechanism and hitch removed.
7. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
8. Chimneys for fireplaces, furnaces, wood burning stoves and similar devices may be on the outside of the dwelling unit, provided the vent pipe is enclosed with materials compatible with the exterior finish.
9. Dwelling units shall provide a minimum height between the floor and ceiling of 7.5 feet.
10. The pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run, and shall have not less than a 12-inch overhang.

(Ord. No. 02-235, § 1, 7-9-2002)

#### **Sec. 4-36. Freestanding outdoor furnaces.**

It shall be unlawful to install or operate a freestanding outdoor furnace, or to cause or permit the installation or operation of a freestanding outdoor furnace, within the city. A freestanding outdoor furnace is defined as a furnace, stove or boiler that is not located within a building intended for habitation by humans that is designed, intended or used to provide heat and/or hot water to any residence or structure that burns wood or other solid fuel such as, but not limited to, coal, paper or agricultural products.

(Ord. No. 07-260, § 1, 1-9-07)

#### **Sec. 4-37. Small cell wireless facility.**

- A. *General.* The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365"). In such case, a utility pole in the ROW may not exceed 40 feet above ground level without special use permit approval and a small cell wireless facility in the ROW shall not extend more than 5 feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

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

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

- B. *Wireless communications equipment.* Wireless communications equipment (but not a wireless communications support structures) is a permitted use and allowed in all zoning districts. Wireless communications equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met:
- (a) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.

- (b) The existing wireless communications support structure or existing equipment compound is in compliance with the city's zoning ordinance or was approved by the appropriate zoning body or official for the city.
- (c) The proposed collocation will not do any of the following:
  - (i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
  - (ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
  - (iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.
- (d) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the city.

Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable city codes including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.

A co-location that meets the requirements of subsections (a) and (b), above, but which does not meet subsections (c) or (d), is subject to special use permit review by the Planning Commission in accordance with the city's zoning ordinance and Section 514 (2-6) of Act 366 of 2018, as amended ("Act 366"). Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

Wireless communications equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to special use permit review consistent with the City of Hudsonville Zoning Ordinances and Master Plans.

(Ord. No. 19-319, § 5, 12-10-19)

## **ARTICLE 5. DISTRICT REGULATIONS**

### **Sec. 5-1. General provisions.**

- A. *Establishment of districts.* For the purpose of this ordinance, the City of Hudsonville is hereby divided into the following zoning districts:

R-1-A	Single-Family Residential
R-1-B	Single-Family Residential
R-1-C	Single-Family Residential
R-1-D	Single-Family Residential
R-1-E	Single-Family Residential
R-2	Single-Family and Attached Residential
R-3	Single-Family Attached Residential
R-4	Multiple-Family Residential District
MHP	Mobile-Home Park
CBD-1-G	Central Business District-One-General
CBD-1-OS	Central Business District-One-Office/Service
CBD-2	Central Business District-Two

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(Supp. No. 16)

LC	Light Commercial
HC	Highway Commercial
FCR	Fairgrounds Commercial Recreation
PF	Public Facilities
I-1	Industrial
I-2	Industrial
PUD	Planned Unit Development
AG	Agricultural

B. *Zoning districts map.* The locations and boundaries of these districts are hereby established on a map entitled "The Zoning Map of the City of Hudsonville, Ottawa County, Michigan" (Figure 5.1) which is hereby adopted and declared to be a part of this ordinance.

It shall be mandatory for all development proposals within any planned unit development district be reviewed as a planned unit development, subject to the regulations contained in article II.

The official zoning map shall be located in the office of the zoning administrator, and, together with other official zoning records, shall be the final authority as to the current zoning status of property within the city. The official zoning map shall be identified by the signature of the zoning administrator, attested to by the city clerk.

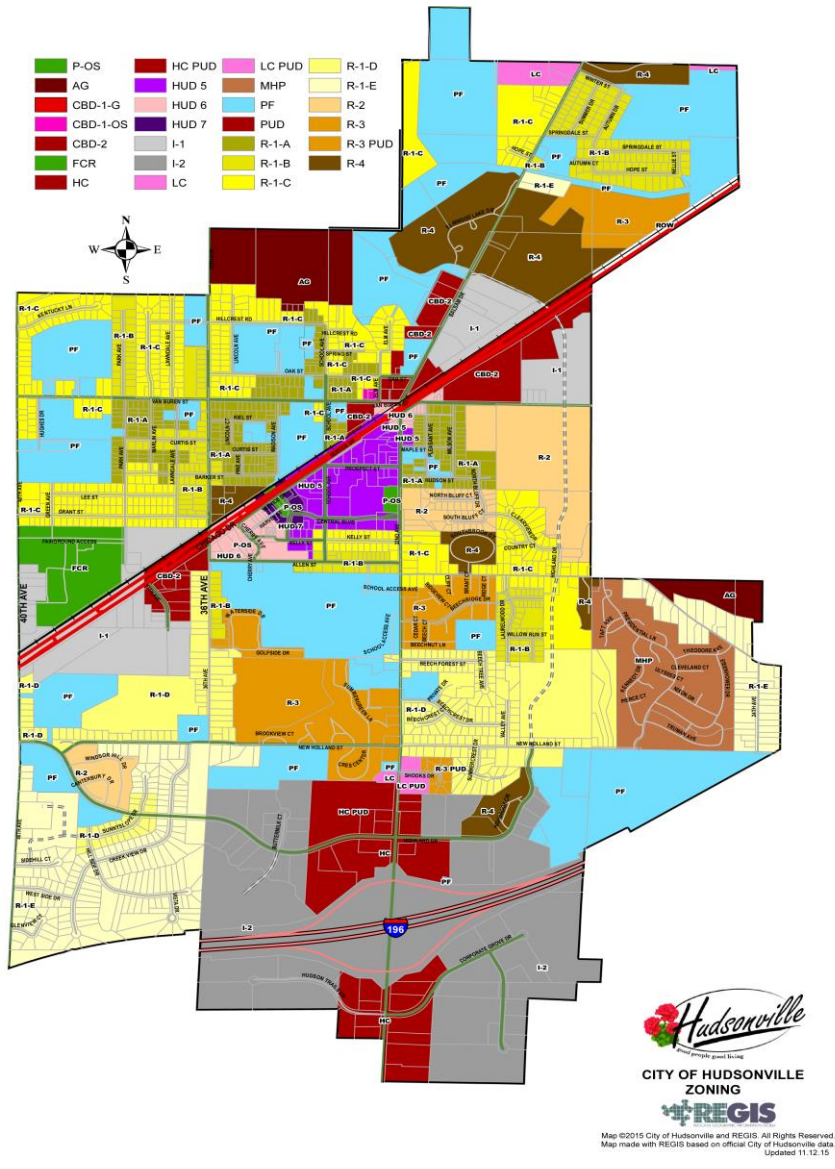
C. *District boundaries interpreted.* Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:

1. Where the boundaries are indicated as approximately following the street, alleys, or highways, the center lines of said streets, alleys, or highways, or such lines extended, shall be construed to be such boundaries.
2. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city boundary lines shall be construed as following such city boundaries.
4. Boundaries indicated as approximately following railroad lines shall be construed to be the center line of the railroad right-of-way.
5. Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distances therefrom as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official zoning map.
6. Boundaries indicated as approximately following the shoreline of any water body shall be construed to follow such shoreline. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center line of any water body shall be construed to follow such center lines.
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, such boundary determination shall be made by the zoning board of appeals after receiving a recommendation by the zoning administrator.

D. *Application of regulations.* No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations specified for the district in which it is located.

E. *Zoning of annexed areas.* Whenever any area is annexed to the City of Hudsonville it shall be considered to be zoned R-1-E until such time as a formal rezoning process can be completed.

- F. *Zoning of vacated areas.* Whenever any street, alley, or other public way, within the City of Hudsonville shall be vacated, such street, alley, or other public way, or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.



**Sec. 5-2. Purpose for R-1 Single-Family Districts.**

A series of single-family zoning districts ranging from R-1-A to R-1-E are included in this ordinance. Each of these five districts is intended for single-family, detached dwelling units. The primary purpose of having five separate single-family districts is to provide for a variety of lot and dwelling unit sizes. The R-1-A District has the lowest minimum size requirement for lot and dwelling unit size. These requirements increase sequentially through the R-1-E District. The R-1 Districts are also intended to provide greater dwelling unit compatibility and reduced occurrence of building or lot nonconformity in all single-family residential neighborhoods.

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### **Sec. 5-3. R-1-A Single-Family Residential District.**

- A. *Purpose.* The R-1-A District is intended for single-family, detached residential development.
- B. *Uses permitted by right.* The following uses are permitted by right in the R-1-A District, except as otherwise noted:
1. Single-family detached dwelling, including single-family detached condominiums;
  2. Family day care homes;
  3. Accessory buildings incidental to the above-permitted uses; and
  4. Signs as provided in article 7 of this ordinance.
- C. *Uses permitted by special use permit.* The following uses may be permitted by special-use permit in the R-1-A District:
1. Planned unit developments,
  2. Group day care homes,
  3. Child care centers, and
  4. Home occupations as provided in section 4-17.
- D. *Dimensional requirements.* Lot and building dimensional requirements for the R-1-A District shall be as follows:
1. Minimum lot area shall be 9,100 square feet.
  2. Minimum lot width shall be 65 feet.  
A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum lot coverage shall be 30%.
  4. Maximum building height shall be 35 feet.
  5. Minimum dwelling unit width shall be 24 feet.
  6. Minimum dwelling unit size.
    - a. Minimum first-story size for one-story dwelling units shall be 950 square feet.
    - b. Minimum upper-story size for raised-ranch dwelling units shall be 900 square feet.
    - c. Minimum first-story size for partial-two-story dwelling units shall be 800 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
    - d. Minimum upper-two-story size for tri-level dwellings units shall be 800 square feet.
    - e. Minimum first-story size for full-two-story dwelling units shall be 650 square feet. Minimum size for the finished second story shall be 650 square feet.
  7. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side yard setback shall be ten feet.
    - c. Rear yard setback shall be 40 feet.

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- d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-way Map (Figure 4.1).

**Sec. 5-4. R-1-B Single-Family Residential District.**

- A. *Purpose.* The R-1-B District is intended for single-family, detached residential development.
- B. *Uses permitted by right.* The following uses are permitted by right in the R-1-B District, except as otherwise noted:
  - 1. Single-family detached dwellings, including single-family detached condominiums;
  - 2. Family day care homes;
  - 3. Accessory buildings incidental to the above-permitted uses; and
  - 4. Signs as provided in article 7 of this ordinance.
- C. *Uses permitted by special use permit.* The following uses shall be permitted by special use permit in the R-1-B District:
  - 1. Planned unit developments,
  - 2. Group day care homes,
  - 3. Child care centers,
  - 4. Two-family dwelling units (duplexes), and
  - 5. Home occupations as provided in section 4-17.
- D. *Dimensional requirements.* Lot and building dimensional requirements for the R-1-B District shall be as follows:
  - 1. Minimum lot area shall be 10,000 square feet.
  - 2. Minimum lot width shall be 75 feet.  
A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  - 3. Maximum lot coverage shall be 30%.
  - 4. Maximum building height shall be 35 feet.
  - 5. Minimum dwelling unit width shall be 24 feet.
  - 6. Minimum dwelling unit size.
    - a. Minimum first-story size for one-story single dwelling units shall be 1,000 square feet and for duplex dwelling units 900 square feet.
    - b. Minimum upper-story size for raised-ranch dwelling units shall be 950 square feet.
    - c. Minimum first-story size for partial two-story dwelling units shall be 850 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
    - d. Minimum upper two-story size for tri-level dwellings units shall be 850 square feet.
    - e. Minimum first-story size for full-two-story dwelling units shall be 700 square feet. Minimum size for the finished second story shall be 700 square feet.
  - 7. Minimum building setbacks.

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- a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setback shall be ten feet.
  - c. Rear yard setback shall be 40 feet.
  - d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Amend. of 6-96; Ord. No. 02-235, § 2, 7-9-2002)

### **Sec. 5-5. R-1-C Single-Family Residential District.**

- A. *Purpose.* The R-1-C District is intended for single-family, detached residential development.
- B. *Uses permitted by right.* The following uses are permitted by right in the R-1-C District, except as otherwise noted:
  1. Single-family detached dwellings, including single-family detached condominiums;
  2. Family day care homes;
  3. Accessory buildings incidental to the above-permitted uses; and
  4. Signs as provided in article 7 of this ordinance.
- C. *Uses permitted by special use permit.* The following uses shall be permitted by special use permit in the R-1-C District:
  1. Planned unit developments,
  2. Group day care homes,
  3. Child care centers,
  4. Two-family dwelling units (duplexes), and
  5. Home occupations as provided in section 4-17.
- D. *Dimensional requirements.* Lot and building dimensional requirements for the R-1-C District shall be as follows:
  1. Minimum lot area shall be 10,800 square feet.
  2. Minimum lot width shall be 80 feet.

A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum lot coverage shall be 30%.
  4. Maximum building height shall be 35 feet.
  5. Minimum dwelling unit width shall be 24 feet.
  6. Minimum dwelling unit size.
    - a. Minimum first-story size for one-story single dwelling units shall be 1,100 square feet and for duplex dwelling units 900 square feet.
    - b. Minimum upper-story size for raised-ranch dwelling units shall be 1,050 square feet.

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- c. Minimum first-story size for partial two-story dwelling units shall be 900 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
  - d. Minimum upper two-story size for tri-level dwellings units shall be 900 square feet.
  - e. Minimum first-story size for full two-story dwelling units shall be 750 square feet. Minimum size for the finished second story shall be 750 square feet.
7. Minimum building setbacks.
- a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setback shall be ten feet.
  - c. Rear yard setback shall be 40 feet.
  - d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Amend. of 6-96; Ord. No. 02-235, § 3, 7-9-2002)

### **Sec. 5-6. R-1-D Single-Family Residential District.**

- A. *Purpose.* The R-1-D District is intended for single-family, detached residential development.
- B. *Uses permitted by right.* The following uses are permitted by right in the R-1-D District, except as otherwise noted:
  - 1. Single-family detached dwellings, including single-family detached condominiums;
  - 2. Family day care homes;
  - 3. Accessory buildings incidental to the above-permitted uses; and
  - 4. Signs as provided in article 7 of this ordinance.
- C. *Uses permitted by special-use permit.* The following uses shall be permitted by special-use permit in the R-1-D District:
  - 1. Planned unit developments,
  - 2. Group day care homes,
  - 3. Child care centers,
  - 4. Two-family dwelling units (duplexes), and
  - 5. Home occupations as provided in section 4-17.
- D. *Dimensional requirements.* Lot and building dimensional requirements for the R-1-D District shall be as follows:
  - 1. Minimum lot area shall be 11,500 square feet.
  - 2. Minimum lot width shall be 85 feet.  

A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  - 3. Maximum lot coverage shall be 30%.
  - 4. Maximum building height shall be 35 feet.



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5. Minimum dwelling unit width shall be 24 feet.
  6. Minimum dwelling unit size.
    - a. Minimum first-story size for one-story single dwelling units shall be 1,100 square feet and for duplex dwelling units 900 square feet.
    - b. Minimum upper-story size for raised-ranch dwelling units shall be 1,050 square feet.
    - c. Minimum first-story size for partial two-story dwelling units shall be 1,050 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
    - d. Minimum upper two-story size for tri-level dwellings units shall be 1,050 square feet.
    - e. Minimum first-story size for full two-story dwelling units shall be 750 square feet. Minimum size for the finished second story shall be 750 square feet.
  7. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side yard setback shall be ten feet.
    - c. Rear yard setback shall be 40 feet.
    - d. Any yard which abuts a public right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Amend. of 6-96; Ord. No. 02-235, § 4, 7-9-2002)

### **Sec. 5-7. R-1-E Single-Family Residential District.**

- A. *Purpose.* The R-1-E District is intended for single-family, detached residential development.
- B. *Uses permitted by right.* The following uses are permitted by right in the R-1-E District, except as otherwise noted:
  1. Single-family detached dwellings, including single-family detached condominiums;
  2. Family day care homes;
  3. Accessory buildings incidental to the above-permitted uses; and
  4. Signs as provided for in article 7 of the ordinance.
- C. *Uses permitted by special-use permit.* The following uses shall be permitted by special use permit in the R-1-E District:
  1. Planned unit developments,
  2. Group day care homes,
  3. Child care centers, and
  4. Home occupations as provided in section 4-17.
- D. *Dimensional requirements.* Lot and building dimensional requirements for the R-1-E District shall be as follows:
  1. Minimum lot area shall be 15,000 square feet.

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Minimum lot area may be reduced to 11,500 square feet if submitted as part of a plat which maintains an average lot size of 15,000 square feet or greater.

2. Minimum lot width shall be 85 feet.

A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.

3. Maximum lot coverage shall be 30%.
4. Maximum building height shall be 35 feet.
5. Minimum dwelling unit width shall be 24 feet.
6. Minimum dwelling unit size.
  - a. Minimum first-story size for one-story dwelling units shall be 1,350 square feet.
  - b. Minimum upper story size for raised-ranch dwelling units shall be 1,300 square feet.
  - c. Minimum first-story size for partial two-story dwelling units shall be 1,150 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
  - d. Minimum upper two-story size for tri-level dwelling units shall be 1,150 square feet.
  - e. Minimum first-story size for full two-story dwelling units shall be 850 square feet. Minimum size for the finished second story shall be 850 square feet.
7. Minimum building setbacks.
  - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setback shall be ten feet.
  - c. Rear yard setback shall be 40 feet.
  - d. Any yard which abuts a public right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

### **Sec. 5-8. R-2 Single-Family and Attached Residential District.**

- A. *Purpose.* This district is intended for single-family, detached, residential dwelling units, and low density, attached, residential dwelling units. This district has been created in recognition that a higher density than that of typical single-family residential development may be needed for development in this area to be economically feasible due to poor soil conditions. The submission of a residential planned unit development is encouraged for this district.
- B. *Uses permitted by right.* The following uses are permitted in the R-2 Single-family and Attached Residential District:
  1. Single-family detached dwellings, including single-family, detached site condominiums;
  2. Single-family attached dwellings, subject to conditions a. through d.
    - a. The development must consist of a minimum of five acres,
    - b. The development must involve the development of at least eight dwelling units,
    - c. The residential development must provide a common-grounds maintenance contract, and

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- d. The residential plan must be submitted for site-plan review in accordance with the process outlined in article 15;
  3. Accessory buildings incidental to the above-permitted uses; and
  4. Signs as provided for in article 7 of this ordinance.
- C. *Uses permitted by special use permit.*
- The following uses shall be permitted by special use permit in the R-2 District:
1. Planned unit developments,
  2. Group day care homes for children, and
  3. Home occupations, as provided for in sections 4-17.
- D. *Dimensional requirements.* The following dimensional requirements shall apply to lots and residential dwelling units within the R-2 District:
1. Minimum lot area.
    - a. Lots for single-family detached units shall have 11,500 square feet per dwelling unit.
    - b. Lots for attached units shall have 7,900 square feet per dwelling unit.
  2. Minimum lot width.
    - a. Lots for single-family detached units on shall have 85 feet.
    - b. Lots or parcels for attached dwelling units of eight or more units shall be 150 feet.

A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum lot coverage shall be 30%.
  4. Maximum building height shall be 35 feet. Buildings shall also not exceed two stories.
  5. Minimum dwelling unit width shall be 24 feet.
  6. Minimum dwelling unit size.
    - a. Single-story units shall be 1,100 square feet in size.
    - b. Two-story units shall be 1,500 square feet in size.
  7. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side yard setback.
      - i. Single-family detached-unit side yard setback shall be ten feet.
      - ii. Attached-unit side yard setback shall be 35 feet.
    - c. Rear yard setback.
      - i. Single-family detached-unit rear yard setback shall be 40 feet.
      - ii. Attached-unit rear yard setback shall be 35 feet.
    - d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

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8. Maximum density. No residential development within any R-2 District shall exceed 5.5 dwelling units for any one acre within the development.
  9. Minimum building-to-building spacing for attached residential dwelling units.
    - a. Side-to-side spacing shall be 25 feet.
    - b. Front-to-front spacing shall be 50 feet.
    - c. Rear-to-rear spacing shall be 80 feet.
    - d. Front-to-side spacing shall be 50 feet.
    - e. Corner-to-corner spacing shall be 25 feet.
    - f. Front-to-rear spacing shall be 60 feet.
    - g. Rear-to-side spacing shall be 50 feet.

### **Sec. 5-9. R-3 Single-Family Attached Residential District.**

- A. *Purpose.* The R-3 Single-Family Attached Residential District is intended for attached, single-family dwelling units. They are also referred to as townhouses, and they commonly use condominium-type ownership. This district is intended to preserve areas having environmentally sensitive qualities. It is further intended as a compatible transition use between more intense uses and single-family, detached dwelling units.
- B. *Uses permitted by right.* The following uses are permitted in this district:
  1. Attached, single-family dwelling units;
  2. Accessory buildings and uses associated with, but subordinate to, the above-permitted uses, including
    - a. Automobile carports/garages,
    - b. Health club facilities intended exclusively for residents of the multiple-family complex, and
    - c. Recreational facilities intended exclusively for residents of the multiple-family complex (i.e. pool, tennis courts, golf course etc.); and
  3. Signs as provided in article 7 of this ordinance.
- C. *Conditions for permitted-by-right uses.* Buildings containing attached dwelling units shall not exceed six dwelling units per building.
- D. *Uses permitted by special use permit.* The following uses shall be permitted by special use permit in the R-3 District:
  1. Planned unit developments (PUD's);
  2. Group day care homes or child care centers;
  3. Home occupations as provided for in sections 4-17 and 13-7-E;
  4. Commercial recreational facilities limited to:
    - a. Physical fitness/health clubs,
    - b. Tennis clubs, and
    - c. Golf courses; and
  5. Multiple-family developments offering medical support services.
- E. *Dimensional requirements.*

1. Minimum lot area shall be 7,200 square feet per dwelling unit.
2. Minimum lot width shall be 150 feet. Measured at the street right-of-way line, lots must have a minimum of 150 feet of frontage along an arterial or collector street as classified in the City of Hudsonville Master Plan. A minimum lot width of greater than 150 feet may be required where necessary to meet the driveway spacing standards contained in article 9.
3. Maximum lot coverage shall be 35% of total lot area.
4. Maximum building height shall be 35 feet.
5. Minimum dwelling unit width shall be 24 feet.
6. Minimum dwelling unit size.
  - a. Single-story dwelling-unit size shall be 1,100 square feet.
  - b. Two-story dwelling-unit size shall be 1,500 square feet
7. Minimum building setbacks.
  - a. Building setbacks from all public and private roadways shall be those setbacks indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Buildings shall be setback from any non-right-of-way property line as follows:

	1 Story	2 Story
i. Side of building	30 feet	40 feet
ii. Front or rear of building	40 feet	50 feet

8. Maximum density. No residential development within any R-3 District shall exceed six dwelling units for any one acre within the development.
9. Minimum building-to-building spacing.
  - a. Side-to-side spacing shall be 25 feet.
  - b. Front-to-front spacing shall be 50 feet.
  - c. Rear-to-rear spacing shall be 80 feet.
  - d. Front-to-side spacing shall be 50 feet.
  - e. Corner-to-corner spacing shall be 25 feet.
  - f. Front-to-rear spacing shall be 60 feet.
  - g. Rear-to-side spacing shall be 50 feet.

**Sec. 5-10. R-4 Multiple-Family Residential District.**

A. *Purpose.* The R-4 Multiple-Family Residential District is intended for buildings containing multiple-dwelling units, including both attached, single-family dwelling units and apartment-style residential development.

This district provides for a slightly-higher dwelling-unit density than the single-family residential districts, but is limited to a low-rise type of development due largely to the limited need for mid- or high-rise buildings in the city, and also the city's limitations in providing fire protection for such buildings.

B. *Uses permitted by right.* The following uses are permitted by right in this building:

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1. Multiple-family buildings, including attached dwelling units and apartment buildings having three or more dwelling units;
  2. Accessory buildings and uses associated with, but subordinate to, the above-permitted uses, including
    - a. Automobile carports/garages,
    - b. Health-club facilities intended exclusively for residents of the multiple-family complex, and
    - c. Recreational facilities intended exclusively for residents of the multiple-family complex (i.e. pool, tennis courts, golf course etc.); and
  3. Signs as provided for in article 7 of this ordinance.
- C. *Conditions for permitted-by-right uses.*
1. Attached dwelling units shall not exceed six dwelling units per building.
  2. Apartment buildings shall not exceed 12 dwelling units per building.
- D. *Uses permitted by special-use permit.* The following uses shall be permitted by special use permit in the R-2 District:
1. Planned unit developments;
  2. Group day care homes or child care centers;
  3. Home occupations as provided for in sections 4-17 and 13-7.E;
  4. Commercial recreational facilities, including
    - a. Physical fitness/health clubs,
    - b. Tennis clubs, and
    - c. Golf courses;
  5. Apartment buildings containing more than 12 dwelling units per building; and
  6. Multiple-family senior-citizen developments which offer medical support services.
- E. *Dimensional requirements.* The following dimensional requirements shall apply to lots and residential dwelling units in this district:
1. Minimum lot area.
    - a. Lots for attached single-family dwelling units shall have 7,200 square feet per dwelling unit.
    - b. Apartment-style dwelling units (rental or owner occupied).
      - i. Lots for efficiency units shall have 3,500 square feet per dwelling unit.
      - ii. Lots for one-bedroom units shall have 4,500 square feet per dwelling unit.
      - iii. Lots for two-bedroom units shall have 5,500 square feet per dwelling unit.
      - iv. Lots for three-bedroom units shall have 6,000 square feet per dwelling unit.
      - v. Lots for four-bedroom units shall have 7,000 square feet per dwelling unit.
  2. Minimum lot width. All multiple-family buildings containing three or more units shall have a minimum of 150 feet of frontage on a public street.

A greater lot width may be required where necessary to meet the driveway spacing standards contained in article 9.

3. Maximum lot coverage shall be 35% of total lot area.
4. Maximum building height shall be 35 feet.
5. Minimum dwelling unit width shall be 24 feet.
6. Minimum dwelling unit size.
  - a. Efficiency units shall be 500 square feet.
  - b. One-bedroom units shall be 600 square feet.
  - c. Two-bedroom units shall be 800 square feet.
  - d. Three-bedroom units shall be 1,000 square feet.
  - e. Four-bedroom units shall be 1,150 square feet.
7. Minimum building setbacks.
  - a. Building setbacks from all public and private roadways shall be those setbacks indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Buildings shall be setback from any non-right-of-way property line as follows:

	1 Story	2 Story
i. Side of building	30 feet	40 feet
ii. Front or rear of building	40 feet	50 feet

8. Maximum density. No residential development within any R-4 District shall exceed 8.5 dwelling units for any one acre within the development.
9. Minimum building-to-building spacing.
  - a. Side-to-side spacing shall be 25 feet.
  - b. Front-to-front spacing shall be 50 feet.
  - c. Rear-to-rear spacing shall be 80 feet.
  - d. Front-to-side spacing shall be 50 feet.
  - e. Corner-to-corner spacing shall be 25 feet.
  - f. Front-to-rear spacing shall be 60 feet.
  - g. Rear-to-side shall be 50 feet.

**Sec. 5-11. MHP Mobile Home Park District.**

- A. *Purpose.* The MHP District is intended to provide for single-family, detached dwelling units which are more economical and at slightly higher density than conventional, single-family, detached subdivisions. It is further intended to provide for a planned mobile home park which offers an orderly, attractive, and healthy residential environment.
- B. *Uses permitted by right.* The following uses are permitted in this district:
  1. Mobile homes; and
  2. Accessory buildings and uses, including
    - a. Storage sheds, not to exceed 150 square feet,

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- b. An office building for conducting the business of the mobile home park,
  - c. Laundry facilities intended to serve the residents of the mobile home park only,
  - d. Auxiliary storage space,
  - e. Recreation areas, and
  - f. A community building.
- C. *Applicable standards.* All mobile home parks shall comply with the applicable requirements of Act 419, of the Public Acts of the State of Michigan, 1976, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- D. *Installation and occupation of mobile homes.*
- 1. No mobile home shall be placed, parked, or installed in a mobile home park until such time as a building permit is obtained from the city building inspector. Such permit shall be issued upon a finding from the building inspector or designated agent that said mobile home meets construction standards as approved by the U.S. Department of Housing and Urban Development (HUD) or has been certified by a manufacturer as constructed according to the requirements of HUD.
  - 2. No mobile home shall be occupied by any person as a residence or for any other purpose until such time as said mobile home is placed or situated on a specific lot in the mobile home park and has been inspected by the city building inspector or designated agent and issued an occupancy permit.
    - a. Such inspection shall include the placement and interconnection to utilities, and review for compliance with all necessary state, city or other municipal ordinances and regulations.
    - b. Such permit shall be issued by the building inspector upon payment of an inspection fee as may be authorized by resolution of the city commission from time to time.
    - c. In the event said mobile home is moved to another lot, or another mobile home is placed on the specific lot, a new certificate of occupancy must be obtained.
- E. *Application procedures.*
- 1. No site plan shall be submitted for any mobile home park unless that area is in a MHP zoning district.
  - 2. Any application for the extension, alteration, or construction of a mobile home park shall require the submittal of a site plan, subject to the process outlined in article 15 of this ordinance.
- F. *General standards.* All mobile home parks shall be designed and developed in accordance with the following standards and regulations:
- 1. Minimum site size for a mobile home park shall be ten acres.
  - 2. Required streets and utilities shall be completed for at least 25 mobile home spaces along with related improvements, before first occupancy.
  - 3. The mobile home park shall contain one or more open space areas intended primarily for the use of park residents on a minimum ratio of 250 square feet for every mobile home lot, provided that buffer zone areas shall not be included as part of such requirement.
  - 4. No mobile home or other building or structure for residential purposes shall be in excess of 25 feet in height.
  - 5. Each mobile home lot, exclusive of streets, shall have a minimum size of 4,800 square feet and a minimum width of 40 feet. No more than one mobile home shall be parked on any one lot, and no mobile home shall be occupied by more than one family.



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G. *Street, access, and parking standards.*

1. Each mobile home park shall have direct access to an arterial or collector street as defined in the City of Hudsonville Master Plan, as amended.
2. Minimum street widths within the mobile home park shall be in accordance with the following schedule.
  - a. No parking on street;
    - i. One-way street widths shall be 13 feet.
    - ii. Two-way street widths shall be 24 feet.
  - b. Parallel parking on one side of street;
    - i. One-way street widths shall be 22 feet.
    - ii. Two-way street widths shall be 33 feet.
  - c. Parallel parking on both sides of street.
    - i. One-way street widths shall be 31 feet.
    - ii. Two-way street widths shall be 42 feet.
3. All streets shall be constructed to city specifications for private streets.
4. Each lot or mobile home unit shall provide a minimum of two off-site parking spaces.
5. Guest parking areas shall be a minimum of 15 feet from any mobile home.
6. Individual, on-premises parking shall not be located closer than 15 feet from mobile homes on adjoining lots.

H. *Sidewalks.* Sidewalks shall be provided in accordance with City of Hudsonville Ordinance Number 128, which regulates sidewalk installation.

I. *Minimum building setbacks.*

1. The setback from any public right-of-way shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
2. The setback from any property line which is not a right-of-way line shall be ten feet.
3. The setback from any internal road for any part of a mobile home shall be seven feet from the inside of the sidewalk if one exists, or ten feet from the edge of the road or back of the curb if no sidewalk exists. The minimum setback for portions of any mobile home not being used for living purposes shall be ten feet from the inside of the sidewalk if one exists, or 15 feet from the edge of the road or back of the curb if no sidewalk exists.
4. Mobile homes shall maintain a minimum distance of 20 feet from any attached structure, or part thereof, of another mobile home which is used for living purposes, provided, however, that for mobile homes where cluster parking for four or more motor vehicles is located immediately in front thereof, the required distance between adjacent mobile homes including any attached structure may be reduced to 15 feet provided the average distance between adjacent mobile homes including any attached structure is not less than 20 feet.

J. *Utility standards.*

1. All utilities shall be underground.

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2. All lots shall be provided with a municipal public water and sanitary sewer service, and all mobile homes shall be connected thereto.
  3. The mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the city engineer and the Ottawa County Drain Commissioner.

K. *Mobile home standards.*

1. Every mobile home shall be supported on a permanent concrete pad or foundation at least 14 feet in width, with a minimum of 840 square feet, and four inches thick.
2. In the event the soil or topography conditions of the proposed mobile home park are such that other foundations or supports are appropriate, and the developer provides to the city building inspector a report by a certified engineer that piers are equal to or superior to concrete pads as specified above, such foundations may be approved by the building inspector, provided such construction includes provisions for proper drainage and ground covering under each mobile home.
3. Every mobile home shall be at least 14 feet in width and have a minimum of 840 square feet of living area, exclusive of porches and cabanas.
4. All mobile homes shall be skirted and anchored in accordance with standards contained in Act 419, of the Public Acts of Michigan, 1976, as amended.

L. *Mobile home sales.*

1. Sales shall be carried out by the tenant, licensed dealer, or real estate broker.
2. Sales shall be for the exclusive sale of individual mobile homes on pads located on individual sites within the manufactured housing park. Commercial sales of mobile homes shall be prohibited.
3. In those instances where mobile homes are to be used as model homes within a new mobile home park, not more than four sites shall be used for such purposes at one time.

M. *Signs.* Signs shall be permitted as provided for in article 7 of this ordinance.

N. *Landscaping.* All mobile home parks shall comply with the landscaping regulations contained in article 8 of this ordinance.

(Ord. No. 98-209, §§ 1, 2, 10-13-98)

### **Sec. 5-12. CBD-1-G Central Business District-One-General.**

- A. *Purpose.* The purpose of this district is to provide for a combination of compatible retail, office, entertainment, and personal service establishments which shall contribute to a viable downtown district. This district shall be intended for businesses directed toward both a local and more regional market. However, providing for the retail and service needs of the local community shall be the primary intent of this district.
- B. *Uses permitted by right.* In the CBD-1-G District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
1. Office buildings;
  2. Medical offices or clinics;

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3. Financial institutions, including banks, credit unions, and savings and loan associations;
  4. Retail establishments selling products such as, but not limited to, clothing, clothing accessories, fabrics, shoes, baked goods, confections, drugs, meats, groceries, specialty foods, flowers, hardware, bicycles, hobby equipment, sporting goods, jewelry, music, notions, stationary, books and newspapers, office and art supplies, office machines and computers, and sundry, small household articles;
  5. Personal service establishments performing services on the premises such as, but not limited to, repair shops (jewelry, radio, television, shoe, etc.), tailor shops, hair salons or barber shops, photographic studios and print shops. (Automobile repair shall not be considered a permitted-by-right use);
  6. Dry-cleaning establishments dealing directly with the consumer;
  7. Government administration or service buildings, such as post offices, city hall offices, fire stations, and police stations;
  8. Automobile sales (may include service if subordinate to the business as a sales outlet and is performed in an enclosed building);
  9. Restaurants, excluding drive-in or drive-through service; and
  10. Accessory structures and uses customarily incidental to the uses permitted in this section subject to all other pertinent restrictions in this ordinance.
- C. *Standards for permitted-by-right uses.* All permitted-by-right uses shall meet the following standards:
1. All retail and service establishments shall be dealing directly with the consumer.
  2. All goods produced on the premises shall be sold at retail on the premises.
  3. All uses shall be conducted within an enclosed building, except for automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs.
  4. No outdoor storage, with the exception of automobiles actively being sold by an auto dealership or storage approved as part of site plan review, shall be permitted without a special use permit. This shall include the temporary storage of client vehicles that are retained for servicing.
- D. *Uses permitted by special use permit.* The following uses may be permitted if a special use permit is granted pursuant to the regulations contained in article 13 of this ordinance:
1. That portion of any permitted-by-right use which is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs (Outdoor storage of vehicles to be repaired shall require a special use permit.);
  2. Gasoline service stations, automobile service (general repair, oil changes, tune-ups, etc.), and automotive parts;
  3. Child care centers;
  4. Accessory residential dwelling units;
  5. Sales of agricultural support products to include fertilizers, animal feeds, insecticides, and pesticides (The sale of large farm implements, such as tractors, mulchers, and harvesting equipment shall not be permitted.);
  6. Planned unit developments (PUD's); and
  7. Other uses which are similar to uses permitted by right within this district.
- E. *Site development requirements.*

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1. Minimum lot area shall be 6,000 square feet.
  2. Minimum lot width for a lot being developed as an independent site shall be 60 feet. Minimum lot width for a lot where a building is to be attached to a multi-unit structure shall be 24 feet.  

Greater lot widths may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum building height shall be 35 feet.
  4. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side yard setback shall be
      - i. Ten feet, where abutting a non-residentially zoned lot, or
      - ii. 15 feet, where abutting a residentially zoned lot.
    - c. Rear yard setback shall be 25 feet.
    - d. Any yard which abuts a public or private street right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Ord. No. 06-258, § 1, 10-10-06)

### **Sec. 5-13. CBD-1-OS Central Business District-One-Office/Service.**

- A. *Purpose* The purpose of this district is to provide areas within the CBD-1 District to be used exclusively for office or personal service businesses. This district is intended to serve as a transition use between the broader range of commercial uses permitted in the CBD-1-G District and adjacent, single-family dwelling units.

This district is further intended to maximize architectural compatibility with adjacent, single-family dwelling units and to facilitate the conversion of existing, single-family dwelling units within the district to office/service uses. Having businesses with a relatively low vehicle-trip-generation rate along 32nd Avenue is also an intent of the district.

- B. *Uses permitted by right.* In the CBD-1-OS District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
1. Office buildings;
  2. Medical or dental offices or clinics;
  3. Financial institutions, including banks, credit unions, and savings and loan associations; and
  4. Personal service establishments performing services on the premises, such as, but not limited to, repair shops (jewelry, radio, television, shoe, etc.), tailor shops, hair salons or barber shops, photographic studios, flower shops, and print shops. (Automobile repair shops shall not be considered a permitted-by-right use.)
- C. *Uses permitted by special use permit.* The following uses may be permitted if a special use permit is granted pursuant to the regulations contained in article 13 of this ordinance:
1. Accessory residential dwelling units; and

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2. Planned unit developments (PUD's).

D. *Additional conditions.*

1. All personal service establishments shall be dealing directly with the consumer.
2. All uses shall be conducted within an enclosed building, except for automobile parking for customers or employees, and signs.

E. *Site development requirements.*

1. Minimum lot area shall be 6,000 square feet.
2. Minimum lot width for a lot being developed as an independent site shall be 60 feet. Minimum lot width for a lot where a building is to be attached to a multi-unit structure shall be 24 feet.

Greater lot width may be required where necessary to meet the driveway spacing standards contained in article 9.

3. Maximum building height shall be 35 feet.
4. Minimum building setbacks.
  - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setback shall be:
    - i. Ten feet, where abutting a non-residentially zoned lot, or
    - ii. 15 feet, where abutting a residentially zoned lot.
  - c. Rear yard setback shall be 25 feet.
  - d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Ord. No. 06-258, § 2, 10-10-06)

### **Sec. 5-14. CBD-2 Central Business District-Two.**

- A. *Purpose.* The purpose of this district is the same as that of the CBD-1-G, with the exception that it is designed to permit a greater variety of retail and service uses.
- B. *Uses permitted by right.* In the CBD-2 District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
  1. Office buildings, including medical offices and clinics;
  2. Financial institutions, including banks, credit unions, and savings and loan associations;
  3. Any retail business whose principal activity is the sale of merchandise within an enclosed building;
  4. Personal service establishments, including repairs shops, hair salons, flower shops, photographic studios, print shops, dry cleaners, and laundromats;
  5. Restaurants;
  6. Dancing and music studios;
  7. Personal fitness centers;

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8. Bowling alleys, roller/ice skating rinks, arcades, and other indoor recreation uses;
  9. Club or lodge meeting halls;
  10. Nurseries for retail sales of plants, trees, and other natural vegetation;
  11. Gasoline service stations, automobile service stations (general repair, oil change, tune-up etc.), and automotive parts stores;
  12. Automobile and recreational vehicle sales (may include service if subordinate to the business as a sales outlet and is performed within an enclosed building);
  13. Parking lots intended to serve any permitted-by-right use within the district; and
  14. Accessory structures and uses customarily incidental to the uses permitted in this section, subject to all other pertinent restrictions in this ordinance.
- C. *Standards for permitted-by-right uses.*
1. All goods produced on the premises shall be sold at retail on the premises.
  2. No retail business which devotes more than 50% of their gross floor area to non-retail space, such as for storage, manufacturing, or service areas, shall be permitted without obtaining a special use permit.
  3. Retail businesses manufacturing merchandise on the premises shall not employ more than ten people per shift related to the manufacturing element.
  4. All uses shall be conducted within an enclosed building, except for automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs.
  5. No outdoor storage, with the exception of automobiles actively being sold by an auto dealership, shall be permitted without a special use permit. This shall include the temporary storage of client vehicles that are retained for servicing.
- D. *Uses permitted by special use permit.* The following uses may be permitted if a special use permit is granted pursuant to the regulations contained in article 13 of this ordinance:
1. Planned unit developments;
  2. That portion of any permitted-by-right use which is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs;
  3. Retail establishments in which greater than 50% of the gross floor area of the principal structure is devoted to non-retail functions, such as manufacturing, storage, and service areas;
  4. Construction, home-improvement, or heavy-service businesses;
  5. Any commercial business which requires the on-premises storage of heavy equipment;
  6. Child care centers;
  7. Funeral homes;
  8. Accessory residential dwelling units; and
  9. Other uses similar to those permitted by right in this district.
- E. *Site development requirements.*
1. Minimum lot area shall be 12,000 square feet.
  2. Minimum lot width shall be 85 feet.

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A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.

3. Maximum building height shall be 35 feet.
4. Minimum building setbacks.
  - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setbacks shall be:
    - i. Ten feet, where abutting a non-residentially zoned lot, or
    - ii. 20 feet, where abutting a residentially zoned lot.
  - c. Rear yard setback shall be 25 feet.
  - d. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Ord. No. 06-258, § 3, 10-10-06)

### **Sec. 5-15. LC Light Commercial District.**

- A. *Purpose.* The purpose of this district is to provide for a combination of compatible retail, office, and personal service establishments which are considered to be of a light intensity.
- B. *Uses permitted by right.* In the LC District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
  1. Office buildings;
  2. Medical or dental offices or clinics;
  3. Financial institutions, including banks, credit unions, and savings and loan associations;
  4. Retail establishments selling items such as, but not limited to, clothing, clothing accessories, fabrics, shoes, bakery goods, confections, drugs, meats, groceries, specialty foods, flowers, hardware, bicycles, hobby equipment, sporting goods, jewelry, music, notions, stationary, books and newspapers, office or art supplies, office machines and computers, and sundry small household articles;
  5. Personal service establishments performing services on the premises such as, but not limited to, repair shops (jewelry, radio, television, shoe, etc.), tailor shops, hair salons or barber shops, photographic studios, flower shops, and print shops (Automobile repair shall not be considered a permitted-by-right use.);
  6. Personal fitness centers;
  7. Dry-cleaning establishments dealing directly with the consumer;
  8. Restaurants, excluding drive-in or drive-through service;
  9. Nurseries offering sales of trees, shrubs, landscape supplies, etc.; and
  10. Accessory structures and uses customarily incidental to the uses permitted in this section, subject to all other pertinent restrictions in this ordinance.
- C. *Conditions for permitted-by-right uses.*

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1. All retail and service establishments shall be dealing directly with the consumer.
  2. All goods produced on the premises shall be sold at retail on the premises.
  3. All uses shall be conducted within an enclosed building except for automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs.
  4. Outdoor storage shall not be permitted except for that storage which has been expressly approved by the planning commission as part of a special use approval.
- D. *Uses permitted by special use permit.* The following uses may be permitted if a special use permit is granted pursuant to the regulations contained in article 13 of this ordinance:
1. Activities associated with the above permitted-by-right uses which are carried on outside of an enclosed building;
  2. Child care centers;
  3. Accessory residential dwelling units; and
  4. Other uses similar to those permitted by right in this district.
- E. *Site development requirements.*
1. Minimum lot area shall be 15,000 square feet.
  2. Minimum lot width shall be 100 feet.  
A greater width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum building height shall be 35 feet.
  4. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side and rear yard setbacks shall be:
      - i. Ten feet, where abutting a non-residentially zoned lot, or
      - ii. 25 feet, where abutting a residentially zoned lot.
    - c. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Ord. No. 06-258, § 4, 10-10-06)

### **Sec. 5-16. HC Highway Commercial District.**

- A. *Purpose.* This district is intended to provide an appropriate location for commercial and business enterprises which primarily serve the motoring public, particularly along I-196. This district is also intended for larger retail establishments or shopping centers which attract a large number of customers on a regional or subregional basis. The locations for this district (32nd Avenue/I-196 area) were selected to reduce traffic congestion on city collector and arterial roadways, to provide easy access to I-196, and to reduce traffic impacts on residential land uses.
- B. *Uses permitted by right.* In the HC Highway Commercial District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:



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1. Retail establishments selling principally new merchandise within an enclosed building;
  2. Restaurants, including drive-through restaurants;
  3. Office buildings;
  4. Banks;
  5. Automobile/light-truck dealerships;
  6. Motels/hotels;
  7. Gasoline service stations and automobile service establishments performing routine repair and service (Businesses performing body repair, painting, or radiator repair shall not be permitted.);
  8. Building material sales;
  9. Office/home furniture and appliance sales;
  10. Carpet/floor covering businesses;
  11. Grocery stores and convenience goods stores; and
  12. Movie or play theaters (not to include adult theaters).
- C. *Uses permitted by special use permit.* The following uses may be permitted, if a special use permit is granted pursuant to the regulations contained in article 13 of this ordinance:
1. Planned unit developments,
  2. Shopping centers/malls, and
  3. Child care centers;
  4. Sexually oriented businesses (as further regulated by section 13-7.I).
  5. Accessory residential dwelling unit (one only) per hotel/motel.
- D. *Site development requirements.*
1. Minimum lot area shall be one acre.
  2. Minimum lot width shall be 100 feet.  
A greater lot width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum building height shall be 35 feet.
  4. Minimum building size shall be 2,000 square feet.  
This shall apply to both an independent commercial building and those that are attached within a common mall building.
  5. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side and rear yard setbacks shall be:
      - i. 20 feet, where abutting a non-residentially zoned lot, or
      - ii. 40 feet, where abutting a residentially zoned lot and the building is 20 feet or less in height.

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- iii. An additional two feet of yard shall be required for each foot of building height above 20 feet.
  - c. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

(Ord. No. 97-200, § 2, 12-9-97; Ord. No. 13-291, § 2, 5-14-13)

### **Sec. 5-17. FCR Fairground Commercial—Recreation District.**

- A. *Purpose.* This district is designed specifically for the Hudsonville Fairgrounds and is intended primarily to provide for community fairs and other public amusement activities. It is further intended to provide for specified commercial activities typically performed on a periodic basis and requiring outdoor exhibition areas.
- B. *Uses permitted by right.*
  - 1. Group A uses include:
    - a. Community fairs, including amusement rides;
    - b. Exhibitions (auto shows, art fairs, etc.);
    - c. Concession stands;
    - d. Traveling entertainment shows and circuses;
    - e. Trailer rallies;
    - f. Community or group picnics;
    - g. Auctions;
    - h. Auto swap meets;
    - i. Community garage sales;
    - j. Flea markets;
    - k. Indoor storage of vehicles and equipment; and
    - l. Horse shows.
  - 2. Group B uses include:
    - a. Tractor pulls,
    - b. Demolition derbies,
    - c. Big wheel/monster truck events,
    - d. Mud runs,
    - e. Dirt bike races, and
    - f. Quad racing.
- C. *Standards for permitted-by-right uses.*
  - 1. All parking for permitted-by-right uses must be accommodated entirely on-premises in areas approved by the planning commission or in other parking areas not under fairgrounds ownership as approved by the planning commission.

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2. Non-fair uses which interfere with this district to be used principally for fair purposes shall be prohibited.
  3. Noise from any permitted-by-right use shall not result in a nuisance condition for adjacent residential neighborhoods. In consideration of the noise impacts to adjoining residential areas, the following restrictions for all loudspeaker systems shall be in effect:
    - a. Loudspeaker systems shall not be used past 9:00 p.m., with the exception that on not more than three days per week they may be used until 11:00 p.m.
    - b. Loudspeaker systems shall not be used earlier than 8:00 a.m. any day.
  4. Group A permitted-by-right uses are permitted with no restriction as to the number of days per year they may operate.
  5. Group B uses shall not be held on more than 12 days per year, excluding the annual fair week.
  6. To the extent possible, all access to the fairgrounds by vehicles shall be from 40th Avenue.
- D. *Uses permitted by special use permit.* Athletic events or facilities shall be permitted by special use permit.
- E. *Site development requirements.*
1. Maximum building height shall be 35 feet.
  2. Maximum lot coverage shall be 40%.
  3. Parking setbacks.
    - a. All parking shall be setback a minimum of ten feet from any property line.
    - b. Parking shall be setback a minimum of 30 feet from any residential property line.
  4. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side and rear yard setbacks shall be:
      - i. 200 feet from any residentially zoned lot line, or
      - ii. 100 feet from any non-residentially zoned lot line.
  5. Outdoor use setbacks. All outdoor uses, with the exception of customer parking, shall be set back a minimum of 200 feet from any residentially zoned lot line, and 100 feet from any non-residentially zoned lot line.

#### **Sec. 5-18. PF Public facilities district.**

- A. *Purpose.* The purpose of District PF is to provide areas within the city for places of worship, public and private schools, and governmental services. It is further the intent of this district to provide sufficient public space for essential public services, preserve environmentally sensitive areas, provide adequate recreation space, and promote the general health, safety, and welfare of the public.
- B. *Uses permitted by right.* In the PF District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
1. City facilities,
  2. Police stations,

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3. Fire stations,
  4. Community centers,
  5. Private and public utilities,
  6. Public parks and public recreational facilities,
  7. State and federal governmental offices,
  8. Public and private schools,
  9. Places of worship,
  10. Public hospitals and nursing homes,
  11. Social services, and
  12. Accessory structures and uses customarily incidental to the uses permitted in this section, subject to all other pertinent restrictions in this ordinance.

C. *Site development requirements.*

1. Minimum lot area shall be two acres, excluding public utility structures and park space.
2. Minimum lot frontage located on a collector or arterial roadway shall be 200 feet, excluding public utility structures and park space.

A greater lot frontage may be required where necessary to meet the driveway spacing standards contained in article 9.

3. Maximum building height shall be 35 feet.
4. Minimum building setbacks:
  - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side and rear yard setback shall be:
    - i. 20 feet, where abutting a non-residentially zoned lot, or
    - ii. 30 feet, where abutting a residentially zoned lot and building height is 20 feet in height or less.

An additional 20 feet of side or rear yard building setback shall be required for all buildings above 20 feet in height.
  - c. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

**Sec. 5-19. I-1 Industrial District.**

- A. *Purpose.* This district is intended for heavy commercial and light industrial uses which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes, or traffic. The City of Hudsonville, because of its limited geographic area and the current residential development pattern, does not have areas suitable for heavy-industrial development.
- B. *Uses permitted by right.* In the I-1 Industrial District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:

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1. Commercial.
    - a. Wholesale businesses,
    - b. Heavy service businesses (examples include construction, plumbing, heating and cooling, and body shops) with associated office space,
    - c. Building supply,
    - d. Mini-storage facilities,
    - e. Heavy truck or equipment sales, and
    - f. Truck or equipment rental; and
  2. Industrial non-basic manufacturing. (Facilities for manufacturing, processing fabrication, packaging, treating, or assembling from previously prepared materials.)
    - a. Research facilities;
    - b. Laboratories;
    - c. Tool and die shops;
    - d. Warehouses;
    - e. Businesses manufacturing automotive parts;
    - f. Businesses manufacturing apparel and similar products made from fabrics;
    - g. Businesses manufacturing wood products;
    - h. Furniture manufacturers;
    - i. Paper and paper products manufacturers;
    - j. Printing and publishing companies;
    - k. Businesses manufacturing electrical machinery, equipment, and supplies;
    - l. Fabricated metal products companies;
    - m. Glass products manufacturers;
    - n. Metal bending and welding companies; and
    - o. Dry cleaning or laundry businesses.
- C. *Standards for permitted-by-right uses.* The above permitted-by-right uses for the I-1 District shall comply with the following:
1. Activities in this district shall be carried on in completely enclosed buildings.

Storage may be permitted out-of-doors within the side or rear yard only, provided that when within 100 feet of any other non-industrial district or within view of any public or private street that such storage be effectively screened by a wall, fence, berm, or landscaping. In no case shall the height of the materials being stored exceed the height of the type of screening chosen. Screening, with the exception of natural vegetation, shall not exceed ten feet in height.
  2. No use shall store, either within an enclosed building or out-of-doors, any material or liquid of a highly flammable or explosive nature in quantities or locations which would result in a hazard to adjacent properties. The storage of all materials and liquids shall also comply with the most current edition of The BOCA National Fire Prevention Code as adopted by the city commission.

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3. Noise emanating from a use in this district shall not exceed 65 DNL at the boundaries of the lot.

DNL is the abbreviation for the day/night average-sound-level system. The day/night, average sound level is the 24-hour-average sound level, expressed in decibels, obtained after the addition of a ten decibel penalty for sound levels which occur at night between 10:00 p.m. and 7:00 a.m. 65 DNL is comparable in loudness to typical speech levels, or nearby, freeway auto traffic.

65 DNL has been established as the maximum allowable decibel level in recognition of the evaluation and study done in this area by the U.S. Department of Housing and Urban Development. The Department of Housing and Urban Development has selected 65 DNL as the maximum acceptable decibel level for residential developments and other uses.

4. Uses in this district shall not create the following conditions at or beyond their lot boundary:
  - a. Emit obnoxious, toxic, or corrosive fumes or gases, except for those produced by internal combustion engines under design and operation conditions;
  - b. Emit odorous gases or other odorous matter in such quantities as to be offensive;
  - c. Emit noxious smoke, excluding steam;
  - d. Discharge into the air dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing;
  - e. Produce heat or glare which is humanly perceptible;
  - f. Produce physical vibrations which are humanly perceptible; or
  - g. Produce electromagnetic radiation or radioactive emission that could be injurious to human beings, animals, or vegetation, or of any intensity that interferes with the lawful use of any other property.
5. No use in this district shall produce or store any material designed for use as an explosive, nor use such material in production.

If after review of the site-plan application, or during the process of site-plan review, the planning commission has concerns about whether the standards for permitted-by-right uses can or will be met, they may request additional information from the applicant. This information may include additional factual information, professional evaluations, or measurement of impact factors, such as noise, air emissions, and vibration.

D. *Building standards.*

1. It is intended that industrial buildings be both attractive and functionally appropriate for housing industrial uses. The architecture of each building should harmonize with other uses in the industrial park or area. Building color, materials, finishes, and forms should be sensitively integrated with the character of the industrial park or area. For safety and aesthetic reasons, one or more of the following materials should be used in the construction of buildings in this district:
  - a. Pre-cast concrete,
  - b. Fluted-concrete block,
  - c. Split-face concrete block,
  - d. Scored concrete block,
  - e. Metal siding (corrugated),
  - f. Glass/glass blocks,

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- g. Driveway, and/or
  - h. Face brick.
2. The planning commission may permit the use of building materials other than those listed above if, in their judgment, they are of comparable or better quality than the above-listed materials.
  3. For building facades that face either a collector or arterial street as classified in the Hudsonville Master Plan, such facades shall be constructed of face brick, wood, glass, stone, or fluted concrete block. The planning commission may permit the use of other materials in such facades if, in their judgment, they find the proposed materials comparable in safety and aesthetic qualities.
- E. *Uses permitted by special use permit.* Basic initial manufacturing, compounding, processing and/or fabrication of the following materials from their raw state will be permitted with a special use permit:
1. Agricultural products;
  2. Food and kindred products;
  3. Wood and wood products;
  4. Metal and metal products;
  5. Glass and glass products; and
  6. Insulation manufacture.
- F. *Site development requirements.*
1. Minimum lot area shall be 20,000 square feet.
  2. Minimum lot width shall be 100 feet.  

A greater lot width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum building height shall be 35 feet.
  4. Maximum lot coverage shall be 40%.
  5. Minimum building setbacks.
    - a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side and rear yard setback shall be:
      - i. 20 feet, where abutting a non-residentially zoned lot.
      - ii. 50 feet, where abutting a residentially zoned lot and the building is 20 feet in height or less.  

An additional two feet of side and rear yard setback shall be required for each additional foot of building height above 20 feet.
    - c. Any yard which abuts a public or private right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

## **Sec. 5-20. I-2 Industrial District.**

- A. *Purpose.* This district is intended for light industrial uses within an industrial park setting which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes,

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or traffic. The City of Hudsonville, because of its limited geographic area and the current residential development pattern, does not have areas suitable for heavy industrial development.

- B. *Uses permitted by right.* In the I-2 Industrial District, no building or part thereof shall be erected, altered, nor land or premises used in whole or in part, except for one or more of the below-listed uses, unless otherwise provided in this ordinance.

Industrial non-basic manufacturing facilities for manufacturing, processing, fabrication, packaging, treating or assembling from previously prepared materials shall be permitted by right including:

1. Research facilities;
2. Laboratories;
3. Businesses manufacturing apparel and similar products made from fabrics;
4. Businesses manufacturing wood products;
5. Furniture manufacturers;
6. Paper and paper product manufacturers;
7. Printing and publishing companies;
8. Electrical machinery, equipment and supply manufacturers;
9. Glass product businesses; and
10. Central dry cleaning and laundry companies.

- C. *Standards for permitted-by-right uses.* The above permitted-by-right uses for the I-2 District shall comply with the following:

1. Activities in this district shall be carried on in completely enclosed buildings.
2. No use shall store any material or liquid of a highly flammable or explosive nature in quantities or locations which could result in a hazard to adjacent properties. The storage of all materials and liquids shall also comply with the most current edition of the BOCA National Fire Protection Code as adopted by the city commission.
3. Noise emanating from a use in this district shall not exceed 65 DNL at the boundaries of the lot.

DNL is the abbreviation for the day/night average-sound-level system. The day/night, average sound level is the 24-hour-average sound level, expressed in decibels, obtained after the addition of a ten-decibel penalty for sound levels which occur at night between 10:00 p.m. and 7:00 a.m. 65 DNL is comparable in loudness to typical speech levels, or nearby freeway auto traffic.

65 DNL has been established as the maximum allowable decibel level in recognition of the evaluation and study done in this area by the U.S. Department of housing and Urban Development. The Department of Housing and Urban Development has selected 65 DNL as the maximum acceptable decibel level for residential developments and other uses.

4. Uses in this district shall not create the following conditions at or beyond their lot boundary:
  - a. Emit obnoxious, toxic, or corrosive fumes or gases, except for those produced by internal combustion engines under design and operation conditions;
  - b. Emit odorous gases or other odorous matter in such quantities as to be offensive;
  - c. Emit noxious smoke, excluding steam;



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- d. Discharge into the air dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing;
  - e. Produce heat or glare which is humanly perceptible;
  - f. Produce physical vibrations which are humanly perceptible; or
  - g. Produce electromagnetic radiation or radioactive emission that could be injurious to human beings, animals, or vegetation, or of any intensity that interferes with the lawful use of any other property.
5. No use in this district shall produce or store any material designed for use in an explosive, nor use such material in production.

If after review of the site plan application or during the process of site plan review the planning commission has concerns about whether the standards for permitted-by-right uses can or will be met, they may request additional information from the applicant. This information may include additional factual information, professional evaluations, or measurement of impact factors, such as noise, air emissions, and vibration.

D. *Building standards.*

1. It is intended that industrial buildings be both attractive and functionally appropriate for housing industrial uses. The architecture of each building should harmonize with other uses in the industrial park or area. Building color, materials, finishes, and forms should be sensitively integrated with the character of the industrial park or area. For safety and aesthetic reasons one or more of the following materials should be used in the construction of buildings in this district:
  - a. Pre-cast concrete,
  - b. Fluted-concrete block,
  - c. Split-face concrete block,
  - d. Scored concrete block,
  - e. Metal siding (corrugated),
  - f. Glass/glass blocks,
  - g. Drivit, or
  - h. Face brick.
2. The planning commission may permit the use of other building materials if, in their judgement, they are of comparable or better quality than the above-listed materials.
3. For building facades that face a public street in the I-2 District, such facades shall be constructed of face-brick, wood, glass, stone, or fluted-concrete block. The planning commission may permit the use of other materials in such facades if, in their judgment, they find the proposed materials comparable in safety and aesthetic qualities.

E. *Uses permitted by special use permit.*

1. Basic initial manufacturing, compounding, processing and/or fabrication of the following materials from their raw state shall be permitted with a special use permit:
  - a. Agricultural products;
  - b. Food and kindred products;
  - c. Wood and wood products;

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- d. Metal and metal products;
  - e. Glass and glass products;
  - f. Insulation manufacture;
2. Heavy commercial services;
  3. Outdoor storage;
  4. Warehousing;
  5. Tool and die shops;
  6. Fabricated metal products manufacturing;
  7. Metal bending and welding;
  8. Truck terminal;
  9. Truck maintenance facility;
  10. Metal and plastic stamping presses; and
  11. Automotive parts manufacturing businesses.
  12. Health and fitness including a gymnastics facility.
- F. *Site development requirements.*
1. Minimum lot area shall be one acre.
  2. Minimum lot width shall be 150 feet.  
A greater lot width may be required where necessary to meet the driveway spacing standards contained in article 9.
  3. Maximum building height shall be 35 feet.
  4. Maximum lot coverage shall be 40%.
  5. Minimum building setbacks:
    - a. Front yard setback shall be the minimum front yard building setback shall comply with the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
    - b. Side and rear yard setback shall be:
      - i. 20 feet, where abutting a non-residentially zoned lot.
      - ii. 50 feet, where abutting a residentially zoned lot and the building is 20 feet in height or less.  
An additional two feet of side and rear yard setback shall be required for each additional foot of building height above 20 feet.
    - c. In cases where the side or rear yard abuts a public or private street right-of-way, the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1) shall be required, unless the district side or rear yard requirement is more stringent.

(Ord. No. 98-204, §§ 1–3, 2-10-98; Ord. No. 07-263, § 1, 12-11-07)

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**Sec. 5-21. AG Agricultural District.**

- A. *Purpose.* This district is intended primarily for agricultural crop production. It is designed to support the adjoining agricultural uses in Georgetown Charter Township and the retention of "muck" soils which offer a unique agricultural resource for this area. The band of "muck" soil runs from east of the City of Zeeland to Georgetown Charter Township, east of the city, with portions of it in the city. This district is intended to protect the parcels of this unique, highly organic soil for agricultural use, and thus supporting the regional strategy to preserve this valuable agricultural resource.
- B. *Uses permitted by right.* In the AG District, no building or part hereof shall be erected, altered, nor land or premises used, in whole or in part, except for one or more of the following uses, unless otherwise provided for in this ordinance:
1. Crop production;
  2. Farm-related accessory buildings (for equipment only);
  3. Farm-related single-family detached residential dwelling;
  4. Passive recreation such as picnic areas or walking trails;
  5. Natural resource preservation uses;
  6. Family day care homes; and
  7. Signs as permitted in article 7.
- C. *Uses permitted by special use permit.* The following uses may be permitted, if a special use permit is granted pursuant to the provisions contained in article 13:
1. Wholesale nurseries;
  2. Roadside sales of agricultural products grown on the premises with or without a structure.
  3. Active recreational uses such as athletic fields and golf courses;
  4. Accessory buildings for a purpose other than equipment storage; and
  5. Home occupations as provided in section 4-17.
- D. *Site development requirements.* Lot and building dimensional requirements for the AG District shall be as follows:
1. Minimum lot area shall be one acre.
  2. Minimum lot width shall be 100 feet.
  3. Maximum building height shall be 35 feet.
  4. Maximum lot coverage shall be 20%.
  5. Minimum dwelling unit width shall be 24 feet.
  6. Minimum dwelling unit size:
    - a. Minimum first story size for one-story dwelling units shall be 1,100 square feet.
    - b. Minimum upper story size or raised-ranch dwelling units shall be 1,050 square feet.
    - c. Minimum first story size for partial two-story dwelling units shall be 1,050 square feet. Minimum size for the finished, partial second story shall be 250 square feet.
    - d. Minimum upper two-story size for tri-level dwelling units shall be 1,050 square feet.

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- e. Minimum first-story size for full-two-story dwelling units shall be 750 square feet. Minimum size for the finished second story shall be 750 square feet.
7. Minimum building setbacks:
- a. Front yard setback shall be that setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).
  - b. Side yard setback shall be ten feet for single-family residential dwellings. Farm accessory buildings shall be set back 20 feet from any lot which is non-residentially zoned, and 50 feet from any residential zoned lot.
  - c. Rear yard setback for single-family residential dwellings shall be 40 feet. Rear yard setback from farm accessory buildings shall be same as for the side yard.
  - d. Any yard which abuts a public right-of-way shall meet the building setback indicated on the Building Setbacks from Public/Private Rights-of-Way Map (Figure 4.1).

## **ARTICLE 6. ON-PREMISES PARKING AND LOADING REQUIREMENTS**

### **Sec. 6-1. Purpose.**

The purpose of this section is to permit and regulate on-premises (off-street) parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts.

In all zoning districts, on-premises parking facilities for the storage and parking of motor vehicles for the use of occupants, employees and patrons of buildings erected, altered, or extended after the effective date of this ordinance shall be provided as prescribed herein.

### **Sec. 6-2. Location of parking.**

- A. *One- and two-family dwellings.* Required on-premises parking shall be provided on the same lot or parcel as the dwellings they are intended to serve. With the exception of driveways, no parking shall be allowed closer than 15 feet to a street right-of-way line. Driveways for single-family dwellings shall not exceed 24 feet in width. Total driveway width for two-family dwellings shall not exceed 48 feet. In no instance shall the total area devoted to driveways and parking areas for one or two-family dwellings exceed one-third of the front yard area.
- B. *Multiple-family dwellings.* Required on-premises parking for multiple-family dwellings shall be provided on the same lot or parcel as the dwellings they are intended to serve. In no instance shall any parking space, other than that provided within an enclosed garage, be located nearer than 15 feet to a residential building.
- C. *Other land uses.* Required on-premises parking for other than residential uses shall be located on the same lot, or within lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premises parking lot.

Parking on lots under different ownership within 300 feet shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties, is provided.

The planning commission may permit parking up to a maximum distance of 500 feet for planned unit developments or uses within any CBD District, if the subject use requires on-premises parking of 200 spaces or more.

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### **Sec. 6-3. General requirements.**

#### **A. *Parking location standards.***

1. The parking of any vehicle on-premises in other than a paved parking area approved for such parking by the planning commission shall be prohibited.
2. The parking of any vehicle on any lawn or landscaped area shall be prohibited. The planning commission may require any person or business responsible for converting lawn or landscaped areas to parking, without having received site-plan approval, to restore such areas to their original state.
3. During construction, parking shall be provided on-premises for all construction vehicles and employees.
4. For all residential uses, the parking of motor homes, boats, trailers and other large recreational equipment in the front yard for longer than three days shall be prohibited.

#### **B. *Storage or repair in parking areas.***

1. The use of required parking areas for the storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance, is prohibited, unless specifically approved by the planning commission as part of site-plan review or by special use permit.
2. The storage of semi-trailers outside of areas approved for such storage on an approved site plan shall be prohibited.
3. The use of parking areas for the storage or parking of vehicles unrelated to the business for which the parking is intended shall be prohibited.
4. The use of semi-trailers for storage purposes on a long-term basis (longer than a week) is prohibited.

#### **C. *Determination of parking requirements.***

1. The minimum parking space requirements for all uses shall be those identified in section 6-6.
2. For uses not specifically listed in section 6-6, the requirements for on-premises parking shall be determined as follows:
  - a. The zoning administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in section 6-6. In such case, the same parking requirement shall apply.
  - b. The zoning administrator may use the average rate of parking for the use as identified in the Parking Generation Manual, published by the Institute of Transportation Engineers, as amended.
  - c. If the proposed use is not similar in parking requirement to a use listed in section 6-6 and is not included in the Parking Generation Manual, then the zoning administrator shall refer the determination of parking need to the zoning board of appeals to make such determination.
3. Public street rights-of-way shall not be used for meeting on-premises parking requirements.
4. Outdoor parking spaces required for business-related vehicles (whether car or truck) shall be provided in addition to the parking spaces required in section 6-6.
5. Two or more buildings or uses may collectively provide the required on-premises parking if a signed agreement is provided by the property owners, and the number of spaces being provided meets the minimum required for all uses calculated individually. Such parking area shall be convenient to all uses for which it is intended.

- 6. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- D. *Maximum amount of parking.* In order to minimize excessive areas of pavement which result in adverse aesthetic impacts and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than 30% shall be prohibited.
- E. *Conversion of parking areas to other uses.* Unless the planning commission has reviewed and approved the change, any parking area once approved as a required parking area shall not be changed to any other use.

**Sec. 6-4. Design and construction requirements.**

- A. *Surface and drainage requirements.* All parking areas shall be surfaced with a material that will provide a durable, smooth, and paved surface, and shall be graded and provided with adequate drainage facilities, all as approved by the city engineer.
- B. *Surface striping.* All parking spaces, aisles, and unloading zones shall be striped or marked, using a durable exterior paint. Such striping or other required demarcation shall be maintained permanently in a condition such that easy interpretation of such markings by intended users is possible.
- C. *Lighting requirements.* All parking lot or outdoor display lighting shall be designed, located, and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse effects on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any fixture to be located within 150 feet of a residential district or use, and a maximum height of 40 feet for all other locations.
- D. *Dimensional standards for parking spaces and aisles.* All on-premises parking areas shall meet the minimum parking space and maneuvering lane standards contained in Table 6.1.

**Sec. 6-5. Parking units of measurement.**

- A. *Equivalency or substitution.*
  - 1. Wherever parking requirements are based on gross floor area, gross leasable area may be substituted if that figure is more readily available.
  - 2. In calculating bench seating for places of assembly, two feet shall be the equivalent of one seat.
  - 3. In those cases where the planning commission determines that striping of spaces would not be appropriate, 300 square feet of parking area shall be provided for each required parking space.
- B. *Rounding.* In calculating the required amount of parking or loading spaces, any fraction of 0.5 or greater shall be rounded up, and any fraction of less than 0.5 shall be rounded down.

TABLE 6.1 MINIMUM PARKING SPACE AND MANEUVERING LANE STANDARDS

Parking Pattern (degrees)	Maneuvering Lane Width One-way	Maneuvering Lane Width Two-way	Parking Space Width <sup>1</sup>	Parking Space Length <sup>2</sup>
Parallel	12 feet	20 feet	9 feet	25 feet
30 to 54	12 feet	20 feet	9 feet	21 feet
55 to 74	13 feet	24 feet	9 feet	21 feet
75 to 90	20 feet	24 feet	9 feet	20 feet

<sup>1</sup>Parking space width measured perpendicular to the space centerline.

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<sup>2</sup>Parking space length measured along the space centerline.

## **Sec. 6-6. Minimum parking space requirements.**

### *A. Residential.*

1. **Single- and two-family units** shall have two spaces per dwelling unit.
2. **Multiple-family units:**
  - a. One-bedroom units shall have 1.5 spaces per unit.
  - b. Two or more bedroom units shall have two spaces per unit.
3. **Mobile home units in a mobile home park** shall have two spaces per mobile home unit or site.

### *B. Retirement communities.*

1. **Senior independent units** shall have 1.5 spaces per unit.
2. **Senior interim-care units** shall have one space per each two beds, plus one space per employee, based on the maximum number of employees on the premises at one time.
3. **Nursing homes or sanitariums** shall have one space per each three beds or two rooms, whichever is greater.

### *C. Institutional/public assembly.*

1. **Churches** shall have one space per each three seats or six feet of pews in the main place of assembly therein.
2. **Hospitals**, excluding areas for outpatient care, shall have 2.5 spaces per licensed bed.
3. **Outpatient-care stations** shall have two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room.
4. **Child care centers** shall have one space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
5. **Elementary, junior high, and middle schools** shall have two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
6. **High schools** shall have eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
7. **Private clubs and lodges** shall have one space per each 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
8. **Auditoriums (non-school), stadiums, sports arenas, and theaters** shall have one space per each three seats or each six feet of bleacher seating.

### *D. Offices.*

1. **Medical/dental clinics or offices** shall have four spaces per 1,000 square feet of gross floor area. Maximum of six spaces shall be required.
2. **General office buildings** shall have three spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
3. **Banks, credit unions, or savings and loans** shall have six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller.

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4. **Government office building** shall have four spaces per 1,000 square feet of gross floor area.
  5. **Real estate office** shall have four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
- E. *Retail/service.*
1. **Appliance stores** shall have four spaces per 1,000 square feet of gross floor area. Minimum of six spaces shall be required.
  2. **Auto service stations** shall have three spaces per each service bay, plus one space per each employee (based on the maximum number of employees to be on the premises at one time), plus four spaces per 1,000 square feet of any space devoted to the sales of convenience goods. A minimum of four spaces shall be required for sales of convenience goods.
  3. **Automobile washes** shall have one space per each employee, based on the maximum number of employees to be on the premises at one time. A minimum of four spaces shall be required.
  4. **Barber shops/beauty salons** shall have three spaces per each barber or beautician's chair or station.
  5. **Conference rooms and exhibit halls** shall have one space per every two persons of capacity authorized by the appropriate fire, health, or building code.
  6. **Convenience stores** shall have four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
  7. **Discount stores** shall have five spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
  8. **Dry cleaners** shall have two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.
  9. **Service companies doing repair, electrical, and plumbing work** shall have two spaces per 1,000 square feet of gross floor area. A minimum of five spaces shall be required.
  10. **Funeral homes and mortuaries** shall have one space per 50 square feet of parlor and chapel areas.
  11. **Furniture/carpet stores** shall have 1.5 spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
  12. **Hardware, paint and home improvement stores** shall have three spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.
  13. **Laundromats** shall have one space per each three washing machines.
  14. **Mini-storage houses/warehouses** shall have six spaces.
  15. **Motels and hotels** shall have 1.2 spaces per room plus ten spaces per 1,000 square feet of restaurant, banquet, or conference area.
  16. **Motor vehicle dealerships** shall have one space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per each service bay.
  17. **Recreational vehicle and boat dealerships** shall have one space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required.
  18. **Restaurants that serve non-fast food and have no drive-through window** shall have 12 spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.



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19. **Restaurants that serve mostly take out, with six or less booths or tables** shall have six spaces, plus one space per each employee, based on the maximum number of employees to be on the premises at one time.
  20. **Restaurants that serve fast food and have no drive-through window** shall have seven spaces per 1,000 square feet.
  21. **Restaurants that serve fast food and have a drive-through window and indoor seating** shall have 15 spaces per 1,000 square feet of gross floor area, plus three designated drive-through, short-term waiting spaces, plus five spaces for truck or bus parking.
  22. **Restaurants that serve fast food and have a drive-through window, but no indoor seating** shall have 15 spaces.
  23. **Shopping centers** shall have four spaces per 1,000 square feet of gross leasable floor area, plus two spaces per 1,000 square feet of indoor common area.
  24. **Video rental stores** shall have 12 spaces per 1,000 square feet (up to 3,000 square feet), plus four spaces per 1,000 square feet of gross floor area above 3,000 square feet. A minimum of eight spaces is required.
- F. *Recreation/entertainment.*
1. **Arcades** shall have one space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.
  2. **Batting cage facilities** shall have three spaces per cage.
  3. **Billiard room** shall have one space for each two persons of capacity. \*(ADDED 12/96)
  4. **Bowling centers** shall have five spaces per lane.
  5. **Golf driving ranges** shall have 1.5 spaces per tee.
  6. **Golf courses, miniature**, shall have 1.5 spaces per each hole.
  7. **Golf courses, par-three**, shall have three spaces per hole.
  8. **Golf courses** shall have five spaces per hole.
  9. **Health fitness centers** shall have five spaces per 1,000 square feet of gross floor area.
  10. **Movie theaters** shall have one space per each four seats, plus four spaces per screen.
  11. **Racquetball and tennis centers** shall have one space per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.
  12. **Public recreation centers** shall have five spaces per 1,000 square feet of gross floor area.
  13. **Roller [or] ice skating rink** shall have six spaces per 1,000 square feet of gross floor area.
- G. *Industrial.*
1. **All industrial uses** shall have 1.5 spaces per 1,000 square feet of gross floor area, or one space per employee, based on the maximum number of employees to be on the premises at one time, whichever is greater.
  2. For an option for deferred parking for industrial uses, see section 6-7.

(Amend. of 10-99)

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## Sec. 6-7. Deferred parking for industrial uses.

- A. *Intent.* The intent of this section is to ensure that sufficient area exists on each industrial lot to meet the parking requirements contained in section 6-6.G, while allowing the planning commission the authority to defer the construction of a portion of this required parking where it can be demonstrated by applicants seeking deferral that a lower number of parking spaces would be adequate. This section is intended to provide equity in parking requirements, reduce runoff and parking area, and to improve potential for adaptive reuse of industrial buildings.
- B. *Planning commission authority.* The planning commission shall have the authority to defer construction of the required number of parking spaces for any industrial use, subject to the regulations contained in this section.
- C. *Responsibility of applicant seeking deferral.* It shall be the responsibility of the owner, or representative of the industry seeking deferral, to demonstrate to the planning commission that their business requires less parking spaces than that required in section 6-6.G.
- D. *Maximum deferral.* Any deferment of required parking spaces shall not result in an amount of parking of less than 0.5 spaces per 1,000 square feet of building gross floor area or one space per employee, based on the maximum number of employees to be on the premises at one time.
- E. *Site plan requirements.* The site plan shall include the parking design for both the parking spaces proposed for construction and those spaces for which deferment is sought.

The design for the parking area for which deferment is sought shall be in harmony with the parking area proposed for construction, and shall not include areas required for parking setbacks, required landscape areas; or land otherwise not suitable for parking due to environmental or physical conditions.

- F. *Revocation of deferral.* The planning commission shall have the right, upon observation of regular parking deficiency at any industrial business for which a parking deferral was granted, to require that a part or all of the deferred parking area be constructed. Such parking shall be constructed within six months of being served notice by the zoning administrator.

## Sec. 6-8. Stacking space requirements.

- A. *Number of spaces required.*
  - 1. Drive-through banks shall have four spaces per window.
  - 2. Drive-through restaurants shall have ten spaces.
  - 3. Drive-through dry-cleaning establishments shall have two spaces.
  - 4. Fully automatic car wash establishments shall have 16 spaces per bay (non-stop drive mechanism).
  - 5. Semi-automatic car wash establishments shall have 20 spaces per bay (employee controlled drive).
  - 6. Self-serve car wash establishments shall have three spaces per bay.
  - 7. Quick oil-change and repair companies shall have two spaces per bay.
- B. *Stacking space dimensions.* Separate, outdoor stacking spaces shall each be 25 feet in length and a minimum of nine feet in width.
- C. *Stacking space restrictions.* Required stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

**Sec. 6-9. Barrier-free parking and design requirements.**

- A. *Number required.* In accordance with Table 6.2, within each parking lot signed and marked barrier-free spaces shall be provided at a convenient location.
- B. *Barrier-free design standards.* The following barrier-free design standards shall be used:
  - 1. Handicapped parking spaces shall be a minimum of 12 feet in width and 20 feet in length.
  - 2. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one foot in 12 feet, and a width of not less than four feet, shall be provided for wheelchair access.

**Sec. 6-10. On-premises requirements for loading and unloading.**

- A. *Number required.*

TABLE 6.2. BARRIER-FREE SPACE REQUIREMENTS

Total Spaces in Lot	Required Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20, plus 1 for each 100 over 1,000

TABLE 6.3. LOADING/UNLOADING ON-PREMISES SPACE REQUIREMENTS

Gross Floor Area In Square Feet	Loading/Unloading Spaces Required
0 3,999	None
4,000 19,999	1 space
20,000 99,999	1 space, plus 1 space for each 20,000 square feet in excess of 20,000, or 1 space for every overhead loading door, whichever is greater.
100,000 500,000	5 spaces, plus 1 space for each 40,000 square feet in excess of 100,000 square feet, or 1 space for every overhead loading door, whichever is greater.

Note: Buildings having a gross floor-area square footage contained in two categories shall use the category requiring the greater number of spaces.

On-premises space for standing, loading, and unloading vehicles for commercial, institutional, and industrial uses shall be provided in accordance with Table 6.3.

- B. *General loading/unloading requirements.*

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1. Loading and unloading spaces shall not use any portion of any public right-of-way.
  2. Maneuvering space for trucks using the loading spaces shall be provided on-premises, and shall not necessitate the use of public right-of-way.
  3. Loading and unloading spaces shall be a minimum of 12 feet in width, 60 feet in length, and have clearance of at least 14 feet in height.
  4. If truck wells are to be used, a protective railing or wall shall be provided along the sides of the well.
  5. Loading and unloading spaces or wells which are located within the front yard, or on any building side facing and directly visible to a public street shall be screened with a Type B screen as provided in article 8 of this ordinance.
  6. Required loading and unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.

## **ARTICLE 7. SIGNS**

### **Sec. 7-1. Purpose.**

- A. *General health, safety and welfare of the public.* It is the intent of this ordinance to regulate the size, number, location, and manner of display of signs in the City of Hudsonville for the purpose of maintaining and promoting the health, safety, and general welfare of the public.
- B. *Traffic safety.* It is determined that an excess amount of signs, and the improper placement of signs, results in a confusing backdrop for motorists to clearly see and interpret signs and signalization which are in place to regulate traffic operations.
- C. *Ease of identifying business locations.* It is determined that an excessive amount of signs and improper placement of signs results in reduced ability of motorists to see, and consequently, safely and efficiently access their desired business locations.
- D. *Improve and protect city appearance.* It is determined that the appearance of the city is marred by an excessive amount of signs and improper placement of signs.
- E. *Preserve property values.* It is determined that an excessive amount of signs and improper placement of signs results in lower property values.

### **Sec. 7-2. Definitions.**

*Billboard:* A sign directing attention to a use, activity, message, product, or service which is not conducted on or related to the lot or parcel upon which the sign is located.

*Building sign area:* The maximum allowable sign area which is allowed to be attached in any fashion to a building.

All signs which are in any way attached to a building will be used in calculating the building sign area. Signs which shall be counted as building sign area include, but are not limited to, wall signs, roof signs, projecting signs, awning, and canopy signs.

*Changeable-message sign:* A sign which has been designed to allow quick and easy changes to sign displays or messages, commonly by manipulation of removable letters or by reprogramming electronically generated displays or messages.

*Freestanding sign:* A sign which is structurally separated from any building.

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*Permanent sign copy area:* That portion of a sign which contains lettering or other graphic representations which are intended to be permanent.

*Portable sign:* Any sign that is designed to be transported, including, but not limited to, the following signs:

1. With wheels removed;
2. With chassis or support constructed without wheels;
3. Designed to be transported by trailer or wheels;
4. Converted to A- or T-frame signs;
5. Attached temporarily or permanently to the ground, a structure, or other signs;
6. Mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way;
7. Menu and sandwich boards;
8. Searchlights and stands; and
9. Hot-air or gas-filled balloons or umbrellas used for advertising.

*Sign:* A structure, device, letter, word, model, figure, symbol, product, banner, balloon, flag, pennant, streamer, insignia, emblem, logo, painting, poster, or some quantity or combination of the above which is visible from a public place and is intended to direct public attention to a product, service, place, activity, person, institution, business, solicitation, or otherwise convey a message to the public.

*Temporary sign:* Signs erected for a specific purpose or event and are intended to be temporary (generally up less than two months). Such signs may include for-sale, for-lease, garage sale, announcements, or election signs.

*Wall sign:* A sign painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in a place parallel to the building wall.

### **Sec. 7-3. Administration.**

- A. *Enforcement.* This section shall be administered and enforced by the zoning administrator as provided in article 16 of this ordinance.
- B. *Permit required.* It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign unless a permit shall have been first obtained from the zoning administrator, except as provided in section 7-5, and a permit fee paid in accordance with the schedule adopted by resolution of the city commission.
- C. *Application.* Applications for sign permits shall be made upon forms provided by the zoning administrator for this purpose and shall contain the following information:
  1. Name, address, and telephone number of applicant;
  2. Zoning district in which the sign is to be located;
  3. Location of the building, structure, or lot to which the sign is to be attached or erected;
  4. Position of the sign in relation to nearby buildings, structures, lot lines, and rights-of-way existing or proposed;
  5. Two copies of the plans, specifications, and method of construction and attachment to the building or ground (plans shall include sign dimensions and total square footage of sign area); and
  6. Name, address, and telephone number of the sign erector.
- D. *Compliance inspection.* All signs shall be inspected at original installation. The sign erector shall notify the zoning administrator upon completion of the sign installation. If the sign is found to comply with this article,

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the zoning administrator shall include in the permanent zoning file the date of approval, together with a photograph of the completed sign.

- E. *Periodic inspections.* The zoning administrator shall cause existing signs to be inspected on a periodic basis as deemed necessary to determine continuation of compliance with the provisions of this article.
- F. *Removal of signs.*
  - 1. Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this article, the erector and/or owner shall be required to make the sign safe, secure, and otherwise in compliance with the requirements of this article within ten days of the notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing.
  - 2. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired immediately at the owner's expense.
    - a. If the owner or sign erector of the sign cannot be reached, the city retains the right to remove or repair the sign at the owners expense.
    - b. The city shall have the right to remove improperly placed portable or temporary signs which are placed in a public right-of-way or on utility poles at any time.

#### **Sec. 7-4. Prohibited signs.**

The following signs shall be prohibited in all zoning districts:

- A. *Signs in right-of-way.* No sign, except those established and maintained by the city, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement. This regulation includes railroad rights-of-way.
- B. *Signs in clear vision areas.* No sign shall be located within, project into, or overhang any clear-vision area as defined in this ordinance.
- C. *Signs involving off-premises businesses or properties.*
  - 1. No signs containing off-premises advertising, with the exception of billboards which are reviewed under the special use permit process, shall be permitted.
  - 2. No sign advertising sale or lease of off-premises buildings or land shall be permitted.
- D. *Signs for discontinued businesses.* No sign for, or related to, a discontinued business shall be permitted once any other business or use is resumed on the same premises.
- E. *Vehicle signs.* No car, van, truck, semi-trailer, or similar vehicle, with or without a valid license plate, may be parked on-premises, outside of parking spaces specifically authorized as part of the final site plan approval by the planning commission, for the purpose of creating additional freestanding sign space.
- F. *Flashing signs.* The use of flashing signs shall be prohibited.
- G. *Revolving signs.* The use of revolving signs shall be prohibited.
- H. *Streamers.* The use of streamers shall be prohibited.
- I. *Signs on rooftops.* No sign shall be painted on any rooftop, nor be attached directly against and parallel to the rooftop surface.
- J. *Freestanding changeable-message signs.* Freestanding signs containing only changeable-message sign space shall be prohibited.

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### **Sec. 7-5. Signs not requiring permits.**

- A. *Small signs.* Any sign erected on a premises which is not more than two square feet in area and is not related to commercial advertising shall not require an erection permit.
- B. *Sale or rent signs.* Real estate signs advertising premises (on which the sign is located) for sale, rent or lease, shall not require an erection permit when such signs are not more than six square feet in area for a residential property, or 20 square feet in area for a non-residential property.
- C. *Street signs* Signs erected by the city, county, state, or federal governments for street direction, traffic control, and guidance shall not require an erection permit.
- D. *Governmental signs.*
  - 1. Signs erected by any governmental entity which relate to emergency activities, civil defense, or any sign which may be required by law to display shall not require a permit to erect.
  - 2. Flags and emblems of governmental entities shall not require a permit.
- E. *Holiday displays.* Holiday decorations or displays erected in such a way as to have no adverse impacts to pedestrian or vehicle traffic shall not require an erection permit.
- F. *Historical plaques and memorials.* Historical plaques and memorials may be placed without a permit to erect.

### **Sec. 7-6. General requirements for construction.**

- A. *Material requirements.* All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this article.
- B. *Changeable-message signs.* Whenever a changeable-message sign is added to an existing freestanding sign, such sign shall be compatible in materials, colors, and design to the freestanding sign to which it is to be attached.
- C. *Fastenings.* All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use. All bolts, cables, and other parts of such signs shall be kept painted and free from corrosion.
- D. *Sign and support location.*
  - 1. No sign or supporting mechanism shall be placed on or intrude over any publicly owned property, street right-of-way, or proposed street right-of-way.
  - 2. No sign or supporting mechanism shall be located closer than ten feet to a street right-of-way line.
  - 3. No sign or supporting mechanism shall extend beyond any lot lines of the property on which it is located.
- E. *Illumination of signs.* No sign shall be illuminated by other than approved electrical devices. Any lighting for the illumination of signs shall be directed away and shielded from any adjacent residential zoning districts. Lighting shall not adversely affect driver visibility on adjacent public thoroughfares.
- F. *Traffic interference.* No sign or advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal in such a manner as to interfere with, mislead, or confuse traffic.
- G. *Re-hanging.* In case of re-hanging or re-erection of any sign, the erector must place his identification and the date on the sign.

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- H. *Proximity to electrical conductors.* No sign shall be erected so that any part, including cables, guys, etc., will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
  - I. *Responsibility of compliance.* The owner of any property on which a sign is placed and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof.
  - J. *Erector's imprint.* Signs of every class must carry the identification of the sign erector in clearly legible letters.

## **Sec. 7-7. General provisions for permitted signs.**

The following regulations shall apply to all signs erected or located in any zoning district:

- A. *Vacant land signs.*
  - 1. Vacant land which is less than one acre in size shall only be permitted one sign, not to exceed six square feet in size;
  - 2. Vacant land which is between one and ten acres in size shall only be permitted one sign, not to exceed 20 square feet in size.
  - 3. Signs on parcels of vacant land exceeding ten acres shall be allowed a maximum of two signs. Each sign shall not exceed 20 square feet in size. If two signs are installed, they shall not be located closer than 1,000 feet from each other.
- B. *Removal of temporary signs.* Temporary signs shall be removed within five days following the accomplishment of purpose or passing of the event for which they were intended.
- C. *Measurement of sign area:*
  - 1. Sign area shall include the entire area of the smallest rectangular or square figure enclosing all elements of the sign which form an integral part of the sign. Supporting poles, braces, or uprights shall not be included in the sign area. (See Figure 7.1)
  - 2. Computing areas.
    - a. For a single-face sign, the area shall be computed as the total, exposed exterior surface in square feet.
    - b. For a sign that has two faces placed back to back, the area shall be computed as one-half the total, exposed exterior surface area in square feet.
    - c. The area of all faces shall be included in the total square footage calculation for a sign that has two or more faces so arranged that the faces are greater than two feet from one another, or such sign with any two faces that form a "V" in plan and the angle of the "V" is greater than 15 degrees,
- D. *Sign height.* The maximum sign height for all districts, with the exception of the highway commercial district, shall be 25 feet. The maximum sign height in the Highway Commercial District shall be 35 feet.
- E. *Measurement of sign height.* The height of the sign is measured from the ground to the highest point of the sign.
- F. *Changeable-message signs.* Changeable-message signs shall only be permitted when designed as part of a sign containing permanent sign copy. If changeable-message signs are added to an existing sign, they shall be designed and constructed to be compatible in material, color, and design to the existing sign.



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- G. *Driveway entry signs.* One pair of driveway-entry signs, not exceeding one sign per driveway, shall only be permitted if they are necessary to direct vehicles into or out of driveways designed for one-way traffic, or are necessary to eliminate motorist confusion concerning access to an establishment. Driveway entry signs shall not exceed two square feet in size per sign.
  - H. *Construction signs.* One sign identifying the proposed use and/or building, and persons or firms involved, not to exceed 50 square feet, shall be permitted. Such sign shall not be erected until the start of construction and shall be removed upon substantial completion of the project at the discretion of the zoning administrator.
  - I. *Sign maintenance.* All signs shall be maintained on an ongoing basis in essentially the same condition as when originally installed. They shall be maintained in sound condition, rust free, and clean. Ground areas immediately surrounding the sign shall also be properly maintained on an ongoing basis, and be kept free of debris, weeds, or other vegetation overgrowth.

Figure 7.1 Measurement of Sign Area

### **Sec. 7-8. Requirements for specific sign types.**

- A. *Wall signs.* Wall signs shall not:
  - 1. Project more than 12 inches from a building surface;
  - 2. Be placed above the sills of the first level of windows above the first story where windows are present; or
  - 3. Project beyond the ends of the wall to which it is attached.
- B. *Sign attached at right angle to building.*
  - 1. Signs shall not be more than two-faced and shall not project more than six feet from the building. If a sign has two faces, such faces shall not be more than 12 inches apart.
  - 2. There shall be only one right angle sign for each entrance door to a business establishment.
  - 3. Signs shall not exceed 20 square feet on one sign face.
  - 4. The bottom of the sign shall be a minimum of eight feet above ground level.
  - 5. The top of the sign shall not extend above the top of the sills of the first level of windows above the first story, or the lowest point of the roof, whichever is lowest.
  - 6. Signs shall be mounted flush to the building surface.
- C. *Roof signs.*
  - 1. Roof signs shall not exceed a height of two feet.
  - 2. Supporting framework for roof signs shall not be visible from the ground. (See Figure 7.2)
- D. *Portable signs.*
  - 1. Purpose. It is the city's intent to restrict portable sign usage within the city. It is further the city's intent to balance a property owner's interest in communicating special events with legitimate areas of public concern so that portable signs do not become permanent in nature and so that the citizens' right to be free of signs which unreasonably distract drivers and pedestrians and produce confusion is protected. In addition to the purposes stated in section 7-1, the regulations restricting the use of portable signs contained in this subsection have been adopted for the following reasons:

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- a. Portable signs were being used as permanent signage.
  - b. Portable signs were becoming a blighting influence, due to their quantity and appearance (many times a variety of objects are tied to them to help anchor them).
  - c. Portable signs were conflicting with parking operations (being placed in parking spaces or parking aisles).
  - d. Electric cords running to portable signs were presenting safety concerns.
  - e. Portable signs were contributing to decreases in property value.
2. Communication of special events. The regulations contained in this subsection are further intended to provide a means for the communication of events which are, inherently, of a limited duration.
  3. Use restrictions.
    - a. Portable signs shall not be used for more than 60 days out of any calendar year for a specific parcel. Further, a portable sign shall not be used for a specific parcel for more than 14 consecutive days and there shall be at least 14 consecutive days between uses for such parcel.
    - b. Portable signs may not be used within any public right-of-way or clear vision area as defined in the City of Hudsonville Zoning Ordinance.
    - c. Portable signs may not be used in any parking area in a manner which obstructs the vision of motorists using parking aisles, or obstructs movement through any parking aisle.
    - d. Portable signs shall not obstruct any public or private sidewalk. Electric cords for portable signs which are proposed to cross any sidewalk or parking aisle shall not be permitted without the approval of the zoning administrator.
    - e. Flashing lights on portable signs shall be prohibited.
  4. Anchoring requirement. Portable signs shall be anchored in a safe and secure manner. The anchoring method should be one which reasonably protects against the sign being blown down or away, or by any other natural element being forced from its intended location. Anchoring shall be achieved by anchoring the portable sign to the ground or other permanent and stable structure. Anchoring of portable signs by tying weighted objects such as cinder blocks or tires shall be prohibited.
  5. Permit required. Portable signs may be installed or erected only pursuant to permit granted by the city's zoning administrator. The permit shall identify the period during which it is valid. A fee, as established by the city commission from time to time, shall be required before a permit may be issued.
  6. Expiration date to be affixed to sign. All portable signs shall have attached on the street side of the sign the date upon which the permit expires (example: Aug 25, 1994). The notice of date expiration shall use legible letters at least four inches in height.
  7. Maximum size. The maximum size for a portable sign shall be 32 square feet. Support framework shall not be included in sign area calculation. The zoning administrator may allow larger sizes for inflatable portable signs only.
  8. Noncompliance a violation. Any violation of the provisions of this section of the ordinance shall be considered a violation of this ordinance and subject to any of the penalties stated in section 16-6 of the ordinance.
9. Impoundment. If a portable sign is placed in a public right-of-way in violation of this ordinance, the city may impound such sign.

Figure 7.2 Roof Signs

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## **Sec. 7-9. Permitted signs by zoning district.**

### **A. *Single-Family Residential Districts (R-1-A through R-1-E Districts).***

1. Single-family dwelling units or lots shall not be permitted any permanent signs, with the exception of the following:
  - a. Name or address plates, not to exceed a total of six square feet; and
  - b. Home occupation signs, as regulated by this ordinance.
2. Single-family dwelling units may be permitted to have temporary signs, not to exceed a total of six square feet.
3. Single-family subdivisions having well defined entrances may have one entry sign at each primary entrance. Such sign shall not exceed 20 square feet in size.

### **B. *Single-Family and Attached Residential District (R-2 District).***

1. Single-family and attached residential dwelling units or lots shall not be permitted any signs, with the exception of the following:
  - a. Name or address plates, not to exceed a total of six square feet; and
  - b. Home occupation signs, as regulated by this ordinance.
2. Single-family and attached dwelling units may be permitted to have temporary signs, not to exceed a total of six square feet.
3. Single-family subdivisions having well defined entrances may have one entry sign at each primary entrance. Such sign shall not exceed 20 square feet in size.
4. Attached dwelling complexes having 16 or more units, and having well defined entrances may have one entry sign at each primary entrance. Such sign shall not exceed 20 square feet in size.

### **C. *Single-Family Attached Residential District (R-3 District).***

1. Attached residential dwelling units or lots shall not be permitted any signs, with the exception of the following:
  - a. Name or address plates, not to exceed a total of six square feet; and
  - b. Home occupation signs, as regulated by this ordinance.
2. Attached dwelling units may be permitted to have temporary signs, not to exceed a total of six square feet.
3. Attached dwelling complexes having eight or more units and well defined entrances may have one entry sign at each primary entrance. Such sign shall not exceed 20 square feet in size.

### **D. *Multiple-Family Residential District (R-4 District), and Mobile Home Park District (MHP District).*** An apartment or mobile home park complex may have one sign per principal entrance. Each sign shall not exceed 20 square feet.

### **E. *Central Business Districts (CBD-1-G, CBD-1-OS, CBD-2 Zoning Districts), Light Commercial District (LC District), Highway Commercial District (HC District), All Commercial or Industrial Planned Unit Developments, Public Facility Districts (FF), and Industrial Districts (I-1 and I-2).***

1. Each commercial, industrial, or institutional use shall be permitted an amount of building sign area up to, but not exceeding, 15% of each first-story wall area facing a public roadway, subject to the following:

- a. Sign area shall not exceed 150 square on any one building face; and
  - b. If no specific side of the building faces a public roadway, that side of the building containing the primary entrance shall be used for calculating permissible building sign area.
2. Each freestanding business, shopping center, and industrial park, in addition to allowable building sign area, shall be permitted to have one freestanding sign. Maximum sign area of such sign shall be determined by referencing the amount of traffic lanes, speed limit, and linear frontage associated with the road providing access to the business. Maximum freestanding sign space standards shall be determined by the following Tables, 7.1 through 7.4.

TABLE 7.1. MAXIMUM FREESTANDING SIGN SPACE FOR 2- AND 3-LANE ROADS  
(IN SQUARE FEET)

Linear Frontage in Feet			
Speed Limit	<100	100 - 299	300+
15 25 mph	15	25	40
30 40 mph	35	45	60
45 55 mph	75	85	100

TABLE 7.2. MAXIMUM FREESTANDING SIGN SPACE FOR EXPRESSWAYS (IN SQUARE FEET)

Linear Frontage in Feet			
Speed Limit	<100	100 - 299	300+
55+ mph	140	160	200

TABLE 7.3. MAXIMUM FREESTANDING SIGN SPACE FOR 4-LANE ROADS WITHOUT MEDIANS (IN SQUARE FEET)

Linear Frontage in Feet			
Speed Limit	<100	100 - 299	300+
15 25 mph	20	30	40
30 40 mph	50	60	70
45 55 mph	110	120	130

TABLE 7.4. MAXIMUM FREESTANDING SIGN SPACE FOR 4-LANE ROADS WITH MEDIANS AND ALL 5- AND 6-LANE ROADS (IN SQUARE FEET)

Linear Frontage in Feet			
Speed Limit	<100	100 - 299	300+
15 25 mph	20	30	40
30 40 mph	50	60	70
45 55 mph	110	120	130

- a. If primary access and public exposure to the business is provided by a road adjacent to a service drive of higher classification, service drives will not be used to determine maximum allowable freestanding sign space.
- b. A minimum of 60% of total sign area for all freestanding signs shall be comprised of permanent sign-copy area.

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3. Changeable-message sign space may be included as part of a freestanding sign, subject to the following:
    - a. Changeable-message sign space shall not make up more than 40% of total sign area for the freestanding sign; and
    - b. Changeable-message sign space shall be included within the maximum freestanding sign space standards, with the exception that the planning commission may permit the maximum standards to be exceeded by up to 15% if the sign space which exceeds the standards is exclusively for the purpose of providing changeable-message sign space.
  4. If a single freestanding sign cannot be practically positioned to serve functionally as identification from both streets, businesses having frontage on two streets may be permitted to have a second freestanding sign.

### **Sec. 7-10. Billboards.**

Billboards shall only be permitted if approved by a special use permit. The following minimum regulations shall be required before approval can be given.

- A. *Permitted zoning districts.* Billboards shall only be permitted within the I-2 and PF Zoning Districts.
- B. *Spacing and location standards.*
  1. Billboards shall not be located closer than one mile (5,280 feet) from another billboard on the same side of a public right-of-way. This spacing standard shall be applicable regardless of what governmental jurisdiction other billboards may be located in.
  2. Billboards shall only be permitted along the I-196 Freeway and shall be set back a minimum of 15 feet from the I-196 right-of-way, but not greater than 50 feet.
  3. Billboards shall not be located closer than 400 feet from any residential zoning district. The planning commission may reduce this requirement to not less than 100 feet upon finding that properties within a 400-foot radius of a proposed billboard will not be adversely impacted by such a reduction.
  4. Billboards shall not be located closer than 30 feet from any building.
  5. Billboards shall not be located closer than 100 feet from any other freestanding sign.
  6. Billboards shall not be erected above any building.
- C. *Construction standards.*
  1. Billboards shall use only one pole for support.
  2. Billboards located along the I-196 Freeway shall be limited in size to 300 square feet and shall not exceed a height of 35 feet.
  3. All billboards shall be finished on both sides, but sign content shall only be permitted on the side of the billboard which faces oncoming traffic in the closest lane of traffic.
  4. Billboards shall not be illuminated.
  5. Billboard displays using movable parts shall be prohibited.
- D. *Maintenance.* The billboard sign shall be maintained by the owner of the sign. The maintenance of the grounds surrounding the billboard may be maintained by either the owner of the sign or the property owner, however, the city retains the right to hold both parties jointly or severally responsible for such maintenance.

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**Sec. 7-11. Nonconforming signs.**

- A. *Intent.* It is the intent of this article to encourage eventual elimination of signs that, as a result of the adoption of this article, become nonconforming. Elimination of nonconforming signs are being pursued for the purposes identified in section 7-1.
- B. *Continuance.* A nonconforming sign may be continued, and shall be maintained in good condition, but shall not be
  - 1. Replaced by another nonconforming sign;
  - 2. Structurally altered so as to prolong the life of the sign or change its configuration;
  - 3. Expanded; or
  - 4. Improved or re-established under any circumstances if the estimated expense of the improvement or reconstruction exceeds 50% of the estimated replacement cost.

**ARTICLE 8. LANDSCAPING REGULATIONS**

**Sec. 8-1. Intent.**

It is the intent of this article to specify landscape requirements for all land uses requiring site-plan review, and to provide for landscape techniques to achieve compatibility between abutting and adjacent uses, including public and private streets. The landscape regulations in this article are further intended to:

- A. Promote the public health, safety and general welfare by reducing noise, air, and visual pollutions, air temperature, and light glare;
- B. Improve air quality;
- C. Prevent soil erosion and increase water retention;
- D. Improve the appearance of on-premises parking, vehicular use areas, and property abutting public rights-of-way;
- E. Improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;
- F. Require buffering between non-compatible land uses;
- G. Protect residential privacy; and
- H. Maintain a regional native landscape character.

**Sec. 8-2. Landscape definitions.**

*Canopy tree:* A deciduous tree which typically reaches a height of 40 feet or more at maturity, and is characterized by offering optimal shading potential. Example species include: oaks, sycamores, and sugar maples.

*Evergreen tree:* A tree typically having a mature height of greater than 13 feet, and exhibiting green leaves throughout the year.

*Landscape area:* Any outdoor land area which is planned and designed for the growth of vegetation. Landscape areas would include both formal landscape beds and lawn areas.

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*Landscape bed:* A defined area intended for the intensive planting of trees, bushes, shrubs, and other plants. Landscape beds would exclude large areas planted in grass or other common ground cover; however, they might contain small amounts of these types of vegetation.

*Understory tree:* A deciduous tree which typically reaches a height of between 13 and 40 feet at maturity. Understory trees would include smaller shade trees and ornamental trees.

### **Sec. 8-3. Screening types.**

The following four-tier screening classification system is intended to provide for graduated levels of screening to be used in a variety of land-use transition situations. The screening types have been designed to correlate with the degree of incompatibility between uses. The screening types are defined in order of magnitude of screening effect. Type A screen requiring the greatest amount of screening, and Type D requires the least.

Each screening type is based on achieving a specific effect within two zones of influence. Zone 1 relates to lower level screening, and Zone 2 relates to upper level screening.

The four types of screens are defined as follows:

A. *Type A screen.*

1. Screen dimensions:
  - a. Height
    - i. Zone 1 shall be the area from ground level to eight feet.
    - ii. Zone 2 shall be the area from eight feet to a height of 20 feet. Screening above 20 feet is permissible.
  - b. Minimum width shall be 50 feet.
  - c. Where the land-use transition requiring such screening type occurs, minimum length shall be 100% of linear distance.
2. Required screen effects.
  - a. The general, required screen effect shall be to exclude all visual contact between uses, mitigate noise impacts, and to create a strong impression of spacial separation.
  - b. Zone 1's required screen effect shall be to create a screen which achieves total visual obstruction on a year-round basis.
  - c. Zone 2's required screen effect shall be to create an intermittent screen which visually obscures a minimum of 40% of the Zone 2 area on either a seasonal or year-round basis.
3. Screen materials.
  - a. Zone 1 screens shall be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or some combination thereof.
  - b. Zone 2's intermittent screens shall be achieved by some combination of evergreen and deciduous trees. (See Figure 8.1)

B. *Type B screen.*

1. Required screen dimensions:
  - a. Height.
    - i. Zone 1 shall be the area from ground level to six feet.

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- ii. Zone 2 shall be the area from six feet to a height of 20 feet. Screening above 20 feet is permissible.
      - b. Minimum width.
        - i. Screening in all districts, except CBD Districts, shall have a minimum width of 20 feet.
        - ii. Screening in CBD Districts shall have a minimum width of eight feet.
      - c. Where the land-use transition requiring such screening type occurs, minimum length shall be 100% of linear distance,
  - 2. Required screen effects:
    - a. The general, required screen effect shall be to minimize noise and provide visual privacy where activity centers are located next to residential uses.
    - b. Zone 1's required screen effect shall be to create a screen which achieves total visual obstruction on a year-round basis.
    - c. Zone 2's required screen effect shall be to create an intermittent screen which visually obscures a minimum of 40% of the Zone 2 area on either a seasonal or year-round basis.
  - 3. Required screen materials:
    - a. Zone 1 screens shall be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or some combination thereof.
    - b. Zone 2 intermittent screens shall be achieved by some combination of evergreen and deciduous trees. (See Figure 8.2)
- C. *Type C screen.*
- 1. Required screen dimensions:
    - a. Height.
      - i. Zone 1 shall be the area from ground level to a height of three feet.
      - ii. Zone 2 shall be the area from three feet to a minimum height of 20 feet. Screening above 20 feet is permissible.
    - b. Minimum width.
      - i. Screening in all districts, except CBD Districts, shall have a minimum width of 20 feet.
      - ii. Screening in CBD Districts shall have a minimum width of eight feet.
    - c. Where the land-use transition requiring such screening type occurs, minimum length shall be 100% of linear distance.
  - 2. Required screen effects:
    - a. The general, required screen effect shall be to reduce the impacts of more intensive (higher density) residential developments on single-family developments, and to soften the visual impacts of parking lots to adjacent roadways.
    - b. Zone 1's required screen effects shall be to create a screen along 60% of the required screen length, which obscures visibility by 80% to 100% on a year-round basis.



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- c. Zone 2's required screen effects shall be to create an intermittent screen which visually obscures a minimum of 40% of the Zone 2 area on either a seasonal or year-round basis.
- 3. Required screen materials:
    - a. Zone 1 screens shall be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or some combination thereof. If some portion of the screen is to consist of vegetation, no more than 50% of such vegetation shall be of a deciduous type.
    - b. Zone 2 intermittent screens shall be achieved by some combination of evergreen and deciduous trees. (See Figure 8.3)
- D. *Type D screen.*
- 1. Required screen dimensions:
    - a. Minimum height.
      - i. Zone 1 shall be the area from ground level to a height of three feet.
      - ii. Zone 2 shall be the area from three feet to 20 feet. Screening above 20 feet is permissible.
    - b. Minimum width.
      - i. Screening in all districts, except CBD Districts, shall have a minimum width of ten feet.
      - ii. Screening in CBD Districts shall have a minimum width of eight feet.
    - c. Where the land-use transition requiring such screening type occurs, minimum length shall be 100% of linear distance.
  - 2. Required screen effects.
    - a. The general, required screen effects shall be to accomplish physical separation without substantial visual separation.
    - b. Zone 1's required screen effects shall be to create a screen along 30% of the required screen length which obscures visibility by 80% to 100% on a year-round basis.
    - c. Zone 2's required screen length shall be to create an intermittent screen which visually obscures a minimum of 25% of the Zone 2 area on either a seasonal or year-round basis.
  - 3. Required screen materials.
    - a. Zone 1 screens shall be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or some combination thereof. If some portion of the screen is to consist of vegetation, no more than 50% of such vegetation shall be of a deciduous type.
    - b. Zone 2 intermittent screens shall be achieved by some combination of evergreen and deciduous trees. (See Figure 8.4)

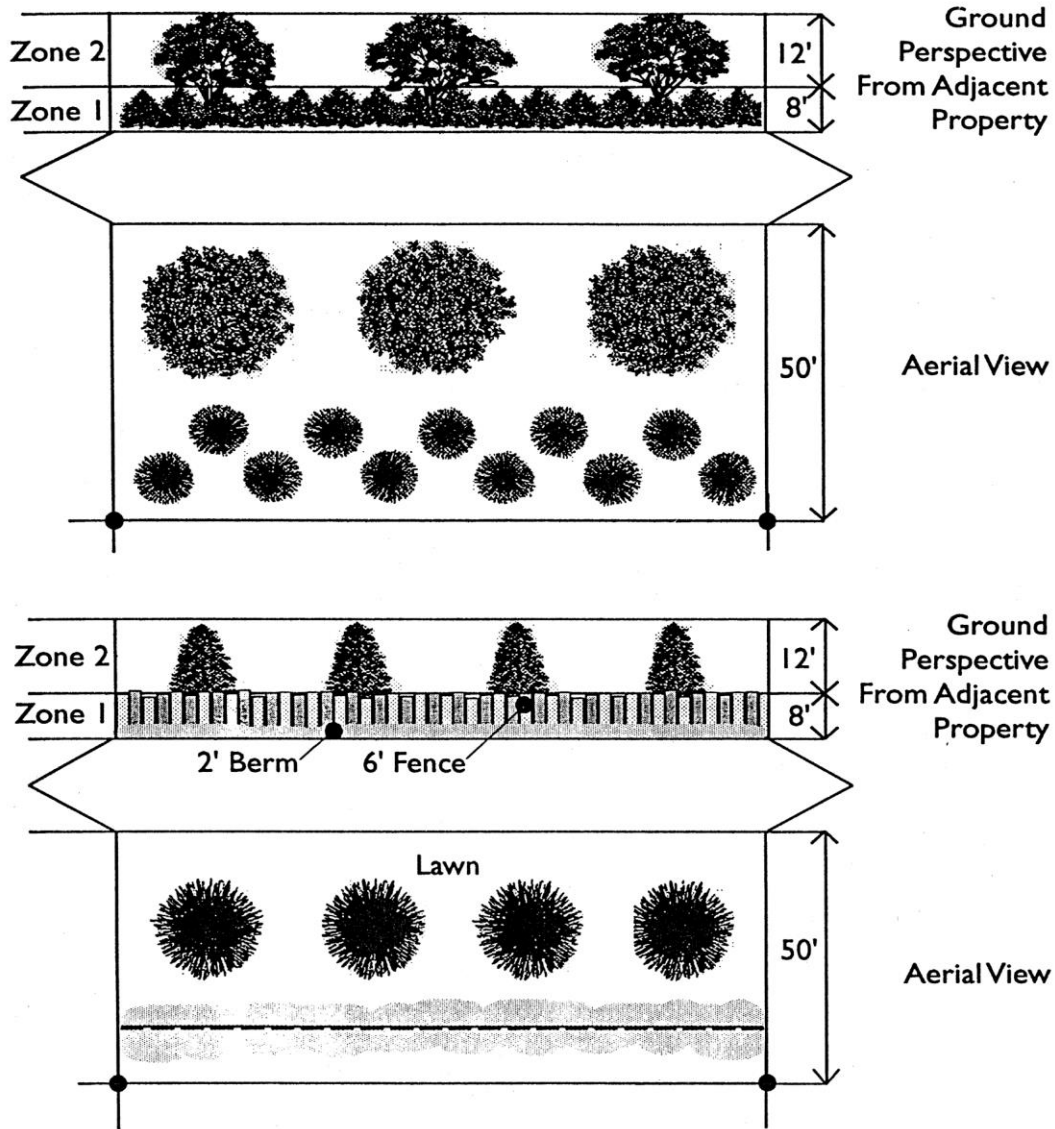


Figure 8.1 Type A Screen Examples

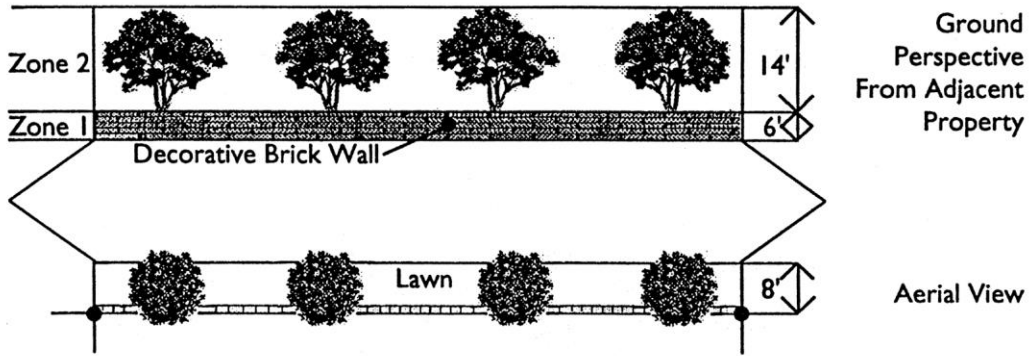
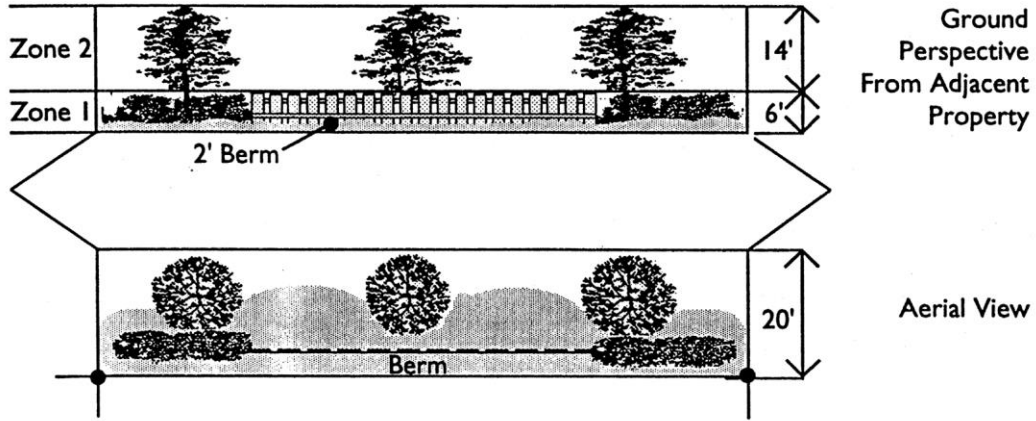


Figure 8.2 Type B Screen Examples

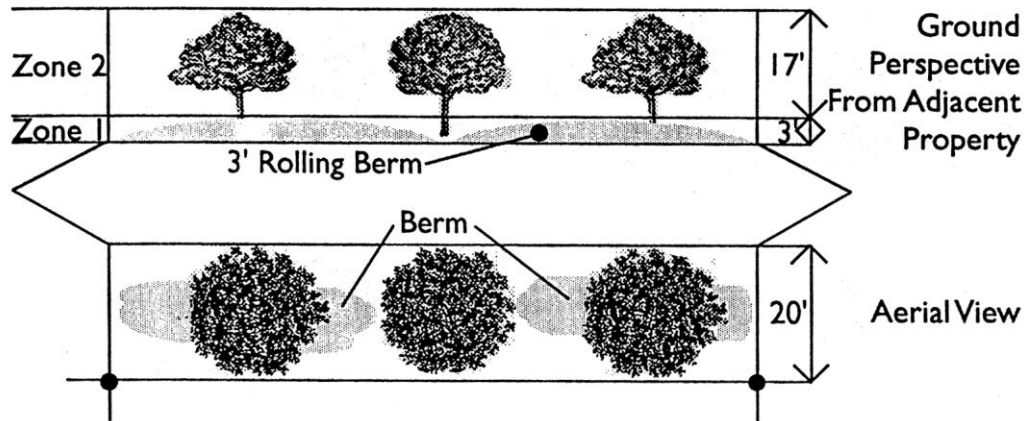
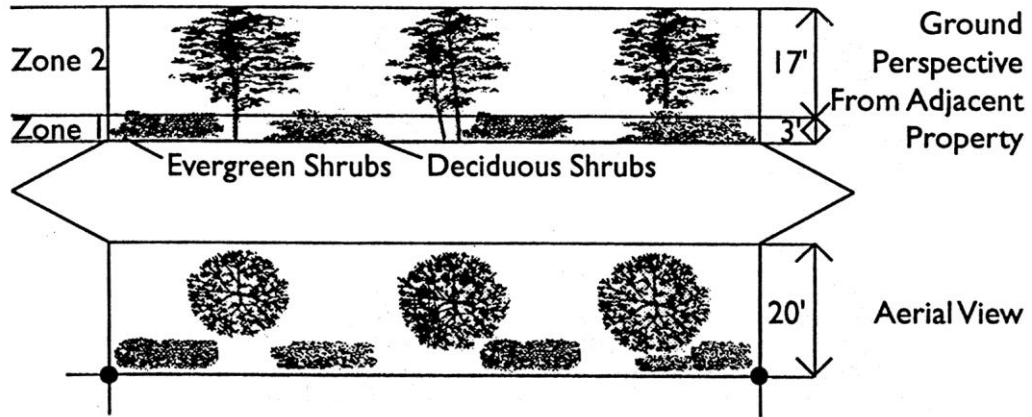


Figure 8.3 Type C Screen Samples

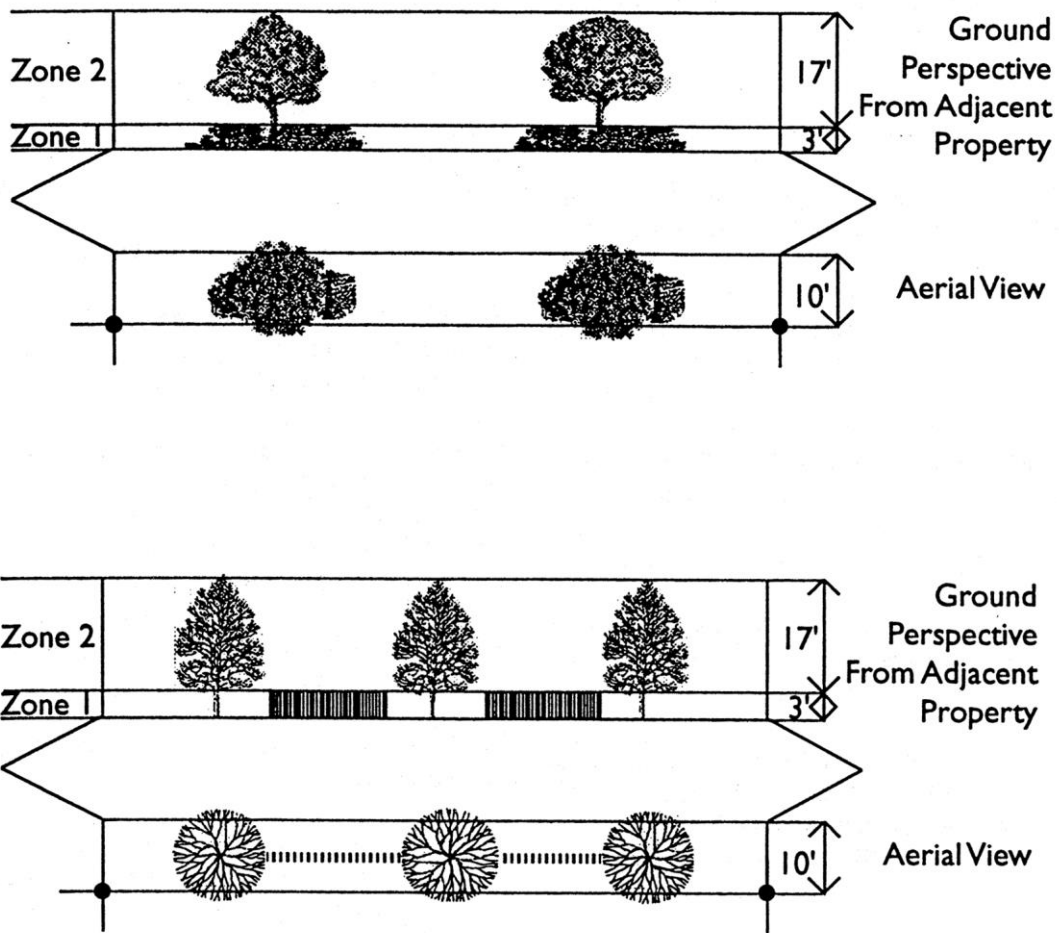


Figure 8.4 Type D Screen Samples

**Sec. 8-4. Required peripheral screening.**

- A. *Between abutting land uses.* The type of landscape screen (A, B, C, or D) required between abutting land uses shall be that screen type indicated in Table 8.1. To determine the required screen, identify the row containing the zoning district of the proposed project (subject zone), and read across that row to the column labeled with the zoning district in which the abutting land uses are located within. The cell at the intersection of the subject-zone row and the appropriate abutting-zone column will contain a letter indicating the screen type required for that combination of land uses.
- B. *Between a proposed use and a public or private street.* Landscape screening between land uses and a public or private street in all zoning districts except the R-1 District, shall be provided as follows:

1. If no parking, loading, or paved areas are visible from the roadway, the equivalent of one canopy or evergreen tree for every 35 linear feet of frontage abutting a public street shall be provided within the front yard. All fractional numbers should be rounded upward.

TABLE 8.1. LANDSCAPE SCREENING MATRIX

		Abutting Zone												
Subject Zone		R-1	R-2	R-3	R-4	MHP	PF	CBD I-G	CBD I-OS	LC	HC	I-1	I-2	
	R-2	D	D	D	D	D	D	D	D	D	D	D	D	D
	R-3	C	C	C	D	D	D	D	D	D	D	D	D	D
	R-4	C	C	C	C	D	D	D	D	D	D	D	D	D
	MHP	C	C	C	C	C	C	D	D	D	D	D	D	D
	PF	D	D	D	D	D	D	D	D	D	D	D	D	D
	CBD-1-G	B	B	B	B	B	B	D	D	D	D	D	D	D
	CBD-1-OS	B	B	B	B	B	B	D	D	D	D	D	D	D
	CBD-2	B	B	B	B	B	B	D	D	D	D	D	D	D
	LC	B	B	B	B	B	B	D	D	D	D	D	D	D
	HC	B	B	B	B	B	B	D	D	D	D	D	D	D
	I-1	A	A	A	A	A	A	A	A	A	C	C	D	D
	I-2	A	A	A	A	A	A	A	A	A	C	C	D	D

Understory trees may be substituted for required canopy trees at a ratio of two understory trees for each canopy tree. However, understory trees may not be substituted for more than 50% of the canopy trees required.

2. If a parking or paved area is visible from the roadway, but there are no loading areas, vehicle storage areas, or significant trucking activities in view from the roadway, a Type-C screen shall be required.
3. If there are loading areas, vehicle storage, or significant trucking activities visible from the roadway, a Type-B screen shall be required to screen these activities, with a Type-C screen being required for any remaining areas.

**Sec. 8-5. Landscaping requirements for on-premises parking areas.**

- A. *Parking lots with 20 or fewer spaces.* Parking lots having 20 or fewer parking spaces shall require no landscaping internal to the parking area.
- B. *Parking lots with 21 to 100 spaces.* Parking lots having 21 to 100 parking spaces shall allocate five percent of the parking area to landscaping.
- C. *Parking lots with more than 100 spaces.* Parking lots having more than 100 parking spaces shall allocate eight percent of the parking area to landscaping.
- D. *Required number of trees.* One canopy tree for every ten parking spaces over 20 shall be required. In cases where it is not possible to allocate sufficient landscape space to support a canopy tree, or where other site limitations make canopy trees impractical (i.e. proximity to overhead lines, or underground utilities.), the planning commission may approve the substitution of trees of lower height.
- E. *Design standards.* Landscaping required for on-premises parking lots shall be provided in accordance with the following design principles:
  1. All required landscaping shall be located within the perimeter of the parking area.

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2. Landscaping shall be dispersed throughout the parking lot, and shall not be located in any other, required landscape screen area.
  3. All landscaped beds which abut a parking lot, or any landscaped area which is internal to a parking lot shall be protected with continuous concrete curbing.
  4. Trees shall be installed in such a manner that shading of parked vehicles is maximized.
  5. Landscaping shall be so arranged so as not to jeopardize security and surveillance.

**Sec. 8-6. General landscaping standards.**

- A. *Areas required to be landscaped for one- or two-family properties.* For single- or two-family residential properties, all land area not covered by buildings or paved surfaces shall be landscaped with lawn or landscape beds. Gardens shall be an exception to this provision.
- B. *Areas required to be landscaped for all uses other than one- or two-family properties.* Other than one- or two-family properties, all land area not covered by buildings or parking surface shall be landscaped in accordance with a landscape site plan submitted to the planning commission. The landscape plan shall indicate what type of ground cover is proposed outside of planting beds. The planning commission may permit areas to be left in a natural state, but only in cases where such areas meet the intent of this article for screening, and when such areas have significant aesthetic or natural value.
- C. *Design standards.*
  1. If plants or shrubs are required as part of a screen involving a fence or wall, such plants and shrubs shall be placed on the less intense side of the wall, or where abutting a roadway they shall be placed on the road side of the fence or wall.
  2. All landscaped areas shall be installed in such a manner so as not to alter drainage patterns either on-premises or on adjacent properties, except in conformance with an approved drainage plan.
  3. All landscaping shall be kept free of all clear-vision areas as defined in this ordinance.
- D. *Landscape area requirements for canopy trees.* A landscaped area of 200 square feet shall be required for an individual canopy tree. This requirement may be reduced to 100 square feet in cases where an irrigation system is to be installed. An additional 50 square feet of landscaped area shall be required for each additional canopy tree where grouped.
- E. *Landscape area requirements for understory trees.* A landscaped area of 100 square feet shall be required for an individual understory tree. This requirement may be reduced to 25 square feet in cases where an irrigation system is to be installed. An additional ten square feet of landscaped area shall be required for each additional understory tree in a group.
- F. *Required tree qualities.* Required trees and other landscape materials to be used near roadways, rights-of-way, or in parking areas shall have the following qualities:
  1. Longevity,
  2. No sap,
  3. Hearty and resistant to motor exhaust fumes and road salt, and
  4. Limited root system.
- G. *Evaluation of screening effects.* Compliance with attainment of required screening effects or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

- H. *Permitted time period to achieve required screen effects.* Where specific screening effects are required, all plant materials shall achieve the horizontal and vertical effects required of this ordinance within four years of initial installation.
- I. *Protection of existing vegetation during construction.* Where existing vegetation on a site is proposed for retention, a highly visible fence shall be erected along the drip-line of canopy trees. In the case of grouped vegetation, five feet from the boundary of the vegetation to be retained.

**Sec. 8-7. Tree and plant species.**

- A. *Recommended tree and plant species.* As identified in section 8-1, one of the intentions of this article is the maintenance of a regional-native-landscape character. This is important because of the unique natural landscape quality that is found in the Hudsonville area. A landscape composition that occurs no where else in the region or even the midwest.

The importance stems from preserving a declining supply of native plants, which so many animals, birds, and insects depend upon for their survival. These species have adapted with a symbiotic relationship that goes back several thousand years. In many cases exotic (non-native) species, do not provide the proper opportunities for food, shelter, and nesting. If native vegetation is lost, the preservation of Hudsonville's fauna is put at risk.

For the above reasons, the following list of plant species is recommended for use in required landscape plantings:

- 1. Canopy trees.

Common Name	Horticultural Name:
Sugar Maple	Acer Saccharum
Beech	Fagus Grandifolia
Yellow Birch	Betula Alleghaniensis
Paper Birch	Betula Papyrifera
White Ash*	Fraxinus Americana
Black Walnut	Juglans Nigra
Ironwood	Ostrya Virginiana
Black Cherry	Prunus Serotina
Choke Cherry	Prunus Virginiana
Swamp White Oak	Quercus Bicolor
Red Oak*	Quercus Rubra
Black Oak*	Quercus Velutina
Basswood*	Tilia Americana
Slippery Elm	Ulmus Rubra
Rock Elm	Ulmus Thomasii
Eastern White Pine	Pinus Strobus

\* Do well as street trees.

- 2. Understory trees.

Common Name	Horticultural Name
Alleghany Serviceberry	Amelanchier Laevis
Eastern Redbud	Cercis Canadensis
Alternate-Leaf Dogwood	Cornus Alternifolia



Hazelnut	Corylus Americana
Downy Hawthorne	Crataegus Mollis
Leatherwood	Dirca Palustris
Creeping Strawberry-Bush	Euonymus Obovata
Blue Ash	Fraxinus Quadrangulata
Sand Cherry	Prunus Pumila
Nannyberry	Viburnum Lentago

3. Shrubs.

Common Name	Horticultural Name
Chokeberry	Aronia Prunifolia
Silky Dogwood	Cornus Ammomum
Red-Twigged Dogwood	Cornus Stolonifera
Witch-Hazel	Hamemelis Virginiana
Winterberry	Ilex Verticilata
Spicebush	Lindera Bezoin
Ninebark	Physocarpus Opulifolius
Swamp Rose	Rosa Palustris
Blackberry	Rubus Alleghensis
Dwarf Raspberry	Rubus Pubescens
Sandbar Willow	Salix Interior
Pussy Willow	Salix Discolor
Common Elder	Sambucus Canadensis
Sassafras	Sassafras Albidum
American Bladdernut	Staphylea Trifolia
Mapleleaf Viburnum	Viburnum Acerifolium
High-Bush Cranberry	Viburnum Trilobum
Common Juniper	Juniperus Communis
Canada Yew	Taxus Canadensis

Cultivars of the plants listed above may also be used as an acceptable substitute.

- B. *Required amount of recommended tree and plant species.* To achieve the maintenance of a regional native landscape a minimum of 60% of all plants included in the landscape portion of a site plan shall be selected from the recommended plant list as identified in subsection A above.
- C. *Maximum amount of any one tree.* No one tree or plant species may make up more than 25% of the total amount of landscape plantings being proposed on the site plan.
- D. *Prohibited trees.* The following trees shall not be permitted in curb lawns, parking areas, or in close proximity to utility lines as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and/or they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species

Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	U. Pumila
Slippery Elm; Red Elm	U. Rubra
Chinese Elm	U. Parvifolia

**Sec. 8-8. Required tree and plant sizes at installation.**

- A. *Minimum sizes at time of installation.*
  1. Canopy trees shall have at least a two-and-a-half-inch caliper.
  2. Understory trees, except ornamental trees, shall have at least a two-inch caliper.
  3. Ornamental trees shall have at least a one-and-a-half-inch caliper.
  4. Evergreen trees shall have at least a five-foot height.
  5. Deciduous shrubs shall have at least a two-foot height.
  6. Upright evergreen shrubs shall have at least a two-foot height.
  7. Spreading evergreen shrubs shall have at least a 24-inch spread.
- B. *Measurement.* The above required heights shall be measured from the ground level to the top of the tree or shrub after installation.

**Sec. 8-9. Berms.**

- A. *Slope ratio.* Berms shall be constructed so as to maintain a side slope not to exceed a one-foot rise to a three-foot run ratio.
- B. *Berm covering.* Berm areas not containing planting beds shall be covered with grass and be maintained in a healthy growing condition.
- C. *Plantings on berms.* When landscaping is to be planted on a berm, emphasis shall be on placing such materials on the side of the berm facing the less intense use, or on the road side of a berm.
- D. *Retaining wall or terrace.* If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

**Sec. 8-10. Screen walls or fences.**

- A. *Materials.* All screen walls and fences shall be constructed with durable, weather-resistant, and easily maintainable materials.
- B. *Compatibility with surroundings.* The color, materials, finishes and forms of all walls shall be compatible with surrounding land uses or structures, as determined by the planning commission.
- C. *Permitted openings in surface.* Except in cases where total opaqueness is required, walls may be constructed with openings that do not exceed 20% of the surface.

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### **Sec. 8-11. Installation and maintenance.**

- A. *Installation of all required landscaping or performance guarantee of same required before occupancy.*
  - 1. If construction is completed during a planting season, no certificate of occupancy shall be issued until the landscaping complies with the requirement of this article of the zoning ordinance.
  - 2. If construction is completed in an off-planting season, a certificate of occupancy shall be issued only after the owner provides a performance guarantee as provided in section 15-16 of this ordinance.
- B. *Standard for maintenance.* All landscaping shall be maintained in a healthy, neat, and orderly state, free from weeds and debris. All grass shall be maintained at a height not to exceed eight inches, unless specifically approved by the planning commission.
- C. *Responsibility for maintenance.* The owner, tenant, or their agent shall be jointly and severally responsible for maintenance.
- D. *Continuing maintenance required.* All required landscaping shall be maintained on a continuing basis. Dead plant materials shall be replaced as necessary to meet the desired effect of the original, landscape plan approval. The zoning administrator shall have the authority to make a determination of ordinance violation with regard to landscaping. If the zoning administrator issues a notice of violation, the owner shall have six months to correct the landscaping violation.

### **Sec. 8-12. Phasing.**

If a project is constructed in phases, the landscape screen may also be constructed in phases. The planning commission shall determine the extent of landscaping required of each phase, based on:

- A. Adjacent land uses;
- B. Distance between land uses;
- C. Operational characteristics, both on- and off-site;
- D. Building heights;
- E. Physical characteristics of the site; and
- F. Percentage of total development which each phase represents.

### **Sec. 8-13. Landscape screening waiver.**

- A. *Factors in considering waiver.* If inspection of the site reveals that adequate landscaping screens already exist on-premises, or site-specific qualities minimize the need for landscaping in specific areas, the planning commission may waive in whole or in part any landscape requirement contained in this article. The following factors shall be evaluated by the planning commission in making any waiver of landscaping requirements:
  - 1. Topography variations,
  - 2. Existence of natural vegetation,
  - 3. Existing and proposed building placement,
  - 4. Adjacent land uses,
  - 5. Existence of floodplain or other non-developable areas,
  - 6. Recommendation of zoning administrator, and

- 
- 7. Meeting the intent of this article of the ordinance.
  - B. *Planning commission obligation.* The planning commission shall not be obligated to make any waiver of landscaping requirements.

## **ARTICLE 9. DRIVEWAY STANDARDS**

### **Sec. 9-1. Purpose.**

- A. Driveways, much like intersecting streets, create points of conflict with through traffic. Thus, driveways can interfere with the intended function of the roadway to move traffic safely and efficiently. The potential impacts generated by driveway traffic are dependent on a number of factors, including the number of vehicles using the driveway, driveway placement and design, the number of lanes in the roadway, and the traffic volumes on the roadway. A driveway serving a large commercial center can be viewed much like a major intersecting street, while a single-family residential driveway has a much less detrimental effect. To reduce the negative impacts created by driveway operations, the standards outlined in this ordinance are intended to:
  - 1. Identify driveway design criteria that promote safe and efficient ingress and egress at driveways;
  - 2. Reduce the number of driveways, increase the spacing between driveways and between driveways and intersections, and reduce the number of poorly aligned driveways;
  - 3. Reduce the frequency of conflicts or the area of conflict at some or all driveways by limiting or preventing certain maneuvers;
  - 4. Reduce both the frequency and severity of conflicts by providing separate paths and storage areas for turning vehicles and queues;
  - 5. Acknowledge that substantial public funds have been invested to develop a network to move traffic safely and efficiently; and
  - 6. Recognize that property owners have an inherent right to access public roadways, although reasonable access may be indirect in some instances;
- B. The following standards provide basic principles for access design and control on arterial and major collector roadways. The standards will address most design concerns. Engineering judgment, however, will be required on a case-by-case basis when special circumstances arise.

### **Sec. 9-2. Definitions.**

- A. General definitions. Words used in this article and contained in this section shall have the meanings as defined in this section.

*Applicant:* The property owner or the property owner's authorized legal agent who is applying for a permit to connect a driveway as defined by Section 1 of Act 200 of the Public Acts of 1969, as amended.

*Arterial and major collector roadways:* Those roadways that are defined as such in the City of Hudsonville's Master Plan, as amended. (See Figure 9.1)

*Buffer area (curb lawn):* An area of the public right-of-way that is adjacent to a roadway and serves as a physical barrier to vehicular travel between road traffic and activity on the private property.

*Circle driveway:* A private drive, one-way driveway which enters and leaves private property at two points within the same frontage.

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*Clear vision area:* Land acquired or used by and in accordance with standard practices of the agency having jurisdiction over the road for the purpose of maintaining unobstructed vision.

*Commercial driveway:* A driveway serving a commercial establishment, industry, government or educational institution, hospital, church, multifamily residential building, mobile home park, and all other facilities not included in the definitions for residential, field or utility structure driveways.

*Controlled access:* A road right-of-way in which owners or occupants of abutting lands, and other persons, have no legal right to access those abutting lands except at such point only, and in such manner as determined by the city.

*Directional driveway:* A driveway system designed so that traffic leaving the road is separated from and does not conflict with traffic entering the road. (Turning movements into and from the property is restricted.)

*Divided driveway:* A driveway so designed that traffic entering the driveway is separated by a traffic island from the traffic leaving the driveway.

*Driveway offset:* The minimum distance between two commercial driveways on the opposite sides of the roadway.

*Field driveway:* Any driveway serving a farm yard, cultivated or uncultivated field, timberland or undeveloped land not used for industrial, commercial or residential purposes or any temporary driveway serving such properties which may be used for industrial, commercial or residential purposes provided such temporary driveway has been approved by the planning commission. In determining whether to approve a temporary driveway, the planning commission shall consider whether such temporary driveway will be used in connection with a permitted use of the property it will serve and whether such temporary driveway and the related use will have a negative adverse effect on adjoining property owners. Temporary as used in this definition shall be a period no longer than five consecutive one-year periods as approved by the planning commission followed by a minimum period of non-use equal to the preceding period of use.

*Frontage:* The private lot line that abuts the road right(s)-of-way.

*Intersection sight distance:* The distance that an oncoming vehicle is visible to a driver stopped at a crossroad or driveway.

*Owner's engineer:* The professional engineer registered in the State of Michigan who is employed by the property owner to prepare plans and supervise construction.

*Property owner:* A person, firm, association, partnership, corporation, or combination of any of these, or any other party having an interest in the land involved.

*Residential driveway:* A driveway serving a private single-family or two-family dwelling.

*Right-of-way frontage:* That portion of the road right-of-way that abuts the frontage of a parcel.

*Right-of-way line:* The boundary between private property and the public lands under the legal control of the agency having jurisdiction over a road.

*Temporary approach:* A point of access that will be used for a particular purpose for a specified short period of time, not to exceed one year. After said period of time, either a permanent approach permit must be acquired and the approach built, or the approach must be removed and the right-of-way restored to its original condition.

*Utility structure driveway:* Any driveway serving a structure or utility installation, such as a pump house or substation, which operates automatically and requires only occasional access.

B. Design definitions. The letter designations (in parentheses) in the following definitions are also used in the design dimension figures illustrated in section 9-4.

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*Intersection angle (A):* The clockwise angle from the road edge of pavement or road center line, if unpaved, to the driveway reference line, which is the edge or center line of the driveway.

*Driveway width (B):* The distance between driveway edges of pavement (or edges of the gravel surface, if applicable), measured at the point where the edges of the driveway become parallel.

*Entering radius (C):* The radius of the driveway-edge curve on the right side of a vehicle entering the applicant's property.

*Exiting radius (D):* The radius of the driveway-edge curve on the right side of a vehicle exiting the applicant's property.

*Curb ending (E):* The length of the height transition of the driveway curb from ground level to full curb height along an uncurbed road.

*Right-turn lane length (F):* The length of auxiliary lane (deceleration lane) preceding the driveway to accommodate traffic entering the applicant's property, not including taper.

*Right-turn lane width (G):* The width of the auxiliary lane measured from the edge of the adjacent through lane to the outside edge of the pavement.

*Entering taper (H):* The length of the diagonal pavement widening preceding the driveway or right-turn lane.

*Exiting taper (I):* The length of the diagonal pavement widening following the driveway.

*Entrance drive width (K):* The width of the portion of a divided or a directional driveway which has been designated or intended for the use of a vehicle entering the applicant's property.

*Island width (M):* The edge-to-edge distance between the entrance drive and exit drive.

*Island length (N):* The distance between the most extreme end points of the island, measured parallel to the entrance drive.

*Nose offset (P):* The distance between the edge of the through lane pavement and the median island of a divided or a directional driveway.

*Curb cut (R):* The length of the opening along the road curb for a straight-sided (90°) driveway.

*Passing-lane approach length (S):* The length of the auxiliary lane constructed on the opposite side of the road preceding the driveway to accommodate through traffic passing the left-turn traffic entering the applicant's property.

*Passing-lane departing length (T):* The length of the auxiliary lane constructed on the opposite side of the road following the driveway to accommodate through traffic passing the left-turn traffic entering the applicant's property.

*Passing lane width (U):* The width of the auxiliary passing lane, measured from the outside edge of the normal through lane to the outside edge of the passing lane.

*Passing lane approaching taper (V):* The length of the diagonal pavement widening preceding the passing lane.

*Passing lane departing taper (W):* The length of the diagonal pavement widening following the passing lane.  
(Amend. of 8-97)

### **Sec. 9-3. Driveway/curb-cut permit required.**

The construction of any new driveway or the creation of any new curb-cut shall require that a permit be obtained from the zoning administrator.

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When a curb cut permit is issued, existing curb cuts that are no longer in use shall be filled in with curb and gutter pursuant to city standards. Curb and gutter shall be installed together as one unit.

The zoning administrator may waive or vary this curbing requirement where unique circumstances exist.  
(Ord. No. 98-208, § 1, 10-13-98)

#### **Sec. 9-4. Driveway location standards.**

- A. *Purpose.* Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Locating a driveway away from the operational area of a signalized intersection decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Adequate spacing between driveways and unsignalized roadways or other driveways can reduce confusion. Inadequate spacing requires drivers to watch for ingress and egress traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.
- B. *Commercial driveways.*
1. Driveways shall be located so as to limit undue interference with the free movement of road traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
  2. Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and/or when the city has determined that such encroachment is necessary to preserve safe roadway conditions.
  3. Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.
  4. Minimum spacing requirements between a proposed driveway and an adjacent intersection shall be those listed in Tables 9.1 and 9.2. Spacing requirements will vary depending upon the roadway classification (see Figure 9.1) and intersection control. The spacing measurements in Table 9.1 and Table 9.2 are from the center line of the proposed driveway to the near right-of-way line of the intersecting street.
  5. In those cases where an intersection setback for a driveway cannot be met, the planning commission may require that the drive be constructed on an alternative street, or be provided through a shared driveway which meets the applicable intersection setback. Where no other alternatives exist, the planning commission may allow construction of the drive along the lot line farthest from the intersection.
  6. Driveway spacing requirements (distance between two driveways) shall be determined based upon posted speed limits. The driveway spacing indicated in Table 9.3 are measured from center line to center line. The planning commission may reduce the spacing distance requirements in Table 9.3, but in no case will the spacing be less than 80% of those figures.
  7. For lots or parcels existing prior to the adoption of this ordinance, one driveway may be permitted for each separately owned parcel with less than 100 feet of frontage, provided that the parcel is wide enough for the minimum driveway width, plus the required radii. Where parcel size is insufficient, a shared driveway or other means of access may be required.

ATTACHMENT II  
Figure 9-1

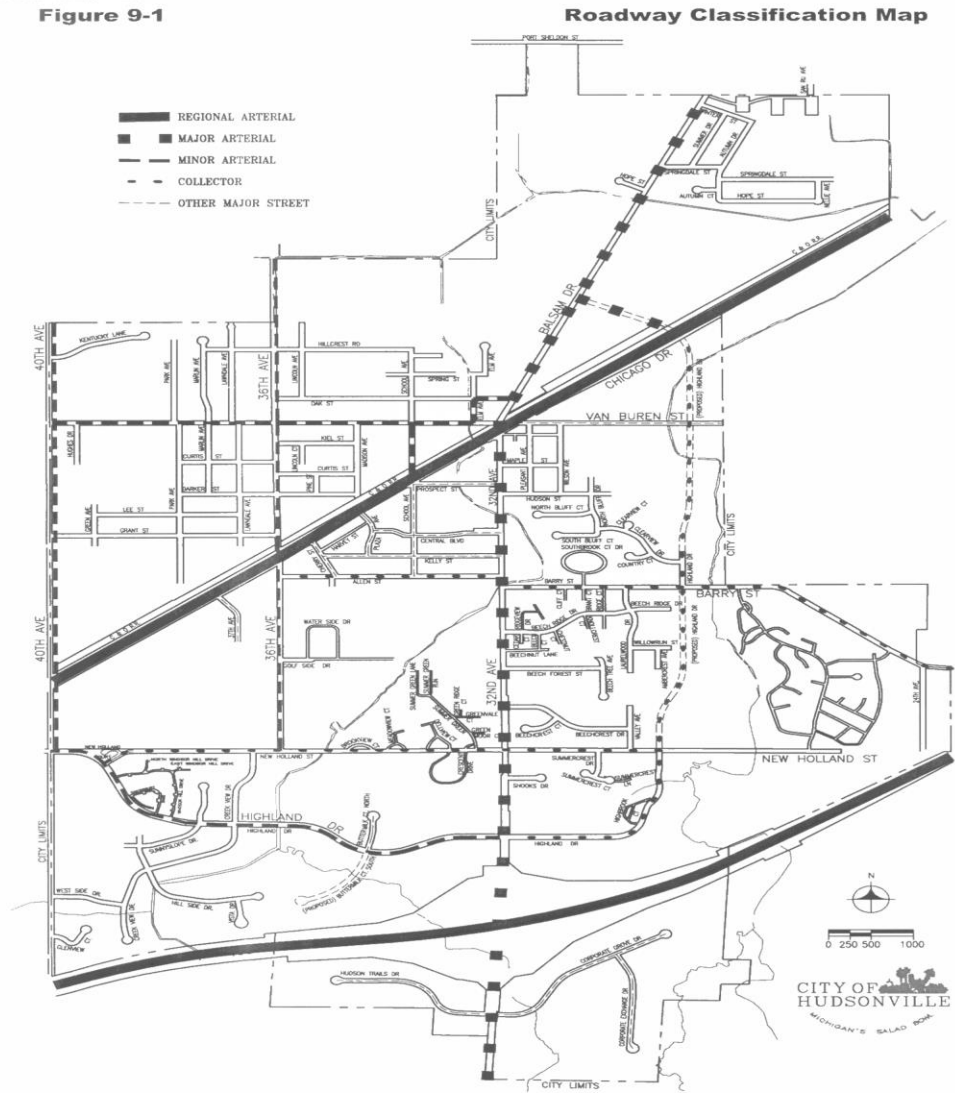


Figure 9.1 Roadway Classification Map

TABLE 9.1. MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG REGIONAL ARTERIALS

Intersecting Street Classification	Minimum Distance To Full-Movement Driveway	Minimum Distance to Channelized Driveway (Right In, Right Out)
Arterial	250 feet	100 feet
Signalized Non-Arterial	125 Feet	75 feet
Other Street	100 feet	75 feet



TABLE 9.2. MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG OTHER THAN REGIONAL ARTERIALS

Roadway Classification	Minimum Distance To Full-Movement Driveway	Minimum Distance to Channelized Driveway (Right In, Right Out)
Arterial	200 feet	100 feet
Signalized Non-Arterial	100 feet	75 feet
Other Street	75 feet	75 feet

8. Additional driveways may be permitted for commercial property as follows:
  - a. One additional driveway may be allowed for a site with continuous frontage of 300 feet or more if no other access opportunities are available; or
  - b. Two additional driveways may be allowed for a site with continuous frontage of 600 feet or more if no other access opportunities are available.
9. Additional access such as that outlined above may be allowed if the applicant provides justification based upon standard traffic engineering criteria that encompass analyses of trip generation, distribution, and level of service. The city has the final decision regardless of conclusions drawn from these analyses.
10. Two commercial driveways may be permitted, in lieu of the above, to serve as a one-way circle drive if the frontage is 125 feet or more.

TABLE 9.3. DRIVEWAY SPACING REQUIREMENTS

Posted Speed (MPH)	Driveway Spacing (In Feet)
25	145
30	185
35	245
40	300
45	350

11. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of 150 feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected, inbound left-turn volumes of the driveways.
12. In the case of expansion, alteration or redesign of an existing development, where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the city may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than 70 feet (center line to center line).
13. Adjacent property owners may, and are encouraged to, consolidate their driveways by using either a joint driveway system or a frontage road. All frontage roads are to be placed on private property outside of the right-of-way. Easements from participating property owners must be submitted to the city.
14. Requirements for minimum, corner or intersection sight distance for all road approaches shall be in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1984, as

amended. Where special circumstances are present (frontage limitations, etc.), the minimum sight distances may be reduced to those shown in Table 9.4.

Intersection sight distance will be measured 15 feet from the edge of pavement on paved roads. The eye height will be assumed to be 3.5 feet and the object height will be 3.5 feet if the above-reduced values are used.

TABLE 9.4. MINIMUM INTERSECT OR CORNER SIGHT DISTANCES UNDER SPECIAL CIRCUMSTANCES

Posted Speed (MPH)	Driveway Spacing (In Feet)
25	145
30	185
35	245
40	300
45	350

15. All traffic signage and pavement markings at the proposed commercial driveway shall conform to the current Michigan Manual of Uniform Traffic Control Devices.

C. *Residential, utility, and field driveways.*

1. One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than 100 feet of frontage.
2. One additional residential driveway may be permitted along a local street for residential property with more than 120 feet of frontage.
3. In lieu of the above, two residential driveways may be permitted on the same property to serve as a one-way circle driveway if the frontage of the property is 100 feet or more along a local street.
4. Field entrance and utility structure driveways will be reviewed on a case-by-case basis. The city review will take into the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
5. Residential driveways shall be setback a minimum distance of 25 feet from any street intersection, measured from the closest point of the driveway approach to the closest right-of-way line of the intersecting street.

(Ord. No. 3-242, § 2, 8-12-03)

**Sec. 9-5. Design standards.**

The design features described herein and the tables with their appropriate illustration of various driveway features, as shown in Figures 9.2 through 9.12, shall be used by the applicant in designing proposed driveways or driveway systems. These standard dimensions shall be used, unless the city determines that conditions require a deviation or the applicant can demonstrate cause for deviation. The city reserves the right to determine whether this deviation shall be granted. In addition, based upon anticipated traffic volumes on the driveway(s) and the roadway, type of traffic to use the driveway, type of development, and other safety and operational considerations, the city may request changes or specify particular dimensions to ensure safe operations. Design dimensions for widths in the following figures are from edge of pavement to edge of pavement. They do not include curb or gutter.

A. *Commercial driveways.*

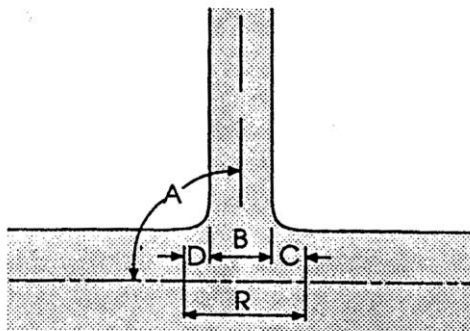
1. All commercial driveways shall be paved in their entirety, using either concrete or asphalt.

- 
2. All commercial driveways shall be constructed with concrete curb and gutter along the entire required-entry and exit radii for the driveway.
  3. Two-way, undivided commercial driveways shall be designed to accommodate at least one lane of traffic in each direction. The dimensions of a two-way commercial driveway shall conform to those given in Figure 9.2.
  4. A divided commercial driveway shall have a curbed island (with concrete curb and gutter), separating the entrance drive and exit drive. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be 180 square feet. Figure 9.3 illustrates the required dimensions for a divided commercial driveway.
  5. The applicant is strongly encouraged to consider the benefits of auxiliary right-turn deceleration lanes and left-turn passing lanes. These additional lanes, located at the driveway, will enhance the accessibility, safety and image of the proposed development. Traffic volumes may warrant the prohibition of left-turns at driveways on two-way two-lane roads without passing lanes.
    - a. Figure 9.4 shows when the left-turn prohibition is warranted. The dimensions of left-turn passing lanes is illustrated in Figure 9.5.
    - b. Figure 9.7 shows when a right-turn deceleration lane and/or taper is warranted. Figure 9.6 illustrates the dimensions of right-turn deceleration lanes and tapers.
  6. Under certain special conditions, a proposed driveway may fall within or be adjacent to a roadway width transition area (i.e. 2 lanes to 3 lanes). The city, in this case, may require the commercial right-turn lane and tapers and passing lane specified under subsection 5 above to be built in accordance with Figure 9.8. This configuration shall not be used unless specifically approved by the city, and will normally be specified under the following conditions:
    - a. The centerline of the proposed driveway is located within 250 feet of the end of the taper to the widening at a main road (mile type) intersection.
    - b. The main road intersection is painted for (or expected to be painted for) three-lane operation.
    - c. The main road is 40 feet or less in width.
    - d. Based upon warrants discussed in section 9-5.A.5, a standard right-turn lane and a passing lane would be required to serve the driveway turning movements.
  7. The dimensions of one-way commercial driveway systems shall conform to those given in Figure 9.9.
  8. Directional commercial driveways are considered to be special cases, and each such driveway shall be designed individually. Directional driveways shall be designed to facilitate the desired turning movements and to discourage prohibited movement. Radii shall be, as approved by the city, based on the intersecting angle and the turning path of the largest vehicle that will normally use the driveway. Standard dimensions for a right-turn-in/right-turn-out-only driveway are shown in Figure 9.10.
  9. Clear vision areas (triangular in shape) shall be maintained on both sides of all commercial drives. A clear vision area shall be determined using the following three points:
    - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and

- 
- b. Two points, 25 feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.

B. *Residential, utility, and field driveways.*

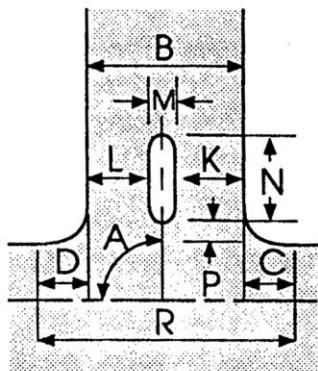
1. All residential and utility driveways shall be paved in their entirety, using either concrete or asphalt.
2. Field driveways shall only be required to be paved from the roadway edge of pavement to the roadway right-of-way line.
3. All residential, utility, and field driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway if this portion of the driveway is to be paved with asphalt. Concrete curb and gutter shall not be required if this portion of the driveway is to be paved with concrete.
4. The dimensions of a residential driveway shall conform to those given in Figure 9.11.
5. Field entrances may be permitted for cultivated land, timber land, or undeveloped land. The dimensions of a field entrance and of a utility structure driveway shall conform to those given in Figure 9.12.
6. Clear vision areas (triangular in shape) shall be maintained on both sides of all residential, utility, and field drives. A clear vision area shall be determined using the following three points:
  - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
  - b. Two points, 15 feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.



Design Features	Standard	Range
Intersecting Angle	A	90°
Driveway Width	B	25' to 39'
Entering Radius	C	25' to 40'
Exiting Radius	D	20' to 35'
Total Opening	R	75'
B+C+D		70' to 114'

39 feet for driveways with one inbound lane and two outbound lanes. 34 feet for two-lane driveways projected to experience high truck volumes.

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

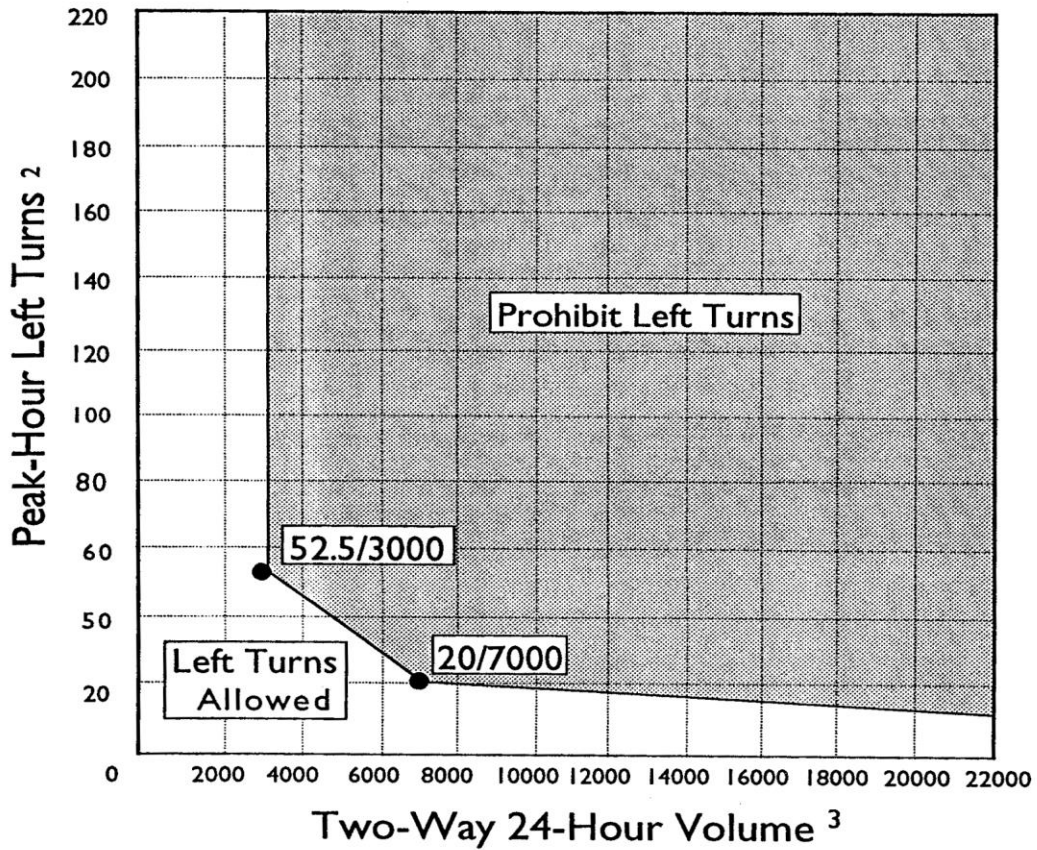


Design Features	Standard	Range
Intersecting Angle	A	90°
Driveway Width	B	48'
Entering Radius	C	25' to 40'
Exiting Radius	D	20' to 35'
Entrance Drive Width	K	16'
Exit Drive Width	L	22'
Island Width	M	10'
Island Length	N	35'
Nose Offset	P	12'
Total Opening	R	93'
B+C+D		71' to 142'

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

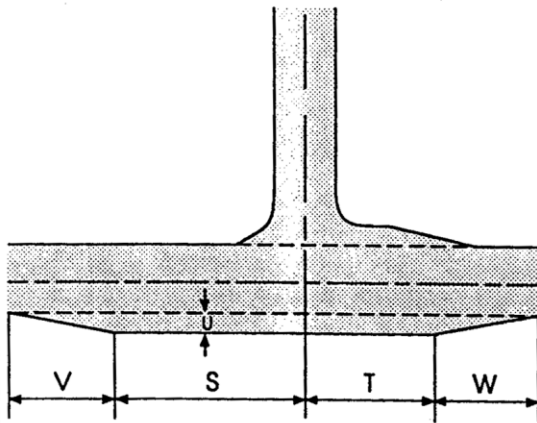
Figure 9-2 Two-Way Commercial Dimensions

Figure 9-3 Divided Commercial Driveways



1. Where conditions indicate that left-turn ingress should be prohibited, the applicant will have the option of constructing a by-pass lane or designing the driveway to prohibit inbound left turns.
2. Left-turn volume into driveway based on total development trip generation and distribution analyses.
3. Based upon existing traffic volume data.

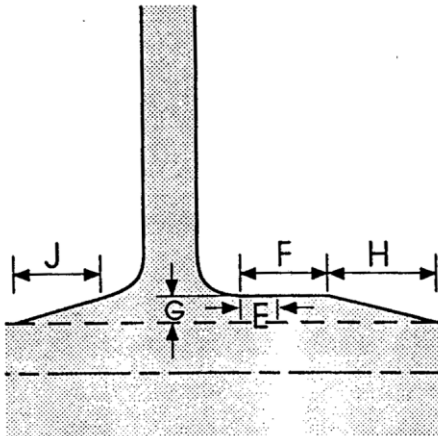
Figure 9-4 Warrant for Permitting Inbound Left Turns



Design Features		Standard	Range
Approaching Taper	V	150'	100' to 150'
Departing Taper	W	150'	100' to 150'
Approaching Lane Length	S	150'	100' to 200'
Departing Lane Length	T	100'	50' to 100'
Passing Lane Width	U	12'	11' to 13'

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

Figure 9-5 Passing Lane

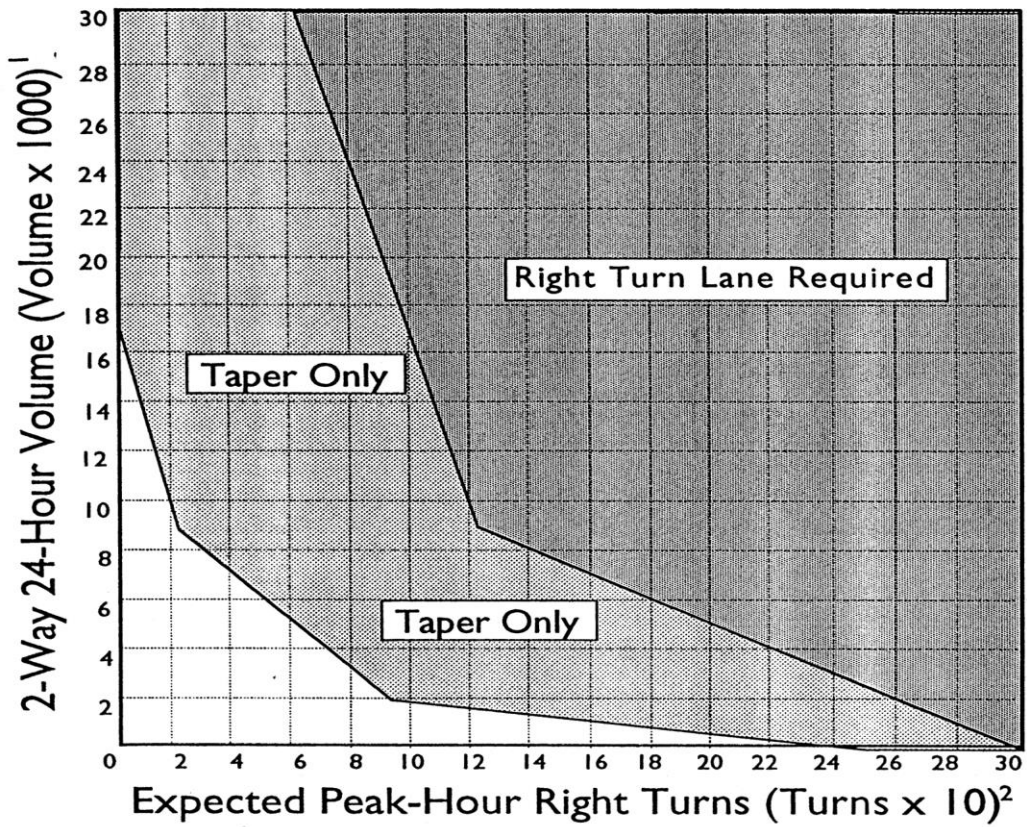


Design Features		Curbed Road		Uncurbed Road	
		Std.	Range	Std.	Range
Curb Ending	E	NA	NA	10'	None
Right-turn Lane Length <sup>1</sup>	F	25' 80'	0' to 150'	25' 80'	0' to 150'
Right-turn Lane Width	G	12'	11' to 14'	12'	11' to 14'
Entering Taper	H	100'	75' to 150'	100'	75' to 150'
Exiting Taper	J	0'	0' to 50'	50'	50' to 100'

Right-turn lane length is based upon posted speed limit - standard length of 25 feet for less than or equal to 30 MPH, 80 feet for speed limits over 30 MPH.

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

Figure 9-6 Commercial Right-Turn Lane and Taper



Based upon traffic volume data within the past year.

Based on recognized trip generation and distribution analyses.

Figure 9-7 Warrants for Right-Turn Deceleration Lane or Taper



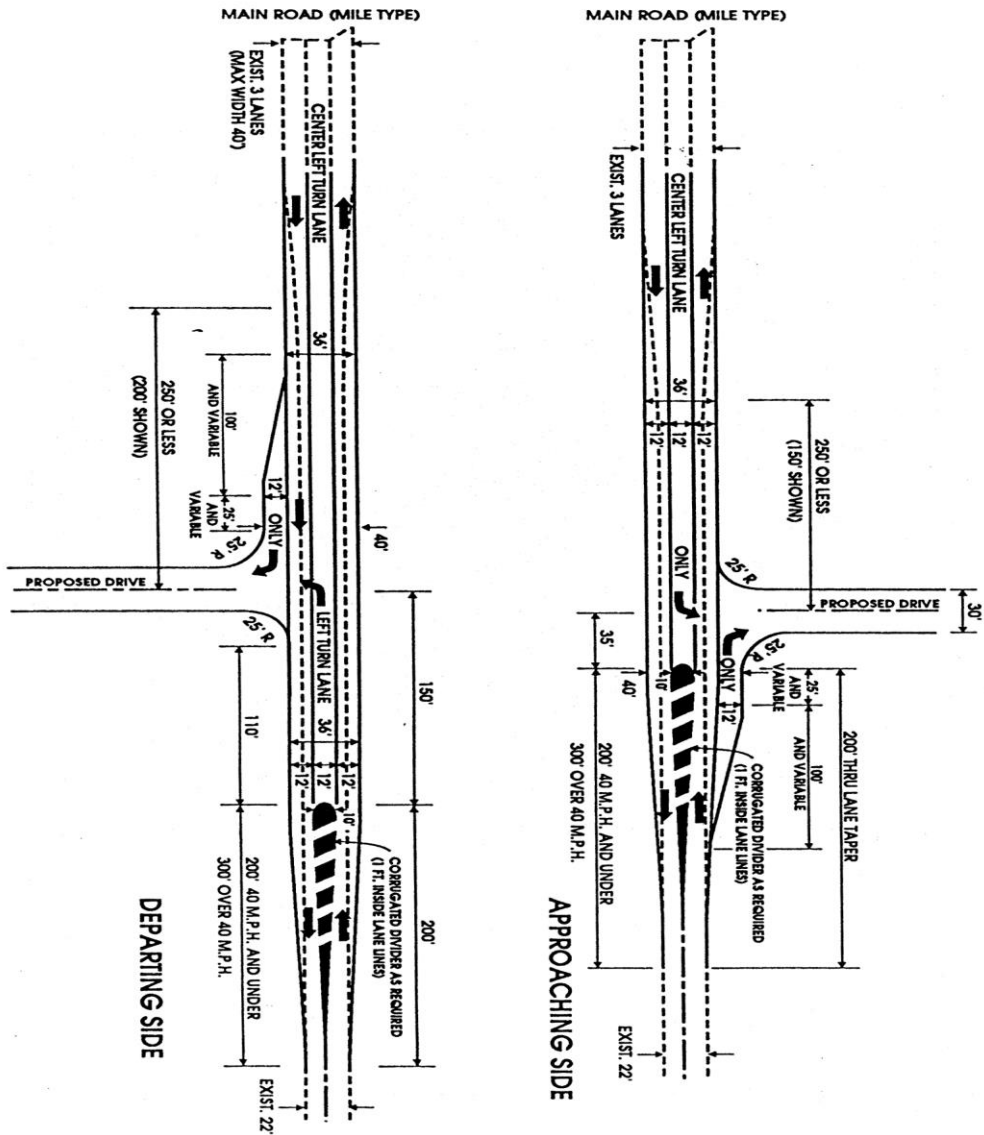
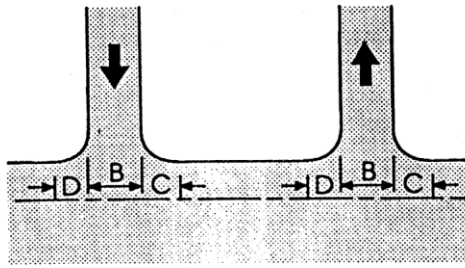


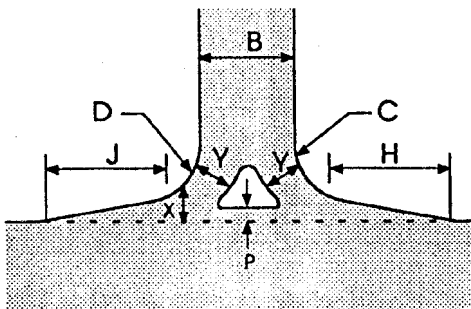
Figure 9-8 Approaching and Departing Driveway Standards



Design Features		Standard	Range
Intersecting Angle	A	90°	70° to 110°
Driveway Width	B	16'	16' to 25'
One-way In			
-Entering Radius	C	20'	20' to 35'
-Exiting Radius	D	5'	5' to 10'
One-way Out			
-Entering Radius	C	5'	5' to 10'
-Exiting Radius	D	20'	10' to 30'

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

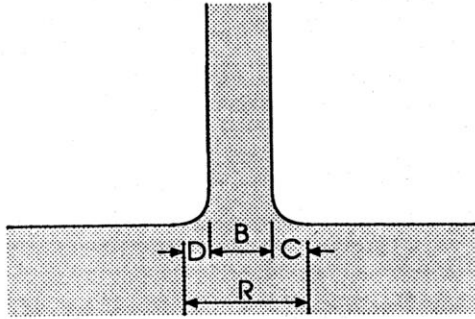
Figure 9-9 One-Way Commercial Driveways



Design Features		Standard	Range
Driveway Width	B	30'	25' to 30'
Entering Radius	C	30'	25' to 40'
Exiting Radius	D	30'	25' to 35'
Entering Taper	H	75'	50' to 100'
Exiting Taper	J	75'	50' to 100'
Nose Offset	P	4'	4' to 10'
Taper Offset	X	12'	12'
Entering/Exiting Lane Width	Y	15'	14' to 18'

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

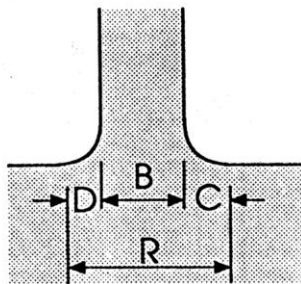
Figure 9-10 Directional Driveways



Design Features		Standard	Range
Intersecting Angle	A	90°	70° to 110°
Driveway Width	B	16'	10' to 25'
Entering Radius	C	10'	5' to 15'
Exiting Radius	D	10'	5' to 15'
Total Opening	R	36'	20' to 55'
B+C+D			

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

Figure 9-11 Residential Driveways



Design Features		Standard	Range
Intersecting Angle	A	90°	70° to 110°
Driveway Width	B	16'	12' to 35'
Entering Radius	C	10'	5' to 35'
Exiting Radius	D	10'	5' to 35'
Total Opening	R	36'	22' to 105'
B+C+D			

Note: The standard dimension shall be used unless the city specifies or the applicant demonstrates technical justification for a different value. The range in dimensions indicates the working values for each design feature.

Figure 9-12 Field entrance and Utility Structure Driveways

## ARTICLE 10. PRIVATE STREET STANDARDS FOR RESIDENTIAL DEVELOPMENTS

### Sec. 10-1. Purpose.

It is the purpose of this article to provide an opportunity for the construction of private streets under specific circumstances in residential developments. Private streets shall not be permitted within non-residential developments.

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## **Sec. 10-2. Eligibility for private street construction.**

- A. *Residential developments.* Private streets may be permitted in residential developments (including residential portions of planned unit developments and site condominium subdivisions) in conformity with the regulations of this article. The private street standards contained in this article shall be applicable to all residential planned unit developments.
- B. *Traffic volume restrictions.* The approval or construction of proposed private streets shall not be permitted if such streets are projected to reach an average, daily traffic volume of 1,000 vehicles per day or more for any portion of the road, at any point in the future. All proposed roads which are projected to reach an average, daily traffic volume of 1,000 or more vehicles shall be dedicated to the city and built to public road standards.

## **Sec. 10-3. Approval required.**

No private street may be constructed, extended, or otherwise improved without the approval of the planning commission.

A permit shall be required from the zoning administrator prior to the start of any construction related to private streets.

## **Sec. 10-4. Application submittal.**

Application for a private street construction permit shall be made by submission of the following to the zoning administrator:

- A. *Application form.* A completed application form, supplied by the city, containing the names and addresses of the owners and any other parties having any legal interest in the private street which is to be constructed, or the properties across such street.
- B. *Identification of involved properties.* Identification by parcel number of all properties having any legal interest in the private street shall be included in the application.
- C. *Planned map.* A map, drawn to scale, prepared by a registered engineer or surveyor, showing the precise location, route, dimension and design of the private street shall be included in the application. The map shall identify existing and proposed elevation contours within all areas to be disturbed or altered by the construction of the private street.
- D. *Location of utilities.* The location of all public or private utilities to be located within the private street right-of-way or easement, or within 20 feet thereof, including, but not limited to, water, sewer, storm, telephone, gas, electricity, and cable television shall be included in the application.
- E. *Location of streams, drainageways and wetlands.* The location of any streams, drainageways, or wetlands, as determined by the Michigan Department of Natural Resources, within the proposed private street right-of-way or easement or within 100 feet thereof shall be included in the application.
- F. *Maintenance agreement or covenant.* A copy of a recorded maintenance agreement or restrictive covenant which provides for the continued maintenance and repair, and the financing thereof, of the private street by the parties in interest shall be included in the application. Such agreement or covenant shall comply with the requirements of this section.
- G. *Application fee.* An application fee, established by the Hudsonville City Commission shall be included in the application.

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## **Sec. 10-5. Construction standards.**

All private-street construction shall comply with the following standards and requirements:

- A. *Maximum grade.* The grade of a private street shall not exceed eight percent, with the exception that the private street shall have a maximum grade of three percent for a minimum distance of 30 feet from its intersection with a public right-of-way or another private street.
- B. *Minimum grade.* The minimum grade for a private street shall be 0.6 percent.
- C. *Minimum setback from adjoining lots.* The improved surface of a private street shall be a minimum of 20 feet from any adjoining lot or parcel which does not derive access from the easement or private street.
- D. *Surface and base requirements.* Private streets shall have an improved surface of two inches of bituminous aggregate which is at least 24 feet in width, with a minimum of six inches of aggregate base meeting Michigan Department of Transportation Specification 22A.
- E. *Cul-de-sac length restrictions.* A private cul-de-sac shall not exceed 800 feet in length. However, the planning commission may permit a cul-de-sac up to 1,320 feet (¼ mile) in cases where such a cul-de-sac would serve four or fewer dwelling units. The length of a private cul-de-sac shall be measured along its center line, from its intersection with either the centerline of a public street, or the centerline of a private street that has more than one outlet to a public street, to the terminal end of the private cul-de-sac.
- F. *Turn-around provision* A private street shall be provided with a means for turn-around of vehicles, either by use of a cul-de-sac having an improved surface as required for the associated street surface and having a minimum outside radius of 40 feet, or by use of a continuous-loop street layout.
- G. *Repair of damaged areas.* All areas disturbed by the construction of the private street shall be provided with topsoil, seeded with perennial grass, and protected against erosion.

## **Sec. 10-6. Easements required for private-street construction.**

Whenever a private street shall be approved, the city may require easements as necessary for the provision of essential services.

## **Sec. 10-7. Maintenance.**

Provision shall be made to ensure the continued repair and maintenance of the private street, and financing of the costs thereof by those property owners benefiting from the private street. Ongoing maintenance issues to be addressed shall include the physical condition of the roadway and associated utilities, proper functioning of all associated drainage systems, and timely snow removal.

The above shall be accomplished through use of a recorded agreement between the parties of interest to the private street, or through a restrictive covenant which shall run with the land. A copy of said agreement or restrictive covenant shall be provided to the zoning administrator prior to issuance of a permit for construction of the private street.

## **Sec. 10-8. Lot subdivision on private streets.**

Lots may be created with frontage on private streets, provided that the lots conform to all requirements of the zoning district where the land is located, and further, that the lots shall not be created until an easement agreement for the private street is executed in full compliance with this article.

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**Sec. 10-9. Issuance of building permits for buildings on lots having access to a private street.**

No building permit shall be issued for the construction of a dwelling unit, or other principal building to which access is provided by a private street, unless all of the following conditions are met:

- A. *Approval and permit.* The private street has been approved by the planning commission and a permit for its construction has been issued by the zoning administrator.
- B. *Compliance to regulations.* The design and construction of the private street complies with all regulations contained in this article.
- C. *Completion or assurance thereof.* The private street has either been completed to the satisfaction of the zoning administrator, or a financial guarantee in an amount equal to 1½ times the cost of the construction and in a form acceptable to the zoning administrator has been provided. The financial guarantee shall insure the completion of the private street in accordance with the approved permit and plans within one year from the date of issuance of the building permit for the private street.

**ARTICLE 11. PLANNED UNIT DEVELOPMENTS**

**Sec. 11-1. Description and purpose.**

- A. *Rationale.* The use, area, height, bulk, and placement of district regulations of this ordinance are primarily applicable to the usual situation of one principal use or building on a lot. This traditional zoning approach with its rigid controls have now been recognized as being inappropriate to many medium- and large-scale developments. This traditional approach in many instances actually serves the interest of public health, safety, and welfare less than an approach which allows more flexibility and innovation in design.
- B. *Purpose.*
  - 1. It is the purpose of this section to provide developers and the city with a zoning process intended for the following purposes:
    - a. To promote flexibility and creativity in land use planning and design;
    - b. To encourage the use of land in accordance with its character and adaptability;
    - c. To promote the conservation of natural features and resources;
    - d. To promote development substantially consistent with that of the underlying zoning district and the master plan;
    - e. To promote and ensure greater compatibility of design and use between neighboring properties;
    - f. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city; and
    - g. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
  - 2. It is expressly not the intent of this section to use planned unit development principally as means of circumventing the ordinance with respect to underlying zoning district regulations.

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### **Sec. 11-2. Establishment of a Planned Unit Development District.**

- A. *Establishment by special use permit.* A planned unit development shall be established by special use permit as provided in article 13 of this ordinance. Rezoning is not required.
- B. *Review by planning commission.* The planning commission shall have the responsibility to review and approve all planned unit development applications.
- C. *Eligibility in all zoning districts.* A landowner may seek approval for a PUD in any zoning district subject to meeting the regulations contained in this section.
- D. *Continuing applicability of approved planned-unit-development regulations.* The location of all uses, buildings, and all mixtures thereof, all setbacks, and all other information or regulations regarding uses of properties as shown on the PUD site plan, or submitted in textual form therewith, once approved, shall represent the zoning regulations for the PUD site and shall have the full force of the zoning ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof, and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this section. A parcel of land that has been approved as a PUD shall not thereafter be developed or used except in accordance with the approved site plan, plat, or other regulations approved as part of the PUD approval.

### **Sec. 11-3. Permitted uses.**

- A. Uses permitted within a planned unit development include the following:
  - 1. All uses permitted by right in the zoning district for which the PUD is proposed;
  - 2. All uses permitted by special use permit in the zoning district for which the PUD is proposed, subject to approval by the planning commission in accordance with the regulations contained in article 13 of this ordinance;
  - 3. Other uses subject to approval by the planning commission.
- B. The planning commission shall make a determination of what other uses may be permitted based on the following criteria:
  - 1. Degree to which proposed uses are consistent with the master plan designation and underlying zoning district (Those uses permitted by right in the underlying zoning district should be predominate among the proposed PUD uses.);
  - 2. Compatibility of uses proposed for the PUD;
  - 3. Compatibility of the PUD with surrounding development; and
  - 4. Assessment of need for the proposed uses.

### **Sec. 11-4. General regulations.**

- A. *Applicable regulations.* All buildings and uses proposed for a planned unit development shall meet the zoning regulations for the zoning district in which it is located, unless alternative uses or standards are specifically included in the planned unit development plan and are approved, subject to the regulations in this section of the ordinance.
- B. *Construction.* Until the requirements of this section are met, no construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued therefor, on a lot or parcel for which a PUD classification is being sought.

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- C. *Performance guarantee.* The planning commission at their option may require a performance bond, letter of credit, or similar security measure to ensure completion of the public improvement portions of the proposed PUD plan.
  - D. *Consistency with master plan.* All proposed PUD's shall be consistent with the intent of the City of Hudsonville Master Plan, as amended, for the site proposed.
  - E. *Compliance with other statutes and ordinances.* All planned unit developments which involve the subdivision and platting of land shall, if applicable, comply with all state and local statutes and ordinances governing the subdivision of land, to include Michigan Acts 288 of 1967, as amended, Act 59 of 1978, as amended, and Chapter 21 "Subdivisions" of the City of Hudsonville Code of Ordinances.

## **Sec. 11-5. Development regulations.**

- A. *Minimum size.*
  - 1. Residential and commercial PUD's in all districts, except CBD Districts, shall be at least five acres.
  - 2. Commercial PUD's in CBD Districts shall have no minimum size.
  - 3. Industrial PUD's in all industrial districts shall have at least 20 acres.
- B. *Public access.* Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly via a private-approach street, pedestrian way, court, or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road.
- C. *Streets.* The planned unit development shall contain sufficient road improvements to provide vehicular access to all areas of the site. All roads shall be constructed to city standard for either public or private streets. Where a site involves land needed for a planned or platted future public road, such road shall be proposed as a public road.
- D. *Definite benefit.* The planned unit development must result in a definite benefit to residents of the City of Hudsonville, and the PUD's users, which would not be present without a PUD and which would not be available under the existing, underlying zoning classification.
- E. *Open space.*
  - 1. Planned unit developments shall provide a minimum of 25% of the gross area of the PUD as permanent open space. Building setback areas may be counted as open space. Roads, circulation aisles, and parking lot areas may not be counted as open space. Areas to be maintained as permanent open space and their percentage of the total PUD site shall be designated on the site plan or PUD agreement.
  - 2. In relation to the location of dwelling units and natural features, open space areas shall be conveniently and equitably located throughout the PUD.
  - 3. Open space areas shall have minimum dimensions which, in the planning commission's opinion, are usable for the functions intended and will be maintainable.
  - 4. The planning commission may require that natural amenities, including ravines, wooded areas, unique wildlife habitats, ponds, streams and similar features, be retained as part of the permanent open-space system.
- F. *Maintenance.* All privately owned, common open spaces shall conform to their intended purpose and remain as shown in the planned unit development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the City of Hudsonville to assess private property owners with an interest in common open space for the cost of maintenance in the event that inadequate private maintenance results in a public



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nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present, as well as future, property owners.

- G. *Unified control.* All land included for the purpose of development within a planned unit development shall be under the unified control of the applicant (an individual, partnership, corporation, or group of individuals, partnerships, or corporations). Additionally, the applicant must provide legal documentation evidencing the same to the City of Hudsonville.
- H. *Residential density.* The planning commission shall not be obligated to approve residential densities higher than those permitted for the zoning district in which the PUD is proposed. However, they may approve higher densities if it can be demonstrated that the proposed development can be achieved in a compatible manner with the surrounding development, and the following density maximums are not exceeded for any one acre within the PUD site:
1. 4.5 units per acre in any R-1 District;
  2. Six units per acre in the R-2 District;
  3. Seven units per acre in the R-3 District; and
  4. Ten units per acre in the R-4 District.
- I. *Uniformity of architecture and design.* The planned unit development proposal, as a whole, shall have a consistent and compatible appearance with regard to facades, general appearance, theme, landscaping, lighting, and signage.
- J. *Project phasing.*
1. If the proposed development is to be constructed in phases, a narrative description of that phase process that describes all work to be done in each phase shall be submitted, together with the PUD site plan. A map showing the area to be included in each phase shall also be provided.
  2. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities.
  3. So that serious overloading of utility services, community facilities, or roads will not result, the planning commission may require that development be phased so that such development will generally balance the expenditures required by the public agencies to properly service the PUD development.
4. The planning commission may require that the required percentage of open space for the entire PUD be initially maintained through each phase of the PUD. The planning commission may allow redistribution of that open space upon completion of subsequent phases, as long as the required percentage of open space is maintained upon completion of all phases of the PUD.
5. Development shall occur in accordance with the phasing schedule submitted as a part of the approved preliminary development plan. Individual elements of the plan may be executed earlier than dates provided, however, the sequence of development may not be modified without prior written agreement of both parties. In the event the project applicant fails to complete any element of the plan consistent with the schedule, the city may rescind approval of any or all of the undeveloped planned elements included in the phasing schedule.
- K. *Compliance with general regulations.* The planned unit development shall meet all applicable general regulations of this ordinance contained in article 4.

(Ord. No. 01-228, §§ 1, 2, 2-13-2001)

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## **Sec. 11-6. Pre-application conference.**

- A. *Pre-application conference required.* Prior to submitting a planned unit development application, the applicant shall be required to attend a pre-application conference with the zoning administrator. This conference may also be attended by the planning director and any consultants representing either the city or the applicant.

The purpose of this conference is for the applicant to inform the city of the concept of the proposed development and for the city to inform the applicant regarding land development policies, procedures, standards, and requirements of the city and other agencies in terms of the proposed development.

- B. *Statements made at conference not legally binding.* Statements made at the pre-application conference shall not be legally binding commitments.

- C. *Information required for conference.* The applicant shall present the following information at the pre-application conference:

1. Legal documentation evidencing unified control of the land upon which the planned unit development is proposed;
2. A legal description of the subject property;
3. The total number of acres to be included in the project;
4. The estimated number of acres to be occupied and/or devoted to or by each type of use;
5. The relative locations of the different uses in the proposed planned unit development;
6. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
7. Estimated density for residential developments;
8. The estimated amount of acres or percent of land to be preserved as open space or recreation space;
9. The location and estimated number of acres of natural resources and natural features proposed to be preserved, lost and/or replaced;
10. The location and estimated number of acres of wetlands and land within the 100-year floodplain;
11. The known deviations from the ordinance regulations being sought; and
12. A statement of why approval for a planned unit development is being sought, and the definite benefit to the City of Hudsonville and the eventual PUD occupants, which would not occur under the current zoning districts and regulations.

## **Sec. 11-7. Preliminary development plan and submission requirements.**

Following the pre-application conference, the applicant shall submit 16 copies of a preliminary development plan, along with fee, to the zoning administrator. The preliminary development plan shall contain the following information:

- A. The name, address, and phone number of firm or individual who prepared the plan, owner of the property and applicant (if other than the owner);
- B. The name of the proposed development;
- C. The common description of property and complete legal description;

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- D. The dimensions of all property boundaries and total acreage of the property;
  - E. The existing zoning and land use of the proposed site and all adjacent properties;
  - F. A map showing proposed land use and a statement indicating the definite benefit of the proposed PUD to the City of Hudsonville and the eventual PUD occupants, which would not occur under the current zoning districts and regulations;
  - G. The location of existing and proposed right-of-way widths of all adjoining and internal roads, and layout of all internal roads;
  - H. The proposed acceleration, deceleration, and passing lanes and proposed accesses;
  - I. An estimate of trip generation for each phase of the project;
  - J. The location of all parking areas and, if known, the number of spaces;
  - K. A description of intentions with respect to the provision of water and sewer;
  - L. The location of areas, and percent of site to be preserved as open or recreational space;
  - M. A map and written analysis of natural features and manmade features (The map and analysis shall show the location and nature of significant natural and manmade features on and near the site. Such features may include drainage courses, floodplains, drains, wood lots, and wetlands);
  - N. A gross and net density calculation, number and types of units, and minimum floor area per dwelling unit for residential developments;
  - O. The general plan concept indicating each proposed use, square footage or acreage allocated to each use, approximate locations of each principal structure and use, and set backs (If available, typical floor plan and elevation for each building shall be shown.);
  - P. A description of applicant's intentions regarding selling or leasing of land, or portions thereof;
  - Q. The specifications of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought;
  - R. A topographical map, unless waived by the zoning administrator; and
  - S. If the PUD is to be phased, a development schedule for each phase of the PUD, which must include estimated dates for site plan approval and completion of construction for each phase of the PUD plan.

### **Sec. 11-8. Planning commission review of preliminary development plan.**

The preliminary development plan shall be reviewed by the planning commission at both an informal and formal session of the planning commission.

- A. *Placement on informal session agenda.* The zoning administrator, upon receipt of all required materials for the preliminary development plan, shall place the plan on the informal agenda for the next available meeting.
- B. *Informal session review and preparation of statement of findings and recommendations.* The planning commission shall review the preliminary development plan at an informal session and subsequently have prepared a statement of findings and recommendations. This statement shall address the following:
  - 1. Whether the preliminary development plan meets the regulations as set forth in this article of the ordinance, and a determination by the planning commission as to whether definite benefit and consistency with the City of Hudsonville Master Plan has been adequately demonstrated;

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2. Identification of additional studies which the planning commission, based upon their review of the plan, feel are warranted (Such studies may include, but are not limited to,
    - a. A traffic impact assessment,
    - b. An environmental impact assessment,
    - c. A community impact statement,
    - d. A fiscal impact assessment,
    - e. A market needs assessment, and
    - f. A utility impact assessment;
  3. Planning commission recommendations, pursuant to having the preliminary development plan brought into compliance with the regulations contained in this section of the ordinance; and
  4. If no additional studies are being requested, identification of the date for public hearing and review of the plan in formal session, unless additional time is needed by the applicant to make plan modifications, the public hearing date should be set for the next available meeting for which the public hearing can be properly noticed. If additional studies are requested, the applicant shall present such information at a second informal session, at which time the public hearing date would be set.
- C. *Statement of findings and recommendations made part of informal session minutes.* The statement of findings and recommendations shall be made a part of the official meeting minutes, and a copy shall be provided to the applicant. Copies shall also be provided to the city commission a minimum of 14 days prior to the public hearing date.
- D. *Formal session/public hearing.* A public hearing on the preliminary development plan shall be held at a formal session, in accordance with the public hearing requirements for special uses contained in article 13 of this ordinance.
- E. *Planning commission options for action* The planning commission, within 30 days following the public hearing, shall approve, approve with conditions, or deny the preliminary plan. The planning commission's decision with regard to the preliminary development plan shall be incorporated into a statement of conclusions. This statement shall specify the decision, basis for the decision, and any conditions imposed relating to an affirmative decision. In reviewing the preliminary development plan, the planning commission shall evaluate compliance with the regulations contained in this article of the ordinance, with particular emphasis on adequate demonstration of definite benefit and consistency with the City of Hudsonville Master Plan.

### **Sec. 11-9. Effect of preliminary plan approval.**

Approval of the preliminary PUD plan shall have the following effects:

- A. *Applicant rights.* Approval shall confer a right to the applicant, for a period of two years, that the uses and regulations that were approved as part of the preliminary plan shall not be changed, provided that subsequent planning and/or construction are diligently being pursued.
- B. *Authorization to file final site plan.* Approval shall authorize the applicant to file for final site plan approval for all or any phase of the development shown on the approved preliminary plan.
- C. *Authorization for construction of approved site improvements.* Approval shall authorize construction of on-premises improvements for which final design and location have been determined and planning commission approval has been granted. Grading, tree removal, and other changes in the existing

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topography and natural features shall be limited to the minimum required to construct approved buildings or facilities.

- D. *Preliminary plat application authorization.* Approval shall authorize the applicant to file a preliminary plat.

**Sec. 11-10. Submission requirements for final development plan.**

- A. *Final plan submission.* Within two years following receipt of preliminary plan approval, the applicant shall submit to the zoning administrator 16 copies of a final PUD plan. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant shall have to recommence the review process. The planning commission may extend the time frame for submission of the final plan upon a showing by the applicant that no significant change of circumstance has occurred.
- B. *Final development plan contents.* The final development plan shall contain the following:
1. A final site plan meeting all the requirements for site plan review under article 15 of this ordinance;
  2. The name, address, and telephone number of the firm or individual who prepared the plan, owner of the property, and the applicant (if other than the owner);
  3. The dimensions of all property boundaries and total acreage of the property;
  4. The identification of specific uses for all proposed buildings;
  5. The proposed acceleration, deceleration, and passing lanes and proposed accesses;
  6. The specifications of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought;
  7. A description of applicant's intentions regarding selling or leasing of land, or portions thereof land;
  8. The location of, proposed uses of, and percent of site to be preserved as open or recreational space;
  9. A description of all known natural resources and natural features, and a detail of those to be preserved;
  10. A gross density calculation, number and types of units, and minimum floor area per dwelling unit for residential developments;
  11. At least a sketch of the exterior facades of all buildings and structures which are to be erected;
  12. The legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities (These instruments shall become a part of the approved plat or final site plan, whichever is applicable.); and
  13. A declaration of covenants and restrictions filed by the developer where property owners associations (POA's) are to be used to maintain and preserve common areas and facilities.

The declaration of covenants and restrictions shall include the following provisions, but shall not be limited to them:

- a. A POA shall be established before any dwelling units or businesses in the PUD are sold or leased.
- b. Membership in the POA shall be mandatory for each buyer and for any successive owner, and shall be so specified in the covenants.
- c. Restrictions shall be permanent.

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- d. The POA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
  - e. Property owners shall pay their pro rated share of the costs, and it shall be so specified in the covenants. (Assessments levied by the POA can become a lien on the property.)
  - f. A POA shall have authority to adjust the assessment to meet changed needs.
  - g. Prior to approval of the final PUD plan, the planning commission and city attorney shall review the proposed by-laws and articles of incorporation of any POA.

### **Sec. 11-11. Planning commission review of final development plan.**

The final PUD development plan shall be reviewed by the planning commission at both an informal and formal session of the planning commission.

- A. *Placement on informal session agenda.* The zoning administrator, upon receipt of all required materials for the final development plan, shall place the final plan on the agenda for the next available meeting, under the informal portion of the meeting.
- B. *Requirement for planning commission to prepare statement of findings and recommendations.* Following review at the informal session, the planning commission shall have prepared a statement of findings and recommendations. This statement shall address the following:
  - 1. Whether the final development plan meets the regulations as set forth in this section of the ordinance;
  - 2. Planning commission recommendations, pursuant to having the final development plan brought into compliance with this ordinance section; and
  - 3. Identification of date for public hearing and formal session review by the planning commission. (Unless the applicant requires additional time for plan modifications, the public hearing shall be set for the next available planning commission meeting for which the hearing can be properly noticed.)
- C. *Statement of findings and recommendations made part of informal session minutes.* The statement of findings and recommendations shall be made a part of the official meeting minutes. A copy of the statement shall be forwarded to the applicant within two weeks of the informal meeting.
- D. *Requirement for public hearing.* A public hearing on the final PUD development plan shall be held in accordance with the public hearing requirement for special uses contained in article 13.
- E. *Planning commission options for action.* The planning commission, within 30 days following the public hearing, shall approve, approve with conditions, or deny the final development plan. The planning commission's decision shall be incorporated into a statement of conclusions. This statement shall specify the decision, basis for the decision, and any conditions imposed relating to an affirmative decision.

### **Sec. 11-12. Effect of final approval.**

An approved, final PUD development plan, including any conditions imposed, shall constitute the official zoning regulations for the property. All future improvements and uses shall be in conformity with the approved, final development plan. An approved, final development plan entitles the applicant to apply for building permits.

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### **Sec. 11-13. Amendment to planned unit development plans.**

- A. *Amendment requests.* A developer may request an amendment to an approved, preliminary or final PUD plan. Any amendment which results in a major change, as defined in this section, shall be submitted to the planning commission. Submittal shall follow the procedures required for original submittal and review, in full.

A request for amendment, including the reasons for such amendment, shall be made in writing to the zoning administrator. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in design, unforeseen difficulties, or reasons mutually affecting the interests of the city and developer.

- B. *Major changes.* Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:

1. Change in concept of development;
2. Change in use or character of the development;
3. Change in type of dwelling unit;
4. Change in the number of dwelling units;
5. Change in nonresidential floor area of more than five percent;
6. Change in lot coverage of more than one percent;
7. Rearrangement of lots, blocks, and building tracts;
8. Change in the character or function of any street;
9. Reduction in land area set aside for common open space or the relocation of such area(s); or
10. Increase in building height.

- C. *Request for minor modifications.* A developer may request approval of modifications which constitute minor changes to an approved, preliminary or final PUD plan, as defined in this section.

1. The applicant shall submit the proposed modifications to the zoning administrator, who shall have the authority to approve or deny the modification request. If the zoning administrator is unsure if the modifications constitute a minor change, such determination shall be made by the planning commission.
2. If modifications are approved by the zoning administrator, revised drawings shall be signed by the applicant and the owner(s) of record, or the legal representative(s) of the owner(s), and maintained as part of the permanent zoning file for the PUD development.

- D. *Minor changes.* Modifications to be considered minor changes shall include, among other similar modifications, the following:

1. A change in residential floor area;
2. A change in nonresidential floor area of five percent or less;
3. Minor variations in layout which do not constitute major changes; and/or
4. A change in lot coverage of one percent or less.

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### **Sec. 11-14. Expiration of plan approvals.**

A preliminary PUD plan shall expire two years after approval by the planning commission, unless a final PUD plan for the PUD, or first phase of the PUD, is submitted to the planning commission for review and approval. Subsequent phases of the preliminary plan shall expire if final plans for that phase are not submitted within one year of the proposed site plan submittal date. The applicant/developer may apply to the planning commission for an extension to the submittal deadline. However, this must be done prior to the plan expiration.

- A. *Expiration by failure to initiate project.* A final PUD plan shall expire if a building permit has not been issued and construction started within 180 days from the date of approval.
- B. *Period of completion of final planned unit development plans.* Final PUD plans shall be completed within two years of the date of preliminary plan approval. For phased PUD's, all phases shall be completed within five years from the date of approval of the first phase.
- C. *Phase sequencing.* Unless the developer has requested and the planning commission has approved an extension of time, if the applicant/developer fails to meet any completion deadlines, the planning commission shall not review or approve final site plans for any subsequent phases of the PUD.
- D. *Removal of planned unit development zoning designation for failure to construct.* If any preliminary or final plan approval has expired and there has been no start of construction, the planning commission shall have no obligation to continue the approved PUD zoning and may redesignate the zoning regulations of the underlying district or any other district.

### **Sec. 11-15. Extension of time limits.**

Time limits set forth in this article may be extended upon showing by the developer that changed physical or economic factors, or consumer demand require a time extension. Such time extension shall be by planning commission approval only. The developer shall submit to the zoning administrator a statement of the proposed time extension and the reasons for the extension. The zoning administrator shall then have the proposed time extension placed on the planning commission's agenda.

### **Sec. 11-16. Subdivision plats.**

- A. Following approval of the preliminary PUD plan by the planning commission, a preliminary plat for all or part of a PUD may be submitted for review and approval.
- B. Plats in a PUD shall conform to Michigan Acts 288 of 1967, as amended, and chapter 21, Subdivisions, of the City of Hudsonville Code of Ordinances, as amended.

### **Sec. 11-17. Site condominiums.**

All site condominiums shall conform to Michigan Act 59 of 1978, as amended, and article 12 of this ordinance, as amended.

## ***ARTICLE 12. SITE CONDOMINIUMS***

### **Sec. 12-1. Applicable regulations.**

Pursuant to the authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59, of 1978, as amended, all site condominium subdivisions shall be required to comply with all articles of this



ordinance. Site condominium subdivisions shall only be permitted upon approval by the planning commission under the site plan review process as stated in article 15 of this ordinance.

The intent of this article is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This article is required because of the different design terms which are used for site condominium subdivisions.

### Sec. 12-2. Definitions.

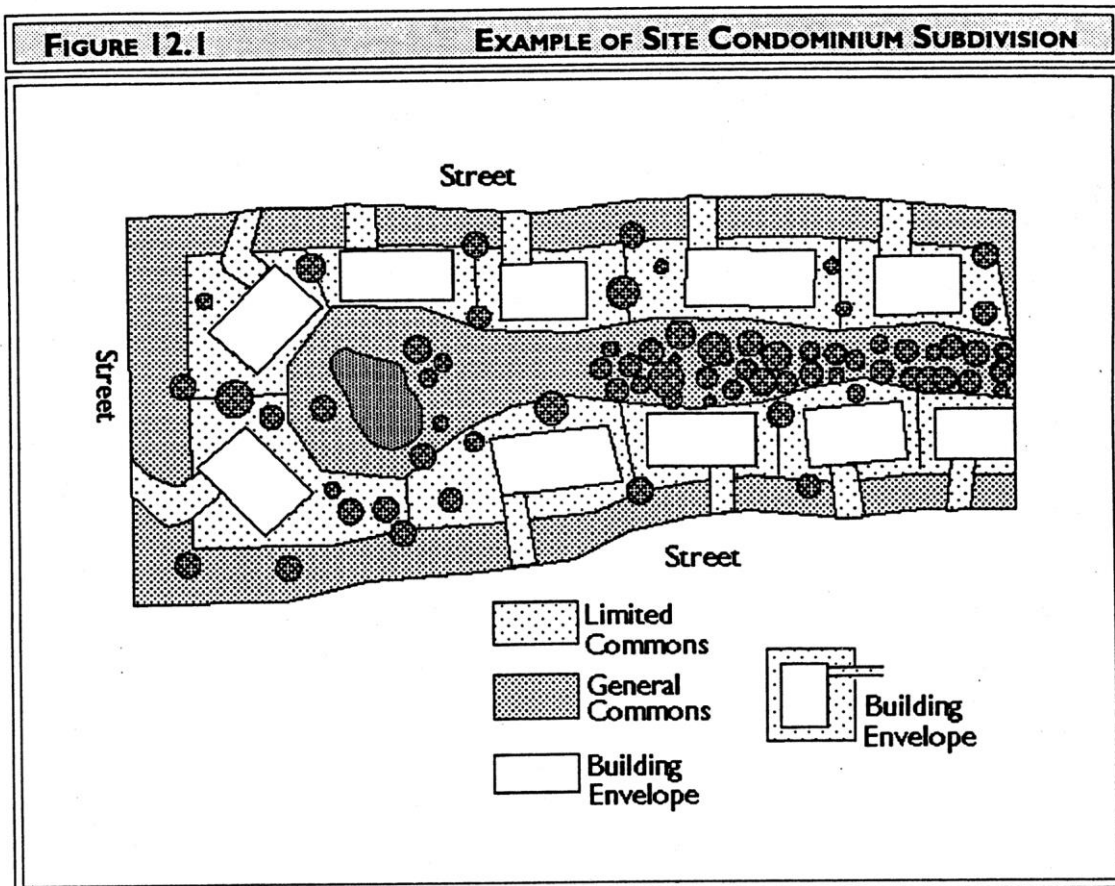
The following definitions shall be used in consideration of all site condominium projects.

*Building envelope:* The ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., house and attached garage.

*Building site (condominium unit):* Regardless of use, that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited common area.

*Condominium structure:* Any building or structure constructed upon a building site (condominium unit).

*Site condominium subdivision:*



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Figure 12-1 Example of Site Condominium Subdivision

**Sec. 12-3. Equation of conventional development terminology with site-condominium subdivision terminology.**

The following equation of terms shall be used in applying ordinance standards to a site condominium subdivision:

- A. All regulations pertaining to a lot shall apply to the building site in a condominium subdivision.
- B. All regulations pertaining to dwelling or building height, width, or size shall apply to condominium structure.
- C. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:
  - 1. The front yard setback shall be measured from nearest road right-of-way line to the building envelope;
  - 2. The side yard setback shall be measured from the side of the building envelope to the side building site line; and
  - 3. The rear yard shall be measured from the rear line of the building envelope to the rear line of the building site.
- D. Regulations for building-to-building spacing shall be measured from building envelope to building envelope.

**Sec. 12-4. Application of zoning ordinance standards.**

The city, in reviewing a site condominium subdivision plan, may require any change which is based on meeting the intent of the applicable district regulations.

**Sec. 12-5. Required plan content for site condominium subdivisions.**

All site condominium subdivision and construction plans shall include the required information for site plan review as identified in article 15 of this ordinance. In addition, a copy of the proposed master deed and any other restrictive covenants shall be submitted.

**Sec. 12-6. Master deed and restrictive covenants.**

The condominium project developer or proprietor shall furnish the zoning administrator with one copy of the recorded master deed, and one copy of all restrictive covenants for the condominium project.

**Sec. 12-7. Option for site condominium planned unit development.**

Site condominium subdivision or construction plans shall have the option of being reviewed as a planned unit development, subject to the regulations contained in article 11 of this ordinance.

***ARTICLE 13. SPECIAL USES***

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### **Sec. 13-1. Purpose.**

The intent of this article is to provide an opportunity for uses to be considered for approval which would generally be compatible with uses permitted by right within a given district, but due to specific activities or qualities, may not be compatible at all locations. This article identifies the discretionary and nondiscretionary standards which the planning commission shall use in reviewing special use applications.

This article is also intended to provide an opportunity for the planning commission to review and take action on those uses which have not been specifically identified within the ordinance.

### **Sec. 13-2. Designated review authority.**

The planning commission shall have final review authority for all special land uses.

### **Sec. 13-3. Application and approval procedure.**

- A. *Applicant qualification.* Any person owning or having an interest in the subject property may file an application for a special use permit.
- B. *Processing done through zoning administrator.* All applications for special use permits shall be processed through the zoning administrator.
- C. *Payment of fee.* The required fee for special use permit review shall be paid at the time the application is submitted to the zoning administrator.
- D. *Application review* Applications involving development plans shall be reviewed pursuant to the site plan review process outlined in article 15 of this ordinance. Applications which do not involve development plans may be acted on by the planning commission, following the required public hearing.

Information to be submitted with the application shall be identified on the application form. In addition, special uses involving development plans shall provide the information required in article 15 for site plan review.

- E. *Requirement of public hearing.* Following the submission of the required application materials, the planning commission shall hold a public hearing in accordance with Michigan Act 207 of the Public Acts of 1921, as amended. If the special use permit application does not involve a development plan requiring site plan review, and does not require that the planning commission make a decision based on discretionary standards, a public hearing shall not be required.
- F. *Planning commission options for action.* The planning commission may deny, approve, or approve with conditions applications for special use permits. The decision of the planning commission regarding any special use permit application shall be recorded in the official meeting minutes. Such record shall specify the basis for the decision and any conditions imposed.

### **Sec. 13-4. Temporary special use permits.**

- A. *Permissible issuance* In cases where it is anticipated that a use will only be needed for a specified period of time (i.e. portable classrooms), or in cases where compatibility cannot be easily determined and a trial period is desired, the planning commission shall have the authority to issue temporary special use permit approval.
- B. *Expiration date.* If the planning commission approves a temporary special use permit, it shall establish the expiration date of such approval in its motion of approval. The planning commission shall not initially approve a special use permit for more than a two-year period.

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- C. *Extensions.* The planning commission may allow one extension for a temporary special use permit. Such extension shall not exceed a period of one year.
  - D. *Planning commission options upon expiration.* Upon final expiration of a temporary special use permit approval, the planning commission may terminate the use or grant it a permanent special use approval.

### **Sec. 13-5. Time frame of validity for permanent special use approval.**

- A. *Expiration for failure to initiate.* In cases where the special use which is approved has not been initiated or substantial construction started within one year of the date of approval, and an application for extension has not been filed as provided in this section, the approval shall be terminated.
- B. *Extension of approved period.* Upon written application filed prior to the termination of the one-year approval period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.

### **Sec. 13-6. General standards for approval.**

To receive approval from the planning commission all special uses shall meet all of the following general standards:

- A. *Compatible with master plan.* The special use shall be compatible and in accordance with the goals and policies contained in the City of Hudsonville Master Plan, as amended, and not violate the intent of the zoning district in which the use is proposed.
- B. *Compatible with existing and planned future uses.* The special use shall be constructed, operated and maintained to be compatible with the existing or planned future uses in the zoning district in which it is located. Where the proposed special use abuts such districts, compatibility with uses in adjacent zoning districts shall be required.
- C. *Served with public facilities and services.* The special use shall be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, and water and sewage facilities.
- D. *Free of adverse impact conditions.* The special use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will endanger or be detrimental to the natural environment, public health, safety, or welfare, by reason of excessive production of traffic, noise, smoke, odors, explosive materials, blight, or other such nuisance.
- E. *Economic viability.* The special use shall not create excessive additional requirements, at public cost, for public facilities and services, and will not be detrimental to the economic welfare of the community.

### **Sec. 13-7. Standards for specific special land uses.**

This section identifies specific standards for individual special land uses which shall be met in addition to those listed in section 13-6.

- A. *Planned unit developments.* Planned unit developments shall meet all the requirements included in article 11 of this ordinance.
- B. *Group day care homes.* Group day care homes shall be permitted in the R-1 and R-2 Residential Districts if they meet all of the following standards:

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1. Group day care homes shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973, as amended.
  2. A minimum of 400 square feet of general activity space must be provided within the dwelling unit. General activity space shall not include hallways, bathrooms, kitchens, or bedrooms.
  3. A minimum outdoor play area of 5,000 square feet shall be provided. The outdoor play area shall not be located within the required front yard setback area.

The planning commission may waive the requirement for outdoor play area on-premises if they feel there exists suitable outdoor play area of equal size within 500 feet of the dwelling unit.

4. Group day care homes shall only be permitted in a safe environment. Such environment, both on premises and adjacent to such property, shall be free from nuisance conditions which would place children's health or safety at risk. Nuisance conditions might include, but are not limited to, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.

As a condition of approval, the planning commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.

5. Group day care homes shall not cause a basic change in the residential character of the neighborhood in which it is to be located, nor shall it result in any nuisance condition to residents of the neighborhood in which it is to be located.

In determining whether potential for a nuisance situation exists, the planning commission shall evaluate the following factors:

- a. Traffic volumes to be generated into the neighborhood once the group day care home is in operation;
- b. Adequacy of parking or drop-off sites; and
- c. Presence of other group day care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.

(If there are existing group day care homes or similar uses already located in the neighborhood where the group day care home is proposed, the planning commission shall evaluate both the individual and collective impacts of these facilities in making a determination of a nuisance situation.)

C. *Child care centers.* Child care centers shall be permitted in any zoning district if they meet all of the following standards:

1. Child care centers shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973.
2. Child care centers shall have a minimum of 35 square feet of indoor play area for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used specifically for rest or sleep.
3. Child care centers shall have a minimum outdoor play area of 250 square feet per child. The outdoor play area shall not be located within the required front yard building setback area if proposed in a R-1 or R-2 District.
4. Child care centers shall only be permitted in a safe environment. Such environment shall be free from nuisance conditions, either on or adjacent to the premises, which would place children's health or safety at risk. Nuisance conditions might include, but are not limited to, unacceptable

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exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.

As a condition of approval, the planning commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.

5. Child care centers shall not cause a basic change in the character of the district in which it is to be located.
6. Child care centers shall not result in any nuisance condition to residents of any residential district.

In determining whether potential for a nuisance situation exists, the planning commission shall evaluate the following factors:

- a. Traffic volumes to be generated once the child care center is in operation;
- b. Adequacy of parking or drop off sites;
- c. Presence of other child care centers or similar uses in the immediate area, and any complaints on record regarding the same uses.

(If there are existing child care centers or similar uses already located in a residential district where the child care center is proposed, the planning commission shall evaluate both the individual and collective impacts of these facilities in making a determination of a nuisance situation.)

- D. *Commercial recreation facilities.* Commercial recreation facilities may be permitted in the R-3 and R-4 Districts if the following standards are met:

1. The facility must relate to and be integrated into the design of the residential development.
2. The facility must be subordinate to the residential development on the site.
3. The facility must be complimentary to the development, and shall not adversely impact on the residential development.

- E. *Home occupations.*

1. The need for a special use permit regarding home occupations shall be determined by the criteria identified in section 4-17.
2. If a special use permit is required for a home occupation, the planning commission may permit such occupations in the R-1, R-2, R-3, and R-4 Districts if the following standards are met:
  - a. The home occupation shall not significantly change the existing residential character of the area.
  - b. The applicant shall provide for required parking on the home occupation site.
  - c. The home occupation shall not adversely impact adjoining properties.
  - d. The home occupation shall not result in potentially hazardous conditions which would threaten persons or property either on or adjoining the subject site.
  - e. The home occupation shall not generate traffic which results in congestion, neighborhood disruption, unsafe conditions, or other unacceptable traffic patterns for a residential environment.
3. Home occupations shall be limited to one sign not to exceed two square feet. Signs for special uses shall only be permitted if mounted directly to the residential building.

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F. *Multiple-family residential developments having medical-support services.*

1. Multiple-family residential developments having medical or dietetic support services may only be permitted in the R-3 and R-4 Residential Districts. In making a decision whether to permit such developments, the planning commission shall review the types of multiple-family developments already existing in the R-3 and R-4 Districts, and also the remaining available acreage of property in these districts.
2. The intent of the R-3 and R-4 Districts is to provide for a variety of multiple-family dwelling unit alternatives, including senior-oriented dwelling units, multiple-family dwelling units with support services, and general rental dwelling units.
3. The planning commission's decision to permit a multiple-family development with medical or dietetic support shall be based on an assessment of local need within the various types of multiple dwelling unit categories, and the continued ability to adequately provide for need in each of these categories.
4. Multiple-family dwelling unit developments offering medical or dietetic support shall not be approved if such approval would preclude a reasonable opportunity to meet the local need for general rental dwelling units.

G. *Outdoor uses.*

1. Any business which in whole or in part is to be conducted outside of an enclosed building in the CBD-1-G, CBD-1-OS, CBD-2, HC, LC, I-1 or I-2 Zoning Districts shall require approval by special use permit for that portion of the business to be conducted outside. Excluded from this regulation shall be automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs.
2. The planning commission may require complete or partial screening of any materials or products to be stored outside. In making the determination regarding required screening of outdoor storage, the planning commission shall consider the impact of such storage on adjacent uses, and also the potential of such storage to become a blighting influence.
3. The planning commission may require that outdoor storage areas be paved, depending on the type of material or product proposed for storage.
4. Outdoor storage shall not be permitted within any required landscape buffer areas, required parking areas, or in any location resulting in conflict with vehicle circulation or parking.

H. *Gasoline service stations, automobile service stations, and automotive parts stores.* Gasoline service stations, automobile service stations (general repair, oil change, tune-up etc.), and automotive parts stores may be permitted in the CBD-1-G District if they meet the following standards:

1. Above uses shall be compatible with all, approved downtown development authority and city development plans and policies.
2. Any gasoline service station to be approved shall have frontage on an arterial or collector roadway, and shall provide safe and efficient access.
3. Gasoline and other automotive businesses shall not adversely impact the light commercial character which is the intent of the CBD-1-G District.

I. *Sexually oriented businesses.*

1. Purpose and intent. The purpose and intent of this subsection is to regulate sexually oriented businesses, to promote the health, safety and general welfare of the residents of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and

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concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects on the community from such sexually oriented businesses.

The provisions of this subsection are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials, it is not the intent of this subsection to restrict or deny access by adults to sexually oriented materials protected by the United States or Michigan constitutions, or to deny access by the distributors and exhibitors of sexually oriented entertainment in their intended market.

Neither is it the intent nor effect of this subsection to condone or legitimize the distribution of obscene material.

2. Location restrictions.
  - a. A sexually oriented business shall only be permitted within acres zoned as HC—Highway Commercial District.
  - b. A sexually oriented business may not be located within 660 feet of the lot lines of residential uses or zoned districts; childcare centers, family day care homes or group day care homes; public or private schools or academies; churches, synagogues, or other regular place of religious worship; public libraries; public parks; or fairgrounds.
  - c. A sexually oriented business may not be operated within 1,000 feet of the lot line of another sexually oriented business.
  - d. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
  - e. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the outer most boundary of the lot or parcel upon which the proposed sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, public or private school or academy, public park or library, childcare center, family day care home, group day care home, fairgrounds, residential district, residential use, or another sexually oriented business.
3. Site development requirements.
  - a. Type B landscaping screen as provided in section 8-3 hereof shall be required.
  - b. Off-street parking shall be provided equal to a minimum of one space per occupant permitted by the maximum occupancy load of the premises established by applicable fire, health and building codes.
  - c. All other site requirements shall comply with HC—Highway Commercial District standards.
  - d. If a special use requirement is violated, the use to which it relates shall be terminated.
4. License required. It shall be unlawful to operate or cause to be operated a sexually oriented business in the city without a valid license issued pursuant to the provisions of this subsection.
5. License application.
  - a. All applicants for a sexually oriented business license shall file an application for such license with the zoning administrator. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application form and each of them shall be photographed and fingerprinted by the city police department.



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- b. An application for a license must be made on a form provided by the city.
  - c. The applicant must be qualified according to the provisions of this subsection and the premises must be inspected and found to be in compliance with the law by the building inspector and zoning administrator.
  - d. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
  - e. The fact that a person possesses other types of permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business license.
  - f. Applications for a license, whether original or renewal, must be made to the zoning administrator by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the zoning administrator during regular working hours. The zoning administrator shall supply application forms. The intended operator shall be required to give the following information on the application form:
    - i. If the applicant is:
      - (a) An individual, the individual shall state his legal name and address and any aliases.
      - (b) A partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited;
      - (c) A limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members;
      - (d) A limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners; or
      - (e) A legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.
    - ii. The name under which the sexually oriented business is to be operated and a general description of the services to be provided.
    - iii. The telephone number of the sexually oriented business.
    - iv. The address and legal description of the real property on which the sexually oriented business is to be located.
    - v. If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the

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date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.

- vi. If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.
- g. Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this subsection or other sexually oriented business ordinance from another city, village, township or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- h. Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any legal entity that is permitted under this subsection whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- i. Whether the applicant or any other individual identified in the application holds any other licenses under the subsection or other similar sexually oriented business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted businesses.
- j. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
- k. The applicant's mailing address and residential address.
- l. The applicant's driver license number, social security number and/or federally issued tax identification number.
- m. The application shall be accompanied by the following:
  - i. Payment of the application, investigation and license fees;
  - ii. If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age;
  - iii. If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate;
  - iv. If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan;
  - v. If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto;
  - vi. If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto;
  - vii. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration;

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- viii. If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto;
  - ix. If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority;
  - x. If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited partnership, together with all amendments thereto;
  - xi. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan registration;
  - xii. Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated;
  - xiii. If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented businesses;
  - xiv. A floor plan of the licensed premises with the following requirements:
    - (a) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from at least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
    - (b) Location of all overhead lighting fixtures.
    - (c) Identification of any portion of the premises in which patrons will not be permitted;
    - (d) Location of the place at which the license will be conspicuously posted, if granted;
    - (e) The location of any stage;
    - (f) Identification of the use of each room or other area of the premises; or
    - (g) A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one foot; and
  - xv. A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lot lines and the structures containing any sexually oriented business within 1,000 feet of the closest lot line on which the applicant's business will be located and depicting the property lot line of any church, synagogue, regular place of worship, public or private school or academy, child care center, family day care home, group day care home; public park or library; fairgrounds, or residential use or zoned district within 660 feet from the closest lot line on which the applicant's business will be located.

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Any of the items ii through xv above shall not be required for a renewal application if the applicant states that the documents previously furnished the zoning administrator with the original application or previous renewals thereof remain correct and current.

- n. The application shall contain a statement under oath that:
    - i. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
    - ii. The applicant has read the provisions of this subsection.
  - o. A separate application and license shall be required for each sexually oriented business.
  - p. The zoning administrator shall not accept any application that is not complete in every detail. In the event that the zoning administrator determines that the applicant has improperly completed the application, the applicant shall be promptly notified of such fact and permitted ten days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
  - q. Applicants for a license under this subsection shall have a continuing duty to promptly supplement application information required by this subsection in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change by supplementing the application on file with the zoning administrator shall be grounds for suspension of the license.
6. Approval of license application.
- a. The zoning administrator shall approve the issuance of a license to an applicant within 30 days after receipt of an application unless he or she finds one or more of the following to be true:
    - i. An applicant is under 18 years of age;
    - ii. An applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
    - iii. An applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered falsely a question or request for information on the application form;
    - iv. The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning administrator as being in compliance with applicable laws and ordinances;
    - v. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license revoked or suspended within one year prior to the date of application.
    - vi. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application;

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- vii. The applicant is not in good standing or authorized to do business in Michigan;
  - viii. The application, investigation and license fees have not been paid;
  - ix. An application of the proposed sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this subsection;
  - x. Applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years;
    - (a) Prostitution, procuring a prostitute, or solicitation of a prostitute;
    - (b) Sale, distribution or display of obscene material;
    - (c) Sale, distribution or display of material which is harmful to minors;
    - (d) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
    - (e) Possession, sale or distribution of child pornography;
    - (f) Public lewdness;
    - (g) Indecent exposure;
    - (h) Indecent conduct with a child;
    - (i) Sexual assault or rape;
    - (j) Incest;
    - (k) Sexual solicitation of a child;
    - (l) Contributing to the delinquency of a minor; or
    - (m) Harboring a runaway child.
- b. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
  - c. The building inspector and zoning administrator shall complete their certification that the premises is in compliance or not in compliance within 20 days of receipt of the application.
  - d. In the event that the zoning administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 45 days of the receipt of the application by the zoning administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this subsection.
  - e. An applicant may appeal the decision of the zoning administrator regarding a denial to the zoning board of appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the zoning administrator's decision. A memorandum or other writing, setting out fully the grounds for such appeal and all arguments in support thereof shall accompany the notice of appeal. The zoning administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information the zoning board of appeals shall vote to either uphold or overrule the zoning administrator's decision. Such vote shall be taken within 45 calendar days after the date on which the zoning board of appeals receives the notice of appeal.

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However, applicant shall be required to comply with the zoning administrator's decision during the pendency of the appeal.

7. Investigation. Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the zoning administrator shall transmit the application to the city police department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business. Each applicant shall pay a non-refundable investigation fee at the time the application is filed in an amount established from time to time by resolution of the city commission to cover the cost of such investigation. The investigation conducted by the city police department shall be sufficient to verify the accuracy of all the information required by this subsection and shall be non-refundable.
8. Inspection. An applicant or licensee shall permit representatives of the city police department, or other city, Ottawa County, or State of Michigan departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with applicable law.
9. Application fee. Each applicant shall pay an application fee at the time of filing an application in an amount as established from time to time by resolution of the city commission. Such application fee shall be non-refundable.
10. License fee.
  - a. Each licensee issued a license pursuant to this subsection shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the city commission. The license fee shall be refunded if the license is not approved.
  - b. In the event of suspension or revocation of a license, or termination of business for any reason whatsoever, no portion of the license fee shall be refunded.
11. License renewal. Any application for renewal of a license shall be filed with the zoning administrator not less than 45 days prior to the date of expiration. The zoning administrator may, for a good cause shown, waive the requirement for timely filing of a renewal application.
12. Term of license.
  - a. All licenses issued pursuant to this subsection shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration fees shall be permitted.
  - b. When the zoning administrator denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.
13. Suspension. The zoning administrator shall suspend a license for a period not to exceed 30 days if he or she determines that the licensee or an employee of a licensee has: (a) violated or is not in compliance with this subsection; (b) become impaired or intoxicated through the use of alcoholic beverages or illegal drugs while on the sexually oriented business premises; (c) refused to allow

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an inspection of the sexually oriented business premises as authorized by this subsection; or (d) knowingly permitted gambling by any person on the sexually oriented business premises.

14. Revocation of license.

- a. The zoning administrator shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months.
- b. The zoning administrator shall also revoke a license if he or she determines that any of the following has occurred:
  - i. Any condition exists that would warrant disapproval of a license as set forth in this subsection;
  - ii. The licensee, manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of City Code, the laws of the State of Michigan or of the United States when the licensee, manager or employee knew or should have known such acts were taking place; or
  - iii. Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.
- c. When the zoning administrator revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

15. Transfer of license. A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated on the license.

16. Registration of managers, entertainers and employees.

- a. No person shall work as a manager at a sexually oriented business without a current manager's registration under this subsection. No person shall work as an entertainer at a sexually oriented business in the city without a current entertainer's registration under this subsection. The registration form for each shall require the applicant to provide his/her legal name and any aliases, home address, telephone number date of birth and satisfactory proof that he/she is 18 years of age or older.
- b. The registration year for a manager's registration shall be from January 1 to December 31 of each year. Each such registration shall expire at close of business or midnight, whichever is earlier, on December 31 of each year.
- c. The registration fee for a manager's registration or entertainer's registration shall be as established from time to time by resolution of the city commission. The registration fee for each such registration is payable for a full year only and is not refundable.
- d. A manager's registration or entertainer's registration under this subsection shall not be assigned or transferred.
- e. No person under 18 years of age may obtain a manager's registration or entertainer's registration.

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- f. In order to obtain renewal of a current manager's registration or entertainer's registration, a registration holder must file an application for renewal with the zoning administrator. The renewal fee for each year shall be as established from time to time by resolution of the city commission.
  - g. In the event of a licensee changes the manager of a sexually oriented business, the licensee shall immediately report such change to the zoning administrator and register the new manager within five days of such change.
  - h. Each licensee will provide to the zoning administrator the full name, address, telephone number and date of birth of any employee of the sexually oriented business within five days of employment.
17. Exterior structural requirements.
- a. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the sexually oriented business to be visible from a point outside the sexually oriented business.
  - b. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this subsection.
  - c. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
    - i. The sexually oriented business is a part of a commercial multi-unit center; and
    - ii. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
  - d. Nothing in this subsection shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.
18. Interior structural requirements.
- a. The facility shall meet Americans with Disabilities Act standards so there is direct access to any stage areas and restrooms.
  - b. No public access may be permitted to any dressing area.
  - c. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms shall not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
  - d. A manager's station may not exceed 32 square feet of floor area.



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- e. No alteration to the configuration or location of a manager's station may be made without the approval of the zoning administrator.
  - f. Viewing rooms or peep booths must be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider that is a minimum one-inch thick and serves to prevent physical contact between patrons.
  - g. No private viewing room or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.
19. Sign regulations.
- a. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
  - b. Primary and secondary signs shall contain no photographs, silhouettes, drawings or pictorial representations of a manner, and may contain only the name of the enterprise.
  - c. Each letter forming a word on a primary or secondary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary or secondary sign shall be of a uniform and solid color.
  - d. Primary signs shall have no more than two display surfaces. Each such display surface shall be a flat plane, rectangular in shape.
  - e. Secondary signs shall have only one display surface. Such display surface shall:
    - i. Be a flat plan, rectangular in shape;
    - ii. Not exceed 20 square feet in area;
    - iii. Not exceed five feet in height and four feet in width; and
    - iv. Be affixed or attached to a wall or door of the enterprise.
    - f. The requirements of this subsection are intended to supplement the requirements and limitations of article 7 hereof. In the event of contradictions or inconsistencies, the stricter requirement shall govern.
20. Lighting regulations.
- a. All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
  - b. The premises of all sexually oriented businesses, except for adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two footcandles of light as measured at the floor level.

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- c. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one footcandle of light as measured at the floor level.
21. Age requirement regulations.
- a. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business.
- b. It shall be the duty of the manager of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.
22. Hours of operation. The hours of sexually oriented businesses, except for an adult motel, are limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
23. Standards of conduct.
- a. The following standards of conduct must be adhered to on the licensed premises by the licensee and all employees, managers, officers and agents of any sexually oriented business:
- i. No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
  - ii. No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the sexually oriented business.
  - iii. No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier that completely separates the entertainer from any patrons. This barrier must be a minimum of one-fourth inch thick and have no openings between the entertainer and any patrons.
  - iv. There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.
  - v. Any tips for entertainers shall be placed by a patron into a tip box that is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one or more containers to receive tips. Any physical contact between patrons and an entertainer is strictly prohibited.
  - vi. A sexually oriented business that provides tip boxes shall conspicuously display in the common area of the premises one or more signs in letters at least one inch high to read as follows:

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ADULT ORIENTED ENTERTAINMENT IS REGULATED BY THE CITY OF HUDSONVILLE. ALL TIPS SHALL BE PLACED IN TIP BOX AND NOT HANDED DIRECTLY TO THE ENTERTAINER. ANY PHYSICAL CONTACT BETWEEN THE PATRON AND THE ENTERTAINER IS STRICTLY PROHIBITED.

- vii. No sexually oriented entertainment occurring on the premises shall be visible at any time from the outside of the premises.
- viii. A licensee, manager, or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
- ix. A licensee, manager, or an employee shall not knowingly allow prostitution on the premises.
- x. A licensee, manager, or an employee shall not knowingly operate the sexually oriented business during a period of time when the licensee's license was suspended.
- xi. A licensee, manager, or an employee shall not knowingly allow any live specified sexual act to occur in or on the licensed premises.
- xii. A licensee, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
- xiii. At least one registered manager or licensee must be on duty and situated in each manager's station at all times that the business is open to the public.
- xiv. All doors to public areas on the premises must remain unlocked during business hours.
- xv. It shall be the duty of the licensee, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remain unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the license application filed pursuant to this subsection.
- xvi. No viewing room or peep booth may be occupied by more than one person at any one time.

24. Adult motels.

- a. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in section 3-2 hereof.
- b. It is unlawful if a person, or the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a special use permit to do so, rents or sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, he or she rents or sub-rents the same sleeping room again.
- c. For the purposes of b above, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

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25. Massage business. It shall be unlawful for any establishment, regardless of whether it is a public or private facility, to operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless persons massaging any client or customer is certified as a massage therapist by the American Massage Therapy Association or is a graduate of a school of massage therapy that is certified by the State of Michigan or have other similar qualifications that must be submitted to and approved by the zoning administrator.
26. Nonconforming uses.
- a. Any business lawfully operating on the effective date of this ordinance that is in violation of the location or structural configuration requirements of this subsection shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If a sexually oriented business is within 1,000 feet of the lot line of another sexually oriented business and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.
  - b. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a lot line of a church, synagogue, regular place of religious worship, public or private school or academy, child care center, family day care home, group day care home, public park or library, fairgrounds, residential zoned district or residential use, within 660 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.
27. Exemptions from enforcement.
- a. It is a defense to prosecution under this subsection that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:
    - i. By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or
    - ii. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
28. Reporting of violations. Any licensee, manager or employee shall immediately report to the city police department any violation of this subsection or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the licensed premises, including any parking area or adjoining area under the control or management of the licensee, provided that the licensee, manager or employee knew or should have known of such violation of law.
29. Notices.
- a. Any notice required or permitted to be given by the zoning administrator or any other office, department or other agency pursuant to this subsection to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license which has been received by the zoning administrator, or any notice of address change which has been received by the zoning administrator. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by

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the postal service, the zoning administrator or his designee shall cause it to be posted at the principal entrance to the sexually oriented business.

- b. Any notice required or permitted to be given to the zoning administrator officer by any person pursuant to this subsection shall not be deemed given until and unless it is received in the office of the zoning administrator.
- c. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Zoning administrator in writing of any change of residence or mailing address.

30. Penalties and civil remedies.

- a. Any person who operates or causes to be operated a sexually oriented business without a license issued pursuant to the provisions of the subsection, shall be subject to a suit for injunction and any other applicable civil remedy, as well as criminal prosecution for violation of this subsection.
  - b. It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist enforcement of any provision of this subsection, and any such violation of any provision of this subsection shall be punishable as a criminal misdemeanor.
  - c. Each day, or portion thereof, during which any violation of any provision of this subsection shall continue shall constitute a separate offense.
- d. In case of any violation, failure or omission under this subsection, the city or any person affected by any such violation, failure or omission, may, in addition to other remedies provided by law, initiate a civil action for injunction, mandamus, abatement, or other appropriate relief to prevent, enjoin, abate, or remove such violation, failure or omission and in addition, initiate an action for a money demand to recover any damages or any lawful costs or charges incurred in abating the violation.

J. *Communication towers.*

- 1. Purpose and intent. The purpose and intent of this subsection is to regulate communication towers. Changing technology in the field of communications has resulted in reliance upon more versatile and convenient forms of communication. Businesses, individuals and governmental entities have all developed a strong dependence upon the ability to quickly contact others. This dependence is exemplified by the increasing use of radios and cellular phones for emergency situations. Due to the increasing number of communication towers, it is the city's desire to promote the joint use of new and existing tower sites to minimize the adverse impact of such towers on the community. The following standards will aid in minimizing such adverse impact while enhancing the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.
- 2. Location and qualifying standards.
  - a. Site and development requirements:
    - 1. Communication towers shall only be permitted within I-1, I-2, FCR, CBD-2, HC and PF Zoning Districts as either a principal or accessory use.
    - 2. Communication towers shall be located on a site having a minimum of three-quarters of an acre with 125 feet of road frontage provided. No frontage shall be required if the communication tower is the principal use of the site.
    - 3. The base of the communication tower and the wire cable supports shall be fenced within a minimum six-foot high, standard chain link fence.

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4. Joint use of communication towers including publicly owned elevated storage tanks or other adequate existing facilities is encouraged whenever possible to minimize the number of separate towers. Such joint use will eliminate the need for a subsequent applicant to obtain a special use permit and only require such joint user to meet the other applicable requirements of this subsection J.

b. Special performance standards:

1. A communication tower and related antennas and guy wires shall not be located within 30 feet of a side yard or rear yard property line and the front yard setback must meet the applicable zoning ordinance requirements. A dimensional variance from this requirement shall not be permitted.
2. Accessory structures, including accessory buildings and paving shall meet the minimum setback requirements of the zoning district in which the communication tower is to be located.
3. No communication tower shall be located within 500 feet of any residential zoning district unless it is attached to an existing principal structure such as a publicly owned elevated storage tank.
4. The applicant shall provide the city with a copy of the construction plans for a communication tower certified by a registered structural engineer.
5. An accessory structure to a communication tower shall not exceed 600 square feet of gross building area, provided, however, an accessory structure to a communication tower with joint use shall not exceed 960 square feet of gross building area. A dimensional variance shall not be granted to permit an accessory building larger than 1,200 square feet of gross building area.
6. Communication towers shall be designed to withstand uniform structural loading as required by the city's building code.
7. A communication tower shall be equipped with an anti-climbing device to prevent unauthorized access.
8. A communication tower shall meet all applicable rules, regulations, requirements and standards of the Federal Aviation Administration and the Federal Communications Commission or their respective successors.
9. Communication towers exceeding a height of 100 feet above grade level shall be prohibited within a two-mile radius of an airport and within one-half mile of a helipad.
10. Metal communication towers shall be constructed of, or treated with, corrosive-resistant material being rust-free at all times.
11. Communication towers and their antennas shall be grounded for protection from a direct lightning strike and shall, with respect to electrical wiring and connections, be in compliance with all applicable laws, ordinances, rules, regulations and standards.
12. All signals and remote control conductors of low energy extending horizontally above the ground between a communication tower and its antennae and a structure, or between towers, shall be at least eight feet above grade at all points unless buried underground.

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13. A communication tower shall be located so as not to interfere with frequency reception of nearby areas.
  14. There shall be adequate room for vehicles doing maintenance on a communication tower and its antennas to maneuver on the property either owned or leased by the applicant.
  15. The base of a communication tower shall not occupy more than 500 square feet.
  16. The minimum spacing between lattice or guyed communication towers shall be one mile. Monopole communication towers over 75 feet in height shall be one-half mile apart and monopole communication towers under 75 feet in height shall be at least one-quarter mile apart.
  17. The height of a communication tower shall not exceed 300 feet above grade.
  18. Existing vegetation at the site of a communication tower shall be preserved to the maximum extent practical.
  19. A communication tower shall not be artificially lighted unless required by the Federal Aviation Administration or its successor.
  20. There shall be no advertising or other identification of any kind on a communication tower intended to be visible from the ground or other buildings and structures, except as required for emergency purposes.
  21. A communication tower that does not require painting in accordance with applicable Federal Aviation Administration standards shall, if painted, have a paint scheme designed to minimize off-site visibility.
  22. Communication towers and their antennas shall be subject to applicable State of Michigan and federal regulations and standards concerning non-ionizing electro-magnetic radiation. If more restrictive regulations are adopted in the future, the tower and antennas shall conform to such regulations and standards. Failure to conform will result in the revocation of the special use permit by the planning commission. All cost for testing and verification of such compliance shall be the responsibility of the owner(s) of the tower and antennas.
  23. No personnel shall be permanently located on the site of a communication tower, provided, however, occasional and temporary repair and service activities are permitted.
  24. All parking and drive areas of a site where a communication tower is located shall be paved in compliance with applicable city ordinances.
  25. Where the site of a communication tower adjoins a residential zoning district or land use, the applicant shall plant two alternating rows of evergreen trees that meet on 20-foot centers along the entire perimeter of the communication tower and related accessory structures. In no case shall the evergreens be closer than ten feet to the tower or any structure.
  26. A communication tower and its antennas shall be removed by its owner or the owner of the site on which it is located within six months after it's no longer in use.

c. Exemption:

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1. A non-commercial tower erected as an accessory use in any zoning district which does not exceed a height of 70 feet and is either (a) owned and operated by a federally licensed amateur radio station operator or (b) used exclusively for receive-only antennas is exempt from the provisions of this subsection J., provided, the owner of such tower shall have received prior to its installation a zoning compliance permit from the zoning administrator.

K. *Accessory uses—Single-family dwellings.*

1. The need for a special use permit regarding single-family residential accessory buildings shall be determined by the criteria identified in section 4-3.
2. If a special use permit is required for a single-family residential accessory building, the planning commission may permit such accessory buildings if the following standards are met:
  - a. The proposed location, type and kind of construction, and general architectural character of the building shall be compatible with the principal structure.
  - b. The size of the building in relation to the house, lot, and adjacent buildings, shall maintain the appearance of being a residential lot.
  - c. The building shall be in scale with the type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.
  - d. The building shall not have an adverse effect the light and air circulation of any adjoining building or properties.
  - e. The building shall not adversely affect the view of any adjoining property owner or occupant.
  - f. Reasonable access shall be provided between the building and adjoining public rights-of-way, including the relationship to adjoining properties and the view from adjacent streets.

L. *Non-exempt small cell wireless facilities.* The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with Act 365 shall be subject to special use permit review and approval in accordance with the following procedures and standards:

1. The processing of an application is subject to all of the following requirements:
  - (a) Within 30 days after receiving an application under this section, the city shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
  - (b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the city's notice of incompleteness.
  - (c) The city shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the city.
2. The planning commission shall base its review of the special use permit request on the standards contained in this section; provided, however that a denial shall comply with all of the following:
  - (a) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.



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- (b) There is a reasonable basis for the denial.
  - (c) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
3. In addition to the provisions set forth in Section 2, in the planning commission's review:
- (a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.
  - (b) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
    - (i) The need for a wireless support structure or small cell wireless facilities.
    - (ii) The applicant's service, customer demand for the service, or the quality of service.
  - (c) The planning commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
  - (d) The planning commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
4. The fee for zoning review of a special use permit and associated site plan shall be as established by the city by resolution from time to time.
5. Within 1 year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the city and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required the zoning approval is void.

(Ord. No. 97-200, § 3, 12-9-97; Ord. No. 98-210, § 2, 10-13-98; Ord. No. 00-217, § 6, 3-14-00; Ord. No. 19-319, § 6, 12-10-19)

## **ARTICLE 14. NONCONFORMING BUILDINGS AND USES**

### **Sec. 14-1. Nonconforming buildings and related structures.**

- A. *Continuance.* Although such use does not conform with the provisions of this ordinance or amendment, the use of any building, structure, land, or premises, as existing and lawful at the time of enactment of this zoning ordinance (or in the case of an amendment of this ordinance, then at the time of such amendment) may be continued.
- B. *Structural changes to nonconforming buildings.* A nonconforming building shall not be structurally changed in any way which will serve to lengthen the longevity of the nonconforming portion of the building, unless such structural changes are in conformance with this article and are approved by the planning commission.
- C. *Expansion of nonconforming buildings.*

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1. For the purposes of considering legal nonconforming buildings, they shall be placed into one of two classifications.
    - a. Class 1 includes nonconforming buildings which have a minimum setback of ten feet from any lot line and do not encroach into a clear vision area. The clear vision area shall be defined as a triangular area formed by connecting two points from intersecting right-of-way lines, each measured 15 feet back from the point of intersection.
    - b. Class 2 includes nonconforming buildings which do not meet a minimum setback of ten feet from one or more lot line or encroaches into a clear vision area as defined above.
  2. A class 1 nonconforming building shall not be limited in its expansion as long as the expansion is in conformance with this ordinance, with the exception that any building line which is nonconforming may be extended as long as it does not violate any other setback lines or encroach closer than ten feet to any lot line.
  3. A class 2 nonconforming building shall not be allowed to expand, except by planning commission approval. The planning commission shall consider the following factors in making any decision regarding the expansion of a class 2 nonconforming building:
    - a. Safety (pedestrian and auto),
    - b. Aesthetics,
    - c. Adequate light and air,
    - d. Parking, and
    - e. The seriousness of the existing nonconformity and the degree to which the expansion might contribute to the longevity of an undesirable or unsafe situation.
- D. *Repairs.*
1. Any lawful nonconforming buildings may be repaired or reinforced during their life to correct deterioration, depreciation, and wear, provided that such repair does not exceed the state equalized valuation of the building, unless the subject building is changed by such repair to a conforming building.
  2. If a nonconforming building, structure, or portion thereof, containing a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the building inspector to be unsafe or unlawful by reason of physical condition, it shall not hereafter be restored, repaired, or rebuilt except in conformity with all regulations of the district in which it is located.
- E. *Alterations and improvements.* Nothing in this ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk or use of the building except as provided in this article.
- F. *Prior construction approval.* In cases where the city has approved a site plan for a building(s) which subsequently becomes nonconforming because of changes in the zoning ordinance, the city shall retain the right to prohibit construction of such building(s) in cases where on-premises construction of the building(s) has not been initiated. Construction shall consist of construction of the building foundation or erection of other building materials. Grading of the site shall not be considered construction of the building(s).
- G. *Elimination of nonconforming buildings by city.* The city commission may acquire properties on which nonconforming buildings are located by condemnation or other legal means, and may remove such buildings.

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## Sec. 14-2. Nonconforming uses and related structures.

- A. *Continuance.* The use of any building or structure and of any land or premises, as existing and lawful at the time of enactment of this zoning ordinance (or in the case of an amendment of this ordinance, at the time of such amendment) may be continued even though such use does not conform with the provisions of this ordinance or amendment.
- B. *Expansion, repair and replacement.*
1. Classification of related buildings. Buildings housing nonconforming uses shall be classified into one of two categories for purposes of regulating their expansion, repair or replacement.
    - a. "Class 3" shall refer to single-family detached homes and two-family homes in any of the following zoning districts: R-4, CBD-1-G, CBD-1-OS, CBD-2, LC, HC, and PF; and also single-family detached homes in the R-3 Zoning District.
    - b. "Class 4" shall refer to all such buildings not identified in Class 3.

These classifications are created in recognition of varying degrees of incompatibility between land uses and the degree of hardship imposed when addressing the accidental destruction of a home.
  2. Expansion. Class 3 and 4 buildings shall not be allowed to expand.
  3. Repair. Class 3 and 4 buildings may be repaired or reinforced to correct deterioration, depreciation and wear, provided that such repair does not exceed the state equalized valuation of the building.
  4. Replacement.
    - a. Class 3: Class 3 buildings may be rebuilt or replaced subject to the following:
      1. The need for rebuilding is the result of accidental destruction such as a fire or tornado.
      2. The building shall not increase in footprint size unless authorized by the planning commission.
      3. The building shall be reconstructed on the same foundation unless the planning commission requires an alternate location due to setback and compatibility considerations.
      4. The building shall not exceed its previous height unless authorized by the planning commission.
      5. The planning commission shall not approve any changes to a single-family building relative to height or location unless they determine that to do so would improve land use compatibility with surrounding development.
      6. All pertinent building codes are complied with.
    - b. Class 4: Class 4 buildings shall not be rebuilt or replaced.
- C. *Reversion to a nonconforming use.* If a building containing a nonconforming use has a change in occupancy to a use permitted in the district in which it is located, occupancy shall not revert to a nonconforming use.
- D. *Discontinuance or abandonment.* Whenever a nonconforming use has been discontinued for a period of one year or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the nonconforming use. If the owner is taking reasonable action to sell the property or find a tenant for the business or property, and can provide evidence of such action, such time will not be counted toward the one-year abandonment period. At the end of the one-year period of abandonment, the nonconforming use shall not be re-established, and any further use shall be in conformity with the provisions of this ordinance.

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- E. *Illegal nonconforming uses.* Those alleged nonconforming uses, which cannot be proved conclusively to have been existing prior to the effective date of this ordinance, shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this or the previous ordinances.
  - F. *Nonconforming to nonconforming use.* The zoning board of appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be as compatible or more compatible to the zoning district in which it is located than the nonconforming use which is being replaced. The zoning board of appeals shall consider such factors as traffic (car and truck), noise, odors, and noxious emissions in making their determination.
  - G. *Elimination of nonconforming uses by city.* The city commission may acquire properties on which nonconforming uses are located by condemnation or other legal means, and may remove such uses or buildings.

## **ARTICLE 15. SITE PLAN REVIEW**

### **Sec. 15-1. Purpose.**

The purpose of this article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes. And furthermore, its purpose is to ensure that development taking place within the City of Hudsonville is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

### **Sec. 15-2. Uses requiring site-plan review.**

- A. *New construction and new uses.* All new construction and new uses, including the expansion of existing buildings, structures, and uses, (other than single-family or two-family dwelling units which are permitted by right in the zoning district in which they are located) shall require site plan review.
- B. *Private streets.* Private streets shall require site plan review.
- C. *Public utility buildings and structures.* Public utility buildings and structures shall require site plan review.
- D. *Planned unit developments.* Planned unit developments shall require site plan review.
- E. *Special uses.* Special uses shall require site plan review.
- F. *Mobile home parks* Mobile home parks shall require site plan review.
- G. *Site condominium and condominium subdivisions.* All site condominiums and condominium subdivisions developed pursuant to the Condominium Act (MCLA 559.101 et seq.) shall require site plan review.
- H. *Facade changes.* In the CBD-1-G, CBD-1-OS, CBD-2, LC, HC, I-1 and I-2 Districts all new construction and improvements including, but not limited to, signage, lighting, doors, windows and wall treatment made to or upon 50 percent or more of the surface area of the front facade of an existing building shall require site plan review. Such construction and improvements shall meet the Standards of the Architectural Design Elements Portfolio as most recently adopted by the city commission. If less than 50 percent of the surface area of the front facade is improved, a zoning compliance permit pursuant to section 16-3 hereof is required and the incorporation of the Design Elements Portfolio standards is encouraged.

(Ord. No. 06-258, § 5, 10-10-06)

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### **Sec. 15-3. Responsibility for site plan review.**

The planning commission shall have the authority and responsibility to review and make decisions regarding all plans submitted under the site plan review process.

### **Sec. 15-4. Public hearing required.**

A public hearing shall be required for all special use and planned unit development site plan applications. Such public hearing shall be held before the planning commission.

### **Sec. 15-5. Notification to abutting property owners.**

In those cases where a public hearing is not required, the city shall notify the owners of the properties within 300 feet of the subject property of the nature of the site plan and the dates upon which such site plan will be considered.

### **Sec. 15-6. Prohibitions prior to site plan approval.**

Until a site plan is approved and is in effect, no grading, removal of vegetation, filling of land or construction shall commence for any development or use for which site plan approval is required. Any violation of this prohibition shall be subject to the legal enforcement procedures contained in article 16.

### **Sec. 15-7. Pre-application conference.**

The zoning administrator and/or planning director shall have the authority to conduct a preapplication meeting with the applicant/developer, to assist them in understanding the site plan review process, and ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the planning commission or require special impact studies.

This conference shall not be mandatory, but is recommended for small and large projects alike. It is recommended for large projects that a preapplication conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the planning commission to make a proper review.

### **Sec. 15-8. Submittal and review of site plan.**

This section describes the process required for site plan review. A flow chart illustrating the process is provided in Figure 15.1.

- A. *Applicant qualifications.* Anyone having a legal ownership interest in a lot or parcel may apply for site plan approval. If an owner chooses to have their consultant or other designee submit their application, fees, and required plans to the city, they may do so; however, someone having an ownership interest in the subject property shall have to sign the application form.
- B. *Consultation with zoning administrator prior to submission.* To apply for site plan review, the applicant should contact the zoning administrator to obtain the proper application form, to determine required fees, and to obtain a review schedule. To ensure that there are no conflicts with ordinance requirements and that all required information has been included in the site plan, it is recommended that the applicant meet with the zoning administrator to review the completed site plan prior to formal submission. The decision to forego this pre-submission meeting may result in unnecessary delay in the review process.

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- C. *Submittal to zoning administrator.* The applicant shall submit the completed application, the appropriate fee, and 16 copies of the site plan to the zoning administrator.
- D. *Review schedule established.* The applicant has the option at this point to have the planning commission review the site plan in informal (workshop) session, prior to their review in formal session. This option is recommended in cases where there may be controversial or complex issues involved in the site plan. Use of the informal review provides the applicant with the opportunity to work through any changes the planning commission may require prior to the plan being considered for approval by the planning commission in formal session.
- If the informal review is desired by the applicant, the zoning administrator shall set the date for such review. If informal review is not desired, the zoning administrator shall set the date for review in formal session.
- E. *Site plan distributed to reviewing parties.* The zoning administrator shall distribute the site plan and the planning commission's comments from informal session, if used, to the following:
1. The city manager,
  2. The police department,
  3. The fire department,
  4. The zoning administrator,
  5. The planning director/consultant,
  6. The department of public works, and
  7. The city engineer/consultant.
- F. *Zoning administrator's options for action.* The zoning administrator, upon receipt of comments from the above-stated reviewing parties, shall either submit the site plan to the planning commission for formal review or return the site plan to the applicant for revisions.
- G. *Submittal to planning commission.* Once the site plan has met approval by reviewing city staff, the zoning administrator shall forward the site plan to the planning commission for review in formal session.
- H. *Planning commission options for action.* The planning commission may approve, approve with modifications, reject, or table any site plan.
- I. *Approved site plan becomes official site plan.* If the planning commission approves the site plan, the zoning administrator shall prepare two copies of the site plan, as approved by the planning commission, for signature by both the zoning administrator and the applicant. These signed copies of the site plan shall represent the official site plan and be made part of the permanent zoning file for the site.
- J. *Rejection notice.* If the planning commission rejects the site plan, they must include in their official minutes the reason(s) for such rejection. The zoning administrator shall notify the applicant of the reasons for the rejection of the site plan.

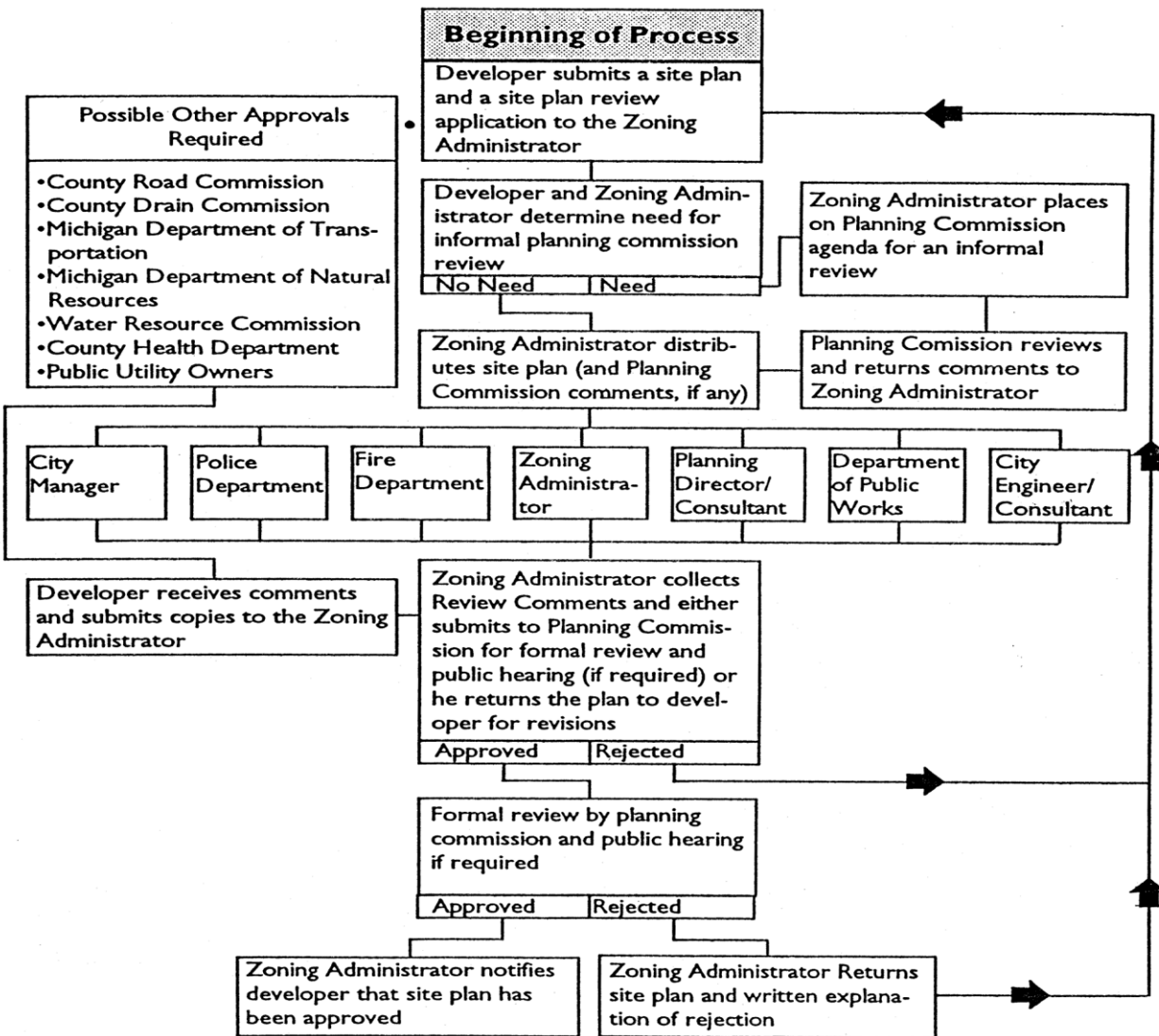


Figure 15-1 Site Plan Approval Process

**Sec. 15-9. Required contents of site plan.**

- A. *Information included on application.* Information to be included on the application form includes:
1. Name, address, and telephone number of applicant, owner, developer, and designer;
  2. The address and or parcel number of the property;
  3. The existing zoning classification of the property;
  4. The existing use of the property;

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5. The proposed use(s);
  6. The project title and description;
  7. The project completion schedule and development phases; and
  8. The signature of the owner of the property (authorizing the submission of the application), and authorization of a representative, if one is to be used.
- B. *Information included in site plan.* The site plan shall consist of an accurate, reproducible drawing at a scale of one inch equals 100 feet or less, showing the site and all land within 100 feet of the site. Each site plan shall depict the following:
1. North arrow, scale, and date of original submittal and last revision;
  2. A vicinity map;
  3. A legal description of the property;
  4. The gross and net acreage of all parcels in the project;
  5. The land uses and zoning classifications of subject parcel and adjoining parcels, including those parcels which are adjoining but are divided by a road right-of-way;
  6. The location of proposed and/or existing lot lines and dimensions of same;
  7. All required building setbacks;
  8. The grading plan showing finished contours at a minimum interval of two feet, and correlated with existing contours so as to clearly indicate cut and fill required (All finished contour lines are to be connected to existing contour lines at or before the lot lines);
  9. The description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension and materials of same, fill materials, typical vertical sections, and plans for restoration of adjacent properties, where applicable;
  10. The location and type of significant vegetation, including woodlots and individual trees of six inches in diameter or greater;
  11. The location and elevations of existing water courses and water bodies, including county drains, and manmade surface drainage ways, 100-year floodplains, and all wetlands;
  12. The location of existing and proposed buildings, as well as the length, width, height and total square footage of each building;
  13. Information for multiple-family residential developments, including:
    - a. Total number of residential units,
    - b. Breakdown of units by number of bedrooms,
    - c. Dwelling unit sizes including dimensions and total square feet, and
    - d. Distance between buildings;
  14. The location of all existing buildings or structures within 50 feet of the subject property;
  15. The proposed location of accessory structures, buildings, and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (Details of the method of screening, where applicable, shall be included.);



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16. *The name, location, dimensions, and associated right-of-way* of all existing and proposed streets (public or private), and typical cross section of same (Cross section shall show surface, base, and sub-base materials; location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site);
  17. The information necessary to demonstrate that required sight distance and driveway spacing standards as identified in article 9 of this ordinance are being met (All driveways located within 100 feet of the site must be shown on the site plan);
  18. The location, design, and number of all parking spaces and unloading areas, including information on proposed curbing, barrier-free access design, and dimensions for parking spaces, circulation aisles, and unloading spaces (A determination of the number of parking spaces as required in article 6 shall be provided);
  19. The design and dimensions for all exterior lighting, including any element relative to shielding light spillover onto adjacent properties and roadways;
  20. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;
  21. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site, including, but not limited to:
    - a. Water lines and fire hydrants,
    - b. Storm sewers,
    - c. Sanitary sewer lines,
    - d. Septic systems, if applicable, and
    - e. Retention and detention areas;(Inverts, hydrants, drainage-flow patterns, location of manholes and catch basins, calculations for size of storm drainage facilities, underground tanks, and transportation pipelines shall also be shown or included in the site plan submittal);
  22. The location, size, and specifications of all signs with cross sections, including signs to be placed on buildings (No sign, except those exempted in article 7, shall be erected unless it has received approval by the planning commission);
  23. The location and specifications for all fences, walls, and other screening features with cross sections;
  24. The location and specifications for all proposed perimeter and internal landscaping, and other buffering features (For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate);
  25. The location, size, and specification for screening of all trash receptacles and other solid-waste disposal facilities;
  26. The number of employees on largest shift (If shifts overlap, indicate the number of employees for the largest two shifts which overlap); and
  27. The proposed deed restrictions, if applicable.
  28. The front facade of all proposed building elevations in the CBD-1-G, CBD-1-OS, CBD-2, LC, HC, I-1 and I-2 zoning districts shall meet the standards of the Architectural Design Elements Portfolio as most recently adopted by the city commission.

**Sec. 15-10. Expiration of site plan approval.**

- A. *Expiration due to failure to initiate.* Unless a zoning compliance permit and a building permit has been issued within 180 days of the date of the planning commission's approval of the site plan, approval of a site plan shall expire and be of no effect. Approval of a site plan shall expire and be of no effect one year following the date of planning commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- B. *Completion deadline.* Development shall, in any case, be completed within 18 months of the date of planning commission approval of a site plan.
- C. *Continuance requirements.* If an approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved, subject to the provisions of this article.

**Sec. 15-11. Amendment of an approved site plan.**

- A. *Information to be included on application form.* If a developer wishes to make changes to a site plan following approval by the planning commission, they must petition the planning commission for a determination as to whether the desired change(s) constitute a major or minor change as defined in this section. The developer in filing such petition shall clearly state the reasons for the desired changes.

Major changes shall require the developer to resubmit the site plan, following the procedures and conditions herein required for original site plan submittal and review.

Minor changes may be authorized by the zoning administrator. A public hearing shall not be required for minor changes.

- B. *Major changes defined.* Changes to be considered major shall include one or more of the following:
  - 1. A change in the original concept of the development;
  - 2. A change in the original use or character of the development;
  - 3. A change in the type of dwelling unit as identified on the approved site plan;
  - 4. An increase in the number of dwelling units planned;
  - 5. An increase in non-residential floor area of over five percent or 500 square feet per building;
  - 6. The rearrangement of lots, blocks, and building tracts;
  - 7. A change in the character, function, or location of any street or access driveway;
  - 8. A reduction in the amount of land area set aside for common open space, or the relocation of such area(s);
  - 9. An increase in building height; and
  - 10. A change which involves a request for variance to the ordinance.
- C. *Minor changes defined.* Minor changes shall include the following:
  - 1. A change in residential floor area;
  - 2. Increases in nonresidential floor area which do not exceed either five percent of gross floor area or 500 square feet per building; and

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3. Minor variations in design of the building or site which do not constitute major changes.

### **Sec. 15-12. Modifications of site plan during construction.**

- A. *Compliance.* All site improvements and building construction shall conform to the approved site plans, approved amendments authorizing their implementation, and to all approved engineering and architectural plans related thereto.

If the applicant or developer makes any changes in the improvements and buildings during construction, in relation to such approved plans, they shall do so at their own risk, without assurance that the city commission, planning commission, or city official, whichever is applicable, will approve such changes.

- B. *Procedure to be followed when field changes are required.* Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. So as to conform to the approved plans, the city commission, planning commission, zoning administrator, or city engineer, whichever is applicable, may require the applicant to correct any change made in the field without prior approval.

### **Sec. 15-13. Standards for site plan review.**

To promote orderly development which is safe, efficient, attractive, sensitive to environmental concerns, and generally promotes the welfare of the city's citizens, all developments and uses, in addition to meeting applicable specific standards as identified in this ordinance, shall also meet the following general standards:

- A. *Organization of elements.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- B. *Landscape preservation.* The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.  

Use of existing, prime nature features (woodlots, wetlands, attractive vegetation etc.) shall be preserved and allocated for required open space areas where feasible.
- C. *Drainage provisions.* Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties or overload watercourses in the area.
- D. *Soil preservation.* Proposed developments or uses shall not result in soil erosion or sedimentation problems.
- E. *Privacy provisions.* The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barrier and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- F. *Emergency vehicle accessibility.* All buildings or groups of buildings shall be so arranged as to permit emergency vehicle accesses, by some practical means, to all sides.
- G. *Connective access to public streets.* Every structure or dwelling unit shall have connective access to a public street by some form of pedestrian sidewalk or pathway.
- H. *Pedestrian circulation system.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

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- I. *Compatibility with existing or planned streets and pathways.* The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be of a width appropriate to the traffic volume they will carry, and shall have a dedicated right-of-way equal to that specified in any formally adopted street plan or platted right-of-way.
  - J. *Efficient and safe traffic systems.* Vehicular and pedestrian traffic ways within the site, as well as to and from the site, shall be designed in a manner which is both efficient and safe.
  - K. *Compliance with all applicable statutes.* Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits.
  - L. *Sexually oriented businesses.* Shall comply with the requirements of subsection 13-7.1.

(Ord. No. 97-200, § 4, 12-9-97)

### **Sec. 15-14. Computer-formatted as-built drawing required.**

- A. *Rationale and requirements.* Due to the city's ongoing program of developing an accurate and updated computerized graphic database of all lots, utilities, buildings, structures, natural features, rights-of-way, roads, and other features necessary for the efficient management of the city, it shall be required for the site plan applicant to either submit computer-formatted as-built plans of their development to the city, or pay a fee as approved by the city commission for converting the manual drawings to the city's computer files.
- B. *Computer database format.* The computerized graphics database must be developed in either an IGDS or DXF format, delivered on 3-½ inch or 5-¼ inch floppy disk. To be accepted, all information must meet the city's file structure and layering scheme. Graphic database standards are available at the city offices.
- C. *Responsibility of applicant.* If the applicant submits a computer file of the site plan which has not been prepared consistent with the city's graphic database standards, the applicant shall be required to either resubmit the computer file in a form consistent with the city's standards or be responsible to the city for all costs incurred by the city in converting such file into the proper format.
- D. *Penalty for noncompliance.* The city, in the event of the applicants failure to either provide the city with the proper computer files of the as-built plans or to pay the appropriate fee to accomplish this task, may withhold an occupancy permit until such failure is satisfactorily resolved.

### **Sec. 15-15. Inspection.**

- A. *Zoning administrator responsibilities.*
  1. The zoning administrator shall be responsible for inspecting all improvements for conformance with the approved, final site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements, shall be inspected and approved by appropriate agencies prior to covering.
  2. The zoning administrator shall notify the planning commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved site plan.
  3. The zoning administrator shall notify the planning commission in writing of any development for which a site plan was approved which does not pass inspection. Additionally, the zoning administrator shall advise the planning commission of steps taken to achieve compliance. In such case, the zoning administrator shall periodically notify the planning commission of progress toward compliance with the approved site plan and when compliance is achieved.

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- B. *Applicant responsibilities.* The applicant shall be responsible for requesting the necessary inspections. All inspection requests shall be first directed to the zoning administrator. The zoning administrator shall obtain inspection assistance from the appropriate city official or consulting professional.

**Sec. 15-16. Performance guarantee required.**

- A. *Purpose* To ensure compliance with the zoning ordinance, relative to the approval of a site plan, the planning commission may require the applicant to deposit a performance guarantee as set forth in this section. The purpose of the performance guarantee is to ensure completion of improvements required by this ordinance and contained on the approved site plan.
- B. *Performance guarantee definition.* Performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond, as determined by the applicant and verified by the planning commission or city consultant, in the amount of the estimated cost of the improvements, plus the amount of any applicable fee established from time to time by resolution of the city commission to cover the city's costs related to determining compliance with the zoning ordinance in connection with performance guarantee.
- C. *Acceptance of performance guarantee.* No performance guarantee will be accepted by the city without the applicant first obtaining a zoning compliance permit from the zoning administrator pursuant to section 16-3.
- D. *Deposit requirements.* Where the planning commission requires a performance guarantee, said performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit for the development and use of the land, or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. Upon the deposit of the performance guarantee, the city shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.
- E. *Time of completion for performance-guarantee-backed improvements.* An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- F. *Rebate of performance guarantee to applicant.*
1. In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant 50% of the deposited funds when 60% of the required improvements are completed, as confirmed by the zoning administrator. The remaining 50% of the deposited funds will be rebated when 100% of the required improvements are completed, as confirmed by the zoning administrator.
  2. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
  3. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the zoning administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- G. *Defaults in making performance-guarantee-backed improvements.*
1. In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements

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through contract or other means. The city shall specifically have the right to enter upon the subject property to make the improvements.

2. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
3. Should the city use the performance guarantee, or a portion thereof, to complete the required improvement, any amounts remaining after said completion shall be applied first to the city's administrative costs in completing the improvement. Any balance remaining shall be refunded to the applicant.
4. At the time the performance guarantee is deposited with the city, and prior to the issuance of a building permit or occupancy permit, the applicant shall enter an agreement with the city incorporating the provisions of the performance guarantee.

(Ord. No. 03-242, § 3, 8-12-03)

### **Sec. 15-17. Fees.**

Fees for the review of site plans, inspections, and computer-formatted as-built plans, as required by this article, shall be established and may be amended by resolution of the city commission.

### **Sec. 15-18. Violations.**

The approved site plan shall become part of the record of approval, and subsequent action, relative to the site in question, shall be consistent with said approved site plan unless the pertinent administrative body agrees to such changes as are provided for in this article. Any violations of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this ordinance as provided in article 16 of this ordinance.

## ***ARTICLE 16. ADMINISTRATION AND ENFORCEMENT***

### **Sec. 16-1. Administration and administrator.**

The provisions of this ordinance shall be administrated by the planning commission in accordance with the State of Michigan Municipal Planning Commission Act, Act 285 of the Public Acts of 1931 (MCL 125.31 et seq.), as amended, and the provisions of Act 207 of the Public Act of 1921 (MCL 125.581 et seq.), as amended, where and if possible, is also relied upon as statutory authority.

The planning commission, with the advice and consent of the city manager, shall designate a zoning administrator to administer this ordinance.

The zoning administrator, and deputies of same, shall have the responsibility of administering the City of Hudsonville Zoning Ordinance, as amended, and, for the purpose of this ordinance, shall have the power of a police officer.

### **Sec. 16-2. Duties and powers of zoning administrator.**

The zoning administrator shall have the authority to administer the City of Hudsonville Zoning Ordinance precisely as it is written. Under such authority, the zoning administrator shall have the following responsibilities:

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- A. Assist citizens with understanding the zoning ordinance and completing all forms pursuant to processing their zoning related requests.
  - B. Fulfill management duties related to processing all zoning related requests. Provide administrative support to the planning commission and zoning board of appeals relative to zoning issues.
  - C. Review and investigate building permit and site plan applications to determine compliance with the provisions of the zoning ordinance.
  - D. Issue the appropriate permit(s) when all provisions of the zoning ordinance have been complied with, and, when applicable, site plan approval from the planning commission has been obtained.
  - E. Perform inspection duties to ensure that all developments are being constructed in conformance with their permit or site plan approvals.
  - F. Make periodic tours of the city for general zoning ordinance enforcement purposes. Investigate reported alleged violations of the ordinance and enforce corrective measures when required.
  - G. Keep the zoning map, text, and office records up to date by recording all amendments and retaining a copy of pertinent official documents.
  - H. Make recommendations to the planning commission on ways to solve problems or otherwise improve zoning operations.
  - I. Perform other duties as authorized elsewhere in this ordinance or as may be assigned to the zoning administrator by other city ordinances.

### **Sec. 16-3. Zoning compliance permit.**

- A. *Purpose.* The zoning compliance permit shall be an official acknowledgment from the city that all proposed uses and construction plans have been reviewed and are in compliance with the zoning ordinance.
- B. *Activities requiring a zoning compliance permit.* No activity which requires the issuance of a zoning compliance permit shall be undertaken until such permit has been obtained from the zoning administrator. Activities requiring a zoning compliance permit shall include:
  - 1. Grading, excavation, or filling in preparation for construction;
  - 2. The erection, addition to, alteration of, or moving of any building or structure;
  - 3. Initial use of any property; and
  - 4. The changeover of any building or property from one type of use to a different type of use.
  - 5. In the CBD-1-G, CBD-1-OS, CBD-2, LC, HC, I-1 and I-2 zoning districts improvements that include, but are not limited to, signage, lighting, doors, windows and wall treatments that make up less than 50 percent of the front facade are encouraged to meet the standards of the Architectural Design Elements Portfolio as most recently adopted by the city commission.
- C. *Process of issuance.* The zoning administrator shall provide a copy of the zoning compliance permit to the applicant and the building official, if that official is other than the zoning administrator. The building permit issued by the building official may serve as the zoning compliance permit if signed by the zoning administrator before issuance.

Except upon the granting of a variance by the zoning board of appeals, a zoning compliance permit shall not be issued for any building or use in violation of any of the provisions of this ordinance.

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- D. *Zoning compliance application requirements.* Application requirements for proposed uses or developments requiring site plan review are given in article 15. Application requirements for proposed uses or developments not requiring site plan review are as follows:
1. The location, shape, area, and dimensions of the lot;
  2. The location, dimensions, and height of all structures;
  3. The intended uses;
  4. The location of building setbacks from all lot lines;
  5. The location of driveways and parking areas;
  6. Any other information deemed necessary by the zoning administrator to determine and provide for the enforcement of this ordinance; and
  7. A fee in accordance with the fee schedule, established by the city commission.
  8. All drawings submitted with an application shall be professionally prepared and drawn to scale.
- E. *Voiding of permit.* Unless the development proposed has passed its first building inspection within 180 days from the date of the granting of the permit, any zoning compliance permit granted under this article shall become null and void. Before voidance is actually declared, the zoning administrator shall make every effort to notify the holder of a zoning compliance permit that such permit is liable for voiding action. A void zoning compliance permit will also void the building permit issued for the same development, requiring resubmittal for both permits before the applicant may construct or use any of the property affected by these permits.
- F. *Zoning inspection.* The construction or usage affected by any zoning compliance or building permit shall be subject to inspections. The first inspection shall be when excavation for foundations has been completed and building lines have been established. The second shall be when the building is completed.

It shall be the duty of the holder of every zoning compliance permit and building permit to notify the zoning administrator and building official (if other than the zoning administrator), as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring the issuance of a new permit(s) before construction may proceed or occupancy may be permitted.

(Ord. No. 06-258, § 7, 10-10-06)

#### **Sec. 16-4. Certificates of occupancy.**

- A. *Requirements.* Certificates of occupancy shall be required in the following cases to ensure compliance with the zoning ordinance:
1. When any land, building, or part thereof is being occupied for the first time;
  2. When an existing use of land, building(s), or part(s) thereof are being changed to another use having different zoning requirements; and
  3. Upon expansion of an existing land use, or expansion to an existing building or structure.
- B. *Conditions for issuance.* A certificate of occupancy shall not be issued for any land use, building, or part thereof, unless the following conditions exist:
1. All provisions of this ordinance and other applicable city ordinances have been met.
  2. All improvements contained on any approved site plan have been completed, or if not completed, that a performance guarantee has been provided to the city.



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3. All development related fees owed to the city by the applicant seeking the certificate of occupancy have been paid, or mutually satisfactory arrangements for such payment have been made.

### **Sec. 16-5. Zoning board of appeals (ZBA).**

- A. *Establishment of the board.* In order that the objectives of this ordinance may be more fully and equitably achieved; that there shall be provided a means for competent interpretation of this ordinance; that adequate, but controlled, flexibility be provided in the application of this ordinance; that health, safety, and welfare of the public be secured; and that justice be done; there is hereby established a zoning board of appeals (also referred to as ZBA).
- B. *Membership and terms of office.* The zoning board of appeals shall consist of five members. Members shall be appointed by the mayor and approved by the city commission. The members shall consist of one member from city commission, one member from the planning commission, and three electors from the city at large.

The three elector members shall not be members of the city commission, planning commission, or employees of the city.

Elector members shall serve three-year terms, and the commission members shall serve during their terms on their respective commissions. If a person is appointed to the zoning board of appeals in replacement of a member who did not complete a term, that person's initial term shall only be for the balance of time remaining in the term they are assuming.

The six-member zoning board of appeals, existing at the time of this ordinance adoption, may continue to function as they did under the previous zoning ordinance. However, the first elector member to not seek reappointment to the zoning board of appeals shall not be replaced, so as to achieve the transition to a five-member board. As the current terms of the zoning board of appeals expire, terms for reappointment or new appointments shall be for the periods as specified in this ordinance.

The city commission may also approve, at its discretion, up to two alternate members of the zoning board of appeals to serve three-year terms. If alternate members are appointed, they shall serve on a rotation basis as determined by the chairman of the zoning board of appeals. Alternate members may be called on to serve as a regular member of the zoning board of appeals, in the absence of a regular member, or to reach a decision in a case where a member has chosen to abstain from voting due to a conflict of interest. Alternate members shall have the same voting rights as a regular member, and if used on a case, shall continue to serve on that case until a final decision is made.

#### **C. *Organization and procedures.***

1. **Rules of procedure.** The zoning board of appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly.
2. **Majority vote.** 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 the zoning administrator, to decide in favor of the applicant any matter upon which they are required to pass under this ordinance; or to effect any variation in this ordinance.
3. **Officers.** The zoning board of appeals shall appoint a chairman, vice-chairman, and secretary, as prescribed in their rules of procedure.
4. **Meetings.**
  - a. Meetings shall be held at the call of the zoning board of appeals chairman and at such other times as the zoning board of appeals shall specify in its rules of procedure.

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- b. The business which the zoning board of appeals may perform shall be conducted at a public meeting of the board held in compliance with the Open Meetings Act, Act 267 of the Public Acts of 1976 (MCL sections 15.261 to 15.275), as the same may be amended.
        - c. The zoning board of appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
  5. *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case. Minutes shall contain the vote of each member upon each question, and if the member is absent or failing to vote. The zoning board of appeals shall also keep records of its hearings and other official action. Such minutes shall be filed in the office of the city clerk and shall become public record.
  - D. *Duties and powers of the zoning board of appeals.*
    1. Hear an appeal for interpretation.
      - a. The zoning board of appeals shall hear and decide upon requests for the interpretation of the provisions of this ordinance.
      - b. The zoning board of appeals shall determine the precise location of boundary lines between zoning districts when there is dissatisfaction expressed by the zoning administrator, or when assistance in interpretation is sought by the zoning administrator.
    2. Hear an appeal for administrative relief. The zoning board of appeals shall hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the zoning administrator in the administration and enforcement of this ordinance.
    3. Hear an appeal for a dimensional variance. In considering dimensional variances, the zoning board of appeals shall only have the authority to authorize variances in matters relating to the following:
      - a. Building setbacks,
      - b. Building height,
      - c. Principal building area,
      - d. Percent of lot coverage,
      - e. Lot dimensions or size,
      - f. Driveway setbacks from intersections,
      - g. Driveway spacing requirements,
      - h. Sign dimensions or area,
      - i. Parking and loading requirements,
      - j. Landscape requirements, and
      - k. Number of accessory structures.
    4. Hear appeals regarding inability to use land for permitted uses. The zoning board of appeals may hear appeals from property owners regarding their inability to use their property for the uses which are permitted by right in the zoning district where their property is located. If upon evaluation of the information submitted, the zoning board of appeals finds that the applicant's property cannot be reasonably used for the uses which are permitted by right within the designated zoning district, they shall formally make such finding of fact and file a report to the planning commission. The planning commission may initiate a process of amending the ordinance in such manner that the applicant's

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property may be reasonably used in a way which is consistent with the City of Hudsonville Master Plan and which does not adversely affect adjoining properties.

E. *Limitation of powers.*

1. The zoning board of appeals shall not have any authority other than that expressly conferred upon it by this ordinance.
2. The zoning board of appeals shall not hear any appeal regarding special uses.
3. The zoning board of appeals shall not hear any appeal regarding planned unit developments.
4. The zoning board of appeals shall not grant a use variance.

F. *Appeal process.*

1. Eligibility for filing an appeal. An appeal may be taken to the zoning board of appeals by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision made by the zoning administrator in the administration of this ordinance.
2. Official with whom to file appeal application. All appeal applications, to include the grounds for appeal, shall be submitted to the zoning administrator.
3. Fees for appeal. A fee, as established by the city commission, shall be paid to the zoning administrator at the time of filing an appeal application. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred by the zoning board of appeals in connection with the appeal.
4. Time frame for filing. An appeal shall be filed with the zoning administrator within 14 days of receiving official notice of the decision which is the basis for appeal.
5. Stay. An appeal stays all proceedings in furtherance of the action appealed unless the zoning administrator certifies to the zoning board of appeals that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. If the zoning administrator makes such certification, proceedings shall not be stayed other than by a restraining order, which may be granted by the zoning board of appeals, or on application by the circuit court when cause can be shown.
6. Distribution of appeal materials to zoning board of appeals members. The zoning administrator shall transmit to all zoning board of appeals members all of the papers constituting the record upon which the action appealed from was taken.
7. Date and notice of hearing. The zoning board of appeals shall fix a reasonable time for the hearing of the appeal. And further, the ZBA shall give due notice of same to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used.
8. Representation at hearing. Upon the hearing, a party may appear in person, by agent, or by legal representative.
9. Zoning board of appeals decision options. Either wholly or partly, the zoning board of appeals may reverse, affirm, or modify the order, requirement, decision, or determination appealed. And, the zoning board of appeals shall make an order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If an affirmative decision is made, the zoning board of appeals may impose conditions to such decision.

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If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance, the zoning board of appeals, in considering an appeal for variance, may modify any of the ordinance requirements regarding those matters listed in section 16-5.D.3, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

10. Time frame for zoning board of appeals decision. The zoning board of appeals shall make a decision within a reasonable time frame. However, a decision shall not exceed 90 days from the time the zoning board of appeals is in receipt of all information which it needs to base its decision.
  11. Final authority. The decision of the zoning board of appeals shall be final.
- G. *Variance appeal hearings.* If all of the conditions listed below are satisfied, the zoning board of appeals may authorize dimensional variances in those matters listed in section 16-5.D.3:
1. The applicant must be able to demonstrate practical difficulty in complying with this ordinance.
    - a. An example of practical difficulty would be if dimensional zoning requirements could not be met on an existing lot; due to narrowness, irregular shape, or location of natural features such as wetlands or floodplains on the site.
    - b. Demonstration of practical difficulty should have a bearing on a condition relative to the site, or use upon the site, and not to the applicant personally. Economic hardship or optimal profit potential are not considerations for practical difficulty.
  2. The practical difficulty which is demonstrated must be due to unique circumstances peculiar to the property and not to general neighborhood conditions.
  3. The applicant shall not have created the problem for which a variance is being sought.
  4. The zoning board of appeals shall only approve a variance appeal if in so doing the spirit of the ordinance shall be observed, public safety secured, and substantial justice done for both applicant and other property owners in the district.

Substantial justice, as it relates to the applicant, shall be aimed toward permitting the applicant substantial property rights, such as those enjoyed by adjoining properties in the same zoning district. Substantial justice, as it relates to other property owners in the district, shall be aimed toward trying to ensure that special development rights are not bestowed on the applicant that are not enjoyed by the other property owners in the same district, or that the granting of the applicant's variance does not result in substantial adverse impacts to adjoining properties.
  5. In approving a variance appeal, the zoning board of appeals shall only approve the minimum variance which is necessary to relieve the practical difficulty.
- H. *Recording of variance appeal decisions.* The zoning board of appeals shall record into the official record of any variance appeal hearing:
1. The decision made (to include vote count);
  2. The condition(s), if any, shall be attached to any approval;
  3. For variances approved, a statement indicating the satisfaction of all required conditions; and
  4. For denials, a statement containing reasons for denial.
- I. *Variance period of validity.* The construction authorized by the issuance of a variance by the zoning board of appeals shall commence within 90 days, or the variance shall become void.
- J. *Resubmittal for variance.* No application for a variance which has been denied wholly or in part by the zoning board of appeals shall be resubmitted for a period of one year from the date of the last denial, except on

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grounds of newly discovered evidence or proof of changed conditions found to be valid upon inspection by the zoning board of appeals.

(Ord. No. 00-217, § 7, 3-14-00)

### **Sec. 16-6. Enforcement.**

- A. *Purpose.* It is the intent of this article to outline procedures and responsibilities for enforcement of the City of Hudsonville Zoning Ordinance.
- B. *Violations and penalties.*
1. Violation a nuisance. Buildings erected, altered, moved, razed, or converted, or any other use of land or premises carried on in violation of any provision of this ordinance are declared to be unlawful and a nuisance per se.
  2. Violation reporting requirements. Any and all buildings or land use activities considered possible violations of this ordinance shall be reported to the zoning administrator, particularly when observed by or communicated to any city official or employee.
  3. Penalty for violations. Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance; or any permit, license, or exception granted hereunder; or any lawful order of the zoning administrator, planning director, zoning board of appeals, planning commission, or the city commission issued in pursuance of this ordinance, shall be guilty of a misdemeanor. Upon issuance of a zoning citation and conviction thereof before any court of competent jurisdiction, any violation shall be punished by a fine, not to exceed \$500.00 dollars, or by imprisonment, not to exceed 90 days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this ordinance.
- C. *Enforcement procedure.*
1. When a violation is initially determined by the zoning administrator, it shall be the administrator's responsibility to issue a notice to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
    - a. Date and location of each violation observed by the zoning administrator;
    - b. Names and addresses of owners and occupants;
    - c. Specific sections of the zoning ordinance which have been violated (If more than one violation, each violation and each section violated shall be listed); and
    - d. length of time allowed before further prosecution of the violation(s).

(Unless the violation constitutes a clear and present danger to the health or safety of the public, the length of time allowed shall not be less than ten days, in which case the violation may be prosecuted civilly or criminally without notice.)
  2. The notice required by the above subsection may be either personally served upon an individual or upon an officer, director, or resident agent of a corporation; or may be served by sending a copy of the notice by registered mail with a return receipt executed by the person being served. In the event the appropriate person is not served after reasonable inquiry or attempts, the notice shall be effective upon the posting of the notice in a reasonably conspicuous place upon the property.

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3. Upon a violation of this ordinance and upon the giving of the appropriate notice, the violation may be enjoined, abated, remedied, corrected, removed, or prosecuted as follows:
    - a. The zoning administrator may issue a zoning ordinance violation appearance ticket in accordance with Act 366 of the Public Acts of 1984 (MCLA 764.9c, 764.9f; MSA 28.868(3), 28.868(6), as amended, to an owner, tenant, or occupant.
    - b. The zoning administrator may file a criminal complaint and seek a warrant in accordance with the Michigan Statutes made and provided.
    - c. The zoning administrator or city attorney may institute a civil proceeding seeking to enjoin, abate, remedy, correct, or remove any violation of this ordinance, together with the recovery of costs and damages. The judgement may provide that the city shall have a lien upon the subject real property to the extent that the city has incurred costs and expenses in the abatement, removal, or correction of the violation.
    - d. The election to pursue any of the above remedies shall not bar pursuit of other remedies.

## **ARTICLE 17. ZONING ORDINANCE AMENDMENTS**

### **Sec. 17-1. Who may amend.**

Only the city commission may amend, supplement, or change any of the regulations, provisions or boundaries stated in this ordinance.

### **Sec. 17-2. Who may initiate.**

*Proposals for amendments, supplements, or changes may be initiated by the city commission on its own motion, by the planning commission, or by petition of one or more owners of property to be affected by a proposed amendment.*

## **ARTICLE 18. VALIDITY**

Should any article, section, or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or part thereof, other than the part so decided to be unconstitutional or invalid.

If a provision of this ordinance is determined to be invalid or unenforceable because of its scope or breadth, that provision shall be valid and enforceable to the extent of the scope or breadth permitted by law.

## **ARTICLE 19. VESTED RIGHT**

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, or any permissible activities therein. Such uses, districts, and activities are hereby declared to be subject to subsequent amendments or modification as may be necessary for the preservation or protection of public health, safety and welfare.

### ***ARTICLE 20. REPEAL OF PRIOR ORDINANCE***

The zoning ordinance adopted by the City of Hudsonville Commission, being Ordinance Number 114, adopted July 8, 1986, and all subsequent amendments thereof, are hereby repealed, effective coincident with the effective date of the adoption of this ordinance.

### ***ARTICLE 21. ADOPTION***

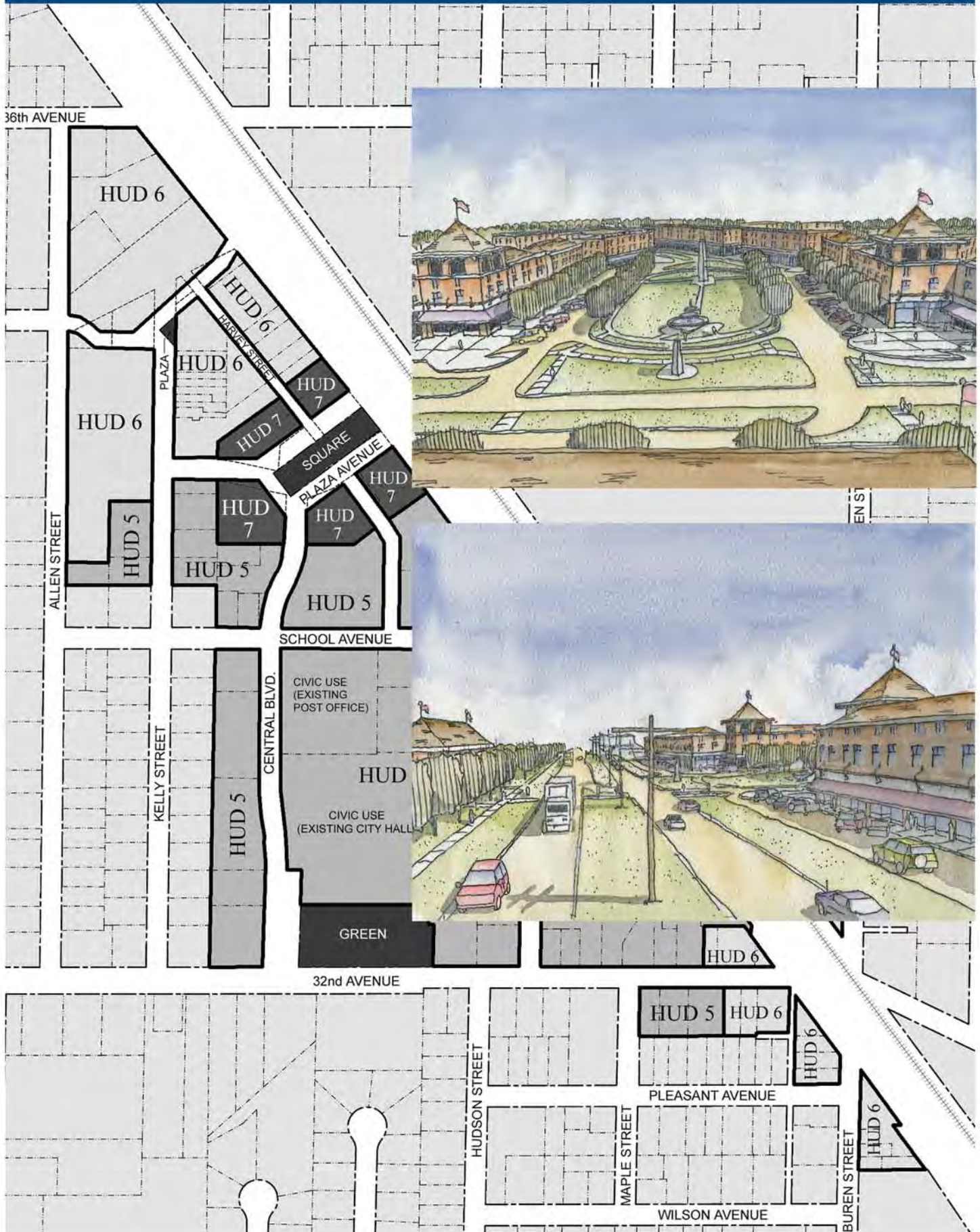
This ordinance was adopted at a regular meeting of the Hudsonville City Commission on September 8, 1992, with a unanimous aye vote by commissioners Raterink, Lamain, Prins, Wesseling, Tamminga, and Brandson, and Mayor Holtrop.

### ***ARTICLE 22. EFFECTIVE DATE***

This ordinance became effective on September 17, 1992, upon publication of notice of adoption.

# DOWNTOWN ZONING ORDINANCE

## CITY OF HUDSONVILLE, MICHIGAN







**BACKGROUND:**

This Downtown Zoning Ordinance was created for the City of Hudsonville as part of the community's participation in Ottawa County's Urban Smart Growth Demonstration Project. The Ottawa County Planning Commission developed the Project to demonstrate that urban communities have the ability to attract and retain new and existing residents despite the trend occurring in a majority of urban areas where residents are moving out of the cities and into more rural areas.

One of the primary components of the Project was to develop a highly-visual, graphics-based master plan and zoning ordinance that would improve the ability of an urban community to effectively plan for future growth and development. As a result of the unique partnership between the City and Ottawa County, the community's downtown master plan and zoning ordinance have been completely redesigned to include an assortment of images, illustrations and artistic renderings to not only make it easier for community leaders to plan for future growth, but also provide developers, business owners, and residents with a clear understanding of what the community wants to look like in the future. Several new planning techniques have also been incorporated in the documents that are each designed to enhance the vibrancy, livability, and aesthetic character of the City of Hudsonville.

The Downtown Zoning Ordinance in conjunction with the Downtown Area Master Plan serves as the framework to enhance the vibrancy and economic viability of Hudsonville's central business district while also enhancing the vibrancy, livability and aesthetic character of the entire community. It is anticipated that the innovative techniques and planning principles developed as part of this Project, as well as the collaborative process that was employed to implement these tools in the City of Hudsonville, will serve as a model for other urban communities that are working to enhance the vibrancy, livability, and aesthetic character of their respective communities.



# ACKNOWLEDGEMENTS

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## HUDSONVILLE CITY COMMISSION

Mayor Donald Van Doeselaar  
John O'Brien  
Kelly TenHarmsel  
Norman Unema  
Steven Zuiderveen  
Philip Leerar  
Larry Brandsen

## HUDSONVILLE PLANNING COMMISSION

Mayor Donald Van Doeselaar  
Commissioner Kelly TenHarmsel  
City Administrator Patrick Waterman  
Virgil Leatherman  
Charles VanDenBerg  
Gary Raterink  
Scott Staal  
Dave Sikkema  
Nancy Westrate

## HUDSONVILLE DOWNTOWN DEVELOPMENT AUTHORITY

Mayor Donald Van Doeselaar  
Dale Sall  
Larry Gemmen  
Dr. Brad Dykstra  
Gary Huizen  
Joel Keegstra  
Stan Buell  
Doug Butterworth  
Jim Roskam  
Art Bolt

## HUDSONVILLE PLANNING STAFF

Daniel J. Strikwerda, AICP

## OTTAWA COUNTY PLANNING COMMISSION

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Jeffrey Wincel  
Matthew Hehl  
James Holtvluwer  
Roman Wilson  
Adam Kantrovich

## OTTAWA COUNTY PLANNING STAFF

Mark Knudsen, Director  
Paul E. Sachs, Assistant Director

## DOWNTOWN ZONING ORDINANCE REVIEW COMMITTEE

Mayor Donald Van Doeselaar  
Pauline Luben, former City Manager  
Daniel J. Strikwerda AICP  
City Commissioner Philip Leerar  
City Commissioner Larry Brandsen

## PROJECT CONSULTANT TEAM

Mark F. Miller AIA, Nederveld Inc.  
Rick Pulaski, Nederveld Inc.  
Michael Campbell AIA, Campbell Planning and Architecture

## RESOURCES

City of Hudsonville Downtown Master Plan 2007  
City of Hudsonville Architectural Design Elements Portfolio  
2006  
Traditional Construction Patterns by Steve Mouzon  
The SmartCode v9.0

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# ARTICLE i

## USE OF ORDINANCE

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN



# USE OF ORDINANCE

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## Overview

This Ordinance is organized around form-based standards which essentially pertain to the definition of the public spaces in downtown Hudsonville in order to reinforce the type of city envisioned by the citizens within the City of Hudsonville Downtown Master Plan. This Ordinance differs from conventional zoning ordinances in that it primarily focuses on standards for key urban and architectural elements that impact the built environment and public space, rather than through use-based codes that regulate types of uses within a zoning district. The document is intended to be a highly-visual, graphics based document that conveys these standards in an easy to understand format.

## Similarities to Conventional Zoning

The Hudsonville Downtown Zoning Ordinance is similar to conventional zoning ordinances in that it includes Articles pertaining to General Provisions, Nonconforming Lots, Buildings and Uses, Planned Unit Developments, Site Condominiums, Special Uses, Parking and Loading Requirements and Environmental Standards. These Articles regulate and accommodate development in a similar fashion as conventional ordinances.

Additionally, at the end of this Ordinance in Articles 18, 19 and 20 administration and procedures are addressed in much the same way that conventional zoning would address them. These procedures include information about submittals, review, variances, enforcement and the other typical process elements which aid the applicant in implementing their project while also establishing a fair and routine process for all applicants.

The last Article of this Ordinance addresses definitions of words and terms which are pertinent to this Ordinance, along with establishing rules of construction and organization. This definition article is exactly the same as conventional ordinances, except that it is located at the end of the Ordinance, rather than at the beginning.

## Form-Based Elements

The remainder of this Ordinance is where the focus on form regulations is addressed and this is where the primary differences occur between it and other conventional ordinances.

Article 3 establishes function and use standards calibrated to both building type and District. These standards are similar to uses in conventional codes, but instead of providing the basis for each zoning district they are integrated into building types which encourage a mix of uses within a District.

Article 4 contains regulating plans which are similar to conventional zoning maps in that they convey what District a specific property is located in and also indicate where public frontages

occur.

Article 5 describes the Districts indicated on the Regulating Plan. These Districts will establish allowable building types, height regulations, allowable private frontages and other specific attributes of each District. The Urban Mixed-Use Districts define downtown Hudsonville and encourage mixed-use development that is both compact and walkable.

Article 6 provides information on building types which form one of the cornerstones of the Hudsonville Downtown Zoning Ordinance. This Article describes the attributes of each building type including where the building is located on the site (site disposition), dimensional floor heights, architectural design elements and material standards. Many of the remaining form-based standards established in this Ordinance are based on the building type, including uses, private frontages and signs.

Article 7 defines private frontage types, which when paired with a building allow for customization and design flexibility of the building's interface with the street. Private Frontage types are specific to building type and not all private frontages are appropriate for all building types.

Article 8 indicates public frontage types, which are the public spaces at each property. These are indicated on a separate regulating plan in Article 4 and shall be referenced for each project so that the applicant can better understand the requirements of landscaping and other attributes of these frontages that may be associated with their project.

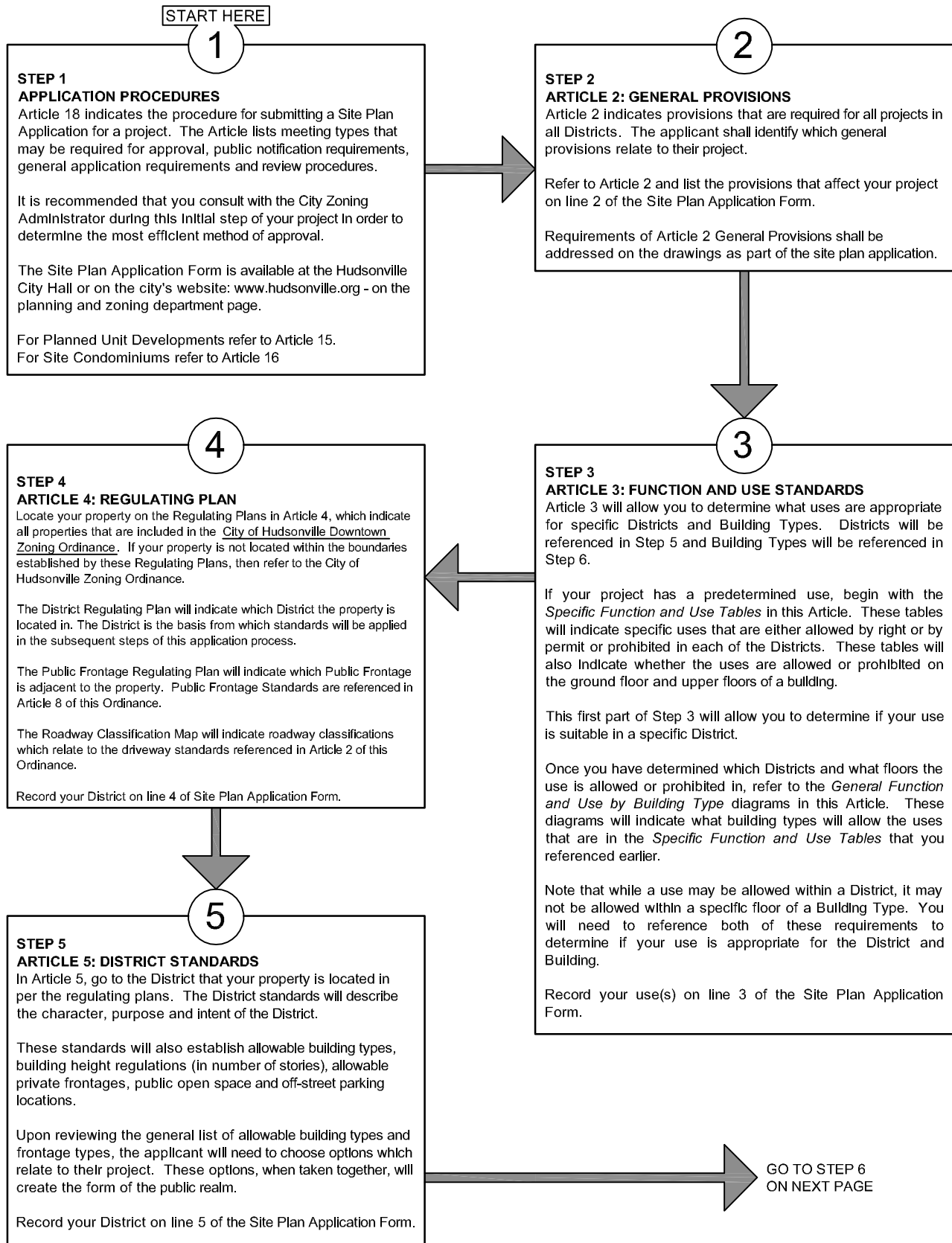
Article 9 provides landscape standards, and while these standards are similar to conventional codes, they also correspond to specific elements of the private and public frontages that aid in defining the public realm.

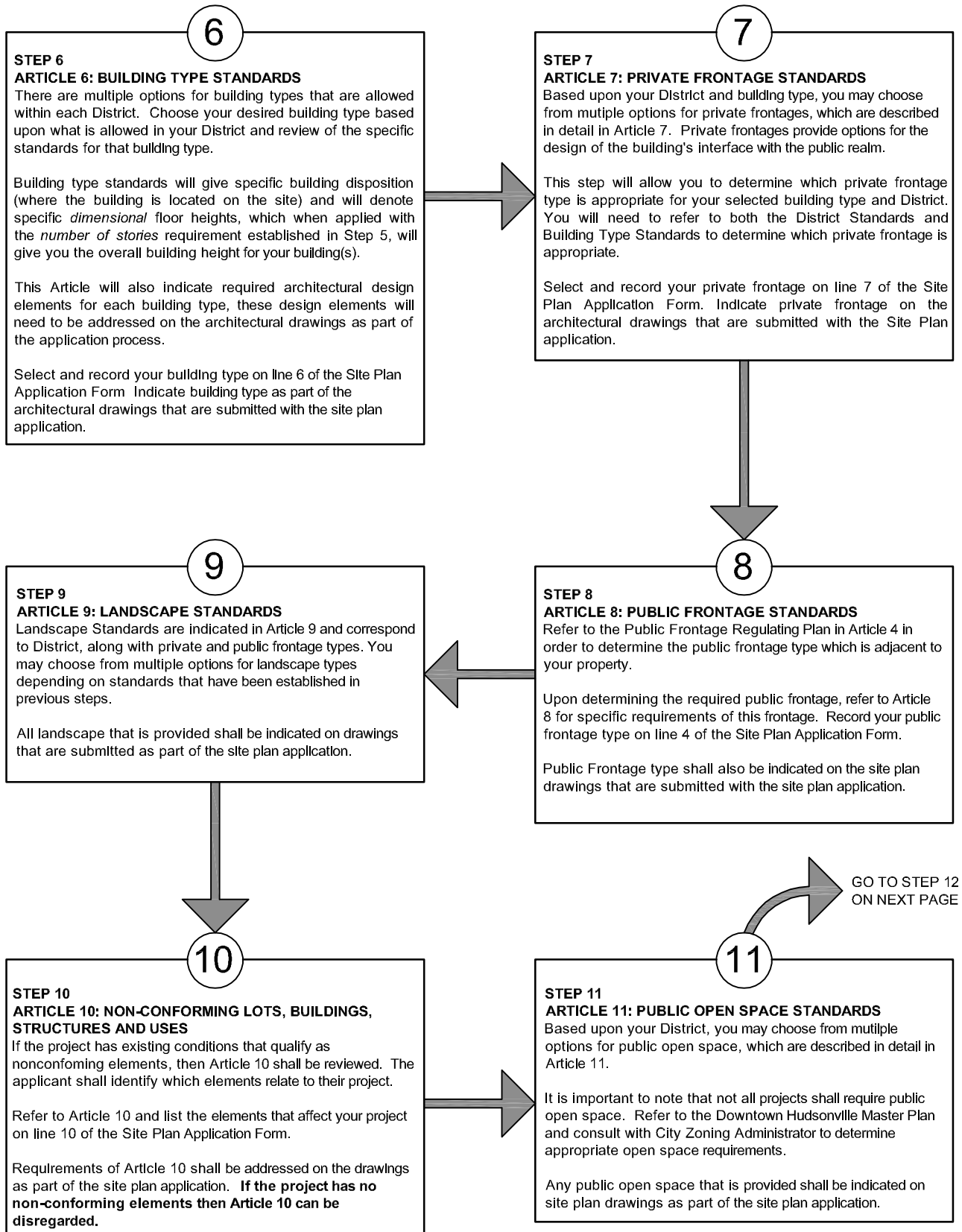
Article 11 defines the standards for public spaces (parks, playgrounds, plazas and squares) which are established in each District.

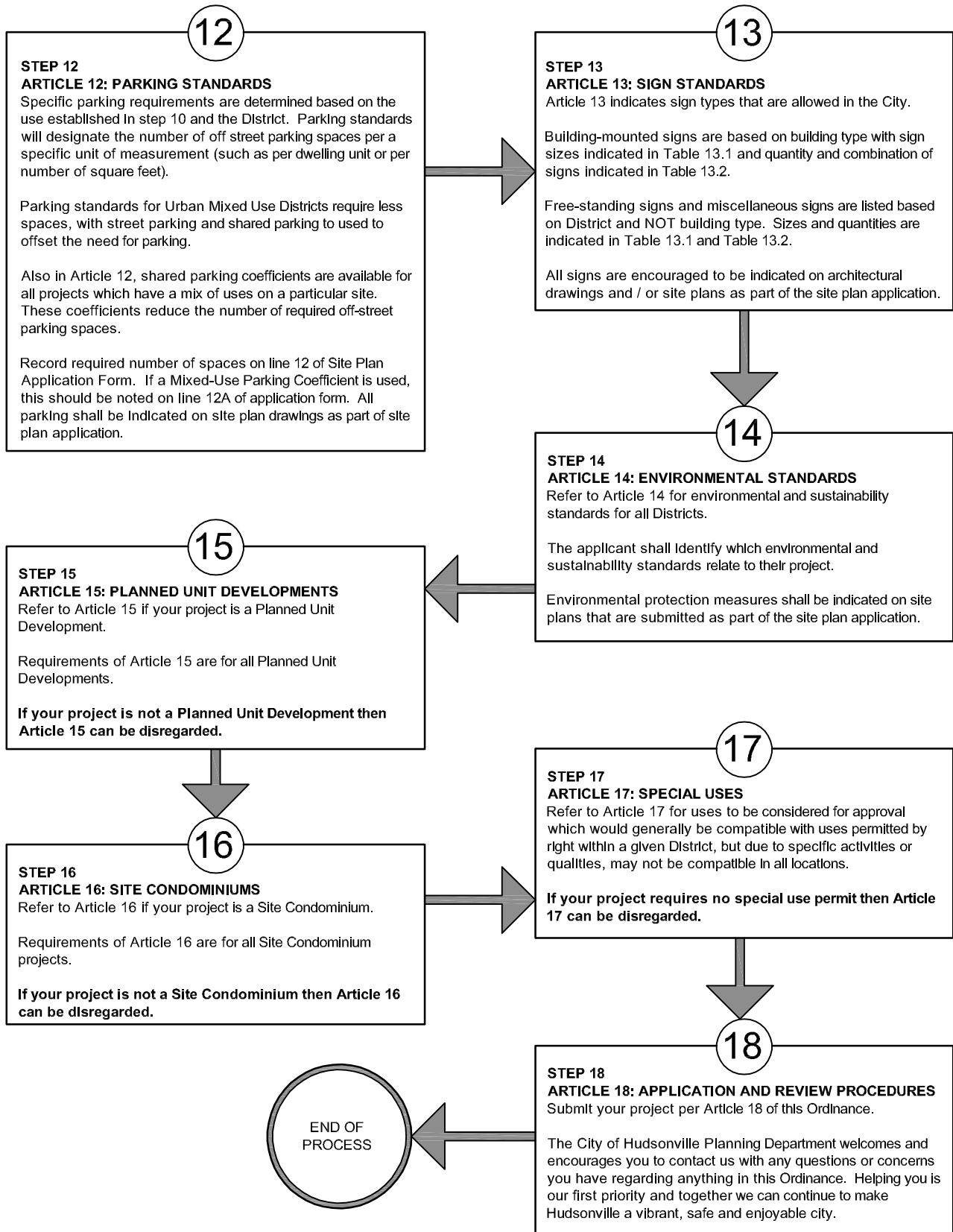
Article 13 provides standards for signage and includes general items that are similar to conventional sign ordinances regarding nonconforming signs, exempt signs, construction of signs and administration requirements. The specific sign requirements are associated primarily with building type because of their unique relationship with the building and the function of the building.

## How to Use this Zoning Ordinance

The following is a graphic representation of the process that describes the appropriate use of the information contained in the Ordinance and the appropriate method of applying the Ordinance to a specific property.







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# ARTICLE 1 TITLE, PURPOSE AND INTENT

## Section 1.01 Title

This Ordinance shall be known and may be cited as the City of Hudsonville Downtown Zoning Ordinance.

## Section 1.02 Authority

This Ordinance is enacted under Act 207, Public Acts of 1921 (M.C.L. 125.581 et seq., MSA 5.2931 et seq.), as amended, governing the City of Hudsonville, Ottawa County, Michigan.

## Section 1.03 Purpose and Intent

This Ordinance translates the City of Hudsonville Downtown Master Plan goals and policies into prescriptive evaluation standards and guidelines, ensuring that new development projects exhibit the highest standards of urban design, architecture and landscaping while addressing downtown's character and scale, as mandated by the citizens of Hudsonville. This Ordinance is necessary to promote the public health, safety, morals and general welfare of the City of Hudsonville (City) as well as to:

- A. Create a downtown form that is compact, walkable and mixed-use;
- B. Promote a safe, comfortable, and sustainable downtown;
- C. Allow a mix of uses within each district, so that residents do not have to drive to fulfill everyday needs;
- D. Allow a variety of uses to create vitality and bring many activities of daily living within walking distances of homes;
- E. Regulate and restrict the location and use of buildings, structures and land for trade, industry, and residence and for public, semi-public and other specified uses;
- F. Regulate and limit the height and bulk of buildings

- and other structures;
- G. Regulate and determine size of yards, courts and open spaces;
- H. Regulate and limit the density of population, prevent overcrowding of the land and undue congestion of population;
- I. Meet the needs of the City's citizens for food, energy and other natural resources;
- J. Provide places for residence, recreation, industry, trade, services, and other uses of land;
- K. Facilitate adequate, efficient and economical public infrastructure and systems for transportation, sanitary and storm sewage collection and disposal, potable water, and other public services and amenities;
- L. Promote a balanced supply of land uses that are compatible with adjacent land uses and have good access to public infrastructure;
- M. Preserve the overall quality of life for residents and visitors;
- N. Protect the character and quality of established residential neighborhoods;
- O. Allow for and advance innovation in new residential development and redevelopment that meets the demand for housing with a greater variety in the type and design of dwellings;
- P. Maintain and enhance economically vibrant as well as attractive business and commercial areas;
- Q. Implement the themes, policies and goals contained in officially adopted plans, including The City of Hudsonville Downtown Master Plan;
- R. Promote pedestrian, bicycle and public transit use;

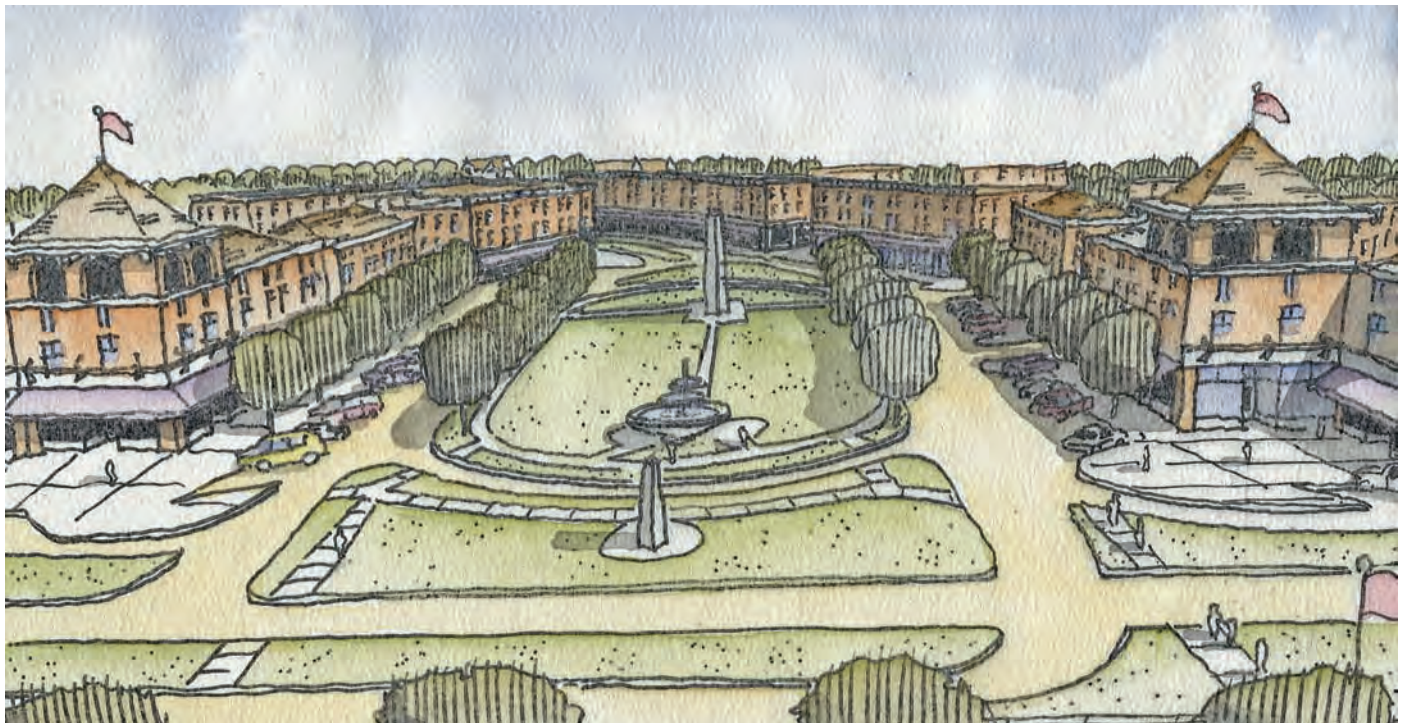


ILLUSTRATION 1.1

- S. Ensure adequate light, air, privacy, and reasonable access to property;
- T. Encourage environmentally responsible development practices;
- U. Establish clear, fair and efficient development review and approval procedures;
- V. Accommodate growth and development that complies with the previously stated purposes;
- W. Divide the municipality into Districts and establish boundaries thereof;
- X. Provide for changes in the regulations, restrictions and boundaries of such Districts;
- Y. Define certain terms used herein; and
- Z. Provide for enforcement, establish a board of appeals and impose penalties for violation of this Ordinance.

### Section 1.04 Repeal of Prior Ordinance

The Zoning Ordinance adopted by the City of Hudsonville Commission on September 8, 1992 and all subsequent amendments thereof, are hereby repealed for Downtown Hudsonville as defined with the boundaries established by the Boundary Plan in Article 4 of this Ordinance. All other areas of the City of Hudsonville shall remain under the regulation of the previously enacted Zoning Ordinance from September 8, 1992.

### Section 1.05 Adoption

This Ordinance was adopted at a regular meeting of the Hudsonville City Commission on May 10, 2011.

### Section 1.06 Effective Date

This Ordinance shall take effect and be in force on and after May 17, 2011.

### Section 1.07 Zoning Ordinance Amendments

Amendments or supplements to this Ordinance may be initiated by the City Commission, by the Planning Commission, or by any interested property owners by petition to the Planning Commission. Each proposed amendment or supplement not initiated by the Planning Commission shall be forwarded to said Commission.

#### A. Procedure on Amendments

1. Except for compliance with the expanded notice requirements set forth in Paragraph 2 of this Subsection, proposed amendments or supplements to this Ordinance shall be considered and acted upon as provided in the Michigan Zoning Enabling Act, 2006 PA 110, as amended.
2. Notice of hearing by the Planning Commission of any proposed amendment or supplement shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three-hundred (300) feet of the property and to the occupants of all structures within three-hundred (300) feet of the prop-

erty regardless of whether the property or occupant is located in the zoning jurisdiction.

B. *Fees.* Each petition for amendment to this Ordinance which is initiated by other than the City Commission or the Planning Commission shall be accompanied by payment of such fees as shall from time to time be established by resolution of the City Commission.

C. *Recommendation to the City Commission.* After the public hearing, the Planning Commission shall make a recommendation to the City Commission regarding the proposed amendment or supplement to the Ordinance, including but not limited to requests or recommendations to change the zoning district classification of property situated in the City. Before making a recommendation the Planning Commission shall consider the following:

1. The City of Hudsonville Downtown Master Plan and other City planning documents, and applicable state and federal statutes;
2. The probable impact on the surrounding area, including the effect of any resulting increase in traffic congestion and the probable impact on the overall pattern of land use;
3. The suitability of the area in question for the proposed change, after consideration of:
  - a. Appropriate alternate locations;
  - b. Alternative uses for the area under consideration; and
  - c. The probable impact of the proposed change on other areas similarly designated.
4. The appropriateness of the size of the boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development area.
5. The adequate and efficient provision of water and sewage disposal, or both, for property which is or will be affected by the proposed amendment or supplement to the Ordinance.

D. *Action by the City Commission.* Upon the receipt of the Planning Commission's recommendation, the City Commission shall act upon the proposed amendment or supplement to the Zoning Ordinance as provided by the Michigan Zoning Enabling Act, as amended from time to time.

### Section 1.08 Applicability

The City of Hudsonville Downtown Zoning Ordinance is applicable to all land located within the City of Hudsonville Downtown boundaries as described in the regulating plans in Article 4 of this Ordinance. Zoning affects every building, structure and use and extends vertically. This Ordinance shall apply to both new and existing development as indicated in Table 1.1 Applicability Matrix.



# ARTICLE 1 TITLE, PURPOSE AND INTENT

TABLE 1.1 APPLICABILITY MATRIX

	Full Compliance with Ordinance	Compliance with Article 6 Building Type Standards	Compliance with Article 7 Private Frontage Standards	Compliance with Article 9 Landscape Standards	Compliance with Article 12 Parking and Loading Standards	Compliance with Article 13 Sign Standards	Compliance with Stormwater Management (Section 14.05)	Discretionary Improvements *
<b>NEW DEVELOPMENT</b>								
New Construction and Development (includes development after tear down or demolition of existing buildings has occurred).	■							
<b>EXISTING DEVELOPMENT</b>								
Addition to an existing building that is greater than twenty-five percent (25%) of the existing gross square footage of the existing building.	■							
Addition to an existing building that is twenty-five percent (25%) or less than the existing gross square footage of the existing building.				■ #	■ #			■
Changing the front façade of the building by fifty percent (50%) or more in terms of signage, lighting, doors, windows and/or wall treatment.		■	■	■	■	■		■
Changing the front façade of the building by less than fifty percent (50%) in terms of signage, lighting, doors, windows and/or wall treatment.								■
Any change in building height.	■							
Any change in front yard setbacks.	■							
Any change in rear and/or side yard setbacks.								■
Change in Use (Minor) **								■
Change in Use (Major) ***	■							
Minor modifications & improvements to site-related elements, including, but not limited to landscaping, paving, fences and walls.				■ #				■
Modifications to parking lots and loading areas, including, but not limited to expansion.				■ #	■ #		■ #	■
Renovation Due to Disaster (fire, flood, tornado, etc.)								■
<b>PARKING AND TRAFFIC IMPACT</b>								
Any change in land use that impacts traffic or parking requirements.				■ #	■ #		■ #	■

\* The Zoning Administrator and/or Planning Commission may have discretion in required improvements based upon the circumstances of the property. In determining whether to impose discretionary improvements, the Zoning Administrator and/or Planning Commission shall determine whether those improvements are reasonably necessary to ensure compliance with the standards of Article 17 Special Uses.

\*\* A MINOR Change in Use occurs when one permitted land use is replaced by a different permitted land use.

\*\*\* A MAJOR Change in Use occurs when one permitted land use is replaced by a special land use, a special land use is replaced by a different special land use, or the property is rezoned to allow for a different permitted or special land use.

■ Indicates full compliance with Article indicated is required.

■ # Indicates partial compliance with indicated Article is required. Only the addition or areas modified or improved are required to comply with the Article indicated. Existing conditions that are not modified or improved are not required to meet the standards of the Article.

NO ■ Indicates compliance is NOT required.

Hatched columns indicate that those items are not applicable since full compliance is required.

## Section 1.09 Relationship to the City of Hudsonville Downtown Master Plan

The administration, enforcement and amendment of this Ordinance shall be consistent with the City of Hudsonville Downtown Master Plan. In the event this Ordinance becomes inconsistent with the aforementioned plans, then this Ordinance or the Hudsonville Downtown Master Plan shall be amended within a reasonable time to become or remain consistent.

## Section 1.10 Conditional Rezoning

A. *Intent.* It is recognized that there are certain instances where it would be in the best interests of the City of Hudsonville, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended (codified at MCL 125.3405 et seq;) by which an owner seeking a rezoning may voluntarily propose conditions regarding the by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

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

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Use Permit under the terms of this Ordinance may only be commenced if a Special Use Permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is

ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Commission provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. *Planning Commission Review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. *City Commission Review.* After receipt of the Planning Commission's recommendation, the City Commission shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Commission's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the City Commission consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Commission shall, in accordance with Section 308(1) of the Michigan Zoning Enabling Act, MCL 125.3308, refer such amendments to the Planning Commission for a report thereon within a time specified by the City Commission and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

### E. *Approval.*

1. If the City Commission finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this

# ARTICLE 1 TITLE, PURPOSE AND INTENT

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- Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Commission to accomplish the requested rezoning.
2. The Statement of Conditions shall:
    - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Commission.
    - b. Contain a legal description of the land to which it pertains.
    - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
    - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
    - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
    - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
  3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the County in which the land is located. The City Commission shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- F. *Compliance with Conditions.*
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- G. *Time Period for Establishing Development or Use.* Unless another time period is specified in the Ordinance conditionally rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the conditional rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Commission if
1. It is demonstrated to the City Commission's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
  2. The City Commission finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. *Reversion of Zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the City Commission requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. *Subsequent Rezoning of Land.* When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request the City Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. *Amendment of Conditions.*

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the City Commission, the City shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. *Right to Rezone.* Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the rezoning of all or any portion of land that is subject to a Statement of Conditions to another zoning classification; provided, however, that no such rezoning shall be effective prior to the expiration of the time period for commencement of the development or land use as specified under subsection G above. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, MCL 125.3308.

L. *Failure to Offer Conditions.* The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

## **Section 1.11 Relationship to Other Laws and Agreements**

- A. *Other Public Laws, Ordinances, Regulations or Permits.* This Ordinance is intended to complement other municipal, state and federal regulations that affect land use. Where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable standards imposed by other regulations, the provisions of this Ordinance shall govern.
- B. *Private Agreements.* This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards or requirements, the provisions of this Ordinance shall

control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. The City shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

## **Section 1.12 Validity**

Should any article, section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or part thereof, other than the part so decided to be unconstitutional or invalid.

If a provision of this Ordinance is determined to be invalid or unenforceable because of its scope or breadth, that provision shall be valid and enforceable to the extent of the scope or breadth permitted by law.

## **Section 1.13 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, or any permissible activities therein. Such uses, districts and activities are hereby declared to be subject to subsequent amendments or modification as may be necessary for the preservation or protection of public health, safety and welfare.

## **Section 1.14 Conflicts Between Ordinance Standards**

In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall not necessarily control. Rather, the Zoning Administrator shall determine which standard governs based on the degree to which a particular standard results in:

- A. Greater consistency with the goals and objectives contained within City of Hudsonville Downtown Master Plan;
- B. More supportive of the purposes of this Ordinance as described in Section 1.03 Purpose and Intent;
- C. Increased compatibility with adjacent development and surrounding community character;
- D. Higher quality of building form, design and/or architecture; and
- E. Higher quality of public space and urban form.

## **Section 1.15 Images and Illustrations**

This Ordinance is a highly visual graphics based document that utilizes, images (photographs), illustrations (drawings and diagrams) and tables in conjunction with text to convey regulation and intent. In the case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, or table, the text shall control.

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## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.01 Applicability

The provisions of this Article apply to all Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Districts, the regulations of the specific District shall govern.

### Section 2.02 Effect of Zoning

No building, structure, premises, lot or parcel of land in the city shall hereafter be used or occupied; and no building or part thereof shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

### Section 2.03 General Requirements

*General Lot Requirement.* No portion of a lot used to comply with the setback requirements, build to lines, public and private frontage requirements, site coverage, lot size, building occupation and disposition, or other site requirements of this Ordinance shall be counted toward the setback requirements, build to lines, public and private frontage requirements, site coverage, lot size, building occupation and disposition, or other site requirements for any other existing building or structure.

*Principal (Main) Building and Principal Use.* Except as otherwise specifically provided in this Ordinance, no lot may contain more than one (1) principal (main) building or principal use, except for groups of retail business buildings, apartment type buildings or other groups of buildings contained within a single integrated complex under a single approved plan.

*Integrated Complex.* An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use. Proposed parking arrangements and sign packages may be modified from the requirements of Articles 12 and 13 respectively, if presented as part of an integrated complex and approved by the Planning Commission.

### Section 2.04 Accessory Structures: Non-Single Family Lots

#### A. Approvals required.

1. All accessory structures that exceed nine-hundred-sixty (960) square feet in size shall require site plan review by the Planning Commission.
2. All accessory structures that are two-hundred-forty (240) square feet or larger in size and exceed five (5) percent of the square footage of the principal building shall require site plan review by the Planning Commission.
3. Accessory structures that are two-hundred-forty (240) square feet or larger in size and are five (5) percent or less of the square footage of the principal building shall only require the approval of the Zoning Administrator.

4. Accessory structures that are less than two-hundred-forty (240) square feet in size shall require the approval of the Zoning Administrator.

B. *Central Business District (HUD 7):* Accessory structures are not permitted in Central Business District

C. *In Conjunction with Principal Use.* Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory buildings and structures may only be maintained in conjunction with a principal building or structure on the same lot. If the principal building or structure is destroyed (and a building permit to replace it is not obtained within one (1) calendar year), demolished or removed, the accessory structure shall also be demolished or removed.

D. *Public Right-of-Way or Easement.* In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.

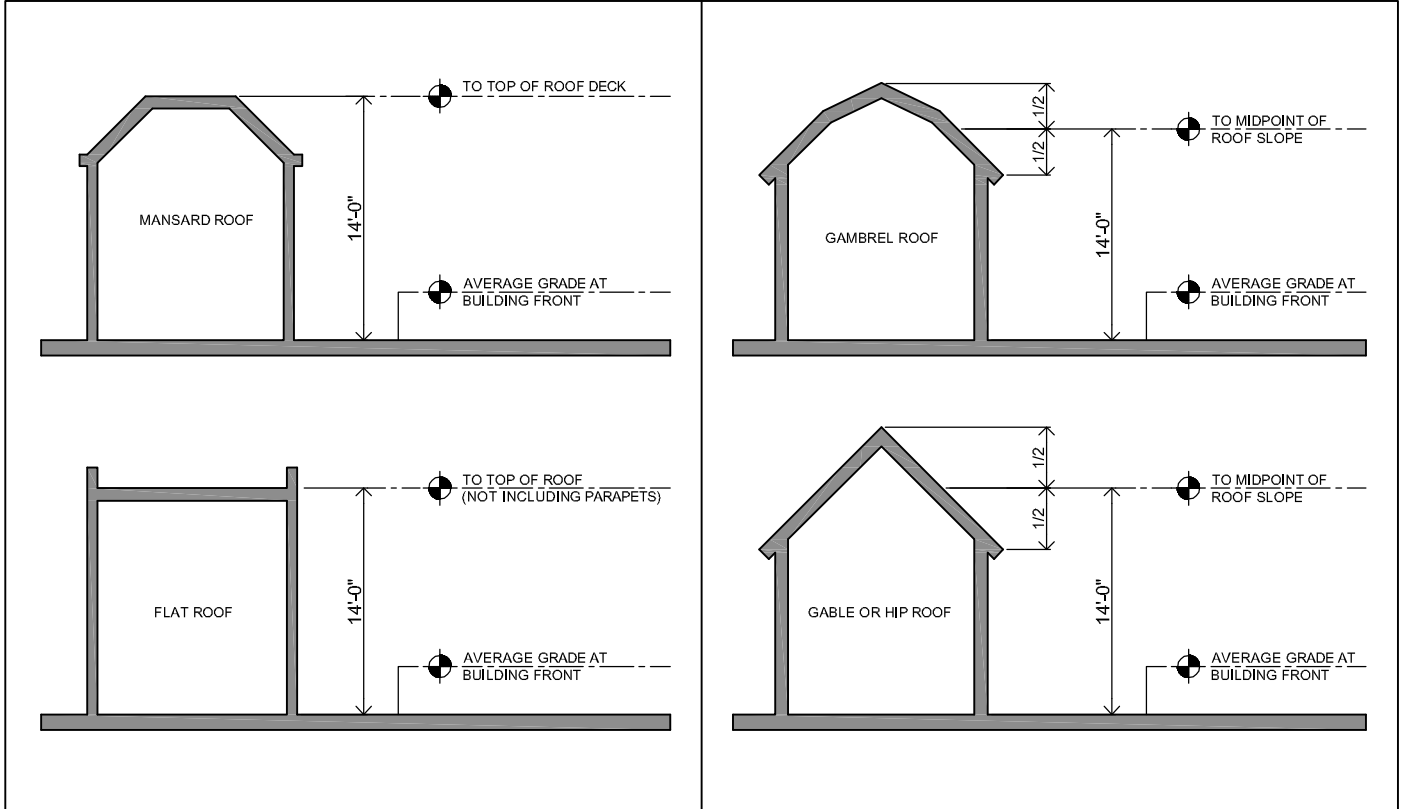
E. *Architectural Compatibility.* Any accessory structure that is two-hundred-forty (240) square feet or larger shall be similar in architecture to the principal building in its form and slope of roof. Exterior materials shall be similar and compatible with the exterior materials of the principal building and shall be installed similar in both placement and orientation to the principal building. No accessory structure shall be constructed with tube frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.

F. *Height.* Accessory structures shall not exceed the height of the principal building, and in no case shall the accessory building height exceed fourteen (14) feet in height unless a Special Use Permit is obtained per section 2.04, subsection H. Refer to Illustration 2.1.

G. *Location Requirements for Accessory Structures on Non-Single Family Lots.* All accessory structures on non-single family lots shall comply with the following requirements:

1. Accessory buildings or structures that are 200 square feet or less in area shall be set back a minimum of four (4) feet from all side and rear property lines (measured from the nearest point of the building wall).
2. Accessory buildings or structures that exceed 200 square feet in size shall meet all building setbacks required for the principal building.
3. No part of any accessory structure shall extend beyond the front of the principal building.

ILLUSTRATION 2.1 ACCESSORY STRUCTURE HEIGHT MEASUREMENT



4. No part of any accessory structure's roofline shall extend over an adjacent property, nor shall the drainage from any accessory structure's roof be drained onto an adjacent property.
5. Detached accessory structures shall be located at least ten (10) feet from the principal building (measured from the nearest point of the building wall).
6. Detached accessory structures shall be located a minimum of ten (10) feet from another accessory structure (measured from the nearest point of the building wall).
7. Paved areas for accessory building driveways and parking shall be permitted up to one foot from the property line.

H. *Accessory Structure.* Use Requirements.

1. Accessory buildings shall not be used for living or sleeping quarters, temporary or permanent, unless a Special Use Permit is issued from the Planning Commission for an Accessory Dwelling Unit.
2. Accessory Dwelling Units shall meet the requirements of Article 6 Building Type Standards within this Ordinance.
3. Height of Accessory Dwelling Unit. The maximum height of an accessory structure may be increased to twenty five (25) feet with permission from the Planning Commission as part of a Special Use Permit.

Section 2.05 Accessory Structures: Single Family Lots

- A. *In Conjunction with Principal Use.* Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory buildings and structures may only be maintained in conjunction with a principal building or structure on the same lot. If the principal building or structure is destroyed (and a building permit to replace it is not obtained within one (1) calendar year), demolished or removed, the accessory structure shall also be demolished or removed. A temporary special Use Permit may be obtained for an extension of time per the requirements of subsection 17.04
- B. *Public Right-of-Way or Easement.* In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.
- C. *Carport.* A carport shall comply with all requirements applicable either to an attached or detached accessory structure.
- D. *Location Requirements for Attached Accessory Structures.* All attached accessory structures shall comply with the following requirements:



## ARTICLE 2 GENERAL PROVISIONS

1. An attached accessory structure which is structurally attached to a principal building shall be subject to all setback regulations applicable to the principal building.

### E. Location Requirements for Detached Accessory Structures.

All detached accessory structures shall comply with the following requirements. Refer to Illustration 2.2.

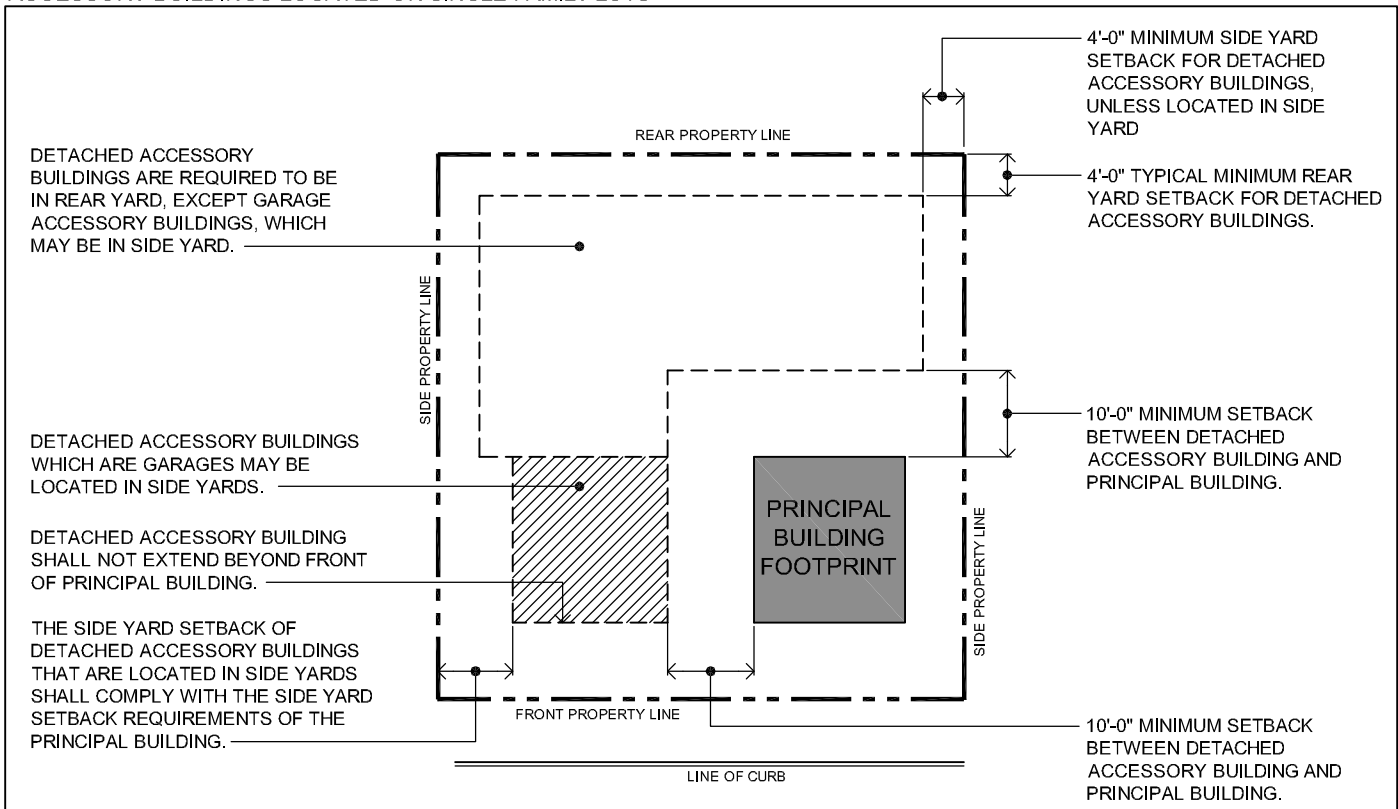
1. Detached accessory structures shall only be permitted in the rear yard with the exception of a garage accessory building, intended principally for the storage of automobiles, small trucks, vans and related uses customary and incidental to a single-family residential dwelling, which may be permitted in the side yard.
2. Detached accessory structures shall be set back a minimum of four (4) feet from all side and rear property lines (measured from the nearest point of the building wall) with the exception of a garage accessory building in the side yard, which shall meet the side yard setbacks of the principal building.
3. Detached accessory structures which are garage accessory buildings and are accessed directly from an alley shall be setback a minimum of ten (10) feet from the alley pavement to allow for vehicular ingress and egress.

4. No part of a detached accessory structure shall extend beyond the front of the principal building.
5. Detached accessory buildings shall be located at least ten (10) feet from the principal building. (measured from the nearest point of the building wall)
6. Detached accessory structures shall be located a minimum of ten (10) feet from another accessory structure.
7. No part of a detached accessory structure's roofline shall extend over an adjacent property, nor shall the drainage from any accessory structure's roof be drained onto an adjacent property.
8. Paved areas for accessory building driveways and parking shall be permitted up to one foot from the property line.
9. An Administrative Departure by the Zoning Administrator may be approved to allow a reduction in the side and/or rear lot setback requirements for a detached accessory structure when site constraints make it prohibitive to achieve these requirements.

### F. Number Permitted.

1. A single-family home shall be permitted two detached accessory buildings and one attached accessory building.

ILLUSTRATION 2.2 LOCATION REQUIREMENTS FOR DETACHED ACCESSORY BUILDINGS LOCATED ON SINGLE-FAMILY LOTS



2. A two-family dwelling unit shall be permitted a total of two detached accessory buildings and one attached accessory building; provided, however, two attached accessory buildings shall be permitted if each is a garage separately serving each of the family units.

*G. Size and Height Restrictions.*

1. Accessory buildings shall not exceed the height of the principal building, and in no case shall the accessory building height exceed 14 feet in height unless a Special Use Permit is obtained per section 2.05, subsection H. Refer to Illustration 2.1
2. The permitted size of accessory buildings shall be in accordance with Table 2.1.
3. Accessory buildings exceeding the provisions of Table 2.1 shall require a special use permit. When considering the issuance of a special use permit under this subsection 3, the Planning Commission may take into consideration screening provided by the topography and vegetation.

*H. Accessory Structure Use Requirements.* Accessory buildings shall not be used for living or sleeping quarters, temporary or permanent, unless a Special Use Permit is issued from the Planning Commission for an Accessory Dwelling Unit.

1. Accessory Dwelling Units shall meet the requirements of Article 6 Building Type Standards within this Ordinance.
2. Height of Accessory Dwelling Unit. The maximum height of an accessory structure may be increased to twenty five (25) feet with permission from the Planning Commission as part of a Special Use Permit.

**Section 2.06 Alterations, Enlargements and Demolitions**

*A. Alterations and Enlargements.* Existing buildings or structures shall not be modified, converted, enlarged, reconstructed, demolished, moved or structurally altered, except as permitted by or pursuant to this Ordinance.

*B. Demolitions.* Existing buildings or structures shall not be demolished, except as follows:

1. Site Plan and Reuse of Lot. Where a site plan for the redevelopment of the subject lot and the new use has been approved pursuant to this Ordinance or is permitted by this Ordinance without any approval; or
2. Public Hazard. Where the applicant or City has demonstrated that the building represents a hazard to the general public.

*C. Demolition Permits.* No building shall be demolished unless a permit is obtained from the Zoning Administrator or designated assignee. The permit issued shall prescribe the method of demolition to be used and time frame in which the demolition and site restoration shall be completed. The Zoning Administrator or designated assignee may also condition the permit on other reasonable regulations related to the health and safety of the public. If utility connections are involved, the City’s building inspector shall ensure that such utilities are properly disconnected and, where applicable, capped off.

**TABLE 2.1 PERMITTED SINGLE-FAMILY LOTS ACCESSORY BUILDING SPACE**

TYPE OF ACCESSORY STRUCTURE	MAXIMUM SIZE: Lot area under 22,000 square feet	MAXIMUM SIZE: Lot area of 22,000 square feet or greater
SINGLE DETACHED	The lesser of 576 square feet or 25% of the lot's rear yard.	The lesser of 864 square feet or 25% of the lot's rear yard.
SINGLE ATTACHED	100% of the ground floor area of the principal building	100% of the ground floor area of the principal building
ALL DETACHED AND ATTACHED COMBINED*	1,024 square feet total	1,536 square feet total

\* All detached and attached accessory space combined shall not exceed the ground floor area of the principal building.

# ARTICLE 2 GENERAL PROVISIONS

## Section 2.07 Basement Dwellings

A. *Permitted Use of a Basement as Living Quarters.* The use of a basement as living quarters may be permitted if it meets the city's building code requirements as amended, including requirements for ingress and egress.

B. *Use of a Basement as Living Quarters.*

1. When not attached to any above-ground dwelling, the use of a basement for living quarters shall be prohibited.
2. The use of a basement of a partially completed building as a dwelling unit is prohibited.
3. The use of a basement within a building type that has a private frontage of a terrace or light-well is permitted by right. Refer to Article 7 for private frontages.

## Section 2.08 Bicycle Amenities

A. *Location.* Bicycle parking for commercial, residential and mixed-uses shall be conveniently located near building entry points. Bicycle parking placement shall not conflict with pedestrian travel. Any bicycle parking located in the public right-of-way shall be located in the furnishings zone. Refer to Article 8 Public Frontage Standards.

B. *Facility.* Bicycle parking shall be bicycle rack or locker-type parking facilities and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or the building.

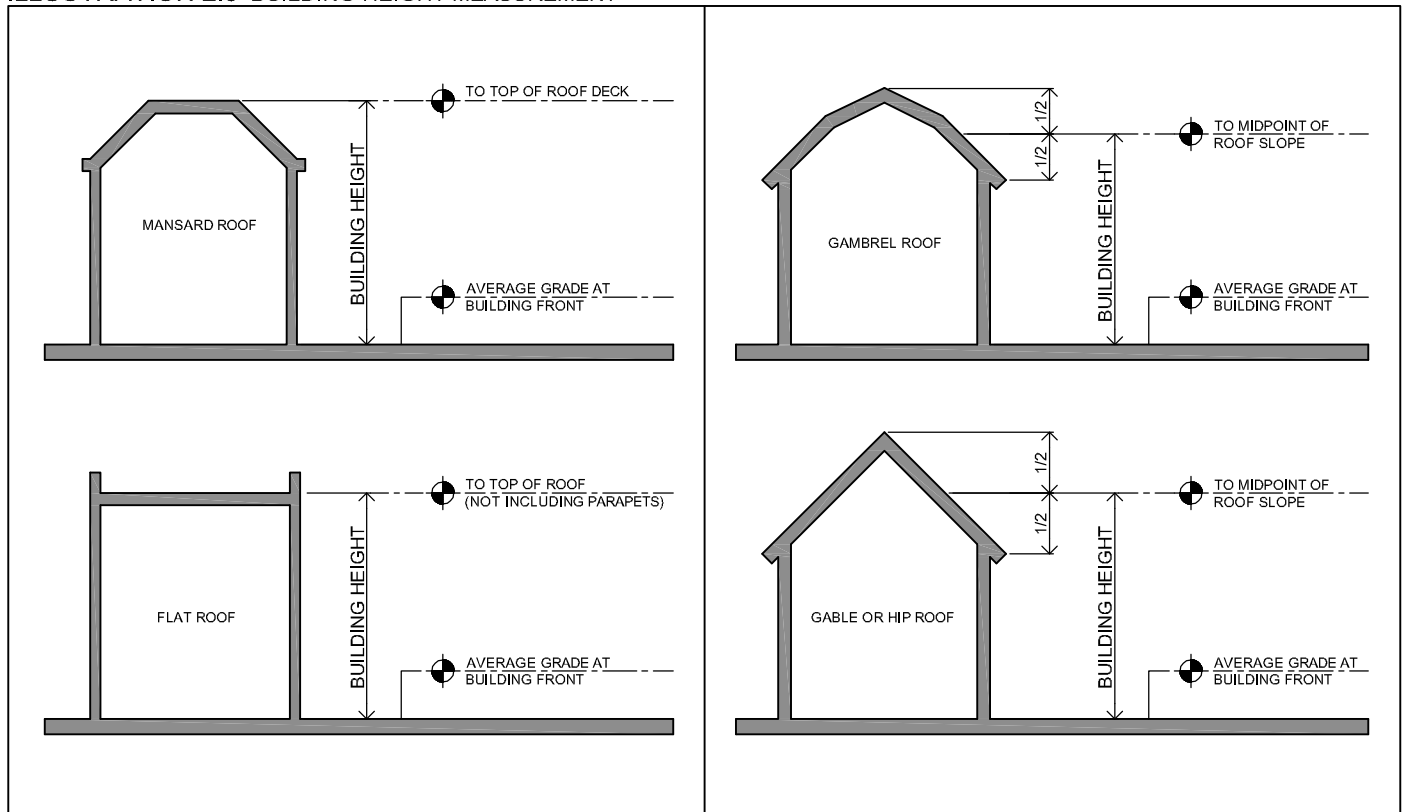
## Section 2.09 Building Height Measurement

A. *Height in Number of Stories.* Where specified in stories, building height shall be measured in the number of complete stories above the average grade at building front, including habitable attics, half-stories, and mezzanines. The following shall be excluded:

1. Spaces completely below grade, such as basements, cellars, and crawl spaces.
2. Spaces and features that are more than one-half (1/2) story below the average grade.

B. *Height in Feet.* Where specified in feet, building height shall be measured as the vertical distance from the average grade adjacent to the structure to the highest point of a flat roof (not including parapet), to the deck line of a mansard roof and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. Refer to Illustration 2.3.

ILLUSTRATION 2.3 BUILDING HEIGHT MEASUREMENT



C. *Exceptions.* The height requirements of all Districts shall not include parapet walls under four (4) feet in height, chimneys, cooling towers, elevator towers, utility penthouses, stacks, cupolas, domes, spires, and necessary mechanical appurtenances.

### Section 2.10 City Access

City personnel shall be allowed access on private streets, easements and common open-space areas to provide police and fire protection to the area, to meet emergency needs, to conduct city services, to enforce city ordinances and codes, and to generally ensure the health and safety of the residents living in proximity to private streets, easements, and common open-space areas.

### Section 2.11 Clear Vision Areas

A. *Requirement.* Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations identified in this Ordinance.

B. *Measurement.* At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:

1. Street corners. For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended. Refer to Illustration 2.4.
2. Driveways. Refer to driveway design standards in Article 2.

C. *Landscaping or Structures.* No plantings, signs, fences, walls or other structures exceeding thirty (30) inches in height above the established sidewalk grade shall be established or maintained in clear vision areas, except as otherwise allowed in this Ordinance.

D. *Administrative Departure.* The Zoning Administrator or the Planning Commission may allow a new building or structure to encroach into a clear vision area, provided the following conditions are met:

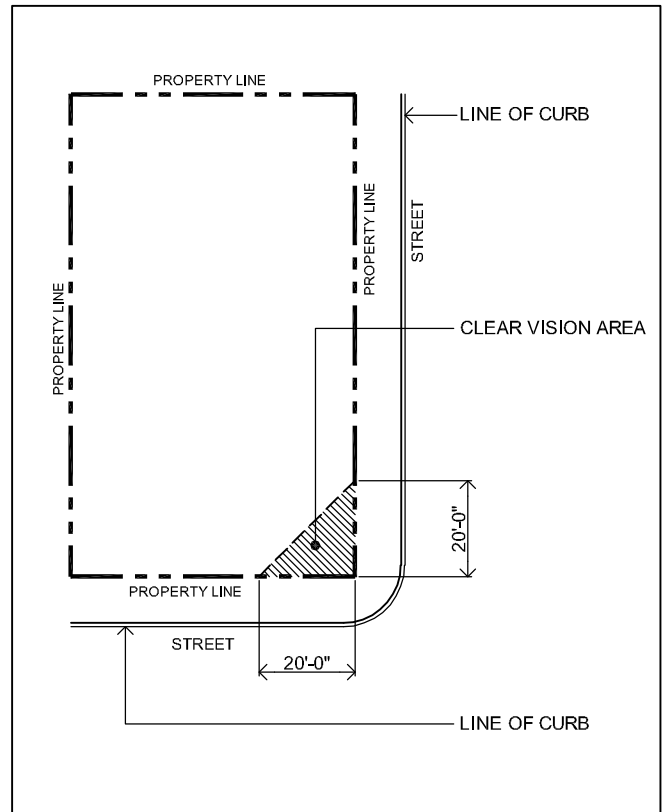
1. The Zoning Administrator or Planning Commission determines that the clear vision area is not consistent with the Hudsonville Downtown Master Plan; and

2. The establishment of clear vision areas does not allow for implementation of the District Standards (Article 5) and/or Building Type Standards (Article 6) established within this Ordinance; and
3. The project is in one of the Urban Mixed-Use Districts established within this Ordinance.
4. In addition to meeting all of the above conditions, the Zoning Administrator or Planning Commission may require the applicant to provide an independent engineering study that demonstrates that the new building or structure shall allow proper stopping sight distance as defined in A Policy on Geometric Design of Highways and Streets, as amended, by the American Association of State Highway and Transportation Officials (AASHTO).

### Section 2.12 Conflicting Standards with Other Laws or Ordinances

Whenever any provision of this Ordinance imposes more stringent regulations than are imposed 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 impose more stringent regulations than are imposed by this ordinance, the provisions of such law or ordinance shall govern.

ILLUSTRATION 2.4 CLEAR VISION AREAS



## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.13 Continued Conformance with Standards

The maintenance of yards, landscaping, open spaces, lot areas, height and bulk limitations, architectural features, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this ordinance shall be a continuing obligation of the owner of such building or property on which such building or use is located.

### Section 2.14 Decks and Patios

- A. No part of a deck or patio with roof cover, privacy screen, screen room or sunroom shall extend beyond the front of a principal building.
- B. Decks and patios that are thirty (30) inches in height or less, measured from average adjacent grade to the top of the deck (exclusive of the handrail) shall be set back a minimum of four (4) feet from all side and rear property lines.
- C. The following decks and patios shall be subject to all setback regulations applicable to the principal building:
  1. Decks that exceed thirty (30) inches in height, measured from average adjacent grade to the top of the deck (exclusive of the handrail).
  2. Decks or patios with a roof cover, privacy screen, screen room, sunroom

### Section 2.15 Detached Single-Family and Two-family Dwelling Units Outside Mobile Home Parks

All detached single-family and two-family dwellings and any additions or alterations thereto, other than manufactured housing located in a licensed manufactured housing community, shall conform to the following, in addition to all other regulations of this Ordinance.

- A. *Neighborhood Character.* The dwelling unit shall comply with the standards in this Section and shall be generally compatible in mass, scale, character, design and appearance to other residential dwellings located within its surrounding neighborhood.
- B. *Exterior Finish.* The exterior finish of the dwelling unit shall not cause reflection that is greater than that caused from siding coated with clean, white, gloss exterior enamel.
- C. *Roof Pitch.* The roof pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run.
- D. *Minimum Ceiling Height.* Dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7.5) feet.

E. *Minimum Dimension of Single-Family Dwelling.* Each detached single-family dwelling shall have a minimum dimension of twenty-four (24) feet in any horizontal dimension.

*Exception:* Cottage House Building Type as indicated in Article 6 Building Type Standards within this Ordinance.

F. *Minimum Dimension of Two-Family Dwelling.* Each detached two-family dwelling shall have a minimum dimension of twenty-eight (28) feet in any horizontal direction.

G. *Minimum Floor Area of Single-Family Dwelling.* Each detached single-family dwelling shall have a minimum Gross Floor Area of seven hundred and fifty (750) square feet.

H. *Primary Entrance.*

1. Each primary building entrance shall be provided with a step, stoop, porch or approved handicapped ramp which is attached to the building foundation, or provided with a foundation of its own. Porches and stoops shall comply with Article 7 Private Frontage Standards within this Ordinance.
2. An Administrative Departure from this requirement may be granted by the Zoning Administrator for dwellings that shall accommodate persons with mobility impairments.

I. *Storage Area.* An enclosed storage area of not less than three hundred-eighty-four (384) square feet shall be provided in conjunction with the dwelling unit. The storage area may consist of a basement or an attached or detached accessory structure that is in compliance with all other applicable provisions of this ordinance.

J. *Foundation.* The dwelling unit shall be firmly attached to a permanent frost free foundation with a wall of the same perimeter dimensions as the dwelling unit. The foundation shall be constructed of such materials and type as required by the building code, as amended from time to time, enforced within the city for on-site constructed single-family dwelling units.

K. *Foundation Depth.* The foundations for all dwelling units shall have a minimum depth of forty-two (42) inches below grade and a minimum exposed foundation above grade of eight inches.

L. *Crawl Space.* All dwelling units without basements shall provide a "broom finished" crawl space below the entire floor of the dwelling unit at least two feet in depth with a

vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized for the crawl space if it is consistent with the building code, as may be amended from time to time, enforced within the city.

M. *Chimneys*. Chimneys for fireplaces, furnaces, wood burning stoves and similar devices may be on the outside of the dwelling unit, provided the vent pipe is enclosed with materials compatible with the exterior finish.

N. *Manufactured House*. Dwelling units that are manufactured homes located outside of a licensed manufactured housing community shall conform to the following, in addition to other regulations of this Ordinance:

1. Manufactured homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a foundation wall as required by all applicable building and fire codes.
2. Manufactured homes shall be one of the following:
  - a. New and certified by the manufacturer or appropriate inspection agency as meeting the United States Department of Housing and Urban Development Regulations entitled "Manufactured Home Construction and Safety Standards" at the time the manufactured home is located in the city; or
  - b. Used and certified by the manufacturer or appropriate inspection agency as meeting the above-referenced standards and found, upon inspection by the building inspector or his/her designee, to be safe and fit for residential occupancy.
3. Manufactured homes shall be at least 14 feet in width and have a minimum of 840 square feet of living area, exclusive of porches or other unconditioned spaces.
4. Manufactured homes shall be firmly attached to a permanent frost free foundation with a wall of the same perimeter dimensions as the manufactured home. The foundation shall be constructed of such materials and type as required by the building code, as amended from time to time, enforced within the city for on-site constructed single-family dwelling units. The foundation shall fully enclose the chassis and undercarriage.

- a. In the event the soil or topography conditions of the manufactured home site are such that other foundations or supports are appropriate, and the developer provides to the city building inspector a report by a certified engineer that piers are equal to or superior to concrete pads as specified above, such foundations may be approved by the building inspector, provided proper drainage and ground covering under each manufactured home.

5. Manufactured homes shall be installed with the wheels, towing mechanism and hitch removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
6. No manufactured house shall be placed, parked, or installed until such a time as a building permit is obtained from the building inspector. Such permit shall be issued upon a finding from the building inspector or designated agent that all construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured house is of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as amended, and comply with all applicable building and fire codes.
7. No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot and has been inspected by the city building inspector or designated agent and issued an occupancy permit.
  - a. Such inspection shall include the placement and interconnection to utilities, and review for compliance with all necessary state, city or other municipal ordinances and regulations.
  - b. Such permit shall be issued by the building inspector upon payment of an inspection fee as may be authorized by resolution of the City Commission from time to time.
  - c. In the event said manufactured home is moved to another lot, or another manufactured home is placed on the specific lot, a new certificate of occupancy must be obtained.

## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.16 Driveway Standards: General

A. *Purpose.* Driveways, much like intersecting streets, create points of conflict with through traffic and pedestrian activity. Thus, driveways can interfere with the intended function of the roadway to move traffic safely and efficiently while also impacting the safety of pedestrians. The potential impacts generated by driveway traffic are dependent on a number of factors, including the number of vehicles using the driveway, driveway placement and design, the number of lanes in the roadway, the traffic volumes on the roadway and the level of pedestrian activity at the sidewalk driveway intersection. A driveway serving a large commercial or mixed-use area can be viewed much like a major intersecting street, while a single-family residential driveway has a much less detrimental effect. To reduce the negative impacts created by driveway operations, the standards outlined in this ordinance are intended to:

1. Identify driveway design criteria that promote safe and efficient ingress and egress at driveways;
2. Reduce the number of driveways, increase the spacing between driveways and between driveways and intersections, and reduce the number of poorly aligned driveways;
3. Encourage driveway access that is adjacent to the rear or sides of buildings in Urban Mixed-Use Districts;
4. Encourage alley access to parking in Urban Mixed-Use Districts;
5. Discourage driveway access that is adjacent to the fronts of buildings in Urban Mixed-Use Districts;
6. Reduce the frequency of conflicts or the area of conflict at some or all driveways by limiting or preventing certain maneuvers;
7. Reduce both the frequency and severity of conflicts by providing separate paths and storage areas for turning vehicles and queues;
8. Acknowledge that substantial public funds have been invested to develop a network to move traffic safely and efficiently; and
9. Recognize that property owners have an inherent right to access public roadways, although reasonable access may be indirect in some instances;

B. *Purpose of Location Standards.* Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Locating a driveway away from the operational area of a signalized intersection decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Adequate spacing between driveways and unsignalized roadways or other driveways can reduce confusion. Inadequate spacing requires drivers to watch for ingress and egress

traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.

C. *Design Standards.* The various design features described herein with illustrations and tables, as shown in Illustrations 2.6 through 2.15 and Tables 2.2 through 2.5, shall be used by the applicant in designing proposed driveways or driveway systems. These standard dimensions shall be used, unless the City determines that conditions require a deviation or the applicant can demonstrate cause for deviation. The City reserves the right to determine whether this deviation shall be granted. The City may request changes or specify particular dimensions to ensure safe operations, based upon anticipated traffic volumes on the driveway(s) and the roadway, type of traffic to use the driveway, type of development, District Standards, Building Standards and other safety and / or operational considerations. Design dimensions for widths in Illustrations 2.6 through 2.15 are from edge of pavement to edge of pavement. They do not include curb or gutter.

D. *Roadway Classification.* The Roadway Classification Plan can be referenced in Article 4 of this Ordinance.

E. *Section Standards.* The standards of this section provide basic principles for access design and control. The standards will address most design concerns. Engineering judgment, however, will be required on a case-by-case basis when special circumstances arise.

F. *Curb-Cut Permit.* The construction of any new driveway or the creation of any new curb-cut shall require that a permit be obtained from the Zoning Administrator. When a curb-cut permit is issued, existing curb cuts that are no longer in use shall be filled in with curb and gutter pursuant to City standards. Curb and gutter shall be installed together as a unit. The Zoning Administrator may waive or vary this curbing requirement where unique circumstances exist.

G. *Distance from Lot Line.* Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and / or when the City has determined that such encroachment is necessary to preserve safe roadway conditions.

H. *Surface.* There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The surface must be permanent, and completely covered with concrete, bituminous surface, brick or other similar surface. A pervious surface may be used, subject to Article 14 Environmental and Sustainability Standards and / or applicable City policies.

I. *Alley Access.* Where an alley is present, access to parking areas shall be obtained from the alley. Additional curb cuts on the public street shall be prohibited. An Administrative Departure may be requested where, due to special conditions, this requirement cannot be satisfied.

J. *Minimum Width.* Residential driveway width shall be per the requirements of Section 2.17.B and as indicated in Illustration 2.6. Commercial driveway width shall be per requirements of Section 2.18.B and as indicated in Illustrations 2.8 and 2.9.

K. *Driveway with Garage.* When garages are accessed directly from a public street, the driveway shall extend to the face of the garage. Garages shall be set back a minimum of twenty (20) feet beyond the street facing elevation of the principal building.

L. *Residential Driveway without Garage.* The driveway of a residential property shall extend a minimum of twenty (20) feet beyond the street facing elevation of the principal building.

M. *Administrative Departure.* An Administrative Departure from the requirements of Subsection A. above may be approved for shared driveways of abutting properties provided both property owners grant written permission for joint use and access.

4. Field entrance and utility structure driveways will be reviewed on a case-by-case basis. The City review will take into the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
5. Residential driveways shall be setback a minimum distance of twenty-five (25) feet from any street intersection, measured from the closest point of the driveway approach to the closest right-of-way line of the intersecting street.
6. In Urban Mixed-Use Districts driveways shall be located on secondary streets and adjacent to the rear or sides of buildings with a minimum distance of fifty (50) feet from the frontproperty line. Refer to Illustration 2.5.

### **Section 2.17 Driveway Standards:**

#### **Residential, Utility and Field**

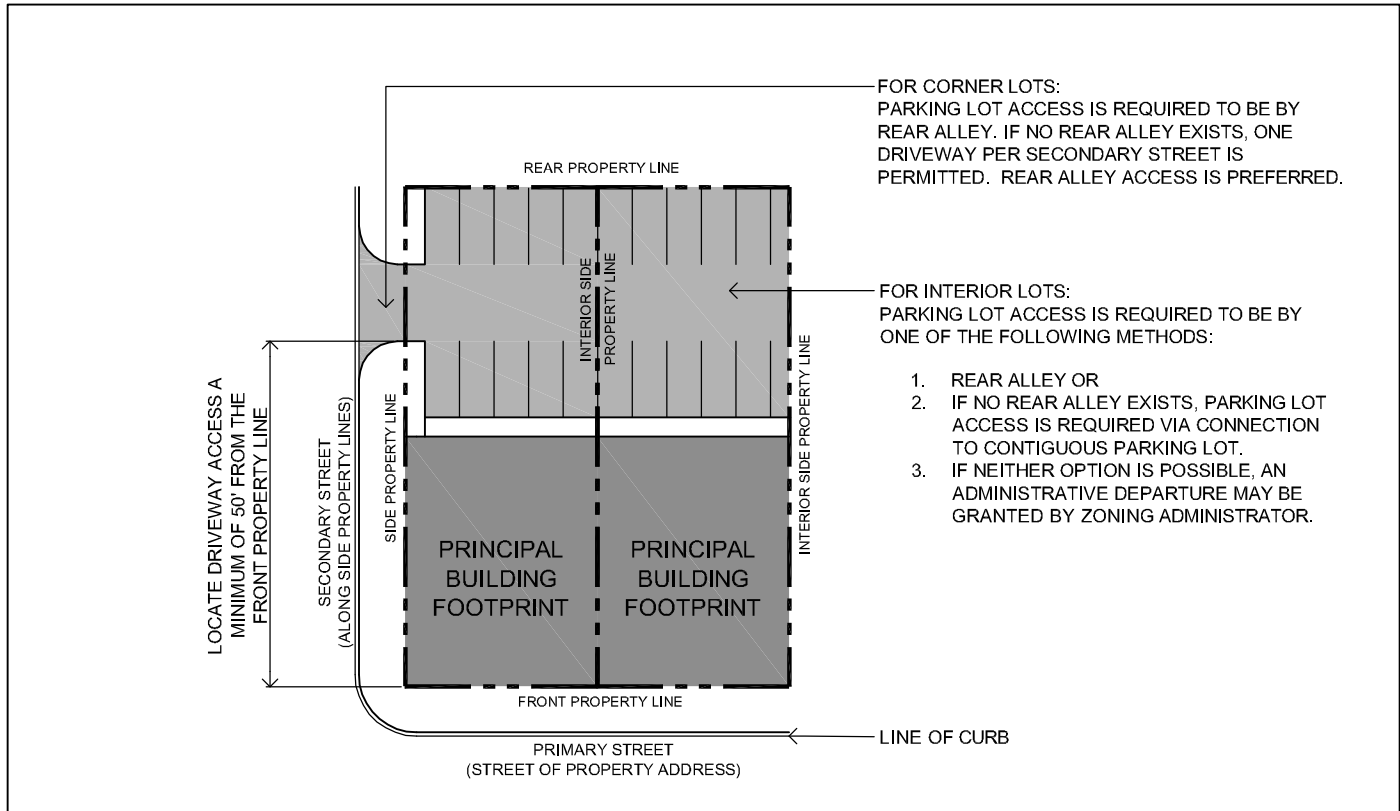
##### *A. Location.*

1. One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one-hundred (100) feet of frontage.
2. One additional residential driveway may be permitted along a local street for residential property with more than one-hundred (120) feet of frontage.
3. In lieu of the above, two residential driveways may be permitted on the same property to serve as a one-way circle driveway if the frontage of the property is one-hundred (100) feet or more along a local street.



## ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.5 DRIVEWAY LOCATION: IN URBAN MIXED USE DISTRICTS



### B. Design Standards.

1. All residential and utility driveways shall be paved in their entirety, per section 2.16.H.
2. Field driveways shall only be required to be paved from the roadway edge of pavement to the roadway right-of-way line.
3. All residential, utility, and field driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway if this portion of the driveway is to be paved with asphalt. Concrete curb and gutter shall not be required if this portion of the driveway is to be paved with concrete.
4. The dimensions of a residential driveway shall conform to those given in Illustration 2.6.
5. Field entrances may be permitted for cultivated land, timber land, or undeveloped land. The dimensions of a field entrance and of a utility structure driveway shall conform to those given in Illustration 2.7.
6. Clear vision areas (triangular in shape) shall be maintained on both sides of all residential, utility, and field drives. A clear vision area shall be determined using the following three points:
  - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
  - b. Two points, fifteen (15) feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.
7. Zoning Administrator or Planning Commission may waive clear vision area requirements in cases where District Standards and/or Building Type Standards are in conflict with clear vision area; and, in the opinion of the Zoning Administrator or Planning Commission, the intended character of the District (as established by the Hudsonville Downtown Master Plan and this Ordinance) is compromised by the clear vision area. Refer to Section 2.11 for Administrative Departures regarding waiving the requirements for clear vision areas.

ILLUSTRATION 2.6 RESIDENTIAL DRIVEWAY DIMENSIONS

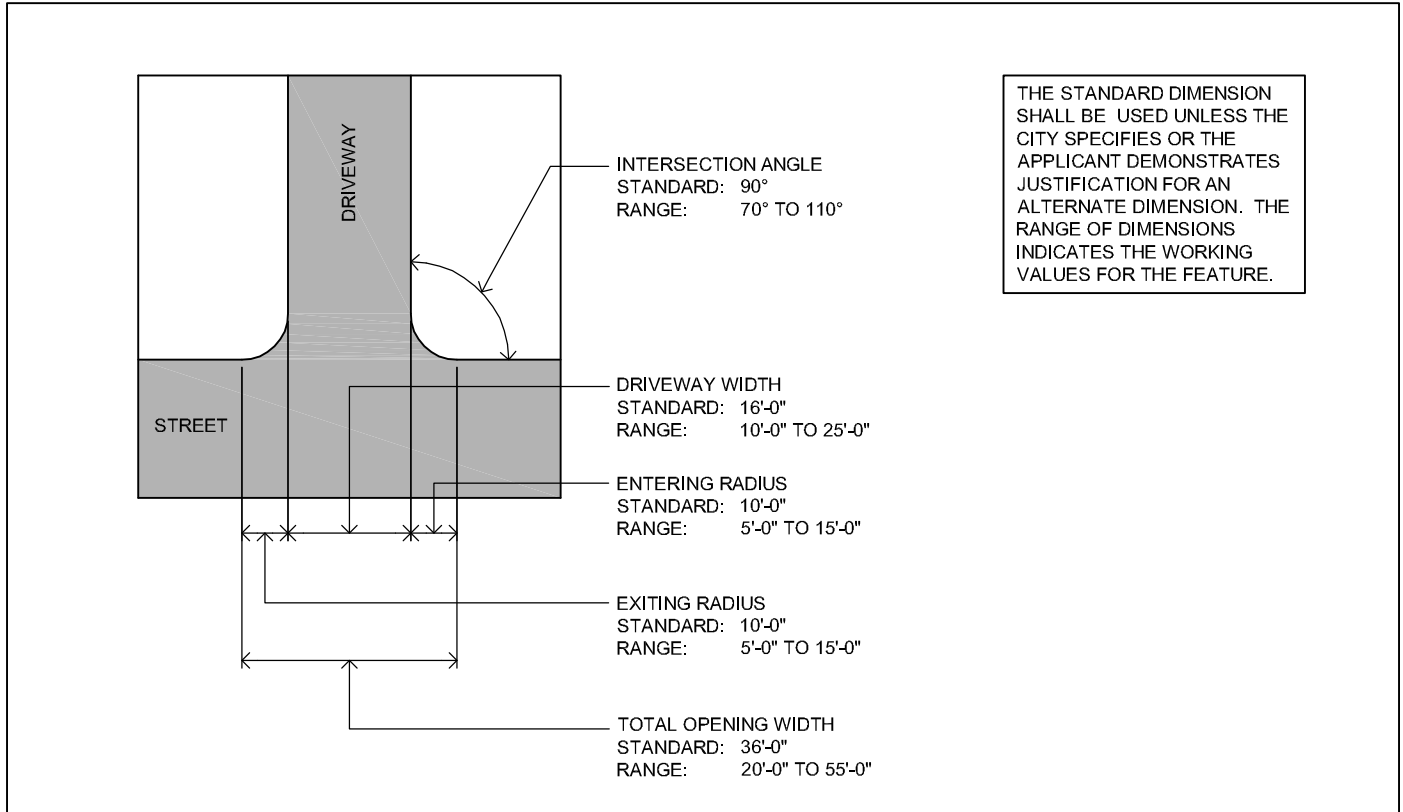
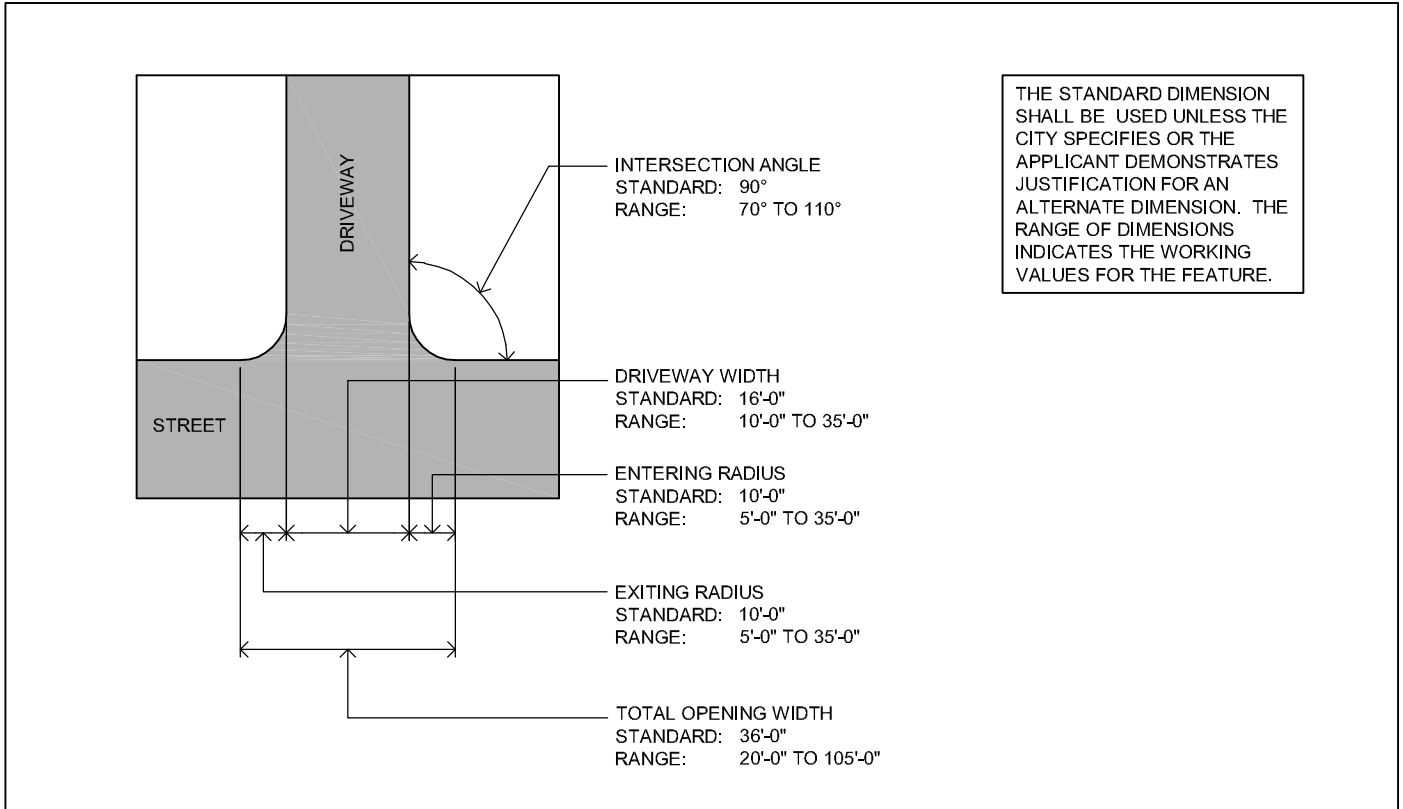


ILLUSTRATION 2.7 FIELD ENTRANCES AND UTILITY STRUCTURE DIMENSIONS



# ARTICLE 2 GENERAL PROVISIONS

## Section 2.18 Driveway Standards: Commercial

### A. Location.

1. Driveways shall be located so as to limit undue interference with the free movement of road traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
2. Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and/or when the City has determined that such encroachment is necessary to preserve safe roadway conditions.
3. Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.
4. Minimum spacing requirements between a proposed driveway and an adjacent intersection shall be those listed in Tables 2.2 and 2.3. Spacing requirements will vary depending upon the roadway classification (Refer to Roadway Classification Plan in Article 4) and intersection control. The spacing measurements in Table 2.2 and Table 2.3 are from the center line of the proposed driveway to the near right-of-way line of the intersecting street.
5. In those cases where an intersection setback for a driveway cannot be met, the Planning Commission may require that the drive be constructed on an alternative street, or be provided through a shared driveway which meets the applicable intersection setback. Where no other alternatives exist, the Planning Commission may allow construction of the drive along the lot line farthest from the intersection.
6. Driveway spacing requirements (distance between two driveways) shall be determined based upon posted speed limits. The driveway spacing indicated in Table 2.4 is measured from center line to center line. The Planning Commission may reduce the spacing distance requirements in Table 2.4, but in no case will the spacing be less than eighty (80) percent of those figures.
7. For lots or parcels existing prior to the adoption of this ordinance, one driveway may be permitted for each separately owned parcel with less than one-hundred (100) feet of frontage, provided that the parcel is wide enough for the minimum driveway width, plus the required radii. Where parcel size is insufficient, a shared driveway or other means of access may be required.

**TABLE 2.2 MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG REGIONAL ARTERIALS**

INTERSECTING STREET CLASSIFICATION	MINIMUM DISTANCE TO FULL-MOVEMENT DRIVEWAY	MINIMUM DISTANCE TO CHANNELIZED DRIVEWAY (RIGHT IN / RIGHT OUT)
ARTERIAL	250 FEET	100 FEET
SIGNALIZED NON-ARTERIAL	125 FEET	75 FEET
OTHER STREET	100 FEET	75 FEET

**TABLE 2.3 MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG OTHER THAN REGIONAL ARTERIALS**

INTERSECTING STREET CLASSIFICATION	MINIMUM DISTANCE TO FULL-MOVEMENT DRIVEWAY	MINIMUM DISTANCE TO CHANNELIZED DRIVEWAY (RIGHT IN / RIGHT OUT)
ARTERIAL	200 FEET	100 FEET
SIGNALIZED NON-ARTERIAL	100 FEET	75 FEET
OTHER STREET	75 FEET	75 FEET

8. Additional driveways may be permitted for commercial property as follows:
  - a. One additional driveway may be allowed for a site with continuous frontage of three-hundred (300) feet or more if no other access opportunities are available; or
  - b. Two additional driveways may be allowed for a site with continuous frontage of six-hundred (600) feet or more if no other access opportunities are available.
9. Additional access such as that outlined above may be allowed if the applicant provides justification based upon standard traffic engineering criteria that encompass analysis of trip generation, distribution and level of service. The City has the final decision regardless of conclusions drawn from these analyses.
10. Two commercial driveways may be permitted, in lieu of the above, to serve as a one-way circle drive if the frontage is one-hundred-twenty-five (125) feet or more.
11. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one-hundred-fifty (150) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected, inbound left-turn volumes of the driveways.
12. In the case of expansion, alteration or redesign of an existing development, where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the City may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than seventy (70) feet (center line to center line).
13. Adjacent property owners may, and are encouraged to, consolidate their driveways by using either a joint driveway system or a frontage road. All frontage roads are to be placed on private property outside of the right-of-way. Easements from participating property owners must be submitted to the City.
14. Requirements for minimum, corner or intersection sight distance for all road approaches shall be in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1984, as amended. Where special circumstances are present (frontage limitations, etc.), the minimum sight distances may be reduced to those shown in Table 2.5. Intersection sight distance will be measured fifteen (15) feet from the edge of pavement on paved roads. The eye height will be assumed to be 3.5 feet and the object height will be 3.5 feet if the above-reduced values are used.

**TABLE 2.4 DRIVEWAY SPACING REQUIREMENTS**

POSTED SPEED	DRIVEWAY SPACING
25 MPH	145 FEET
30 MPH	185 FEET
35 MPH	245 FEET
40 MPH	300 FEET
45 MPH	350 FEET

**TABLE 2.5 MINIMUM INTERSECT OR CORNER SIGHT DISTANCES UNDER SPECIAL CIRCUMSTANCES**

POSTED SPEED	DRIVEWAY SPACING
25 MPH	250 FEET
30 MPH	300 FEET
35 MPH	350 FEET
40 MPH	400 FEET
45 MPH	450 FEET

## ARTICLE 2 GENERAL PROVISIONS

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15. All traffic signage and pavement markings at the proposed commercial driveway shall conform to the current Michigan manual of Uniform Traffic Control Devices.
16. In Urban Mixed-Use Districts driveways shall be located on secondary streets and adjacent to the rear or sides of buildings with a minimum distance of fifty (50) feet from the front property line. Refer to Illustration 2.5.

### B. *Design Standards.*

1. All non-residential driveways shall be paved in their entirety, per section 2.16.H.
2. All non-residential driveways shall be constructed with concrete curb and gutter along the entire required-entry and exit radii for the driveway.
3. Two-way, undivided commercial driveways shall be designed to accommodate at least one lane of traffic in each direction. The dimensions of a two-way commercial driveway shall conform to those given in Illustration 2.8.
4. A divided commercial driveway shall have a curbed island (with concrete curb and gutter), separating the entrance drive and exit drive. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. Illustration 2.9 indicates the required dimensions for a divided commercial driveway.
5. In certain instances, particularly on higher speed arterials, the applicant may be encouraged to consider the benefits of auxiliary right-turn deceleration lanes and left-turn passing lanes. These additional lanes, located at the driveway, will enhance the accessibility, safety and image of the proposed development. Traffic volumes may warrant the prohibition of left-turns at driveways on two-way two-lane roads without passing lanes.
  - a. Illustration 2.10 shows when the left-turn prohibition is warranted. The dimensions of left-turn passing lanes are indicated in Illustration 2.11.
  - b. Illustration 2.12 shows when a right-turn deceleration lane and/or taper are warranted. Illustration 2.13 indicates the dimensions of right-turn deceleration lanes and tapers.
6. The dimensions of one-way commercial driveway systems shall conform to those given in Illustration 2.14.
7. Directional commercial driveways are considered to be special cases, and each such driveway shall be designed individually. Directional driveways shall be designed to facilitate the desired turning movements and to discourage prohibited movement. Radii shall be, as approved by the city, based on the intersecting angle and the turning path of the largest vehicle that will normally use the driveway. Standard dimensions for a right-turn-in/right-turn-out-only driveway are shown in Illustration 2.15.
8. Clear vision areas (triangular in shape) shall be maintained on both sides of all commercial drives. A clear vision area shall be determined using the following three points:
  - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
  - b. Two points, twenty-five (25) feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.
9. Zoning Administrator or Planning Commission may waive clear vision area requirements in cases where District Standards and/or Building Type Standards are in conflict with clear vision area; and, in the opinion of the Zoning Administrator or Planning Commission, the intended character of the District (as established by the Hudsonville Downtown Master Plan and this Ordinance) is compromised by the clear vision area. Refer to Section 2.11 for Administrative Departures regarding waiving the requirements for clear vision areas.

ILLUSTRATION 2.8 TWO-WAY COMMERCIAL DRIVEWAYS

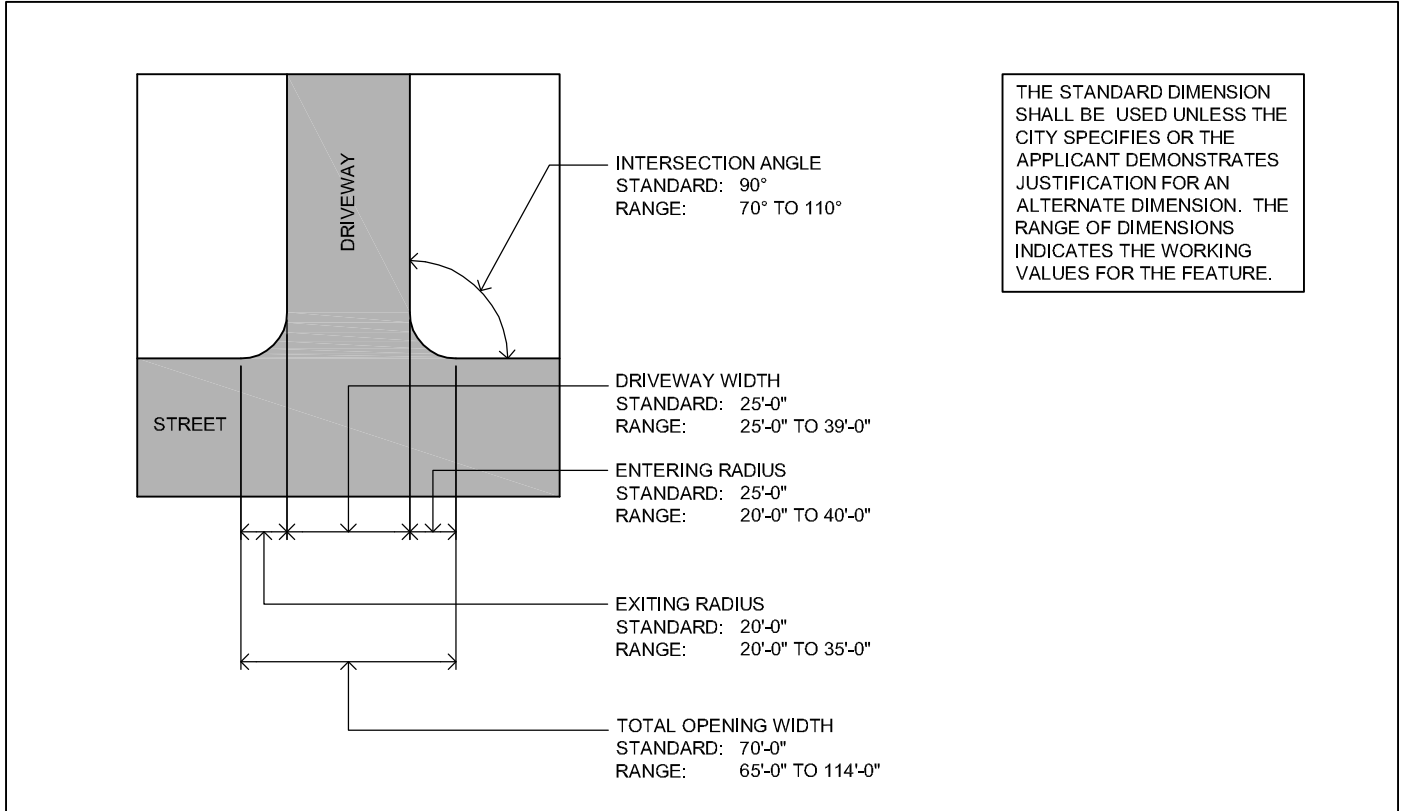
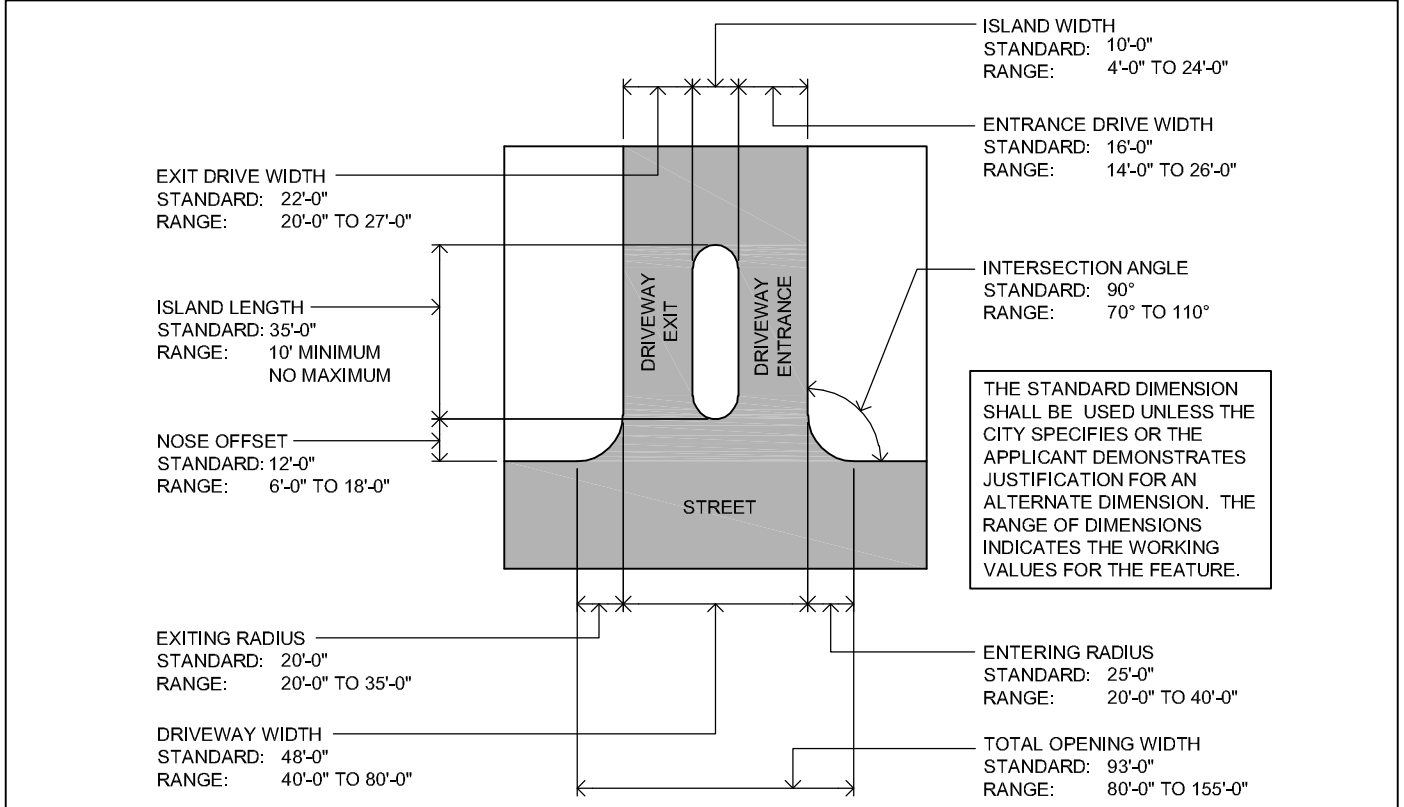
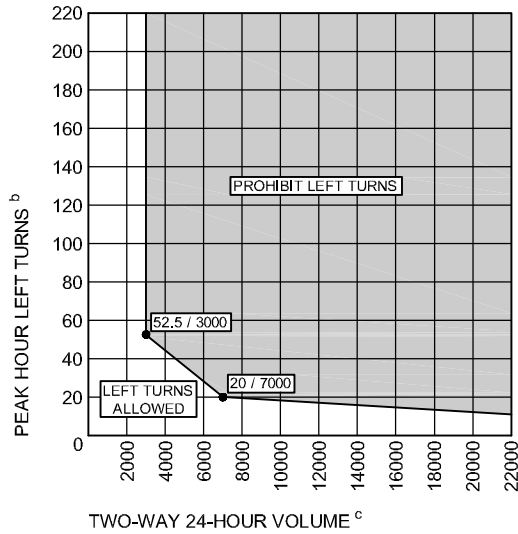


ILLUSTRATION 2.9 DIVIDED COMMERCIAL DRIVEWAYS



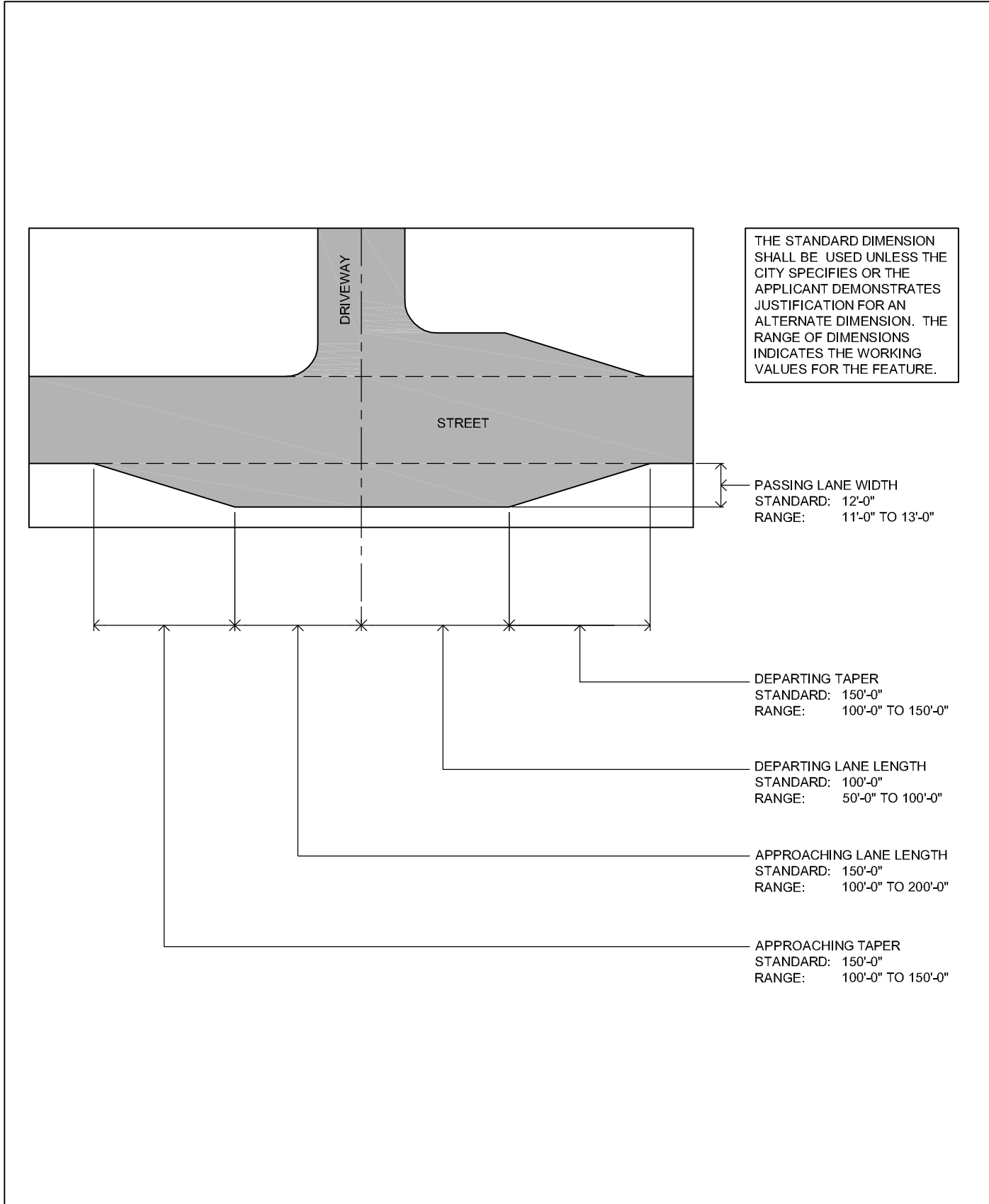
# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.10 WARRANT FOR PERMITTING INBOUND LEFT TURNS



- a. WHERE CONDITIONS INDICATE LEFT TURN INGRESS SHOULD BE PROHIBITED, THE APPLICANT WILL HAVE THE OPTION OF CONSTRUCTING A BY-PASS LANE OR DESIGNING A DRIVEWAY TO PROHIBIT INBOUND LEFT TURNS.
- b. LEFT TURN VOLUME INTO DRIVEWAY BASED ON TOTAL DEVELOPMENT TRIP GENERATION AND DISTRIBUTION ANALYSIS.
- c. BASED ON EXISTING TRAFFIC VOLUME DATA.

ILLUSTRATION 2.11 PASSING LANE



THE STANDARD DIMENSION SHALL BE USED UNLESS THE CITY SPECIFIES OR THE APPLICANT DEMONSTRATES JUSTIFICATION FOR AN ALTERNATE DIMENSION. THE RANGE OF DIMENSIONS INDICATES THE WORKING VALUES FOR THE FEATURE.



# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.12 WARRANT FOR RIGHT TURN DECELERATION LANE OR TAPER

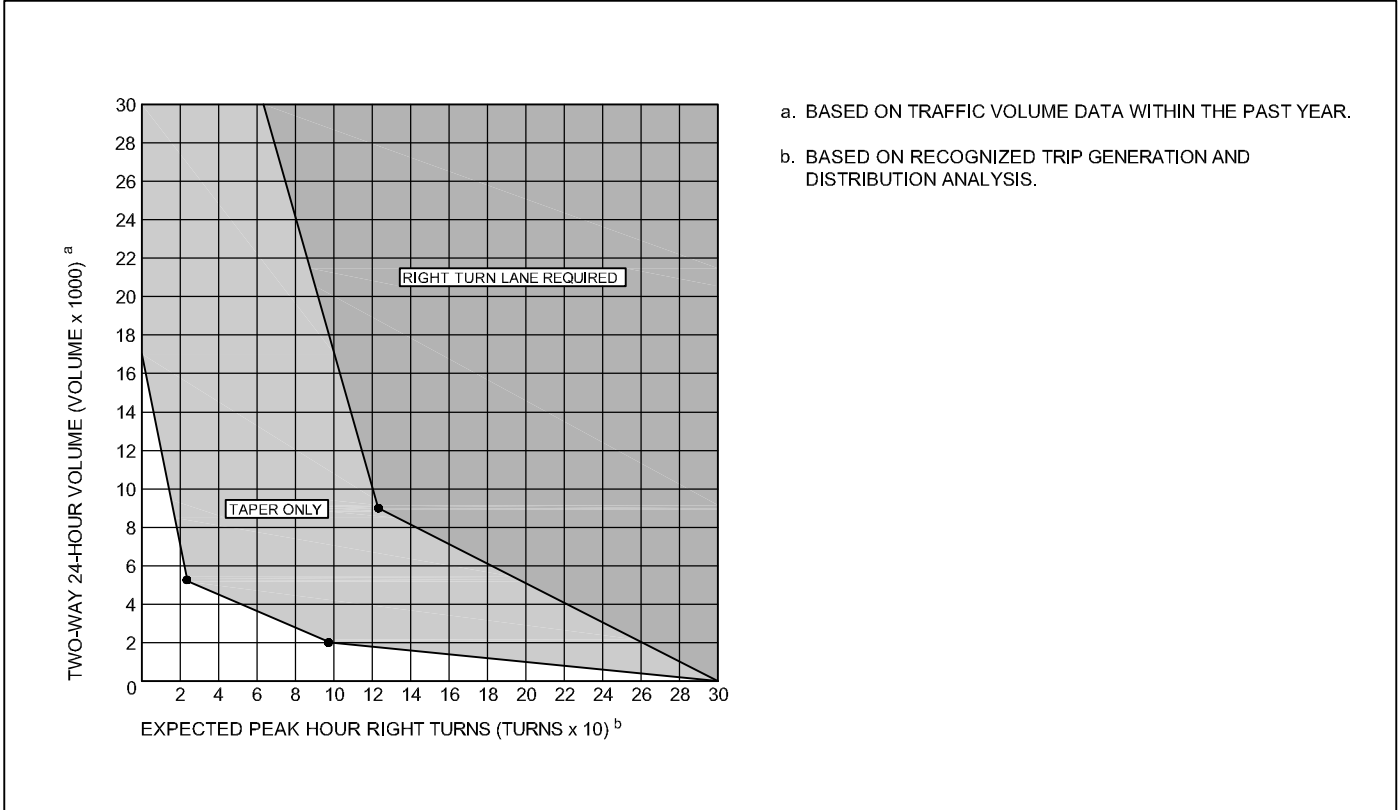
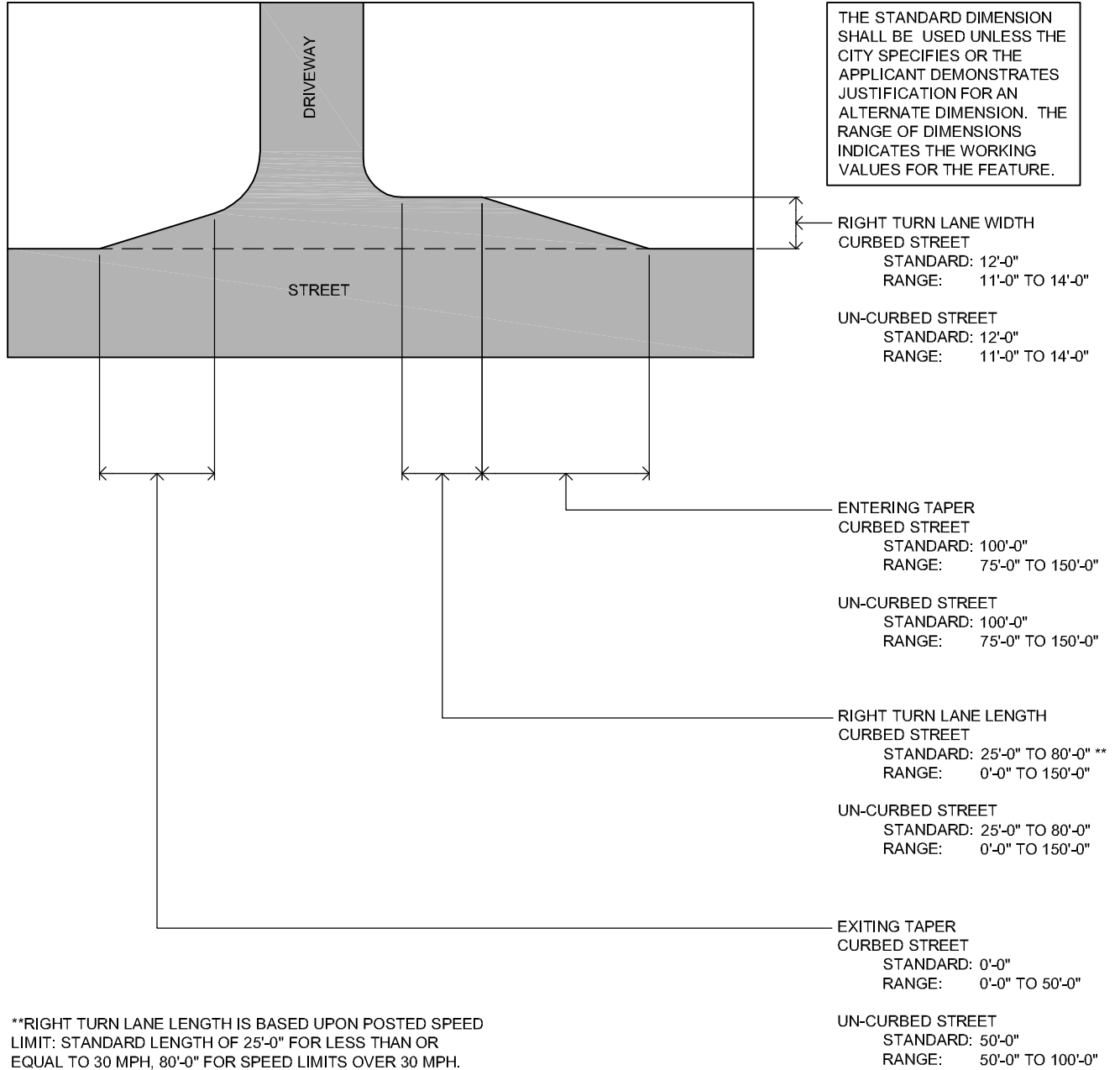


ILLUSTRATION 2.13 COMMERCIAL RIGHT TURN LANE AND TAPER



# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.14 ONE-WAY COMMERCIAL DRIVEWAYS

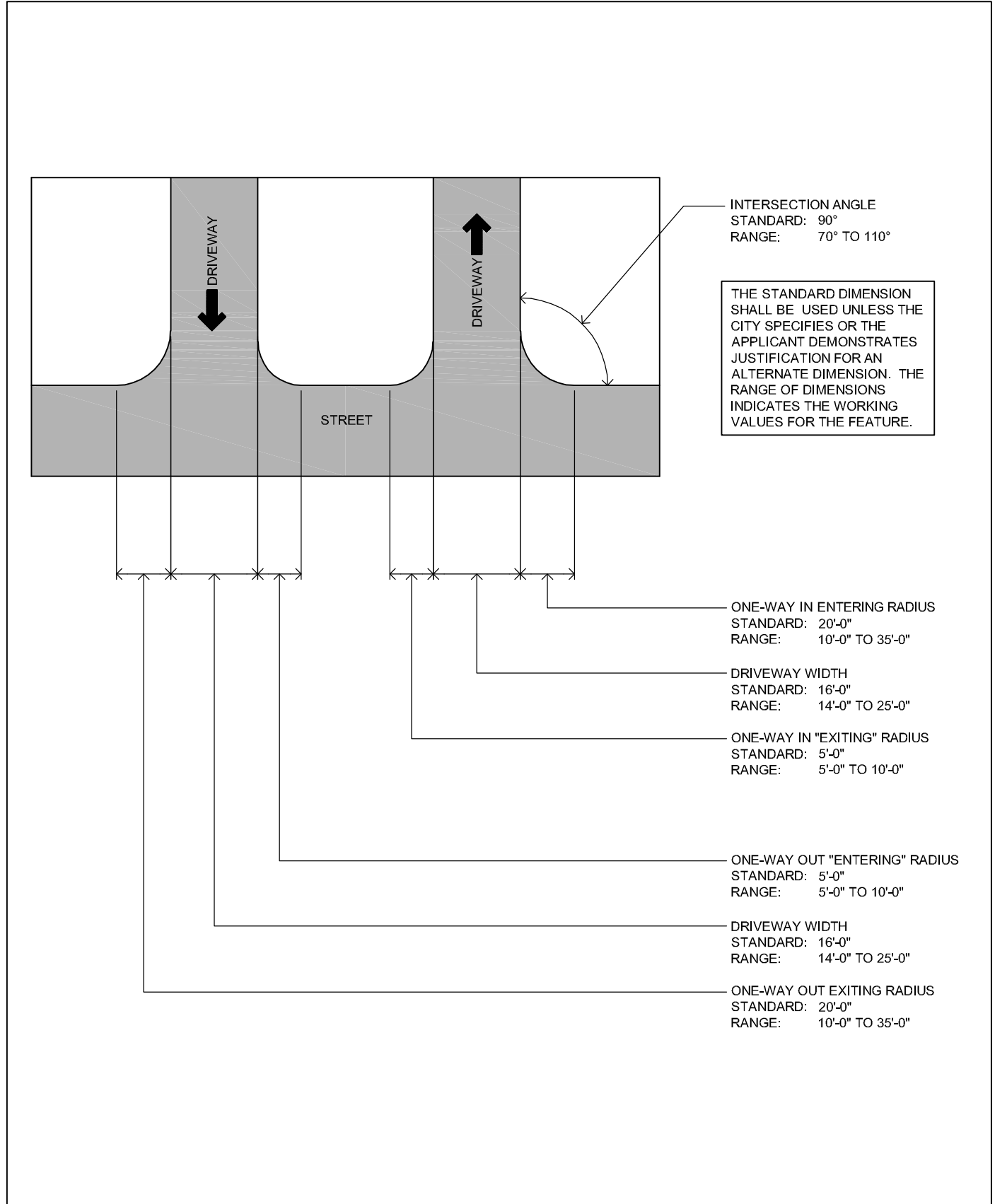
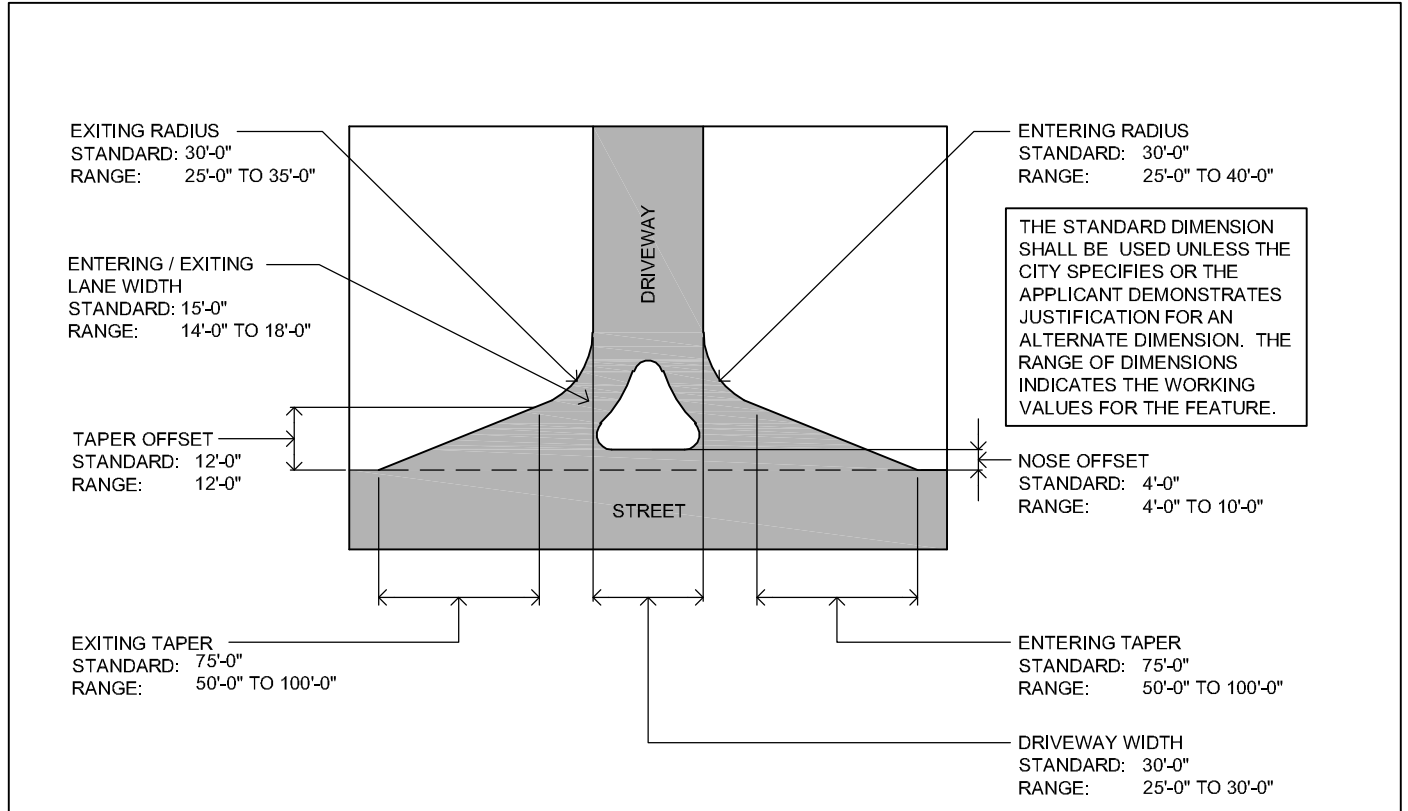


ILLUSTRATION 2.15 DIRECTIONAL DRIVEWAYS



## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.19 Duration of Approvals

Unless otherwise specified in this Ordinance, the duration of approvals shall be as follows:

- A. *One Year Period.* Approval of any project shall be valid for a period of one (1) calendar year, in which time a building permit shall be obtained and substantial progress achieved.
- B. *Extension.* Upon written request, one (1) extension of up to twelve (12) calendar months may be granted by the Zoning Administrator if the applicant can show good cause.
- C. *Change of Ownership.* Permitted time frames do not change with successive owners.
- D. *Expiration.* After the one (1) calendar year approval period, if a building permit is in effect and substantial progress has not occurred, project approval shall expire when the building permit expires.
- E. *Reconsideration of Denial.* Unless otherwise specified, any project denial shall not return for reconsideration by the reviewing body prior to one (1) calendar year from the date of denial. If a request is submitted that is substantially different from the original request, then this requirement shall be waived and the project submittal considered as a new request.

### Section 2.20 Essential Public Services

The construction, alteration, or maintenance of essential public services shall be permitted in any District. If the provision of essential public services involves the construction or alteration of above-ground buildings, plans for such buildings shall be submitted for site-plan review. Above-ground buildings required for the provision of essential public services shall be constructed in compliance with all applicable zoning ordinance regulations where feasible.

### Section 2.21 Existing Platted Lots not Meeting District Standards

Platted lots existing prior to the enactment of this zoning ordinance or any subsequent amendment shall be allowed to be developed in accordance with the permitted uses and standards in the district in which they are located, subject to the following conditions:

- A. All requirements of the District shall apply where no practical difficulties exist.
- B. If a variance is required, the Zoning Board of Appeals shall seek the maximum compliance possible.
- C. If more than one lot is owned by the same owner and they are contiguous, and use of more than one lot enables compliance with the zoning ordinance, then such compliance shall be required.

### Section 2.22 Family Day Care Homes

Permitted family day care homes shall comply with the following standards:

- A. The family day care home shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973.
- B. The Planning Commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.

### Section 2.23 Free-Standing Outdoor Furnaces

It shall be unlawful to install or operate a free-standing outdoor furnace, or to cause or permit the installation or operation of a free-standing outdoor furnace, within the city. A free-standing outdoor furnace is defined as a furnace, stove or boiler that is not located within a building intended for habitation by humans that is designed, intended or used to provide heat and/or hot water to any residence or structure that burns wood or other solid fuel such as, but not limited to, coal, paper or agricultural products.

### Section 2.24 Frontage on Private or Public Streets

No building shall be erected unless the premises upon which it is to be constructed shall abut upon a public street or private street which has received the approval of the Planning Commission. This regulation applies to site condominium and planned unit development projects, as well as more conventional development on platted or unplatted lots.

### Section 2.25 Home Occupations

A. *Required Standards to be Permitted by Right.* Home occupations shall be permitted by right if they meet the below-listed standards. However, if a home occupation does not meet one or more of the below standards it shall not be permitted, unless approved for by a special use permit by the Planning Commission:

1. The home occupation shall not involve any person not residing at the home.
2. The home occupation shall not involve any outdoor activities.
3. The home in which the occupation is proposed must be used principally for residential purposes except as allowed for in the Live-Work Building Type in Article 6 of this Ordinance.
4. The home occupation shall not involve the storage of any significant amount of materials for which there is high risk of inflammability or explosion.
5. The home occupation shall be permitted one sign of not more than two square feet in size. Such sign shall be attached to the dwelling.

*Exception:* Live work building types may have signs as allowed by Article 6 and Article 13.

6. The home occupation shall not result in the exterior of the home having other than a residential appearance except as allowed for in the Live-Work Building Type in Article 6 of this Ordinance.
7. The home occupation shall not involve deliveries by trucks greater than 25 feet in length.
8. Noise emanating from the home occupation dwelling as a result of the home occupation shall not exceed 65 DNL as defined by the U.S. Department of Housing and Urban Development.

B. *Approval of Home Occupation not an Acceptance of Commercial uses in Residential Zones.* The allowance of any home occupation by the City, subject to the regulations contained in this section of the Ordinance, shall not in any way constitute an acceptance of, or give validity to, the introduction of nonresidential uses into any residential zoning district.

**Section 2.26 Landscaping**

All developments or uses shall comply with the landscaping regulations contained in Article 9 of this Ordinance.

**Section 2.27 Lot and Yard Measurements**

A. *Distance Measurement.* Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two (2) points.

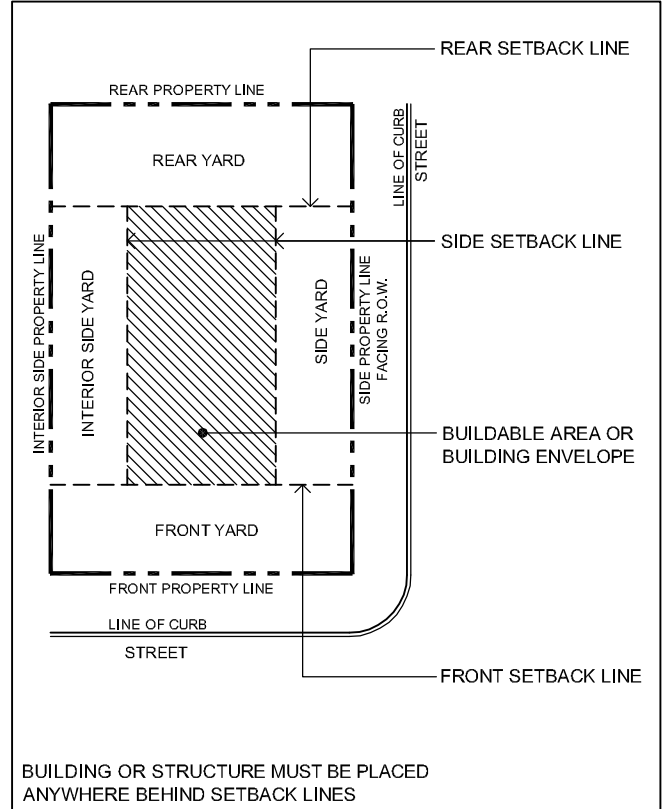
B. *Lot Area Measurement.*

1. *Measurement.* The area of a lot includes the total horizontal surface area within the lot lines of the lot, not to include public or private rights-of-way.
2. *Administrative Departure.* An Administrative Departure of not more than five (5) percent of the required lot area, as described in each District Standard, may be granted where unusual lot configurations, topography or natural features exist, or where the departure would be in keeping with the character of the District.

C. *Building Setbacks.* Refer to Illustration 2.16.

1. *Measurement.* Building setbacks, or setback lines, are the measurements that define the buildable area of a lot. Building setbacks are the minimum horizontal distances required from the front, side or rear lot lines specified in Articles 5 and 6 of this Ordinance. The front, rear and side setback lines are parallel from the relevant lot line, between which no buildings or structures may be erected. The buildable area, located in between these lines, is also known as the building envelope.
  - a. *Front Setback.* The front setback shall extend the full width of the lot.

ILLUSTRATION 2.16 SETBACKS AND YARDS



# ARTICLE 2 GENERAL PROVISIONS

- b. Rear Setback. The rear setback shall extend the full width of the lot.
- c. Side Setback. The side setback shall extend from the side lot line between the front setback line to the rear setback line.

D. *Required Build-to-Lines.* Refer to Illustration 2.17.

1. *Measurement.* Required build-to-lines are the measurements that define the edge in which the street facing building walls are required to be built to. Build-to-lines are the horizontal distances required from the front and/or side lot lines specified in Articles 5 and 6 of this Ordinance. Build-to-lines are parallel from the relevant lot line.
  - a. Front build-to-line shall extend as follows:
    - i. Internal Lots: From internal side setback line to internal side setback line or from side property line to side property line if no side setback lines are required.
    - ii. Corner Lots: From internal side setback line to side build-to-line or to side property line if no side build-to-line is required.
  - b. Side build-to-line shall extend from the front build-to-line (or front property line if no front build-to-line is required) to the rear setback line or rear property line if no rear setback line is required.

E. *Required Build-to-Zones.* Refer to Illustration 2.18.

1. *Measurement.* Required build-to-zones are the measurements that define the zone in which the street facing building walls are required to be built within. Build-to-zones are the horizontal distances required from the front and/or side lot lines specified in Articles 5 and 6 of this Ordinance. Build-to-zones are parallel from the relevant lot line.
  - a. Front build-to-zone shall extend as follows:
    - i. Internal Lots: From internal side setback line to internal side setback line or from property line to property line if no side setback line is required.
    - ii. Corner Lots: From internal side setback line to side build-to-line or to side property line if no side build-to-line is required.
  - b. Side build-to-line shall extend from the front build-to-line (or front property line if no front build-to-line is required) to the rear setback line or rear property line if no rear setback line is required.

ILLUSTRATION 2.17 BUILD-TO-LINES

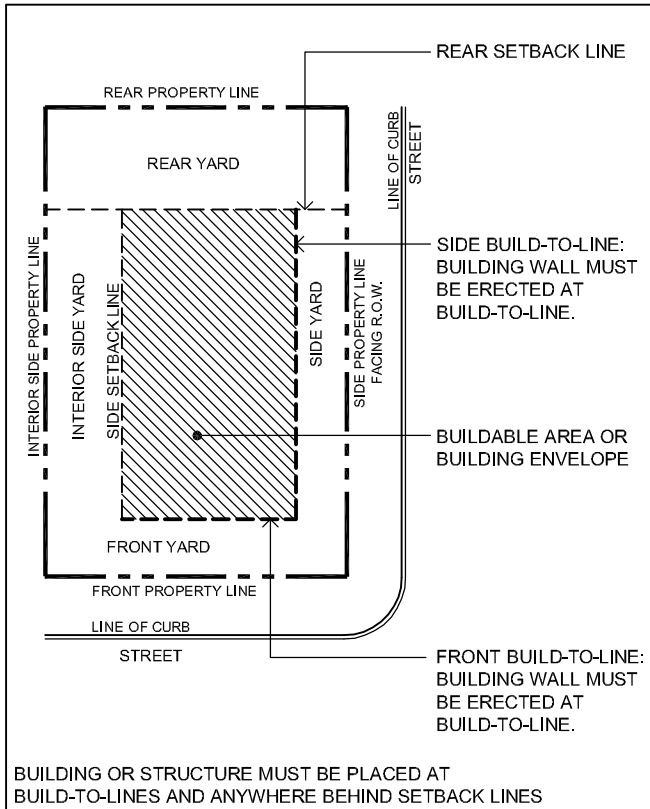
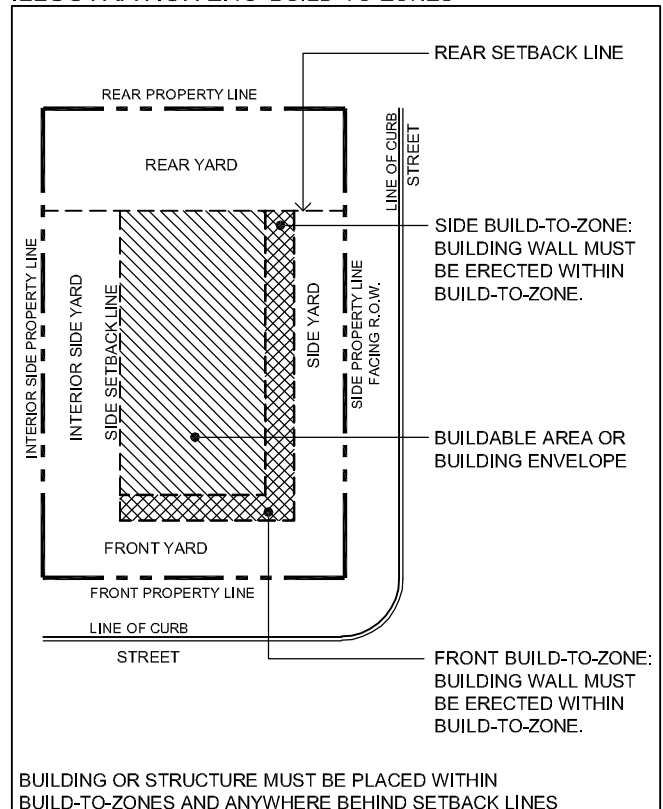


ILLUSTRATION 2.18 BUILD-TO-ZONES



F. Lot Widths.

1. *Measurement.* Lot width is the horizontal distance between the side lot lines, measured parallel to the front lot line
  - a. At the required front yard setback line; or
  - b. At the required front build-to-line; or
  - c. At the nearest edge (closest to the front property line) of a build-to-zone
2. *Minimum Lot Widths for Irregular Lots.*
  - a. The minimum distance between the two (2) side lot lines at the public right-of-way; or
  - b. The minimum distance at the front setback line or required build-to-line / zone between the two (2) side lot lines; or
  - c. If the minimum lot width at the front setback line or required build-to-line / zone cannot be met, the minimum setback line shall be moved further into the lot to the point at which the minimum lot width is met.

Exception: In Urban Mixed-Use Districts, build-to line / zone is required to match adjacent compliant properties.

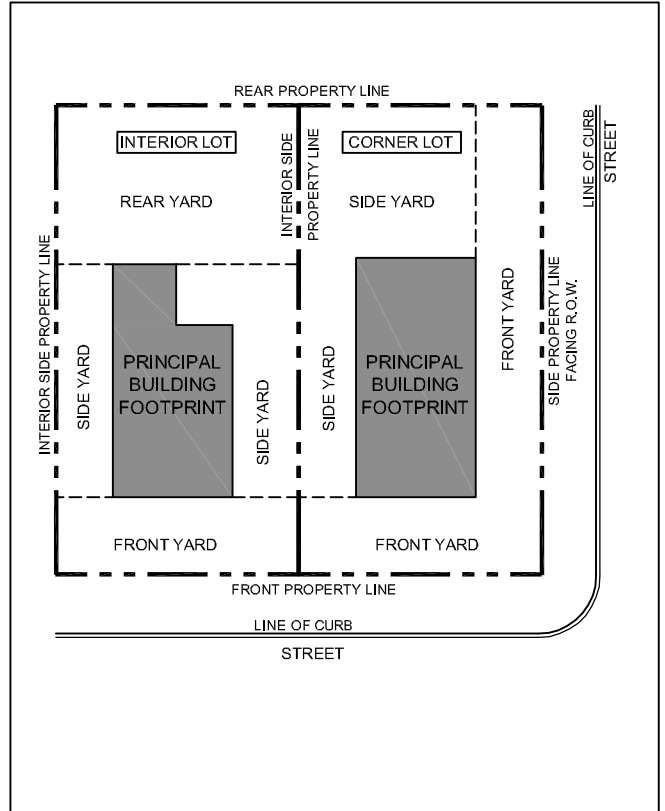
G. Yards. Yards are the open spaces that lie between the nearest lot line and the principal building or structure, as further defined below. The term yard shall only be used in relation to a lot on which a principal building or structure has been placed. Refer to Illustration 2.19.

1. *Front Yard.* A front yard is the open space extending the full width of the lot between the front lot line and the principal building.
2. *Rear Yard.* A rear yard is the open space extending the full width of the lot between the rear lot line and the principal building.
3. *Side Yard.* A side yard is the open space between the side lot line and the principal building, extending from the inner edge of the front yard to the inner edge of the rear yard.
4. *Corner and Through Lots.* Corner and through lots shall have two (2) front lot lines and two (2) front yards. The remaining yards shall be considered side yards. There shall be no rear yards.

H. Encroachments into Setbacks and Yards. The following may be located within setbacks or yards, as permitted under applicable Articles and Sections of this Ordinance and as indicated in this Section (2.27.H).

1. Architectural elements including bay windows, awnings, canopies, eaves and cornices may project into setbacks or yards as follows:
  - a. Front yard: Architectural elements may project into the front yard setback by not more than two (2) inches for each one (1) foot of width of the front yard, except that a chimney may be permitted where it does not obstruct light,

ILLUSTRATION 2.19 YARDS



ventilation, or vision as determined by the Zoning Administrator.

- b. Side yard facing a public right-of-way: Architectural elements may project into the side yard setback by not more than two (2) inches for each one (1) foot of width of the side yard, except that a chimney may be permitted where it does not obstruct light, ventilation, or vision as determined by the Zoning Administrator.
- c. Refer to Article 6 Building Type Standards and Article 7 Private Frontage Standards for additional requirements for projection of architectural elements related to specific building types and frontage types.

2. Unenclosed porches and stoops may project into setbacks or yards in the HUD 7, HUD 6 and HUD 5 districts as follows:

- a. Front yard: Unenclosed porches and stoops (not including steps) may project into the front yard by no more than ten (10) feet, but shall be no closer than five (5) feet from the front property line.
- b. Side yard facing a public right-of-way: Unenclosed porches and stoops (including steps) may project into the side yard provided that it is not closer than five (5) feet from the front property line.



## ARTICLE 2 GENERAL PROVISIONS

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- c. Refer to Article 6 Building Type Standards and Article 7 Private Frontage Standards for additional requirements for projection of unenclosed porches and stoops related to specific building types and frontage types.
  3. Decks and patios may project into setbacks or yards as allowed in Section 2.14.
  4. Driveways may project into setbacks or yards as allowed in Sections 2.16, 2.17 and 2.18.
  5. Private sidewalks may project into setbacks or yards when connecting to a public sidewalk.
  6. Landscaping may project into setbacks or yards except as required by clear vision areas per Section 2.11.
  7. Walls and fences may project into setbacks or yards as allowed in Article 9 Landscape Standards.
  8. *Handicap Ramps.* The Zoning Administrator may permit ramps used for persons with mobility impairments in any yard, provided the location shall not create a hazard or otherwise impede access for operations related to safety, such as access for fire personnel or equipment. Ramp location is preferred in the rear or side yards of a building. Front yard placement shall only be allowed if rear and side yard options are not practical due to site constraints or building access requirements.
  9. *Basement Egress Window Wells.* Basement egress window wells are permitted in side and rear yards, provided:
    - a. The window well is not located within three (3) feet of the side or rear lot line.
    - b. The requirements for all applicable building and fire codes are met.
  10. *Below Grade Features.* Below-grade or underground features shall not extend into any front, side or rear yard, unless otherwise allowed in this Ordinance
- I. *Projections into the Public Right-of-Way.* For zero setback buildings in Urban Mixed Use Districts, the following may project into the public right-of-way, as permitted under applicable Articles and Sections of this Ordinance and as indicated in this Section (2.27. I).
1. *Balconies.* A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend five (5) feet over a public sidewalk, provided an encroachment permit is obtained from the Zoning Administrator.
  2. *Awnings.* An awning with a minimum ground clearance of eight (8) feet may extend over a pub-

lic right-of-way to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.

3. *Canopies.* A canopy with a minimum ground clearance of eight (8) feet may extend over a public right-of-way to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.
4. *Eaves.* Building eaves with a minimum ground clearance of twelve (12) feet above finished grade may extend to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.
5. *Projecting Signs.* Projecting signs with a minimum ground clearance of eight (8) feet above finished grade may five (5) feet over a public sidewalk and as allowed in Article 13 Sign Standards, provided an encroachment permit is obtained from the Zoning Administrator.

### Section 2.28 Lot Coverage

In determining percent of lot coverage, both principal and accessory buildings shall be included in the calculation.

### Section 2.29 Lot to Building Relationship

There shall not be more than one principal structure permitted on any one lot in any residential district.

### Section 2.30 Lot Width of Cul-de-sac Lots

The planning commission may reduce the minimum lot width for cul-de-sac lots by up to 40%.

### Section 2.31 Outdoor Lighting

For definitions pertaining to Section 2.31 refer to Lighting, Outdoor definitions in Article 21.

A. *Purpose.* The purpose of this Section is to provide reasonable regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects. Specifically, this Section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare of the City of Hudsonville:

1. Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
2. Eliminate intrusive outdoor light and lighting that unnecessarily contributes to artificial “sky glow” and energy consumption.
3. Maintain safe night-time driver performance on public streets by minimizing both brightly lit surfaces and lighting glare.
4. Promote lighting that provides security but protects the privacy of adjacent properties.
5. Allow lighting that is not unduly intrusive or a nuisance to nearby residents, property occupants, pedestrians and drivers.

6. Curtail and reverse the degradation of the night-time visual environment and the night sky.

B. *Lighting Prohibitions.* No lights shall shine directly into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision or the privacy of adjacent uses.

C. *Lighting Plan.* The following information shall be included for all Site Plan Reviews. Where site plan approval is not required, one or more of the following items may be required by the Zoning Administrator prior to lighting installation:

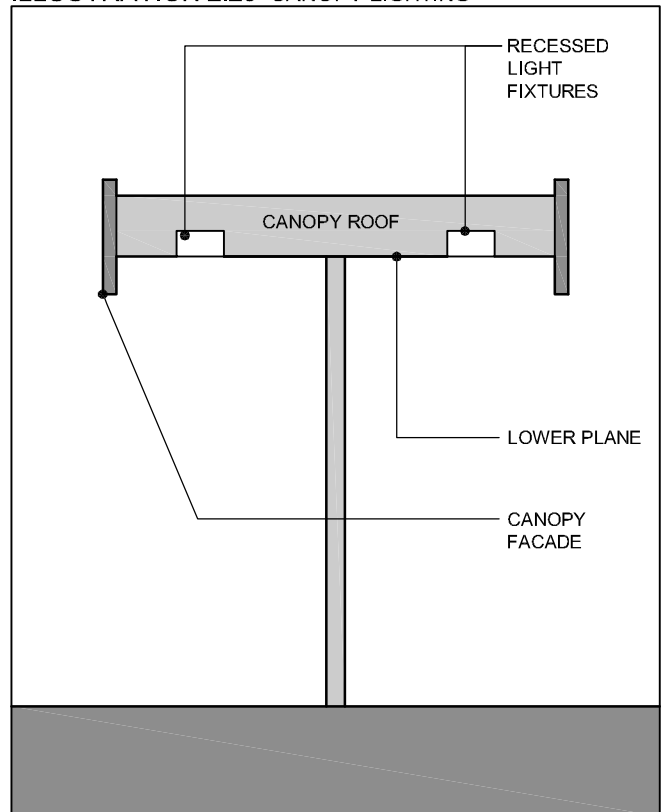
1. A site plan drawn to a scale of one (1) inch equaling no more than thirty (30) feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
2. A description of the proposed luminaires, including lamps, poles or other supports, mounting heights and shielding devices, which may be provided as catalogue cut sheets from the manufacturer.
3. Specifications for all proposed lighting fixtures including photometric data, designation as Illuminations Engineering Society of North America (IESNA) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as that furnished by the manufacturer.
4. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Section. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five (25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
5. The lighting plan shall provide a design for illuminations in accordance with this Section.

D. *Exterior Lighting.*

1. All exterior lighting, including free-standing, canopy, pole, and building mounted, shall be fully shielded or fitted with opaque hoods, louvers, shades, or other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line. The term “light source” includes the light bulb and all refractive, reflective and translucent light transmitting parts of the fixture.

2. Canopy lighting shall be fully recessed. Refer to Illustration 2.20.
3. No exterior lighting shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property.
4. No exterior lighting shall illuminate any public or private road or public right-of-way.
5. The intensity of light within a site shall not exceed ten (10) footcandle within any part of the site and one (1) footcandle at any lot line, except where it abuts a Residential District or residential use, where a maximum of 0.5 footcandles is permitted. The only exception is with vehicle service use canopies and new or used vehicle sales lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above requirements shall apply to intensity at the property line.
6. Except as otherwise required, the mounting height of fixtures that are located within one-hundred and fifty (150) feet of a Residential District shall not exceed twenty (20) feet. Mounting height shall not exceed thirty (30) feet in any other circumstance.

ILLUSTRATION 2.20 CANOPY LIGHTING



## ARTICLE 2 GENERAL PROVISIONS

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### E. Fixtures

1. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures as defined by IESNA.
2. High Intensity Discharge (HID) fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent “sky glow.”
3. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.

F. *Architectural Lighting.* When buildings and structures are to be illuminated, the Zoning Administrator shall approve a design for the illumination using the following standards:

1. **Direction of Lights.** Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets, streets or properties, and light shall not trespass onto surrounding properties.
2. **Facade Lighting.** Lighting fixtures mounted on the building and designed to “wash” the facade with light are permitted.
3. **Landscaping Lighting.** The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.

### G. Other Lighting.

1. Indirect or front-lighted illumination of buildings is permitted provided that there is no glare.
2. Indirect or front-lighted illumination of signs, canopies and awnings shall be as required in Article 13, Sign Standards.
3. Changeable message signs and dynamic displays on signs shall be as required in Article 13, Sign Standards.
4. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited, except as permitted in Article 13 Sign Standards.
5. Lighting shall not consist of or have the appearance of movement or flashing components, except as permitted in Article 13 Sign Standards

H. *Public Street Lighting.* The cost of installing and operating approved street lighting on any public thoroughfare shall be through a financial method approved by the City or by the Michigan Department of Transportation. The costs of all other lighting systems shall be borne by the developer/property owner.

I. *Exemptions.* The following outdoor light fixtures are exempt from the provisions of this Section.

1. Outdoor light fixtures installed prior to the effective date of this Ordinance and replacements of the luminaire or lamp of those fixtures. The Zoning Administrator may require that existing light fixtures be re-directed in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.
2. Streetlights located within a public right-of-way.
3. Outdoor light fixtures which use an incandescent light bulb of, or light level equivalent to, one hundred fifty (150) watts or less, except where they create a hazard or nuisance from glare or spillover light.
4. Lighting necessary for street or utility construction or emergencies.
5. Holiday lighting, and lighting for doorways and walks.
6. Lighting necessary for baseball, softball, football and soccer fields, or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be extinguished within one half (1/2) hour of the completion of the event.

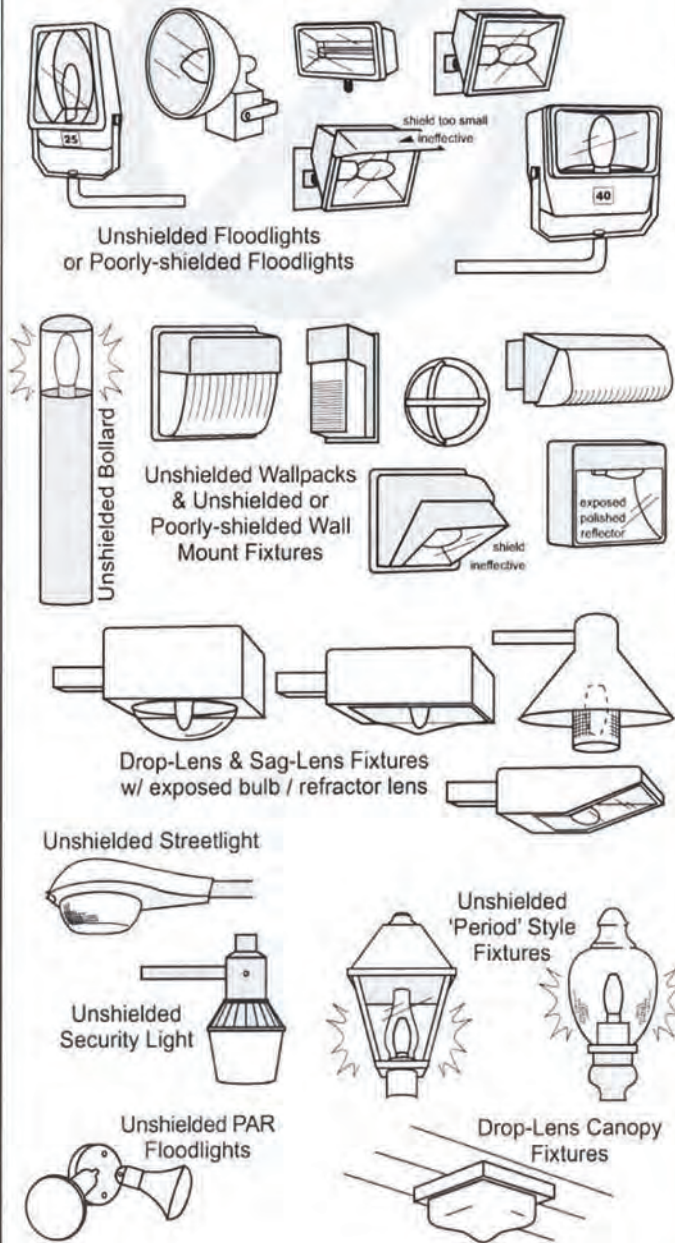
J. *Administrative Departure.* The Zoning Administrator may grant an Administrative Departure from the requirements of this Section if it is determined that in so doing, it shall not contradict the purposes of this Section or negatively affect the health, safety and welfare of the public.

K. *Luminaire (Light Fixture) Illustrations.* The following luminaire illustrations (Illustration 2.21) shall be used as a guideline to help determine the appropriate lighting fixtures, which offer different levels of shielding. Note that these graphics do not represent a complete inventory of permitted and prohibited fixtures.

ILLUSTRATION 2.21 LUMINAIRES

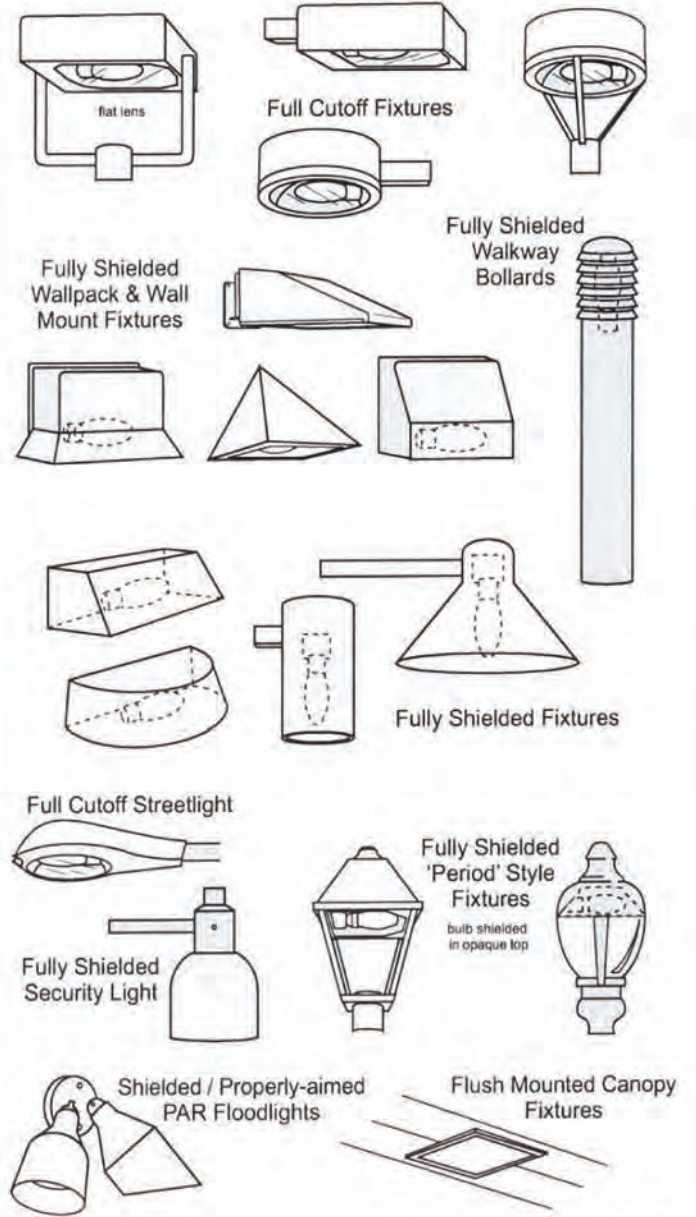
**Prohibited Fixtures**

Fixtures that produce glare and light trespass



**Permitted Fixtures**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



BC 9/03

SOURCE: DARK SKY SOCIETY, [www.darkskysociety.org](http://www.darkskysociety.org)

## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.32 Parcel or Lot Division

No parcel or lot division shall be made which results in a parcel or lot being in nonconformance with any provision of this Ordinance as amended, or is in violation of the City's subdivision control ordinance as amended.

### Section 2.33 Parking

All developments or uses shall comply with the parking and loading standards contained in Article 12 of this Ordinance.

### Section 2.34 Pedestrian Access

- A. *New Construction.* All sites on which any new construction occurs shall provide sidewalks conforming to City standards along all portions of the property which border a public street, excluding alleys.
- B. *Walkways in Parking Lots.* Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods.
- C. *Minimum Clearance for Pedestrians.* At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians at all times.

### Section 2.35 Performance Guarantee

- A. *Purpose.* To ensure compliance with the zoning ordinance, relative to the approval of a site plan, the Planning Commission, Zoning Board of Appeals, City Commission or Zoning Administrator may require the applicant to deposit a performance guarantee or surety as set forth in this section. The purpose of the performance guarantee is to ensure completion of improvements required by this Ordinance and contained on the approved site plan.
- B. *Performance Guarantee Definition.* Performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond, as determined by the applicant and verified by the Planning Commission or city consultant, in the amount of the estimated cost of the improvements, plus the amount of any applicable fee established from time to time by resolution of the City Commission to cover the City's costs related to determining compliance with the zoning ordinance in connection with performance guarantee.
- C. *Acceptance of Performance Guarantee.* No performance guarantee will be accepted by the City without the applicant first obtaining a zoning compliance permit (if no other permit is filed) from the Zoning Administrator pursuant to Section 20.03.

D. *Deposit Requirements.* Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit for the development and use of the land, or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. Upon the deposit of the performance guarantee, the City shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.

E. *Time of Completion for Performance-Guarantee-Backed Improvements.* An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

F. *Rebate of Performance Guarantee to Applicant.*

1. In the event the performance guarantee deposited is a cash deposit or certified check, the City shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed, as confirmed by the Zoning Administrator. The remaining fifty (50) percent of the deposited funds will be rebated when one-hundred (100) percent of the required improvements are completed, as confirmed by the Zoning Administrator.
2. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
3. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

G. *Defaults in Making Performance-Guarantee-Backed Improvements.*

1. In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or other means.

The City shall specifically have the right to enter upon the subject property to make the improvements.

2. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
3. Should the City use the performance guarantee, or a portion thereof, to complete the required improvement, any amounts remaining after said completion shall be applied first to the City's administrative costs in completing the improvement. Any balance remaining shall be refunded to the applicant.
4. At the time the performance guarantee is deposited with the City, and prior to the issuance of a building permit or occupancy permit, the applicant shall enter into an agreement with the City incorporating the provisions of the performance guarantee.

### Section 2.36 Private Streets

A. *Purpose.* It is the purpose of this Section to provide an opportunity for the construction of private streets under specific circumstances in residential developments. Private streets shall not be permitted within non-residential developments.

B. *Eligibility.*

1. *Residential Developments.* Private streets may be permitted in residential developments (including residential portions of planned unit developments and site condominium subdivisions) in conformity with the regulations of this Section.
2. *Traffic Volume Restrictions.* The approval or construction of proposed private streets shall not be permitted if such streets are projected to reach an average, daily traffic volume of 1,000 vehicles per day or more for any portion of the road, at any point in the future. All proposed roads which are projected to reach an average, daily traffic volume of 1,000 or more vehicles shall be dedicated to the city and built to public road standards.

C. *Approval*

1. Private streets shall be permitted where there is no opportunity or potential to establish a public street or plat the land.
2. No private street may be constructed, extended, or otherwise improved without the approval of the Planning Commission.
3. A permit shall be required from the Zoning

Administrator prior to the start of any construction related to private streets.

D. *Application Requirements.* The following shall be submitted to the Zoning Administrator:

1. *Application Form.* A completed application form, supplied by the City, containing the name(s) and address(es) of the owner(s) and all other parties having any access interest in the private street.
2. *Identification of Involved Properties.* Identification by parcel number of all properties having any legal interest in the private street shall be included in the application.
3. *Street Name.* The proposed name of the street.
4. *Planned Map.* A map, drawn to scale, prepared by a registered engineer or surveyor, showing the precise location, route, dimension and design of the private street shall be included in the application. The map shall identify existing and proposed elevation contours within all areas to be disturbed or altered by the construction of the private street.
5. *Location of Utilities.* The location of all public or private utilities to be located within the private street right-of-way or easement, or within twenty (20) feet thereof, including, but not limited to, water, sewer, storm, telephone, gas, electricity, and cable television shall be included in the application.
6. *Location of Streams, Drainageways and Wetlands.* The location of any streams, drainageways, or wetlands, as determined by the Michigan Department of Natural Resources, within the proposed private street right-of-way or easement or within one-hundred (100) feet thereof shall be included in the application.
7. *Maintenance Agreement or Covenant.* A copy of a recorded maintenance agreement or restrictive covenant which provides for the continued maintenance and repair, and the financing thereof, of the private street by the parties in interest shall be included in the application. Such agreement or covenant shall comply with the requirements of this section.
8. *Application Fee.* An application fee, established by the Hudsonville City Commission shall be included in the application.

E. *Construction.* All private street construction shall comply with the following standards and requirements:

1. *Maximum Grade.* The grade of a private street shall not exceed eight percent, with the exception that the private street shall have a maximum grade of three percent for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private street.

## ARTICLE 2 GENERAL PROVISIONS

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2. *Minimum Grade.* The minimum grade for a private street shall be 0.6 percent.
3. *Minimum Setback From Adjoining Lots.* The improved surface of a private street shall be a minimum of twenty (20) feet from any adjoining lot or parcel which does not derive access from the easement or private street.
4. *Surface and Base Requirements.* Private streets shall have an improved surface of two inches of bituminous aggregate which is at least twenty-four (24) feet in width, with a minimum of six (6) inches of aggregate base meeting Michigan Department of Transportation Specification 22A.
5. *Cul-de-sac Length Restrictions.* A private cul-de-sac shall not exceed eight-hundred (800) feet in length. However, the Planning Commission may permit a cul-de-sac up to 1,320 feet ( 1/4 mile) in cases where such a cul-de-sac would serve four (4) or fewer dwelling units. The length of a private cul-de-sac shall be measured along its center line, from its intersection with either the centerline of a public street, or the centerline of a private street that has more than one outlet to a public street, to the terminal end of the private cul-de-sac.
6. *Turn-around Provision.* A private street shall be provided with a means for turn-around of vehicles, either by use of a cul-de-sac having an improved surface as required for the associated street surface and having a minimum outside radius of forty (40) feet, or by use of a continuous-loop street layout.
7. *Repair of Damaged reas.* All areas disturbed by the construction of the private street shall be provided with topsoil, seeded with perennial grass, and protected against erosion.

F. *Easements.* Whenever a private street shall be approved, the City may require easements as necessary for the provision of essential services.

G. *Maintenance.*

1. The private street shall be continuously maintained in such a manner that it does not constitute a danger to public health, safety and welfare. All costs associated with the repair of the private street shall be the responsibility of the individuals and/or the property owners association(s) comprised of land owners served by the street.
2. Ongoing maintenance issues to be addressed shall include the physical condition of the roadway and associated utilities, proper functioning of all associated drainage systems and timely snow removal.
3. The above shall be accomplished through use of a recorded agreement between the parties of inter-

est to the private street, or through a restrictive covenant which shall run with the land. A copy of said agreement or restrictive covenant shall be provided to the Zoning Administrator prior to issuance of a permit for construction of the private street.

H. *Lot Subdivision.* Lots may be created with frontage on private streets, provided that the lots conform to all requirements of the Zoning District where the land is located, and further, that the lots shall not be created until an easement agreement for the private street is executed in full compliance with this Article.

I. *Access and Occupancy.* The private street shall be readily accessible to and usable by emergency vehicles in all weather. An occupancy permit for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been constructed with sufficient width, surface and grade to insure the safe passage and maneuverability of emergency service vehicles.

J. *Disclosure.* The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: “*This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not required to be maintained by the City of Hudsonville or Ottawa County.*”

K. *Performance Guarantee.* As a condition of approval of a private street and the issuance of a permit, the City may require that the applicant provide a performance guarantee or surety acceptable to the City, the release of which is conditioned upon the satisfactory performance by the applicant of the terms of this Section and any conditions of approval.

L. *Effect on New and Existing Private Streets.*

1. The provisions of this Section shall apply to all private streets designated or constructed on and after the effective date of this Ordinance.
2. If one or both of the following occurs after the effective date of this Ordinance, the entire private street, including the portion thereof existing prior to the adoption of this Ordinance, shall comply with all requirements of this Section:
  - a. An existing private street is extended by an increase in its length.
  - b. Lots or parcels of land are added to the existing private street.

**Section 2.37 Relocation of Existing Buildings on Parcels or Lots in the City**

- A. *Special Use Permit requirements.* A special use permit shall be required if any building from either inside or outside of the city is to be relocated upon any parcel or lot in the city.
- B. *Design Compatibility.* Any building proposed to be relocated within the City shall be compatible in design and construction with buildings and other structures already existing in the immediate area of the proposed building relocation site. In Urban Mixed Use Districts the relocated building shall adhere to one of the types listed in Article 6 Building Type Standards.
- C. *Compliance with Zoning Ordinance Requirement.* Any building proposed for relocation shall conform to all other requirements of the District in which the relocation site is located.
- D. *Bond Requirement.* The City may require a bond to insure against damage to City streets or other public property and also to provide for proper relocation of any building.
- E. *Route Approval.* The route to be taken within the City must be approved by the City.
- F. *Responsibility for Payment of Public Expenses Incurred.* The permittee shall be responsible to pay for all costs incurred by the City which are attributable to the building relocation.

**Section 2.38 Repair and Storage of Vehicles in Residential Districts**

- A. *Permitted Repair and Maintenance.* In all Residential Districts, mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:
  - 1. Not more than one (1) vehicle shall be under repair at any given time.
  - 2. There shall be no outside storage of automobile parts or equipment.
  - 3. Repair activities shall not create excessive noise, vibration, odor or other nuisances to neighboring properties.
  - 4. Mechanical and maintenance work includes changing oil, tune ups, etc.
  - 5. Repair involving major body work or major engine repair shall only be permitted if performed within an enclosed building.
- B. *Prohibited Repair and Maintenance.*
  - 1. When not performed within an enclosed building, repair involving body work or major engine repair shall be prohibited.

- 2. Commercial repair (repair being conducted for monetary compensation on vehicles or equipment owned by other than residents of home where the repair activity is taking place) shall be prohibited.
- 3. Repair and maintenance activities being performed outside of an enclosed building shall not be permitted for more than two days in any week.

- C. *Prohibited Vehicle Storage.* Inoperable vehicles and vehicles without a valid license plate shall not be permitted to be stored in a residential district unless within an enclosed building.

**Section 2.39 Rooftop Accessory Structures**

- A. *Allowance for Exceeding Maximum Building Height.* The height of accessory structures, such as chimneys, air conditioning units, and other mechanical appurtenances, may exceed the maximum building height for the District in which it is located by a maximum amount of fifteen (15) feet.
- B. *Required Screening.* Where rooftop appurtenances are within fifteen (15) feet of a building edge, the Planning Commission may require that they be screened to a height of three (3) feet above roof grade. The Planning Commission shall base their decision to require screening on the aesthetic quality of the rooftop appurtenances and degree of visibility to adjacent uses and the general public.

**Section 2.40 Satellite Dish Antennae**

- A. *General Standards Applying to all Satellite Dish Antennae and Similar Devices.*
  - 1. *Permanent Installation.* Satellite dishes and similar devices must be permanently installed on a building, in the ground or on a foundation, not on a portable or movable structure, such as a trailer.
  - 2. *Appearance.* The surface of the device shall be painted or treated so that it does not reflect glare from sunlight, and shall use to the extent practicable, materials and colors that blend with the surroundings.
  - 3. *Signage.* The surface of the device shall not be used as a sign or message board.
  - 4. *Wiring and Cables.* All electrical, antenna wiring, and cables serving ground-mounted satellite dish antennae must be located underground. Cables and lines serving building mounted satellite dish antennae must be firmly attached to the building and installed in a location that is the least visible from the public right-of-way.
  - 5. *Electromagnetic Interference.* Satellite Dishes must be filtered or shielded to prevent radio-frequency energy emissions that would cause harmful interference with radio or TV reception or broadcasting on neighboring properties.



## ARTICLE 2 GENERAL PROVISIONS

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6. *Construction, Installation and Operation:* Compliance with all Federal, State and local regulations is required.

### B. *Roof-Mounted Satellite Dish Antennae.*

1. Roof-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts.
2. Roof-Mounted Satellite Dish Antennae or similar devices that are more than one (1) meter (or 39 inches) in diameter are not permitted in any District.

### C. *Building-Mounted Satellite Dish Antennae.*

1. Building-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts.
2. Building-Mounted Satellite Dish Antennae or similar devices that are more than one (1) meter (or 39 inches) in diameter are not permitted in any District.

### D. *Ground-Mounted Satellite Dish Antennae.*

1. Ground-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts, subject to the following conditions:
  - a. The maximum height shall be fifteen (15) feet.
  - b. The dish antennae and devices shall comply with all setback requirements of the District.
  - c. The dish antennae and devices shall not be permitted in front yards or side yards that are adjacent to public right-of-way, except in cases where the applicant can demonstrate that locating the dish antennae in the rear yard or side yard (that is not adjacent to a public right-of-way) is impractical or would prevent the otherwise proper functioning of the satellite antennae. The applicant is required to submit a letter stating these conditions to the Zoning Administrator.
  - d. Evergreen screening shall be provided in sufficient concentration to reasonably conceal the device. Alternative screening that achieves the same effect may be approved by the Zoning Administrator.
  - e. The devices shall be located and designed to withstand a wind force of ninety (90) miles per hour. The device shall be securely mounted and anchored in accordance with manufacturer specifications and the Building Code.
2. Ground-Mounted Satellite Dish Antennae or similar

devices that are more than (1) meter (or 39 inches) in diameter may be installed without a permit in all Districts, subject to the following conditions:

- a. The maximum height shall be fifteen (15) feet.
- b. The dish antennae and devices shall comply with all setback requirements of the District.
- c. The dish antennae and devices shall not be permitted in front yards or side yards.
- d. Evergreen screening shall be provided in sufficient concentration to reasonably conceal the device. Alternative screening that achieves the same effect may be approved by the Zoning Administrator.
- e. The devices shall be located and designed to withstand a wind force of ninety (90) miles per hour. The device shall be securely mounted and anchored in accordance with manufacturer specifications and the Building Code.

- E. *Administrative Departure.* An Administrative Departure may be approved by the Zoning Administrator to vary any provision of this Section if its application inhibits or prevents the reasonable operation of the satellite dish antenna or similar device. If so approved, the Zoning Administrator may require additional screening or other reasonable conditions to reduce the visibility of the device from adjacent properties.

### **Section 2.41 Sidewalks**

Sidewalks and bicycle paths shall be provided in accordance with applicable city policies and Ordinances.

### **Section 2.42 Soil Removal, Grading and Filling**

#### *A. Intent*

1. It is the intent of this section to regulate the removal of soil, the grading and leveling of soil, and the filling of soil within the City of Hudsonville. These regulations are necessary because of the potential for adverse impacts and damages including:
  - a. Noise,
  - b. Dust,
  - c. Odors,
  - d. Alteration of topographical and geographical characteristics of the land,
  - e. Elimination of topsoil,
  - f. Erosion,
  - g. Filtration of soil into city storm sewers,
  - h. Shifting earth, and
  - i. Standing water.
2. The regulations are also intended to preserve city resources, prevent nuisances and hazards, and require reasonable control of the above-stated activities.

B. *Requirements for Permit.* It shall be unlawful for any person to undertake any fill project upon any land in the city without a permit issued by the zoning administrator pursuant to the terms of this section. Exceptions to this regulation shall include:

1. Projects which are a part of uses or activities approved under site plan review or special use permit;
2. Projects incidental to development of land subject to the Subdivision Control Act, Act 288 of 1967, as amended, when final preliminary plat approval has been obtained; and
3. Projects involving any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interests of good land husbandry.

C. *Requirements for Obtaining a Permit.*

1. The application for a permit shall be filed with the Zoning Administrator. The Zoning Administrator may request such information from the applicant as is necessary to determine that the fill project for which approval is requested will meet the requirements of this section. The Zoning Administrator may consult with the city engineer to make such a determination. The Zoning Administrator shall issue the permit requested if he/she is satisfied that the following provisions have been met:
  - a. The fill project will not impede drainage.
  - b. The fill project will not alter the topographical features of the applicant's property, causing a change in the natural flow of surface waters with respect to adjoining properties.
  - c. The fill project will not be in violation of any condition of this Ordinance or other city ordinance or state law.
  - d. The fill project uses only soil as defined in Article 21 Definitions of this Ordinance.
  - e. The fill project does not endanger health, safety or welfare of any individual.
  - f. The proposed operation will not create an unreasonable hazard, annoyance, or inconvenience to the owners or occupants of nearby property; will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby properties; and will not adversely affect implementation of the zoning ordinance or city master plan.
2. Where necessary for proper consideration of the factors listed in subpart C.1 of this Section, the Zoning Administrator is authorized to require the applicant to furnish any or all of the following information:

- a. A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted;
- b. The residence and business address of the applicant;
- c. The exact nature of the proposed soil to be used in the project and an estimate of the approximate number of cubic yards involved;
- d. The proposed route where soil is to be transported;
- e. The location of the place and the name and address of all persons and firms from whom the soil and any materials to be used in the project are to be obtained;
- f. The start and completion date for the project, including the hours during which the soil will be transported;
- g. A topographic map of existing land features prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at a scale not smaller than one-hundred (100) feet to one (1) inch, indicating the following:
  - i. A legal survey of the property wherein filling is proposed,
  - ii. The existing ground surface elevations for involved property and adjacent contiguous areas within three-hundred (300) feet of said property, bounded by accurate contours at intervals not exceeding two feet U.S.G.S. datum,
  - iii. All existing surface and subsurface improvements to include such features as buildings, roads, driveways, fences, culverts, pipe lines, electric and telephone lines, etc.,
  - iv. The existing drainage courses with channel cross-section and profile information,
  - v. The permanent parcel (sidwell) number on record with the County of Ottawa of the subject site and all abutting properties with ownership, and
  - vi. The seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof; and
- h. A map or drawing of the proposed land fill/land balancing project, prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at the same scale as the topographic map indicating:
  - i. The proposed finished surface eleva-

## ARTICLE 2 GENERAL PROVISIONS

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- tions and slopes, by contours at intervals not exceeding two feet U.S.G.S. datum, with cross-sections as necessary to clearly indicate proposed slopes and drainage provisions around the periphery of proposed site;
- ii. A clear delineation of limits of proposed grade changes,
  - iii. The location of proposed access roads,
  - iv. The stormwater-drainage provisions (both during and following completion of operations, including drainage pattern, run-off calculations, and detailed information for proposed, new or improved drainage facilities),
  - v. The type of proposed fill material and proposed placement and compaction methods,
  - vi. The details of provisions for controlling soil erosion and for controlling sedimentation onto contiguous properties and into water courses (both during and following completion of operations), and
  - vii. Seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof.

D. *Violations and Zoning Administrator Powers.* The Zoning Administrator may attach such conditions to the granting of the permit which may be necessary to insure that the intent and purpose of this Ordinance is in all respects observed. Any violation of a condition(s) included in the permit shall be construed as a violation of this Ordinance, shall give rise to the penalties provided in this ordinance, and shall be grounds for revoking the permit. The permittee shall submit a written request to the Zoning Administrator for approval of changes to the original plans, specifications, reports, and methods of operation submitted with a permit application. No such change shall be initiated until the written approval of the Zoning Administrator has been obtained.

E. *Payment of fees and Issuance of Permits.* At the time of application, the applicant shall pay an application fee as established by the Hudsonville City Commission. If the application is approved and all fees paid, the Zoning Administrator shall issue a permit.

F. *Expiration, Termination, Suspension and Revocation of a Permit.*

1. When a fill project is completed, as described in the application, the permit granted shall terminate and no further materials may be deposited or moved on the site until a new application has been filed and a permit granted in the same manner as provided for the original application and permit.

2. In the event that any fill project for which a permit has been granted is not started within three months from the date the permit is issued, the permit will expire. The permit shall also expire on the date stated in the permit, unless the applicant formally requests an extension from the Zoning Administrator, and such request is approved.
3. Failure of a permit holder to conform the fill project to the activities described in the approved permit application and plans upon which granting of the permit was based (and any approved amendments thereto) shall result in the suspension or revocation of the permit, forfeiture of any and all bonds furnished, and prosecution under the terms of this ordinance.

G. *Bond.* The Zoning Administrator may require a bond or similar financial surety as a condition to issuing a permit under this section. In establishing the amount of the bond, the Zoning Administrator shall consider the scale of operation, the costs to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses.

### Section 2.43 Street Performers

Street performers can provide a public amenity that enhances the character of downtown Hudsonville while at the same time affecting the health, safety and welfare of the residents of the city because certain activities can create congestion, excessive noise, illegal activity and/or diminished aesthetics. The City acknowledges that its interest in regulating street performers shall be accommodated within the parameters of the First Amendment of the United States Constitution.

This Section seeks to encourage street performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their business uninterrupted. This Section seeks to impose reasonable requirements and restrictions on street performers to the extent necessary to ensure the safety of performers, their audiences and the general public and seeks to balance the interests of the performers with those of the residents and businesses of the City.

A. *Prohibition.* No person may perform in a public area without obtaining a permit and complying with the requirements of this Section and the Zoning Ordinance.

B. *Permit.*

1. A permit shall be issued by the Zoning Administrator upon receipt of a completed application and a fee of twenty dollars (\$20.00).
2. A completed application for a permit, and the permit itself, shall contain the following:
  - a. The applicant's name, address, and telephone number;

- b. Whether the applicant is eighteen (18) years or older;
  - c. A description sufficient for identification of the subject matter and method of the performing in which the applicant will engage;
  - d. A description of the approximate area where the performance will occur, per the requirements of this Section.
  - e. The date, or approximate date, of the last permit that was issued to the applicant under this Section;
  - f. A statement as to whether or not any city permit or license issued to the applicant (or any related organization or entity) has ever been revoked, and if so, the reason for the revocation;
  - g. Applicant's driver's license or personal identification number;
  - h. Indemnification clause per the requirements of subsection D of this Section.
  - i. Such other information the Zoning Administrator deems necessary to approve the application; and
  - j. Applicant's signature.
3. A permit shall be valid from the date on which it is issued through the end of that calendar year.
  4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid.
  5. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than eighty dollars (\$80.00) total for permits for group members.
  6. Upon issuing a permit, the Zoning Administrator shall also give the performer a copy of this Section.
  7. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of ten dollars (\$10.00).

C. *Review of Application*

1. Upon filing of the application for a permit, the Zoning Administrator shall review and evaluate the application. In determining whether a permit should be issued, the Zoning Administrator shall evaluate whether the application and the applicant meet all of the following:
  - a. Whether the proposed activities comply with all of the provisions of this Section and the Zoning Ordinance;
  - b. Whether the proposed activities involve the safe use of the streets by the public for vehicles and pedestrians;
  - c. Whether the proposed activities would be ob-scene; and

- d. Whether the applicant has not previously violated two (2) or more provisions of this Section or the Zoning Ordinance.
2. An applicant must be eighteen (18) years or older to obtain a permit. Notwithstanding, the Zoning Administrator may approve a permit for a minor if that minor is performing in a group with other performers who are eighteen (18) years or older.
  3. The Zoning Administrator shall not approve a permit unless all previous year's tickets for violation of this Section are paid.
  4. If the applicant is a corporation, limited liability company, co-partnership, or other such business entity, the person who will act as the principal in charge of the business to be licensed shall sign the application and all of the owners of the business entity shall meet all of the requirements for individual applicants.
  5. The Zoning Administrator shall approve, deny, or approve with conditions an application for a street performer's permit within fifteen (15) days of it being filed.

D. *Conditions for Issuance.*

1. Upon approval by the Zoning Administrator, the permit shall be issued. If the approval by the permit includes conditions of the applicant, all conditions shall be met prior to the issuance of the permit.
2. Prior to the issuance of a permit, a street performer shall agree to indemnify the City and the Hudsonville Downtown Development Authority, their officials, employees, and agents from any liability arising out of the performer's street performance.
3. Permits granted shall be issued upon payment of the fees required and compliance with the requirements of this Section.
4. The permit shall bear the name and address of the person performing, the type of performance and the location of performing, and a statement that the permit does not constitute an endorsement by the City of the performance or of the person or group conducting the performance.
5. A permit shall be valid from the date on which it is issued through December 31 of the year that it was issued. A permit shall be nontransferable.

E. *Display of Permit.* A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any police officer or City official.

F. *Rules and Regulations of Permitted Performances.*

1. *Performance Locations.* Performances may take place in the following locations within HUD-7, HUD-6 and HUD-5 Districts:
  - a. In public areas, except within one hundred

## ARTICLE 2 GENERAL PROVISIONS

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- (100) feet of an elementary and/or secondary school, library, or church while in session, and except public areas excluded by the City Commission, the Public Works Department, or the Police Department.
- b. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.
2. *Performance Area Requirements.* A performer shall provide an approximate location of the proposed performance area either with a diagram or with a detailed written description. The performer is required to perform within the indicated location and is not allowed to change locations without amending the application with the Zoning Administrator prior to changing locations.
  3. *Performance Times.* Performances may take place at the following times:
    - a. Monday through Thursday, between 7:00 a.m. and 10:00 p.m.
    - b. Friday and Saturday between 7:00 a.m. and 11:00 pm.
    - c. Sunday performances are not allowed.
  4. *Undue Interference.* A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.
  5. *Proximity to Other Performers.* No performer or group of performers may perform less than fifty (50) feet from another performer or group of performers.
  6. *Contributions.* A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed.
- Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this Section. In public areas other than sidewalks, no such display shall exceed twenty-five (25) square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.
7. *Age Requirement.* A person who is under the age of eighteen (18) shall not perform unless accompanied at all times by a responsible adult who is eighteen (18) years of age or older.
  8. *Cleanup of Performance Area.* A performer shall be responsible for cleanup of all litter at the performance area.
  9. *Proximity to Entrances.* No performer shall perform within ten (10) feet of the outer edge of any entrance of any business, including, but not limited to doors, vestibules, driveways, outdoor dining area entries, sidewalk cafes, and emergency exits during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises.
  10. A performer shall not use any of the following as part of a performance:
    - a. Any knife, sword, torch, flame, axe, saw or other object that can cause serious bodily injury to any person, or engage in any activity, including but not limited to, acrobatics, tumbling or cycling that can cause serious bodily injury to any person;
    - b. Any amplification device;
    - c. Any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard; or
    - d. Any connection to or maintenance of an electrical cord to an adjacent building or to a city power source.
  11. *Use of Public Furnishings.* A performer shall not utilize or prevent the public from utilizing any public benches, waste receptacles, or other street furniture during the performance.
  12. *Sidewalk Obstruction.* A performer shall not place any object on a public sidewalk which causes less than a five (5) foot contiguous sidewalk width being kept clear for pedestrian passage.
  13. *Equipment.* A performer shall not perform with more instruments, props, equipment, merchandise or other items than the performer can reasonably transport or remove at one (1) time.
  14. *Placement of Equipment.* A performer shall not place his or her instruments, props, equipment, merchandise or other items on a public sidewalk, pub-

lic street, or public right-of-way for more than two (2) hours without performing in accordance with the provisions of this Section.

15. A performer shall not violate the applicable provisions of the City Code regarding noise.
16. A performer shall not block or obstruct a curb cut.
17. A performer shall not obstruct the visibility of a motorist.
18. Except as expressly permitted in this Section, a performer shall not perform in any way that violates any other provisions of the Zoning Ordinance.

#### G. Revocation of Permits.

1. The City or an officer of the police department may immediately and without notice revoke a street performer permit if the underlying violation poses an immediate danger to the public health, safety, and welfare.
2. Except as provided in item G.1. above, the street performer permit may be revoked if, upon receipt of written information or upon the City's own investigation, the City has reason to believe a performer:
  - a. Has provided a false statement in the application;
  - b. Has violated two (2) or more provisions of this Section during the term of the permit; or
  - c. Has violated a provision of this Section or the Zoning Ordinance in a manner that is materially adverse to the protection of the public health, safety or welfare of the City. Upon such determination, the City shall send written notice to the street performer at the address set forth in the application. The street performer shall have the right to a hearing before the City Commission. Such hearing shall be set at the next available regularly scheduled City Commission meeting. If after a hearing, the City finds that the violation is supported by a preponderance of the evidence, the permit shall be revoked. The permit shall be null and void upon the City sending notice to the street performer.
3. If a written complaint is filed alleging that a performer has violated any provisions of this Section, the City shall promptly send a copy of the written complaint to the performer, together with a notice that an investigation will be made as to the truth of the complaint. The performer shall have the right to respond to the complaint within ten (10) days of it being sent and present evidence and respond to evidence produced by the investigation at the hearing indicated in item G.2.c. above.

#### Section 2.44 Swimming Pools, Hot Tubs and Spas

In addition to the following provisions, all applicable requirements of building codes and county health department regulations shall apply.

A. *Swimming Pool Permit Requirements.* Installation of any swimming pool which is two feet deep or greater shall require a building permit and shall meet the following requirements:

1. A set of plans and specifications for the swimming pool, including fencing, decks, and related equipment, shall be submitted to the Zoning Administrator.

B. *Swimming Pool Placement.* Refer to Illustration 2.22

1. *General.* All swimming pools shall be placed a minimum of (10) feet from the dwelling unit.
2. *Lot Location for Swimming Pools.* For all residential lots, a swimming pool may be located in the rear yard only. The minimum distance from any side lot line to the pool wall shall not be less than the required side setback of the principal building. The minimum distance from the rear lot line shall not be less than ten (10) feet.

C. *Hot Tub and Spa Permit Requirements.* Installation of any hot tub, spa or similar structure which is two feet deep or greater shall require a building permit.

D. *Hot Tub and Spa Placement.* For all residential lots, a hot tub, spa or similar structure may be located in the rear yard only. The minimum distance from any side lot line to the hot tub, spa or similar structure shall not be less than the required side setback of the principal building. The minimum distance from the rear lot line shall not be less than ten (10) feet. Refer to Illustration 2.23.

#### Section 2.45 Temporary Buildings

Temporary buildings shall only be permitted if approved under special-use permit.

#### Section 2.46 Utilities

All utilities shall be placed underground for new developments, including mixed-use developments, single-family plats, multiple-family complexes, and mobile-home parks.

#### Section 2.47 Vending Machines, Outdoor

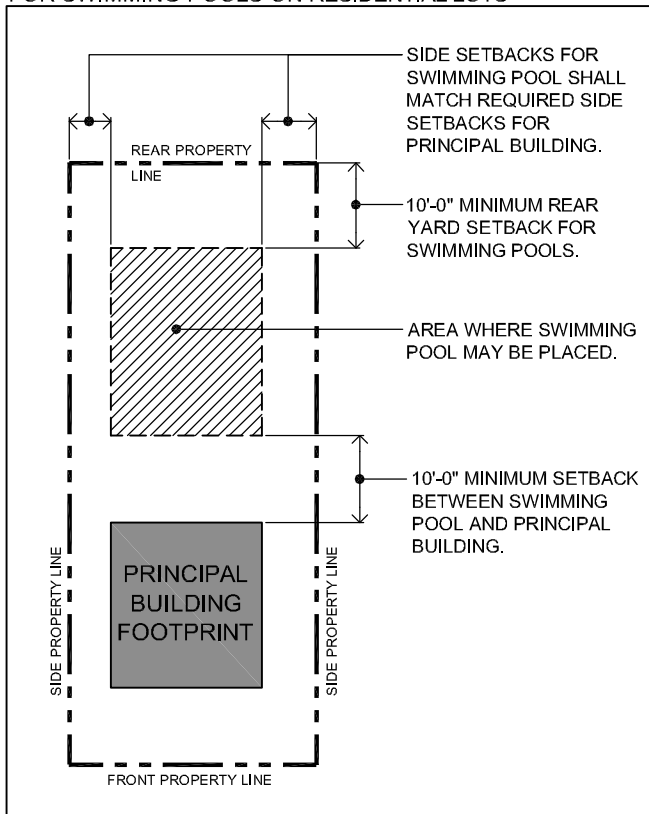
A. *Applicability.* The requirements of this section shall apply to all outdoor vending machines.

B. *In Conjunction with Principal Use.* Outdoor vending machines shall be an ancillary use to an approved principal use and may not be located on an unimproved lot.

C. *Residential Districts.* Outdoor vending machines are not permitted in Residential Districts.

# ARTICLE 2 GENERAL PROVISIONS

**ILLUSTRATION 2.22** LOCATION REQUIREMENTS FOR SWIMMING POOLS ON RESIDENTIAL LOTS



D. *Number of Machines.* Outdoor vending machines are permitted to cover up to ten (10) percent of the length of the building face or twenty (20) feet, whichever is less.

E. *Location Requirements for Outdoor Vending Machines.*

1. Outdoor vending machines shall be located along the face of a building wall or within a structure designed to accommodate them.
2. Outdoor vending machines may be placed in front of a window or storefront if no other building wall locations are practical. Outdoor vending machines placed in front of windows shall not obscure more than twenty-five (25) percent of the glass.
3. Outdoor vending machines shall be placed on an impervious surface such as concrete or asphalt.
4. A minimum walkway of five (5) feet is required in front of all outdoor vending machines.
5. Outdoor vending machines shall not be installed in the public right-of-way or immediately adjacent such that it would cause customers to stand in the right-of-way in order to use the machine.
6. Outdoor vending machines shall not be placed in a location that will block parking areas or create an unsafe situation.

F. *Machine Maintenance.*

1. All outdoor vending machines shall be maintained in a clean and attractive condition.
2. In the event that the outdoor vending machine is removed the area shall be cleaned and restored to its original condition. This includes the removal of any electrical conduits or other connection hardware.

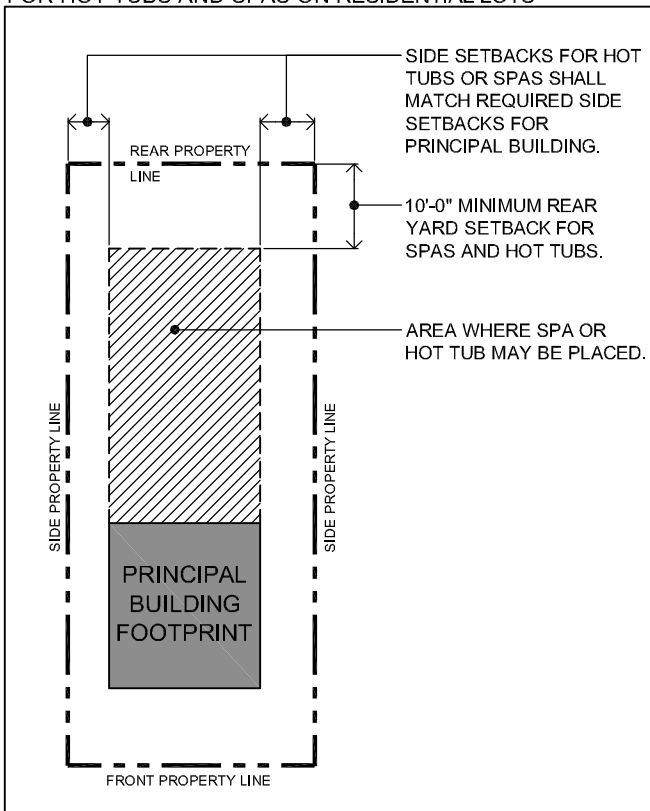
## Section 2.48 Waste Receptacles and Enclosures

A. *Applicability.* The requirements of this Section shall apply to all uses other than single-family and two-family homes.

B. *Enclosure.* All outdoor waste receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate. All waste receptacles shall have an enclosing lid or cover.

C. *Materials.* The enclosure shall be constructed of brick, decorative masonry walls, wood or other materials that are consistent with the building materials of the principal building in order to recognize the permanence of the structure and reduce maintenance requirements. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure. Gates shall be constructed of wood, or other high quality material, as determined by the Zoning Administrator.

**ILLUSTRATION 2.23** LOCATION REQUIREMENTS FOR HOT TUBS AND SPAS ON RESIDENTIAL LOTS



D. *Size.* The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The enclosure shall have a maximum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is less. Refer to illustration 2.22.

E. *Placement.*

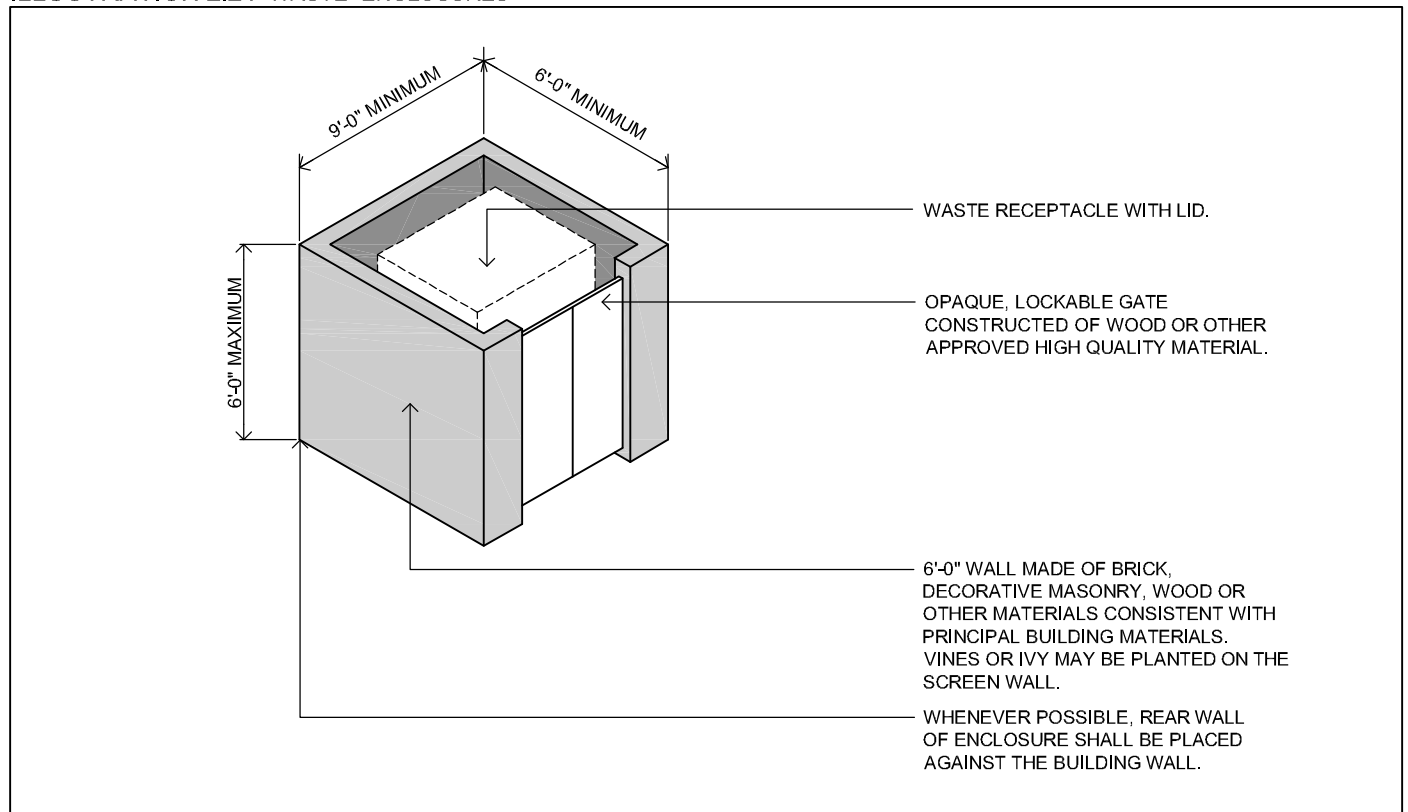
1. *Preferred Placement.* When possible, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the building wall may act as one side of the enclosure.
2. *Front Yard.* Waste receptacles and enclosures shall not be placed in the front yard.
3. *Rear and Side Yards.* Waste receptacles and enclosures shall be located in the rear or side yard not closer than three (3) feet from the rear or side setback line, unless otherwise approved by the Zoning Administrator.
4. *Residential Use Adjacent.* Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from an adjacent residential use lot line.
5. Waste receptacles shall not be visible from a primary street.

6. For multiple-family residential developments, receptacles shall be located a minimum of fifty (50) feet from any residential building, but not to exceed five-hundred (500) feet from any building that they are intended to serve.

F. *Access.* Waste receptacles shall be easily accessed by refuse vehicles without the potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

G. *Administrative Departure for Size and/or Placement.* An Administrative Departure for the size and / or placement of the enclosure may be granted in instances where site constraints prohibit the size and placement requirements indicated in Section 2.46.

ILLUSTRATION 2.24 WASTE ENCLOSURES





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# ARTICLE 3 USE STANDARDS

## Section 3.01 Purpose and Intent

The purpose of the Use Standards referenced in this Article is to establish uses within a Building Type relative to the District in which the Building Type is located. In this Article, use is categorized into General Use Types and Specific Use Types. General Use Types will typically convey broad use categories while Specific Use Types will indicate distinct uses within each of the General Use Categories.

Specific Use Types are subcategories of General Use Types. These General Use Types are categorized as follows:

- A. Residential and Lodging.
- B. Commercial and Retail.
- C. Services, Office and Public/Civic/Institutional.
- D. Industrial/Manufacturing/Transportation/Utilities and Agriculture.

This Ordinance recognizes uses as a key component in the composition of the establishment of a vibrant city as well as a component of a pedestrian-scaled development pattern consistent with the Hudsonville Downtown Master Plan. Uses, while being a component, are only a single component in the creation of a city, and are therefore referenced as a component, rather than as a regulating feature (as they have been previously utilized in conventional zoning).

Uses, when placed properly, can contribute to the economic vitality of the City, therefore it is the purpose of this Article to ensure compatibility with neighboring Districts and properties and to guard against incompatible use.

## Section 3.02 Implementation of Use Standards

- A. Determination of Specific Use per District. Tables 3.1, 3.2, 3.3 and 3.4 indicate the specific uses that are allowed (by right or by permit) or prohibited in each District, relative to the ground floor or upper floor(s) of a building. In Mixed-Use Districts this building floor distinction is important in order to maintain street-level vitality and compatibility of uses. As an example of this building floor distinction, in the Central Business District (HUD-7), a general or professional office is prohibited on the ground floor of a building, but allowed by right on the upper floor(s). This is to ensure that the street level floors in the Central Business District are reserved for retail uses that will reinforce the District's business activity.
- B. Determination of General Use per Building Type. Illustrations 3.1 through 3.10 graphically illustrate the general uses and their relationship to the each of the Building Types that are specified in Article 6 of this Ordinance. These illustrations will assist in determining which buildings can accommodate a use and the floors of the Building Type that the use can be placed. These general uses, when referenced to the specific uses established in Tables 3.1, 3.2, 3.3 and 3.4 will determine the array of uses for the project.

## Section 3.03 Specific Function and Use: Residential and Lodging

Refer to Table 3.1 for the specific Residential and Lodging Uses as they relate to the Districts.

**Table 3.1 SPECIFIC FUNCTION AND USE: Residential and Lodging**

		Urban Mixed-Use Districts					
Use Category	Specific Use	HUD 7 Central Business District		HUD 6 Mixed-Use A District		HUD 5 Town / Neighborhood Center A District	
		Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)
<b>RESIDENTIAL</b>							
Household Living	Dwelling: Household Living	Prohibited	By Right	By Permit	By Right	By Right	By Right
	Dwelling: Mobile Home	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Dwelling: In-home Family Daycare	Prohibited	By Permit	By Permit	By Right	By Right	By Right
	Dwelling: Accessory	Prohibited	Prohibited	Prohibited	Prohibited	By Right	By Right
	Dwelling: Home Occupation	Prohibited	By Right	By Permit	By Right	By Right	By Right
Group Living	All Group Living	Prohibited	Prohibited	Prohibited	By Right	By Right	By Right
<b>LODGING</b>							
Hospitality	Lodging: Extended Stay	Prohibited	Prohibited	Prohibited	By Permit	Prohibited	By Right
	Lodging: Short term (Hotel - no room limit)	Prohibited	Prohibited	Prohibited	By Right	By Right	By Right
	Lodging: Short term (Inn - up to 12 rooms)	Prohibited	Prohibited	Prohibited	By Right	By Right	By Right
	Lodging: Short term (Bed & Breakfast up to 5 rooms)	Prohibited	Prohibited	Prohibited	Prohibited	By Right	By Right
	Lodging: Short term (Youth hostel)	Prohibited	Prohibited	Prohibited	Prohibited	By Right	By Right

\*\* Refer to District Standards for more specific use requirements  
 --- Not applicable

Section 3.04 Specific Function and Use:  
Commercial and Retail

Refer to Table 3.2 for the specific Commercial and Retail Uses as they relate to the Districts.

**Table 3.2 SPECIFIC FUNCTION AND USE:  
Commercial and Retail**

		Urban Mixed-Use Districts					
Use Category	Specific Use	HUD 7 Central Business District		HUD 6 Mixed-Use A District		HUD 5 Town / Neighborhood Center A District	
		Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)
<b>COMMERCIAL AND RETAIL</b>							
Retail Sales	Antique or Second-Hand Store	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited
	Art Studio, Gallery	By Right	By Right	By Right	By Right	By Right	By Right
	Catering Business	Prohibited	Prohibited	By Permit	Prohibited	By Right	Prohibited
	Commercial Bakery (less than 8,000 sq. ft.GFA)	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited
	Convenience Store	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited
	Micro Brewery (less than 15,000 sq. ft.GFA)	Prohibited	Prohibited	By Right	Prohibited	By Right	Prohibited
	Pawn Broker	Prohibited	Prohibited	By Permit	Prohibited	By Right	Prohibited
	Pet shop (not involved in boarding or grooming)	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited
Retail Sales - General, not listed above	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited	
Entertainment and Recreation	Arcade, Gaming, Pool Hall	By Permit	By Right	By Right	By Right	By Right	By Right
	Auditorium, Cinema, Theater, Banquet Hall	By Permit	Prohibited	By Right	Prohibited	By Right	Prohibited
	Bar, Dance Club, Tavern	By Right	By Permit	By Right	By Permit	By Right	By Permit
	Bowling Alley, Skating Rink	Prohibited	Prohibited	By Permit	Prohibited	By Right	Prohibited
	Convention Center	Prohibited	Prohibited	By Right	By Permit	By Right	By Permit
	Golf Course, Country Club	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Health or Athletic Club, Sports Complex	Prohibited	Prohibited	By Permit	By Permit	By Right	By Right
	Live Entertainment (except as regulated use)	By Right	Prohibited	By Right	Prohibited	By Right	Prohibited
	Regulated Uses (refer to definitions)	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Social or Service Club	Prohibited	By Right	By Permit	By Right	By Right	By Right
Sports and Entertainment Arena	Prohibited	Prohibited	Prohibited	Prohibited	By Permit	By Permit	
Hospitality	Restaurants	By Right	By Permit	By Right	By Permit	By Right	By Permit
Activities	Outdoor Restaurant Seating Area (abutting front)	By Right	By Right	By Right	By Right	By Permit	By Permit
	Outdoor Restaurant Seating Area (not abutting front)	By Permit	By Permit	By Permit	By Permit	By Permit	By Permit
	Outdoor Display	By Permit	---	By Permit	---	By Permit	---
Auto-oriented Uses	Auto-supply / accessory sales (new)	Prohibited	Prohibited	By Right	By Right	By Right	By Right
	Auto-supply / accessory sales (used)	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Car Wash	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Drive-in or Drive-through Use (Banks, Food, Etc.)	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
	Gas Station / Vehicle Fuel	Prohibited	Prohibited	By Permit	Prohibited	By Permit	Prohibited
	Vehicle Service or Repair	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
	Vehicle Storage and Towing (not wrecking or salvage)	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Vehicle Sales / Rental - Indoor Showroom Only	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
Vehicle Sales / Rental - with Outdoor display	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit	

\*\* Refer to District Standards for more specific use requirements  
 --- Not applicable

# ARTICLE 3 USE STANDARDS

## Section 3.05 Specific Function and Use: Services, Office and Public/Civic/Institutional

Refer to Table 3.3 for the specific Services, Office and Public/Civic/Institutional Uses as they relate to the Districts.

**Table 3.3 SPECIFIC FUNCTION AND USE:  
Services, Office and Public / Civic / Institutional**

		Urban Mixed-Use Districts					
Use Category	Specific Use	HUD 7 Central Business District		HUD 6 Mixed-Use A District		HUD 5 Town / Neighborhood Center A District	
		Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)
<b>SERVICES</b>							
Personal Services	Barber Shop, Beauty Salon, Nail Salon, Tanning Salon	By Permit	By Right	By Right	By Right	By Right	By Right
	Coin-operated Laundry	Prohibited	Prohibited	By Permit	Prohibited	By Permit	Prohibited
	Commercial Photography	By Permit	By Right	By Right	By Right	By Right	By Right
	Copy and Shipping Station	Prohibited	Prohibited	By Right	By Right	By Right	By Right
	Dry cleaning Drop-off / Pick-up Station	Prohibited	Prohibited	By Right	Prohibited	By Right	Prohibited
	Funeral Home, Mortuary	Prohibited	Prohibited	By Permit	By Right	By Right	By Right
	Landscape/Nursery products	Prohibited	Prohibited	By Permit	Prohibited	By Right	Prohibited
	Massage, Licensed Therapeutic	Prohibited	By Right	By Right	By Right	By Right	By Right
	Photo Finishing Service, Framing	By Permit	By Right	By Right	By Right	By Right	By Right
	Radio or Television Station, Film Production	Prohibited	By Right	By Right	By Right	By Right	By Right
	Repair Shop (jewelry, shoe, radio, television)	By Permit	By Right	By Right	By Right	By Right	By Right
	Studio (dance, karate, yoga)	By Permit	By Right	By Right	By Right	By Right	By Right
	Tailor	By Right	By Right	By Right	By Right	By Right	By Right
	Tattoo Shop, Piercing Service	Prohibited	By Permit	By Permit	By Permit	By Permit	By Permit
	Veterinarian (with kennel and / or grooming)	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Veterinarian (not involved in kennel or grooming)	Prohibited	By Right	By Right	By Right	By Right	By Right	
Services - General, not listed above	By Permit	By Permit	By Permit	By Permit	By Permit	By Permit	
<b>OFFICE</b>							
Office Use	General or Professional Offices	Prohibited	By Right	By Permit	By Right	By Right	By Right
	Medical or Dental Offices	Prohibited	By Right	By Permit	By Right	By Right	By Right
	Bank or Credit Union (Less than 2,000 sq ft GFA)	By Permit	By Permit	By Right	By Right	By Right	By Right
	Bank or Credit Union ( 2,000 sq ft or more GFA)	Prohibited	Prohibited	By Permit	By Permit	By Right	By Right
	Medical Laboratory Collection	Prohibited	By Right	By Permit	By Right	By Right	By Right
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>							
Educational Uses	All Educational Uses, Including Residential & Accessory Facilities	By Permit	By Permit	By Permit	By Permit	By Permit	By Permit
Government and Institutional Uses	Government & Institutional Uses	By Permit	By Permit	By Right	By right	By Right	By Right
	Child Care Center	Prohibited	Prohibited	Prohibited	Prohibited	By Right	By Right
	Community Center	Prohibited	By Permit	By Permit	By Permit	By Right	By Right
	Hospital, Clinic, Medical Center	Prohibited	Prohibited	By Permit	By Permit	By Right	By Right
	Religious Institution	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
	Social or Service Club	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
Civic Space	Playground	Prohibited		By Permit		By Right	
	Plaza	By Right		By Right		Prohibited	
	Square	By Right		By Right		By Right	
	Green	Prohibited		By Right		By Right	
	Park	Prohibited		Prohibited		Prohibited	
	Fairground	Prohibited		Prohibited		Prohibited	

\*\* Refer to District Standards for more specific use requirements  
 --- Not applicable

Section 3.06 Specific Function and Use: Industrial/  
Manufacturing/Transportation/Utilities and Agriculture.

Refer to Table 3.4 for the specific Industrial/Manufacturing/  
Transportation/Utilities and Agriculture Uses as they relate to the  
Districts.

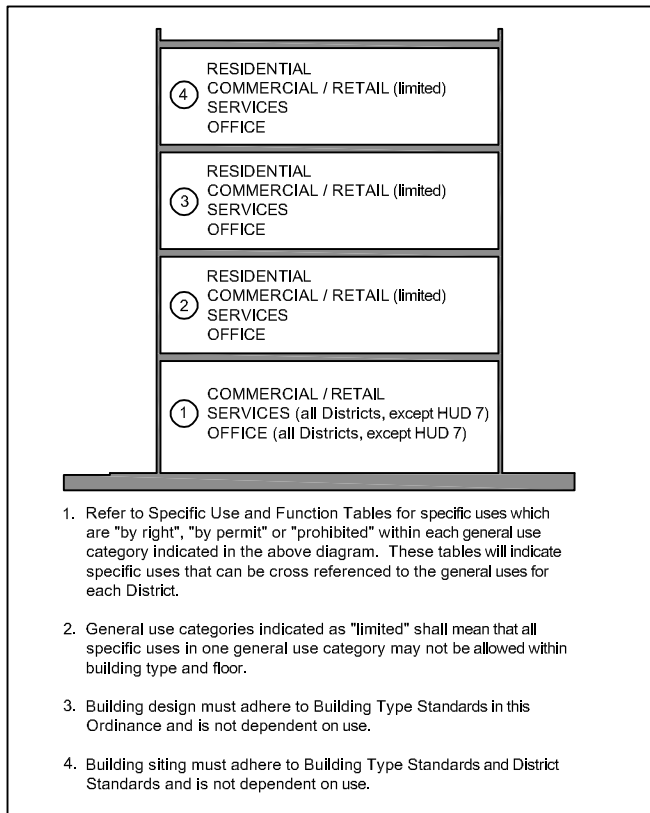
**Table 3.4 SPECIFIC FUNCTION AND USE:  
Industrial / Manufacturing / Transportation / Utilities and Agriculture**

		Urban Mixed-Use Districts					
Use Category	Specific Use	HUD 7 Central Business District		HUD 6 Mixed-Use A District		HUD 5 Town / Neighborhood Center A District	
		Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)	Ground Floor / Street Level	Above Ground Floor / Upper Level(s)
<b>INDUSTRIAL, MANUFACTURING, TRANSPORTATION AND UTILITIES</b>							
Heavy Commercial and Light Industrial	Assembly	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Building Supply	Prohibited	Prohibited	Prohibited	Prohibited	By Permit	By Permit
	Commercial Laundry	Prohibited	Prohibited	Prohibited	Prohibited	By Permit	By Permit
	Contractor and Building Trades (plumbing, heating, etc)	Prohibited	Prohibited	By Permit	By Permit	By Right	By Right
	Heavy Truck or Equipment Sales	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Medical Laboratory Processing	Prohibited	Prohibited	Prohibited	Prohibited	By Permit	By Permit
	Self-storage Facility	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Stone Monument Works	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Tool and Die Shop	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Truck or Equipment Rental	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Warehousing, Storage	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Industrial and Manufacturing	Wholesaling Activities	Prohibited	Prohibited	By Permit	By Permit	By Permit	By Permit
	Central Dry Cleaning and Laundry Companies	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Manufacturing and Production	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Printing, Publishing and Associated Industries	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Research Facility	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Transportation	Laboratories	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
	Off-street Surface Parking Lot, primary use on lot	Prohibited		By Permit		By Permit	
	Overhead walkway and Pedestrian Bridge	By Permit		By Permit		By Permit	
	Parking Structure	Prohibited		By Permit		By Permit	
	Transit Center or Station	By Permit		By Permit		By Permit	
Utilities	Transit Stop	By Right		By Right		By Right	
	Electric Substation	Prohibited		Prohibited		By Permit	
	Wireless Communication Facility: Co-Located Antenna	Prohibited		Prohibited		By Permit	
	Wireless Communication Facility: Free-standing Tower	Prohibited		Prohibited		By Permit	
<b>AGRICULTURE</b>							
Production Agriculture	Crop Production	Prohibited		Prohibited		Prohibited	
	Farm-Related Accessory Buildings (equipment storage)	Prohibited		Prohibited		Prohibited	
	Farm-Related Single Family Detached Dwelling	Prohibited		Prohibited		Prohibited	
	Grain Storage	Prohibited		Prohibited		Prohibited	
	Greenhouse	Prohibited		Prohibited		Prohibited	
	Kennel	Prohibited		Prohibited		Prohibited	
	Livestock Pen	Prohibited		Prohibited		Prohibited	
	Roadside Sales of Products Grown on Premises	Prohibited		Prohibited		Prohibited	
	Stable	Prohibited		Prohibited		Prohibited	
	Wholesale Nurseries	Prohibited		Prohibited		Prohibited	
Small Scale and Individual Agriculture	Hand-Tended Agriculture	Prohibited		Prohibited		Prohibited	
	Kitchen Gardens	Prohibited		Prohibited		By Right	
	Community Gardens	Prohibited		Prohibited		By Right	
	Container Gardening	By Right		By Right		By Right	
	Balcony Boxes	By Right		By Right		By Right	
	Roof-top Gardens	By Right		By Right		By Right	

\*\* Refer to District Standards for more specific use requirements  
--- Not applicable

# ARTICLE 3 USE STANDARDS

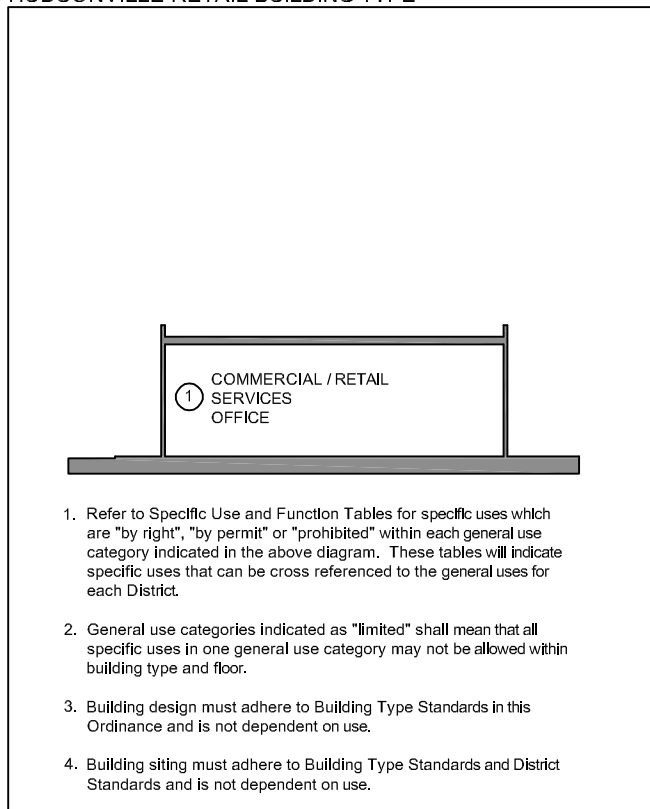
**ILLUSTRATION 3.1 GENERAL FUNCTION AND USE:  
HUDSONVILLE MIXED-USE BUILDING TYPE**



## **Section 3.07 General Function and Use: Hudsonville Mixed-Use Building Type**

Refer to Illustration 3.1 for the general uses associated with the Hudsonville Mixed-Use Building Type.

**ILLUSTRATION 3.2 GENERAL FUNCTION AND USE:  
HUDSONVILLE RETAIL BUILDING TYPE**



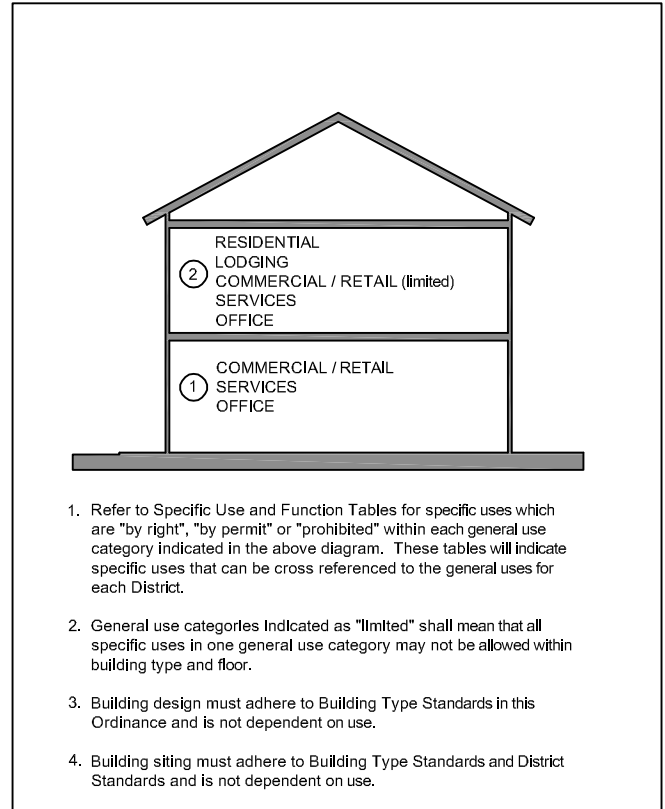
## **Section 3.08 General Function and Use: Hudsonville Retail Building Type**

Refer to Illustration 3.2 for the general uses associated with the Hudsonville Retail Building Type.

**Section 3.09 General Function and Use: Hudsonville Cottage Retail Building Type**

Refer to Illustration 3.3 for the general uses associated with the Hudsonville Cottage Retail Building Type.

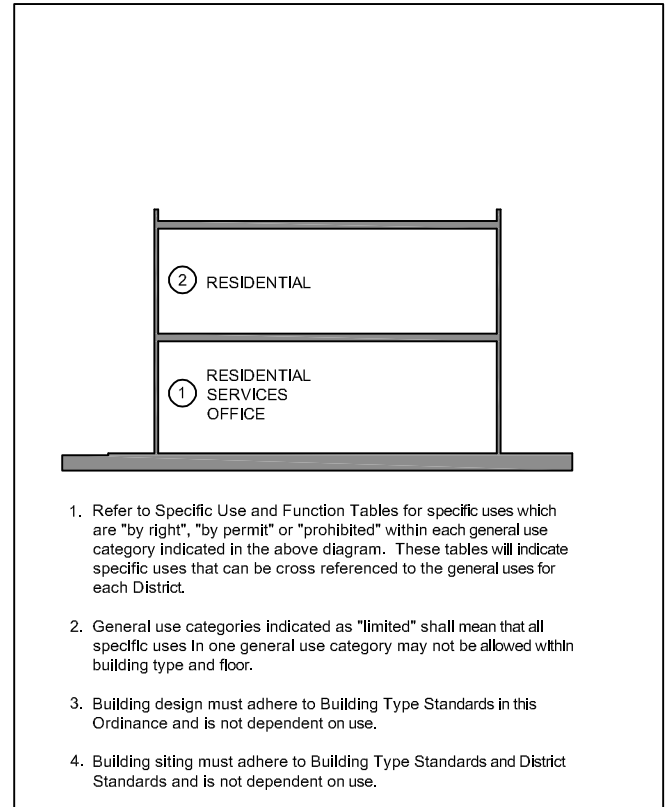
**ILLUSTRATION 3.3 GENERAL FUNCTION AND USE: HUDSONVILLE COTTAGE RETAIL BUILDING TYPE**



**Section 3.10 General Function and Use: Hudsonville Live-Work Building Type**

Refer to Illustration 3.4 for the general uses associated with the Hudsonville Live-Work Building Type.

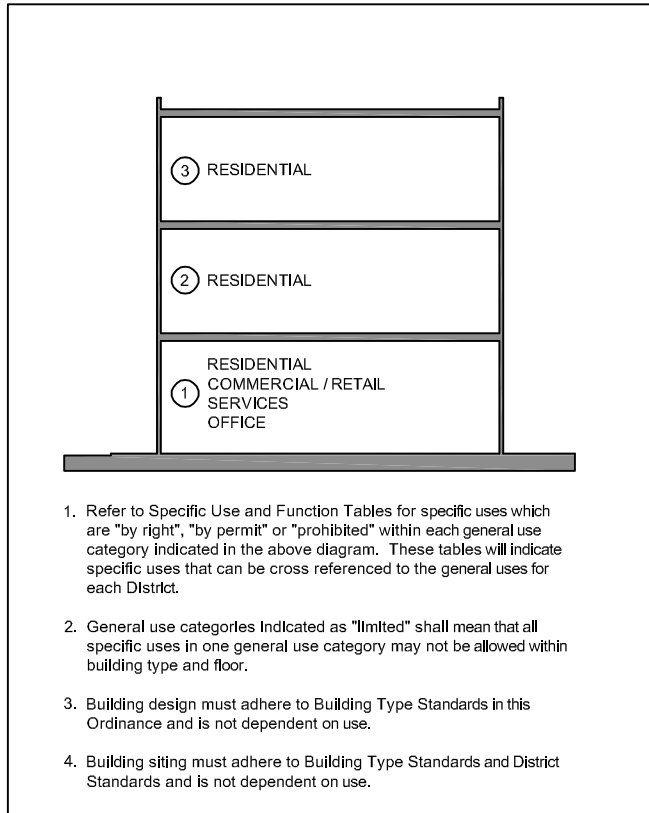
**ILLUSTRATION 3.4 GENERAL FUNCTION AND USE: HUDSONVILLE LIVE-WORK BUILDING TYPE**





# ARTICLE 3 USE STANDARDS

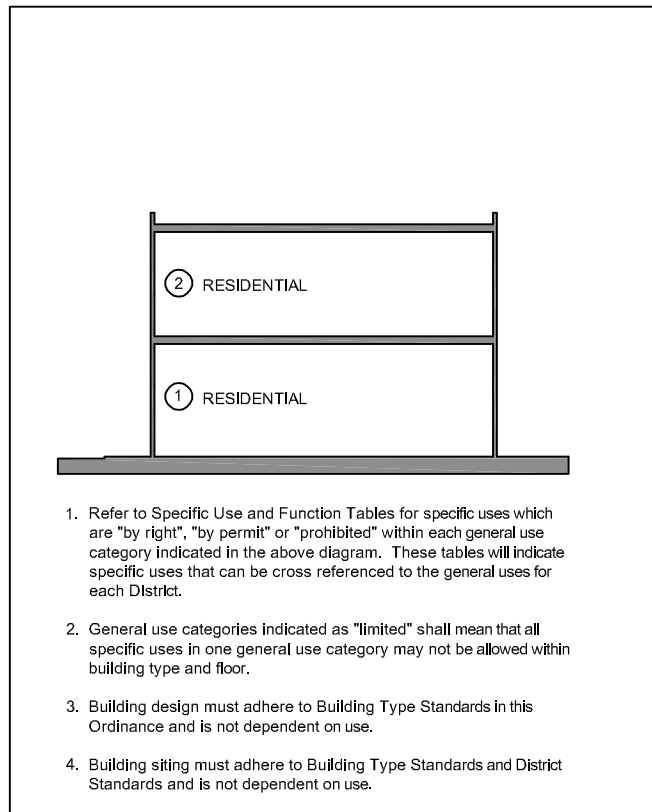
**ILLUSTRATION 3.5 GENERAL FUNCTION AND USE:  
HUDSONVILLE APARTMENT BUILDING TYPE**



## **Section 3.11 General Function and Use: Hudsonville Apartment Building Type**

Refer to Illustration 3.5 for the general uses associated with the Hudsonville Apartment Building Type.

**ILLUSTRATION 3.6 GENERAL FUNCTION AND USE:  
HUDSONVILLE ROWHOUSE BUILDING TYPE**



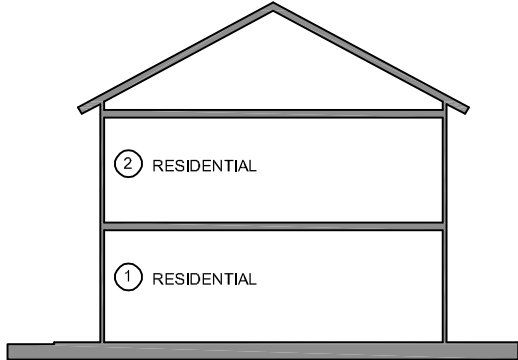
## **Section 3.12 General Function and Use: Hudsonville Rowhouse Building Type**

Refer to Illustration 3.6 for the general uses associated with the Hudsonville Rowhouse Building Type.

**Section 3.13 General Function and Use: Hudsonville Two-family Building Type**

Refer to Illustration 3.7 for the general uses associated with the Hudsonville Two-family Building Type.

**ILLUSTRATION 3.7 GENERAL FUNCTION AND USE: HUDSONVILLE TWO-FAMILY BUILDING TYPE**

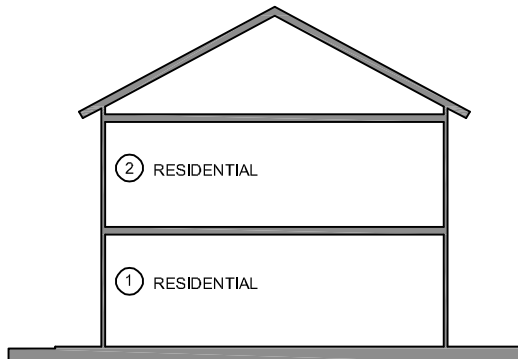


1. Refer to Specific Use and Function Tables for specific uses which are "by right", "by permit" or "prohibited" within each general use category indicated in the above diagram. These tables will indicate specific uses that can be cross referenced to the general uses for each District.
2. General use categories indicated as "limited" shall mean that all specific uses in one general use category may not be allowed within building type and floor.
3. Building design must adhere to Building Type Standards in this Ordinance and is not dependent on use.
4. Building siting must adhere to Building Type Standards and District Standards and is not dependent on use.

**Section 3.14 General Function and Use: Hudsonville Cottage House Building Type**

Refer to Illustration 3.8 for the general uses associated with the Hudsonville Cottage House Building Type.

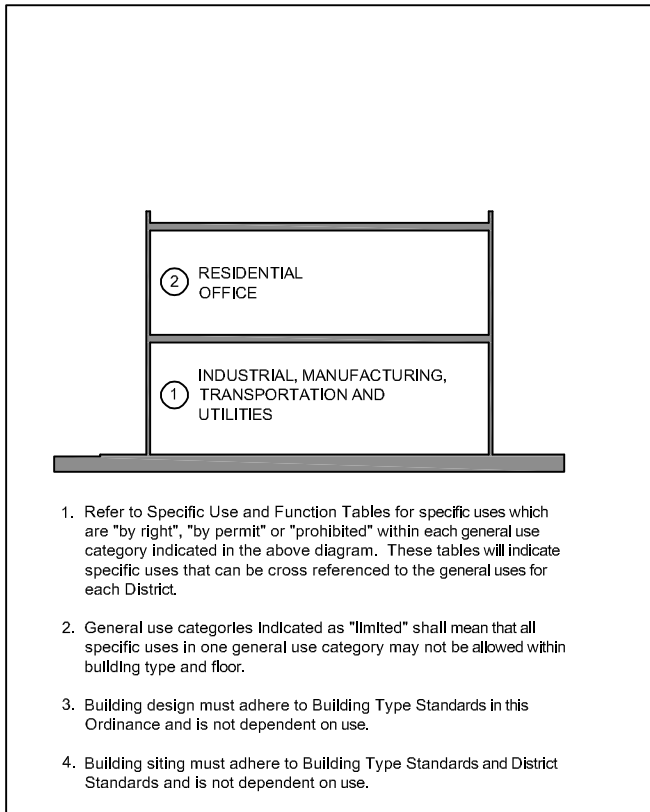
**ILLUSTRATION 3.8 GENERAL FUNCTION AND USE: HUDSONVILLE COTTAGE HOUSE BUILDING TYPE**



1. Refer to Specific Use and Function Tables for specific uses which are "by right", "by permit" or "prohibited" within each general use category indicated in the above diagram. These tables will indicate specific uses that can be cross referenced to the general uses for each District.
2. General use categories indicated as "limited" shall mean that all specific uses in one general use category may not be allowed within building type and floor.
3. Building design must adhere to Building Type Standards in this Ordinance and is not dependent on use.
4. Building siting must adhere to Building Type Standards and District Standards and is not dependent on use.

# ARTICLE 3 USE STANDARDS

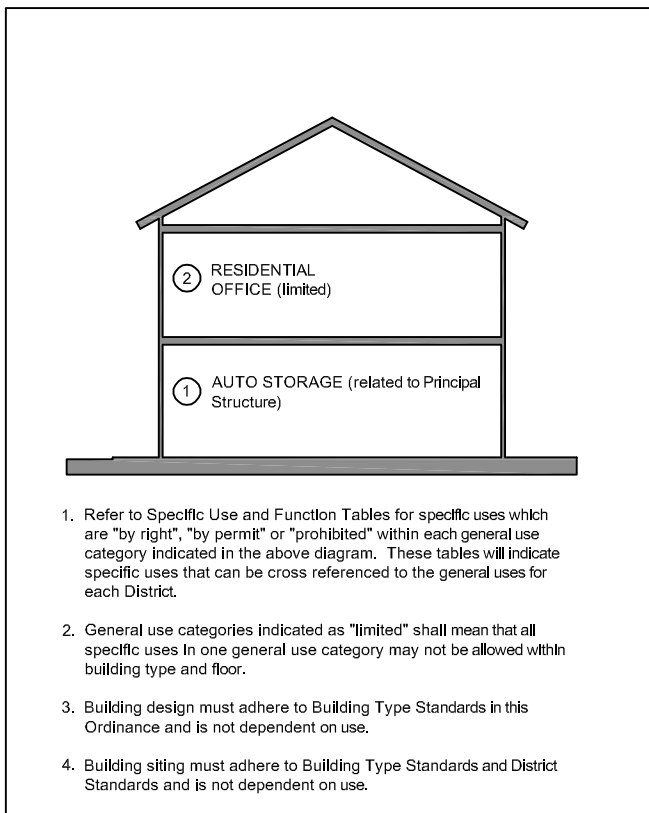
**ILLUSTRATION 3.9 GENERAL FUNCTION AND USE: HUDSONVILLE INDUSTRIAL SHOP BUILDING TYPE**



## **Section 3.15 General Function and Use: Hudsonville Industrial Shop Building Type**

Refer to Illustration 3.9 for the general uses associated with the Hudsonville Industrial Shop Building Type.

**ILLUSTRATION 3.10 GENERAL FUNCTION AND USE: HUDSONVILLE ACCESSORY DWELLING BUILDING TYPE**



## **Section 3.16 General Function and Use: Hudsonville Accessory Dwelling Building Type**

Refer to Illustration 3.10 for the general uses associated with the Hudsonville Accessory Dwelling Building Type.

# ARTICLE 4

## REGULATING PLANS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

### TABLE OF CONTENTS FOR ARTICLE 4

Section 4.01	Purpose and Intent
Section 4.02	Downtown Hudsonville Boundary Plan
Section 4.03	Downtown Hudsonville District Regulating Plan
Section 4.04	Downtown Hudsonville Public Frontage Regulating Plan
Section 4.05	Downtown Hudsonville Roadway Classification Map

# ARTICLE 4 REGULATING PLANS

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## Section 4.01 Purpose and Intent

This Article contains a District Regulating Plan and a Public Frontage Regulating Plan which when referenced for each individual parcel will set development standards by regulating shape and form of the built environment within the City of Hudsonville downtown area.

- A. *District Regulating Plan.* The purpose of the Downtown Hudsonville District Regulating Plan is to designate specific Districts within the boundaries of downtown Hudsonville. These Districts are established to affect the desired intensity and building scale for specific areas. The HUD 7 Central Business District facilitates dense retail activity and the highest intensity of development. The HUD 6 Mixed-Use A District is the equivalent of a typical main street area with a mix of retail and other commercial activities. The HUD 5 Town / Neighborhood Center District has a larger component of residential uses and buildings while also being the least intense of the downtown Districts. These Districts are further defined in Article 5 of this Ordinance.

This Regulating Plan is based on the Future Land Use Plan contained within the City of Hudsonville Downtown Master Plan, which was crafted as part of an extensive public input and collaboration process and adopted by the City in November 2007.

Each of these Districts regulates parcels that are included within the specific District boundary by establishing the following:

1. Use Standards (Article 3) – also refer to Building Type Standards (Article 6).
2. Allowable Building Type Standards (Article 6).
3. Private Frontage Standards (Article 7).
4. Building Height: Number of Stories (Article 5) – also refer to Building Type Standards (Article 6) for height of stories.
5. Off-street parking Placement (Article 5) – also refer to Off-street Parking and Loading Standards (Article 12).
6. Landscape Standards (Article 9) – also refer to Private Frontage Types (Article 7) and Public Frontage Types (Article 8).
7. Public Open Space Standards (Article 11).

- B. *Public Frontage Regulating Plan.* The purpose of the Downtown Hudsonville Public Frontage Regulating Plan is to designate specific Public Frontages within the boundaries of downtown Hudsonville. These Public Frontage Types are established to further regulate shape

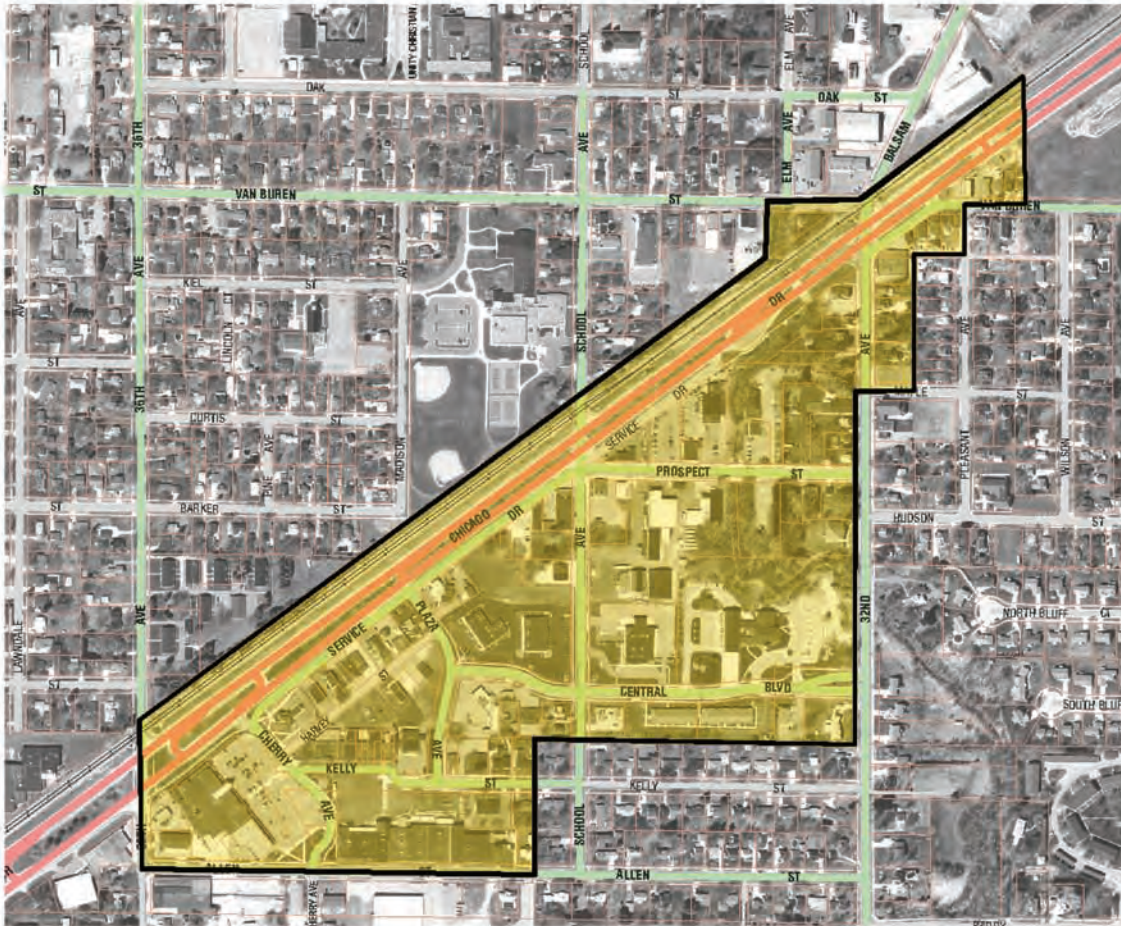
and form of the built environment, specifically in regards to the space between the parcel property line and the curb of the thoroughfare. These Public Frontage Types are further defined in Article 8 of this Ordinance.

Each of these Public Frontages regulates the area adjacent to the parcel by establishing design standards. Landscape Standards (Article 9) shall be incorporated into Public Frontage Types, specifically in regards to species of street trees.

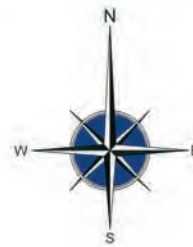
## Section 4.02 Downtown Hudsonville Boundary Plan

The Boundary Plan of Downtown Hudsonville was established as part of the Downtown Master Plan for the City of Hudsonville and was created to delineate the boundary of the area affected by the master plan and the Downtown Zoning Ordinance. It is representative of the approximate boundaries of the Hudsonville DDA and is included in this Ordinance for reference. If your property is not encompassed within the boundary established by this plan, then the City of Hudsonville Zoning Ordinance should be referenced instead of this Downtown Zoning Ordinance. Refer to Image 4.1.

IMAGE 4.1 BOUNDARY PLAN



 BOUNDARY OF AREA REGULATED BY HUDSONVILLE DOWNTOWN ZONING ORDINANCE



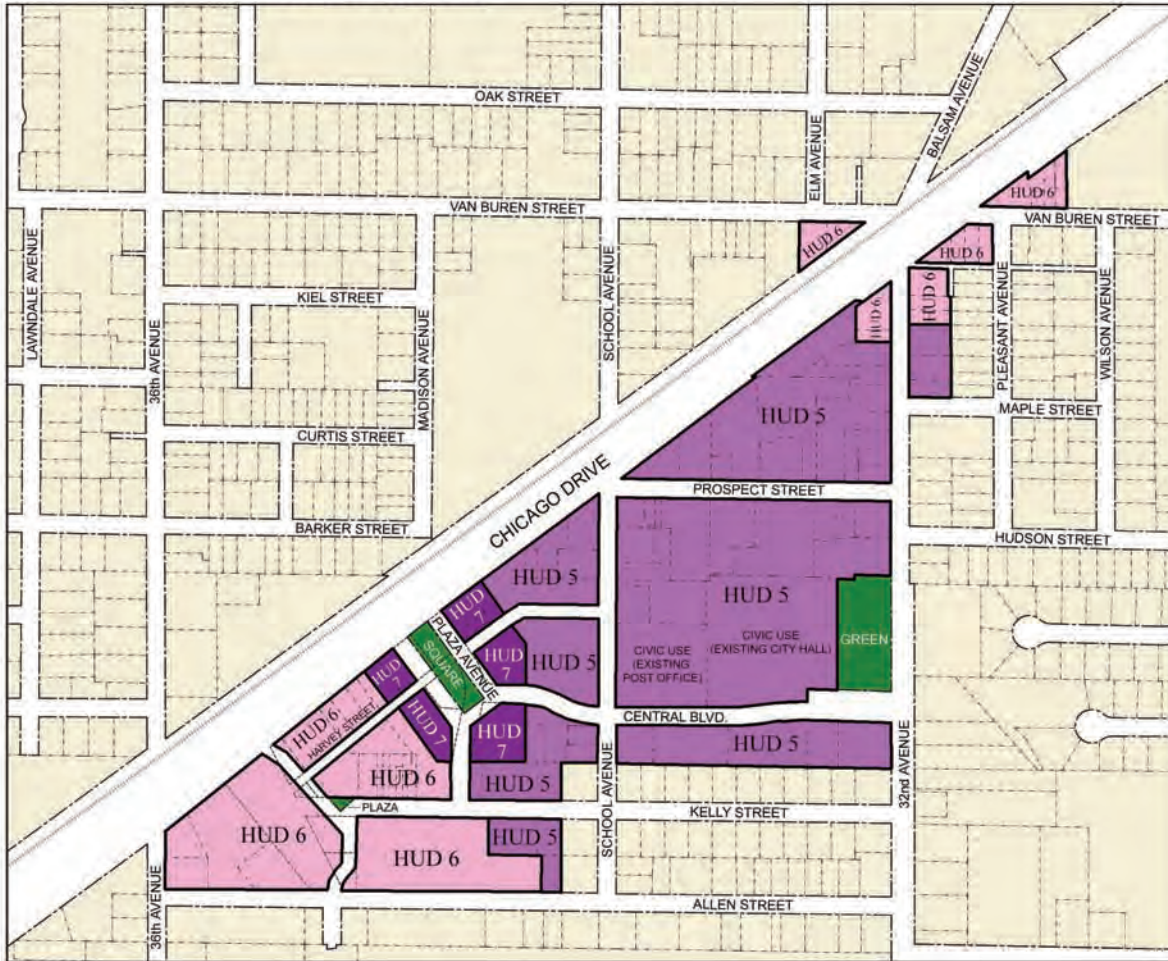
## ARTICLE 4 REGULATING PLANS

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### **Section 4.03 Downtown Hudsonville District Regulating Plan**

The Downtown Hudsonville District Regulating Plan designates specific Districts within the boundaries of downtown Hudsonville. Refer to Image 4.2 District Regulating Plan to determine the District boundaries and which parcels are included in each District. If a specific parcel is included in the area labeled not part of Downtown Hudsonville Zoning District, then that parcel is regulated by the City of Hudsonville and not this Downtown Zoning Ordinance.

IMAGE 4.2 DISTRICT REGULATING PLAN



**DISTRICT REGULATING PLAN LEGEND**

- HUD 7 CENTRAL BUSINESS DISTRICT
- HUD 6 MIXED-USE A DISTRICT
- HUD 5 TOWN/NEIGHBORHOOD CENTER A DISTRICT
- PUBLIC OPEN SPACE  
(REFER TO DESIGNATION ON REGULATING PLAN FOR TYPE)
- NOT PART OF DOWNTOWN HUDSONVILLE ZONING DISTRICT  
(REFER TO CITY OF HUDSONVILLE ZONING ORDINANCE FOR PROPERTIES WITHIN THIS AREA)





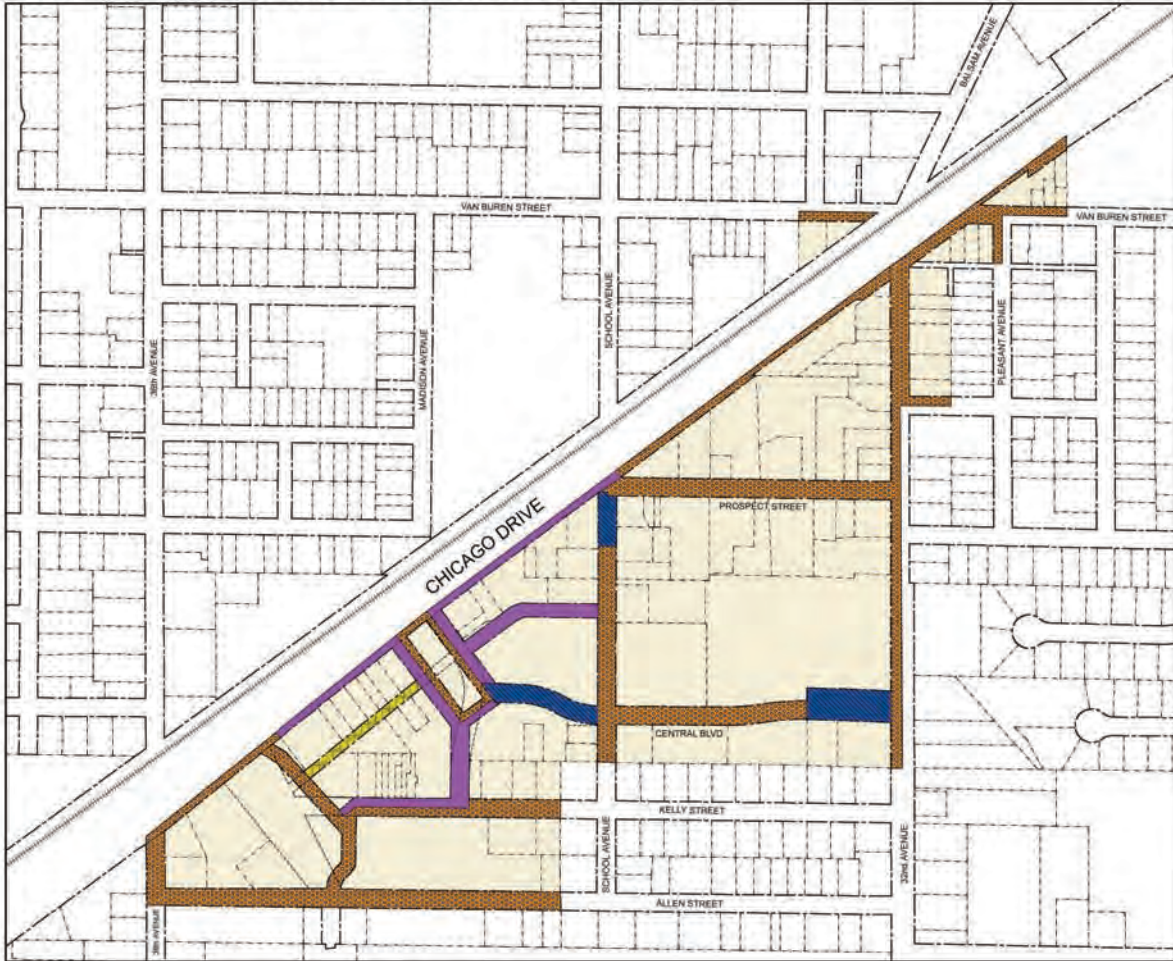
## ARTICLE 4 REGULATING PLANS

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### **Section 4.04 Downtown Hudsonville Public Frontage Regulating Plan**

The Downtown Hudsonville Public Frontage Regulating Plan designates specific Public Frontages within the boundaries of downtown Hudsonville. These Public Frontages are adjacent to all parcels and determine the spatial configurations of the space between the property and the thoroughfare. Refer to Image 4.3 Public Frontage Regulating Plan to determine the development standards that are required adjacent to each parcel and refer to Article 8 for Public Frontage Standards.

IMAGE 4.3 PUBLIC FRONTAGE REGULATING PLAN



**PUBLIC FRONTAGE REGULATING PLAN LEGEND**  
 (REFER TO ARTICLE 8 FOR PUBLIC FRONTAGES)

-  BOULEVARD PUBLIC FRONTAGE
-  COMMERCIAL STREET PUBLIC FRONTAGE
-  WOONERF PUBLIC FRONTAGE
-  PARKWAY STREET PUBLIC FRONTAGE
-  AREA REGULATED BY HUDSONVILLE DOWNTOWN ZONING ORDINANCE



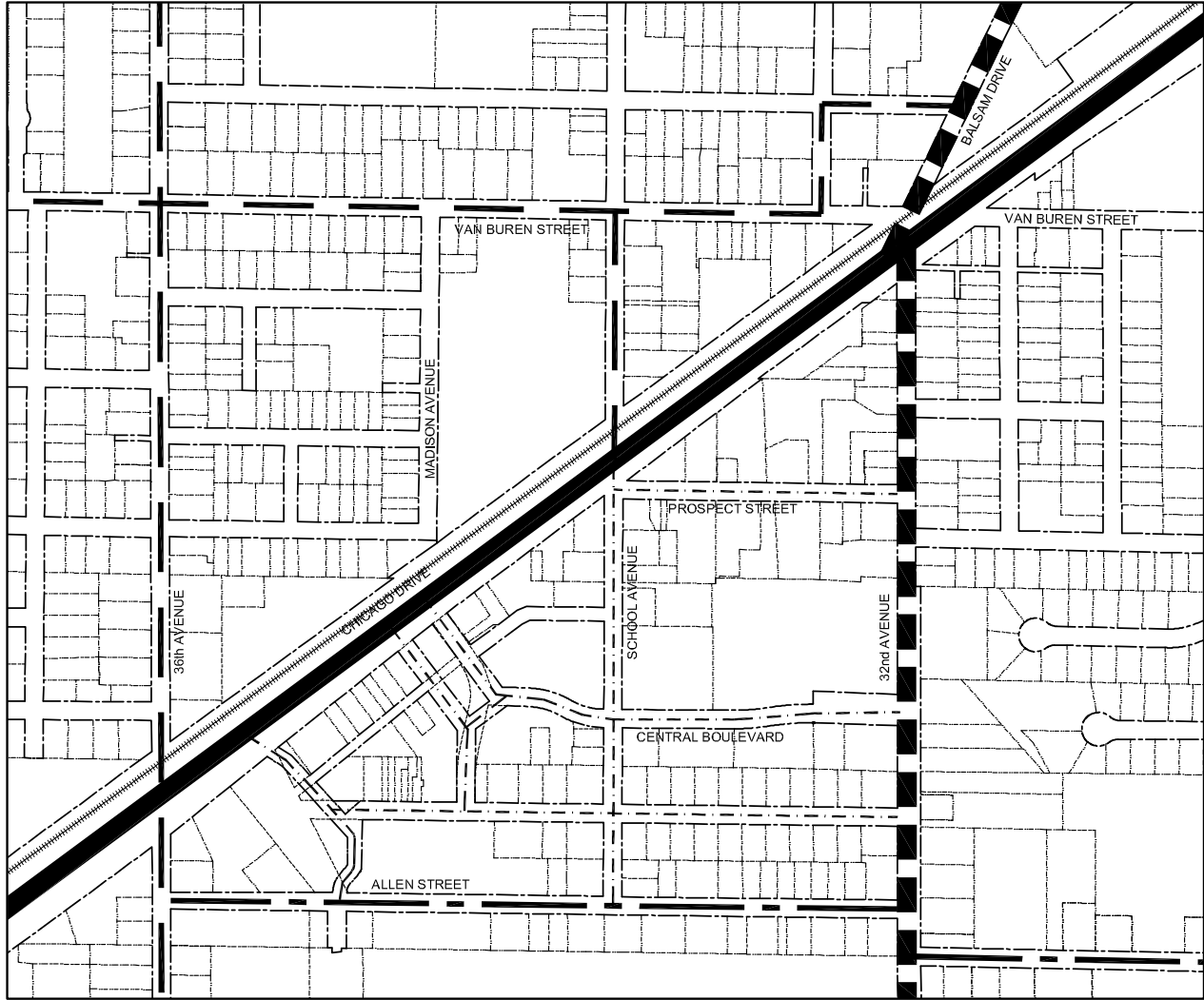
## ARTICLE 4 REGULATING PLANS

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### Section 4.05 Downtown Hudsonville Roadway Classification Map

The Downtown Hudsonville Roadway Classification Map classifies the downtown streets as regional arterials, major arterials, minor arterials, collectors and other major streets for the purpose of determining driveway spacing per Sections 2.16, 2.17 and 2.18 of this Ordinance. Refer to Image 4.4 Roadway Classification Map to determine street classifications.

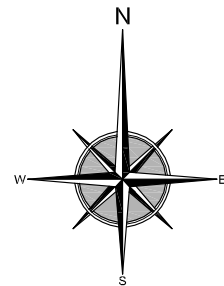
IMAGE 4.4 ROADWAY CLASSIFICATION MAP



**ROADWAY CLASSIFICATION LEGEND**

(REFER TO DRIVEWAY STANDARDS IN ARTICLE 2)

-  REGIONAL ARTERIAL
-  MAJOR ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  OTHER MAJOR STREET



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# ARTICLE 5

## DISTRICT STANDARDS

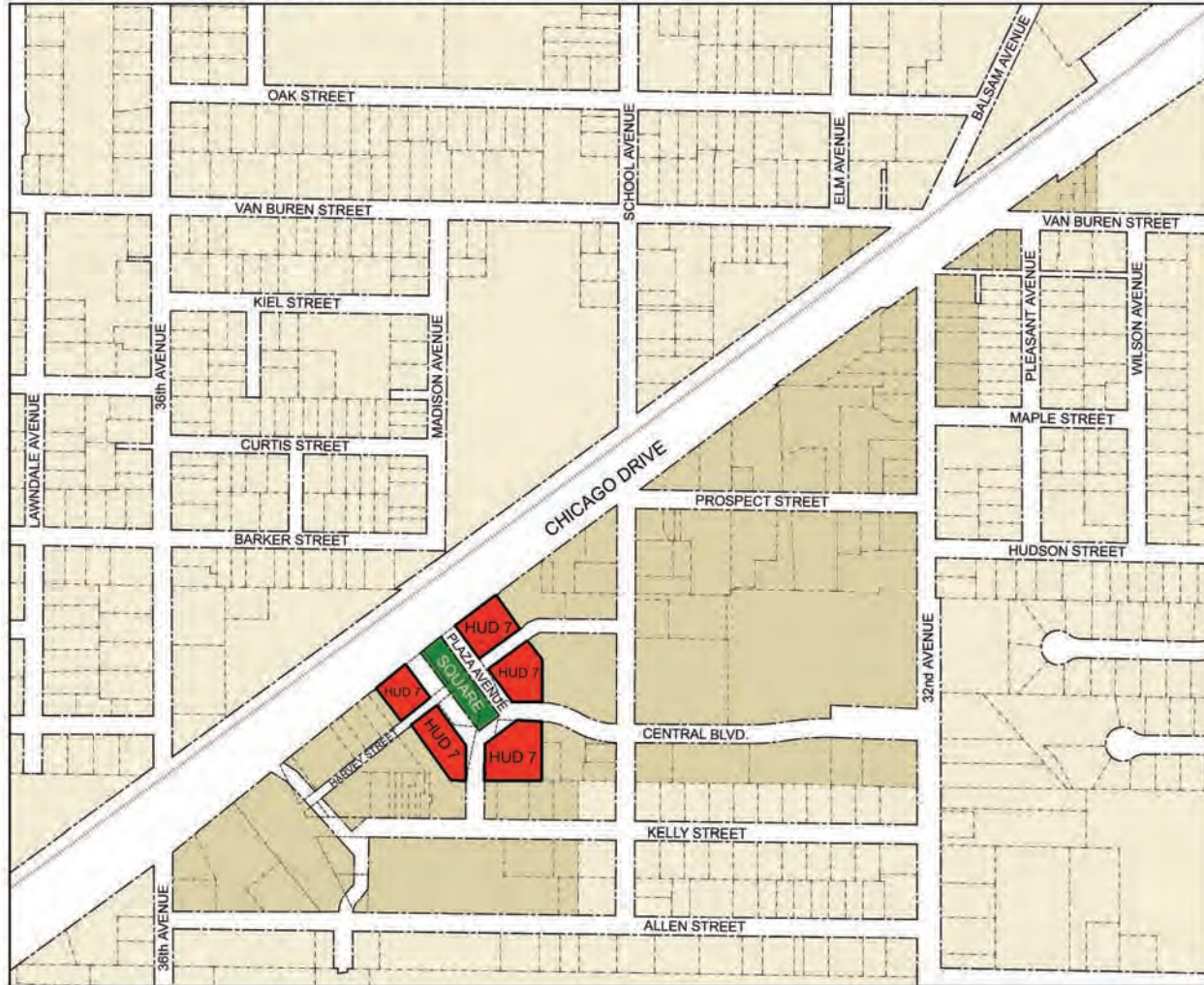
DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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Section 5.01	Purpose and Intent
Section 5.02	HUD 7 Central Business District
Section 5.03	HUD 6 Mixed-Use A District
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Section 5.05	District Block Sizes
Section 5.06	Incentives for Owner / Developer Provided Amenities

# ARTICLE 5 DISTRICT STANDARDS

IMAGE 5.1 DISTRICT LOCATION PLAN: HUD 7 CENTRAL BUSINESS DISTRICT



## DISTRICT LOCATION PLAN LEGEND

- HUD 7 CENTRAL BUSINESS DISTRICT
- OTHER DOWNTOWN HUDSONVILLE ZONING DISTRICTS  
(REFER TO OTHER DISTRICTS IN ARTICLE 5)
- PUBLIC OPEN SPACE  
(REFER TO ARTICLE 4 AND ARTICLE 11)
- NOT PART OF DOWNTOWN HUDSONVILLE ZONING DISTRICT  
(REFER TO CITY OF HUDSONVILLE ZONING ORDINANCE FOR PROPERTIES WITHIN THIS AREA)



**Section 5.01 Purpose and Intent**

The purpose of the District Standards referenced in this Article is to establish a pedestrian-scaled pattern of development consistent with the Hudsonville Downtown Master Plan by regulating the shape and form of the development. Each District represents a distinct area within the City of Hudsonville, similar to the use-based zones from previous zoning ordinances, but instead of regulating development patterns through use, these Districts regulate patterns through form, with use being a secondary consideration. The information contained in the following pages describes these patterns of development for the Districts established in the Regulating Plan.

**Section 5.02 HUD 7: Central Business District**

A. *General Character.* The Central Business District is the equivalent of a downtown. It contains the highest intensity of development in the form of multi-story mixed-use buildings, has the tallest buildings and busiest streets. This District, as the physical, business and cultural hub of the community has businesses and services close to one another with the greatest diversity of uses and employment. The Central Business District is the least naturalistic of all Districts with a majority of the natural landscape represented by street trees that are formally arranged. Features of the Central Business District include:

1. Medium to high density mixed-use buildings, with ground floor spaces reserved primarily for retail;
2. Predominately attached buildings which form continuous street and upper floor walls along street rights-of-way;
3. Street walls which have a high level of transparency at the ground level through the use of glass at the ground level; and
4. High pedestrian activity with potential for transit opportunities.

B. *Intent.* Highly mixed-use nature of this District includes ground floor space that is intended for pedestrian-oriented retail and restaurants, with offices, personal services and residential units above. This District is intended to maintain and enhance the vitality of the downtown. Specific objectives include:

1. To reinforce and enhance a compact development pattern;
2. To improve mobility options downtown, to reduce the need for on-site parking by providing automobile alternatives, such as walking and bicycling;
3. To accommodate and promote commercial, residential, entertainment, cultural, and artistic activities;

4. To expand the employment base and residential population downtown;
5. To create and reinforce a unique, small town character for downtown, focusing on the design context;
6. To express the community’s special commitment to the visual quality of downtown by establishing the minimum criteria for building design while promoting amenities necessary to attract business, residents and visitors; and
7. To establish clear development requirements in order to provide quick, equitable and efficient responses to typical development proposals.

C. *District Components.* Each District is composed of elements which help to define the public realm of the District. These elements include Building Types, Private Frontage Types, Public Frontage Types and Public Open Space Types and are specific to each District. Building Types and Private Frontage Types that are appropriate in the HUD 7 (Mixed-Use A) District are indicated in Table 5.1. Public Frontage Types and Public Open Space Types are indicated on the Regulating Plans in Article 4. The Private Frontage Types in Article 7 shall be combined with specific Building Types to create frontages for buildings. The Building Types in Article 6 will indicate lot sizes, lot placement, access requirements, story height and architectural standards for specific types. Refer to Table 5.1.

**TABLE 5.1 DISTRICT STANDARDS FOR HUD 7: CENTRAL BUSINESS DISTRICT**

District Elements	Applicability to District
The following Building Types are allowed in the HUD 7 District (REFER TO ARTICLE 6)	
Hudsonville Mixed-Use	By Right
Hudsonville Retail	By Right
The following Private Frontage Types are allowed in the HUD 7 District (REFER TO ARTICLE 7)	
Storefront Frontage	By Right
Arcade Frontage	By Special Use Permit
Balcony Frontage	By Right

By Right -Type is allowed by right in the District.  
 By Special Use Permit - Requires Planning Commission approval.  
 All types which are not listed are prohibited in this District.



# ARTICLE 5 DISTRICT STANDARDS

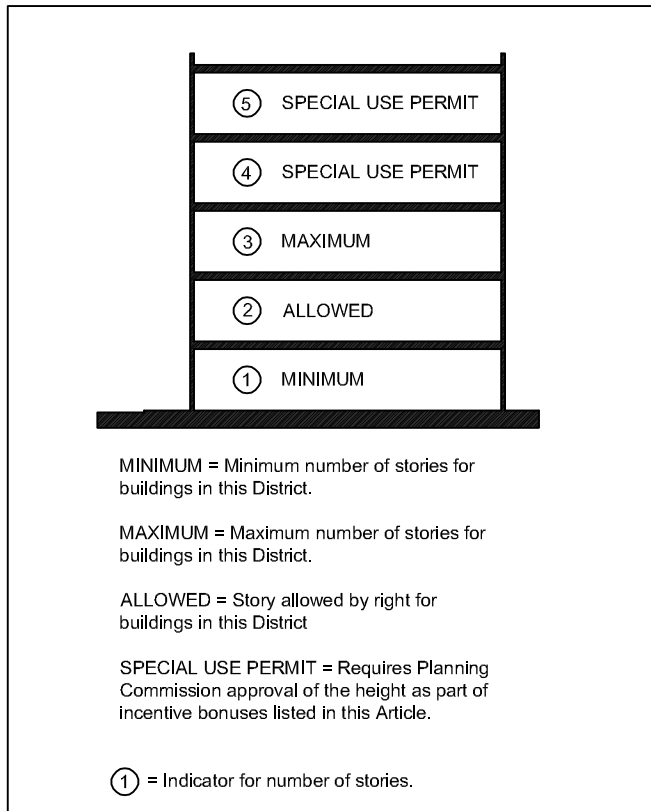
D. *Building Height.* Building height in this Article is relative to the District and is measured in the number of stories and not numerical (feet-inches, metric, etc.) floor to floor heights. Illustration 5.1 indicates the minimum and maximum number of stories allowed for any building in this District, along with stories that may be allowed by Special Use Permit as part of an incentive for developer provided amenities indicated in this Article. Refer to Illustration 5.1.

1. Building height shall be measured in number of stories. Refer to Article 2, Section 2.09.
2. Story heights are measured from finished floor to finished floor.
3. Allowable numerical floor to floor heights are indicated for each Building Type in Article 6.
4. A final allowable building height will result when the following conditions have been met:
  - a. The desired number of stories has been confirmed in Article 5;
  - b. Corresponding allowable floor to floor heights have been assigned to each of the stories based on the corresponding Building Type in Article 6; and
  - c. Any required rooftop screening or parapets have been accounted for.

E. *Off-street Parking.* Off-street parking placement in this Article is relative to the District. This article only indicates the physical arrangement of the parking on the site and not the quantities of spaces required, which is referenced in Article 12. Refer to Illustration 5.2

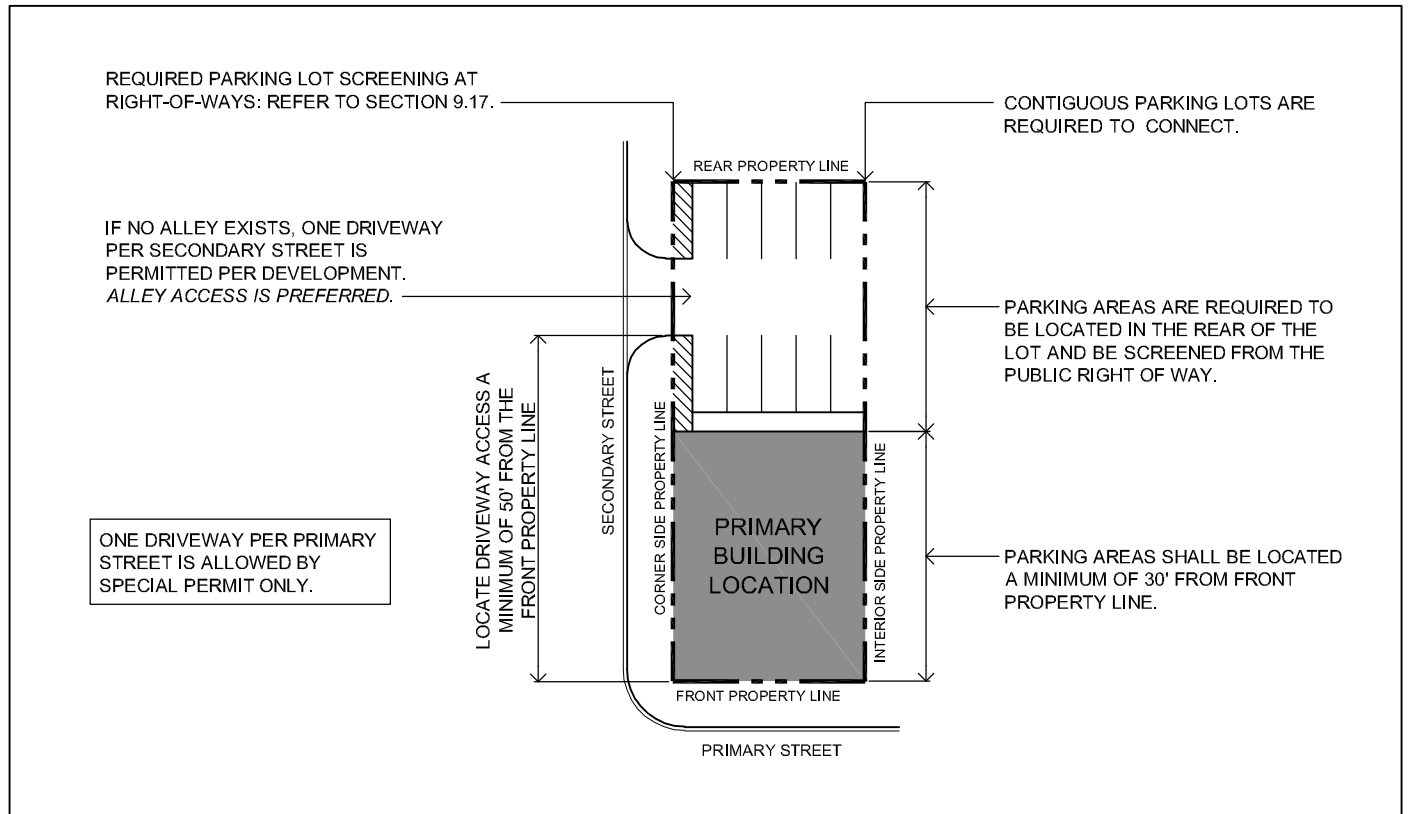
1. Surface parking lots are permitted in the rear of the lot only, fully screened from the front property line by a building.
2. Structured parking is permitted internal to blocks, but is required to be located behind occupied uses on the ground floor.
3. Driveway access from primary streets is allowed only by Special Use Permit.
4. Driveway standards are referenced in Article 2.
5. Shared driveways, shared access and shared parking are strongly encouraged.
6. Refer to Landscape Standards in Article 9 for buffer zone screening of parking on secondary streets and all parking lot landscaping requirements.

ILLUSTRATION 5.1  
HUD 7: CENTRAL BUSINESS DISTRICT BUILDING HEIGHT



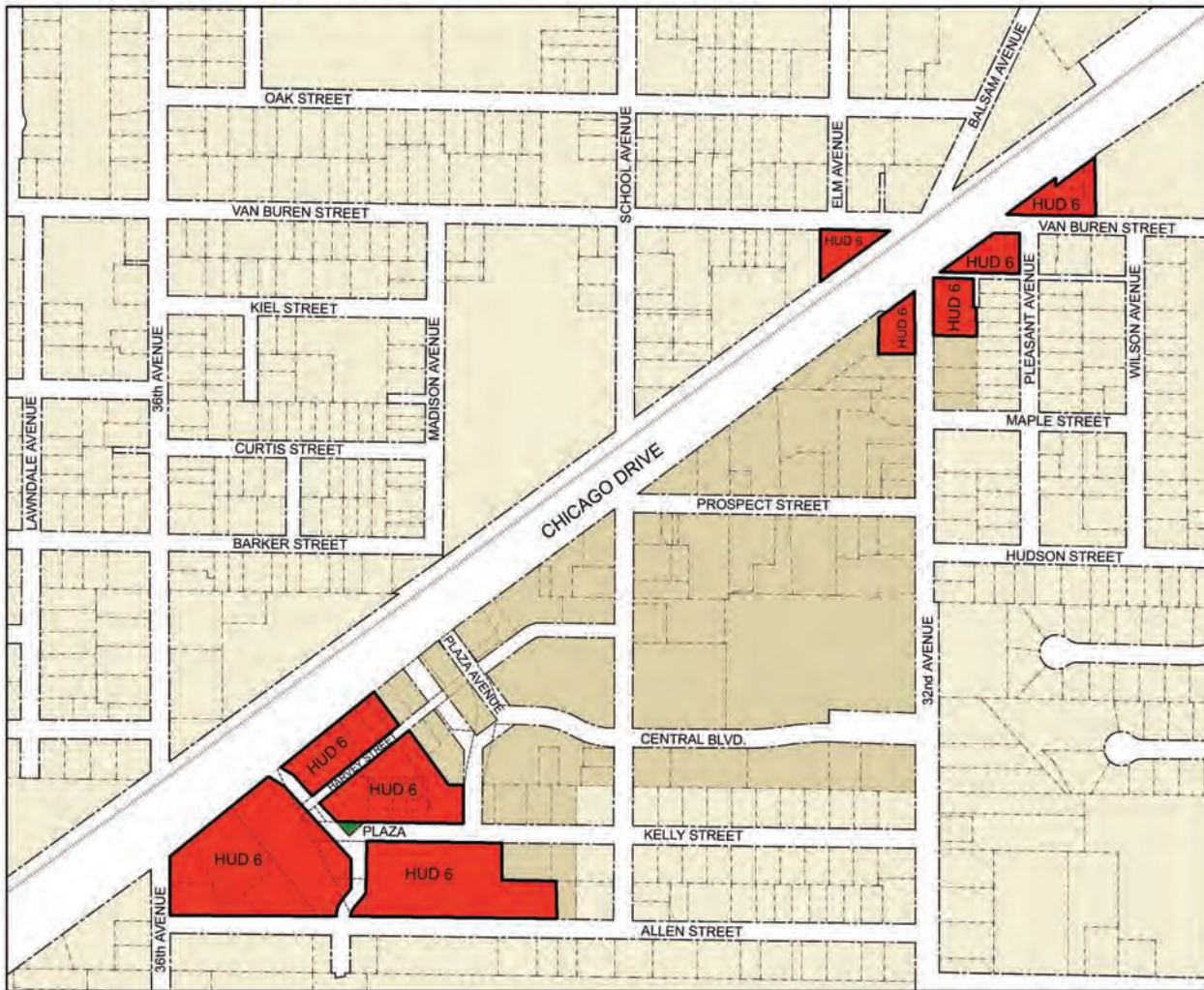
## ILLUSTRATION 5.2

### HUD 7: CENTRAL BUSINESS DISTRICT OFF-STREET PARKING



# ARTICLE 5 DISTRICT STANDARDS

IMAGE 5.2 DISTRICT LOCATION PLAN: MIXED-USE A DISTRICT



### DISTRICT LOCATION PLAN LEGEND

- HUD 6 MIXED-USE A DISTRICT
- OTHER DOWNTOWN HUDSONVILLE ZONING DISTRICTS  
(REFER TO OTHER DISTRICTS IN ARTICLE 5)
- PUBLIC OPEN SPACE  
(REFER TO ARTICLE 4 AND ARTICLE 11)
- NOT PART OF DOWNTOWN HUDSONVILLE ZONING DISTRICT  
(REFER TO CITY OF HUDSONVILLE ZONING ORDINANCE FOR PROPERTIES WITHIN THIS AREA)



**Section 5.03 HUD 6: Mixed-Use A District**

A. *General Character.* The Mixed-Use A District is the equivalent of the typical main street area. This District contains mixed-use building types that accommodate retail, offices and dwellings, including rowhouses and apartments. This District also allows less intense commercial buildings, in the form of single story retail, cottage retail and live work Building Types. The District is a tight network of streets and blocks with wide sidewalks, steady street tree planting and buildings set close to frontages. This District, like the Central Business District, maintains a high intensity of development, with services close to one another and a diversity of uses. Typically there is more variety for naturalistic features, including greater flexibility for street tree spacing and variety. Features of the Mixed-Use A District include:

1. Variety of mixed-use and retail buildings with shops and offices at the ground floor, mixed with rowhouses and apartments;
2. Predominately attached buildings which form continuous street walls;
3. Street wall which have a high level of transparency through the use of glass at the ground level, but with greater flexibility of transparency requirements than HUD 7; and
4. Substantial pedestrian activity.

B. *Intent.* The regulations of this District are intended to create a substantial commercial and residential area that complements the Central Business District (HUD 7), the Town Neighborhood Center A District (HUD 5), and the surrounding residential Districts. Generally, ground floor storefront space within this District is intended for primarily pedestrian-oriented retail and personal service uses, with office uses on the ground floor storefronts intended as a secondary use. Residential uses, including multi-family uses, are also permitted, although these are represented primarily by rowhouse, apartment and live-work Building Types. Specific objectives include:

1. To reinforce and enhance a compact development pattern;
2. To improve mobility options near the City core, to reduce the need for on-site parking by providing automobile alternatives, such as walking and bicycling;
3. To accommodate and promote commercial, residential, entertainment, cultural, artistic, and governmental activities;
4. To provide a complimentary mix of retail, service, office, and residential uses;
5. To create and reinforce a unique, small town character for the City, focusing on the design context;
6. To express the community’s special commitment to

the visual quality of near-downtown Districts by establishing the minimum criteria for building design while promoting amenities necessary to attract business, residents and visitors;

7. To create an aesthetically pleasing entrance into downtown;
8. To provide a smooth development pattern transition from downtown to adjacent districts; and
9. To establish clear development requirements in order to provide quick, equitable and efficient responses to typical development proposals.

C. *District Components.* Each District is composed of elements which help to define the public realm of the District. These elements include Building Types, Private Frontage Types, Public Frontage Types and Public Open Space Types and are specific to each District. Building Types and Private Frontage Types that are appropriate in the HUD 7 (Mixed-Use A) District are indicated in Table 5.2. Public Frontage Types and Public Open Space Types are indicated on the Regulating Plans in Article 4. The Private Frontage Types in Article 7 shall be combined with specific Building Types to create frontages for buildings. The Building Types in Article 6 will indicate lot sizes, lot placement, access requirements, story height and architectural standards for specific types. Refer to Table 5.2.

**TABLE 5.2 DISTRICT STANDARDS FOR HUD 6: MIXED-USE A DISTRICT**

District Elements	Applicability to District
The following Building Types are allowed in the HUD 6 District (REFER TO ARTICLE 6)	
Hudsonville Mixed-Use	By Right
Hudsonville Retail	By Right
Hudsonville Cottage Retail	By Right
Hudsonville Live-Work	By Right
Hudsonville Apartment	By Special Use Permit
Hudsonville Rowhouse	By Special Use Permit
Hudsonville Accessory Dwelling Unit	By Special Use Permit
Hudsonville Industrial Shop	By Special Use Permit
The following Private Frontage Types are allowed in the HUD 6 District (REFER TO ARTICLE 7)	
Storefront Frontage	By Right
Arcade Frontage	By Special Use Permit
Balcony Frontage	By Right
Shopfront Frontage	By Right
Door Yard Frontage	By Right
Stoop Frontage	By Special Use Permit
Forecourt Frontage	By Special Use Permit

By Right -Type is allowed by right in the District.  
 By Special Use Permit - Requires Planning Commission approval.  
 All types which are not listed are prohibited in this District.

# ARTICLE 5 DISTRICT STANDARDS

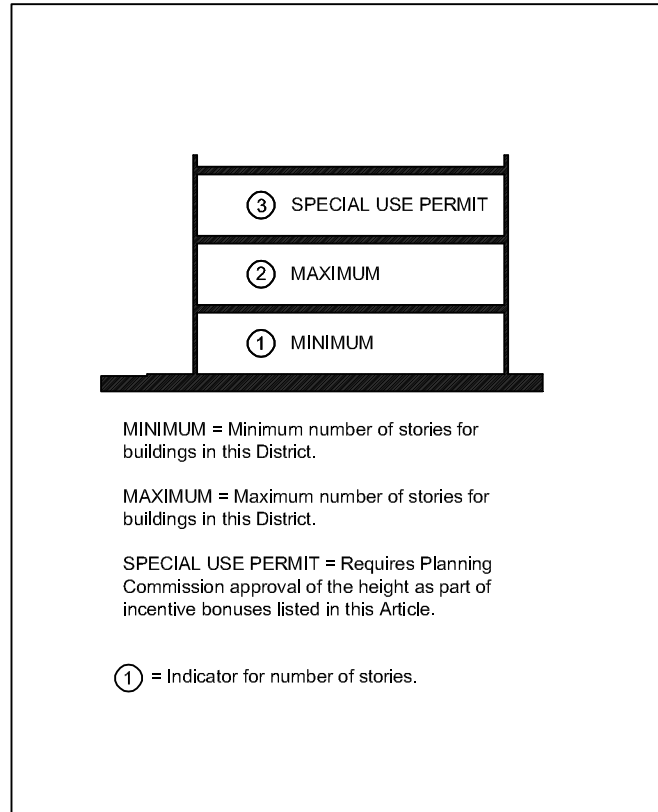
D. *Building Height.* Building height in this Article is relative to the District and is measured in the number of stories and not numerical (feet-inches, metric, etc.) floor to floor heights. Illustration 5.1 indicates the minimum and maximum number of stories allowed for any building in this District, along with stories that may be allowed by Special Use Permit as part of an incentive for developer provided amenities indicated in this Article. Refer to Illustration 5.3.

1. Building height shall be measured in number of stories. Refer to Article 2, Section 2.09.
2. Story heights are measured from finished floor to finished floor.
3. Allowable numerical floor to floor heights are indicated for each Building Type in Article 6.
4. A final allowable building height will result when the following conditions have been met:
  - a. The desired number of stories has been confirmed in Article 5;
  - b. Corresponding allowable floor to floor heights have been assigned to each of the stories based on the corresponding Building Type in Article 6; and
  - c. Any required rooftop screening or parapets have been accounted for.

E. *Off-street Parking.* Off-street parking placement in this Article is relative to the District. This article only indicates the physical arrangement of the parking on the site and not the quantities of spaces required, which is referenced in Article 12. Refer to Illustration 5.4

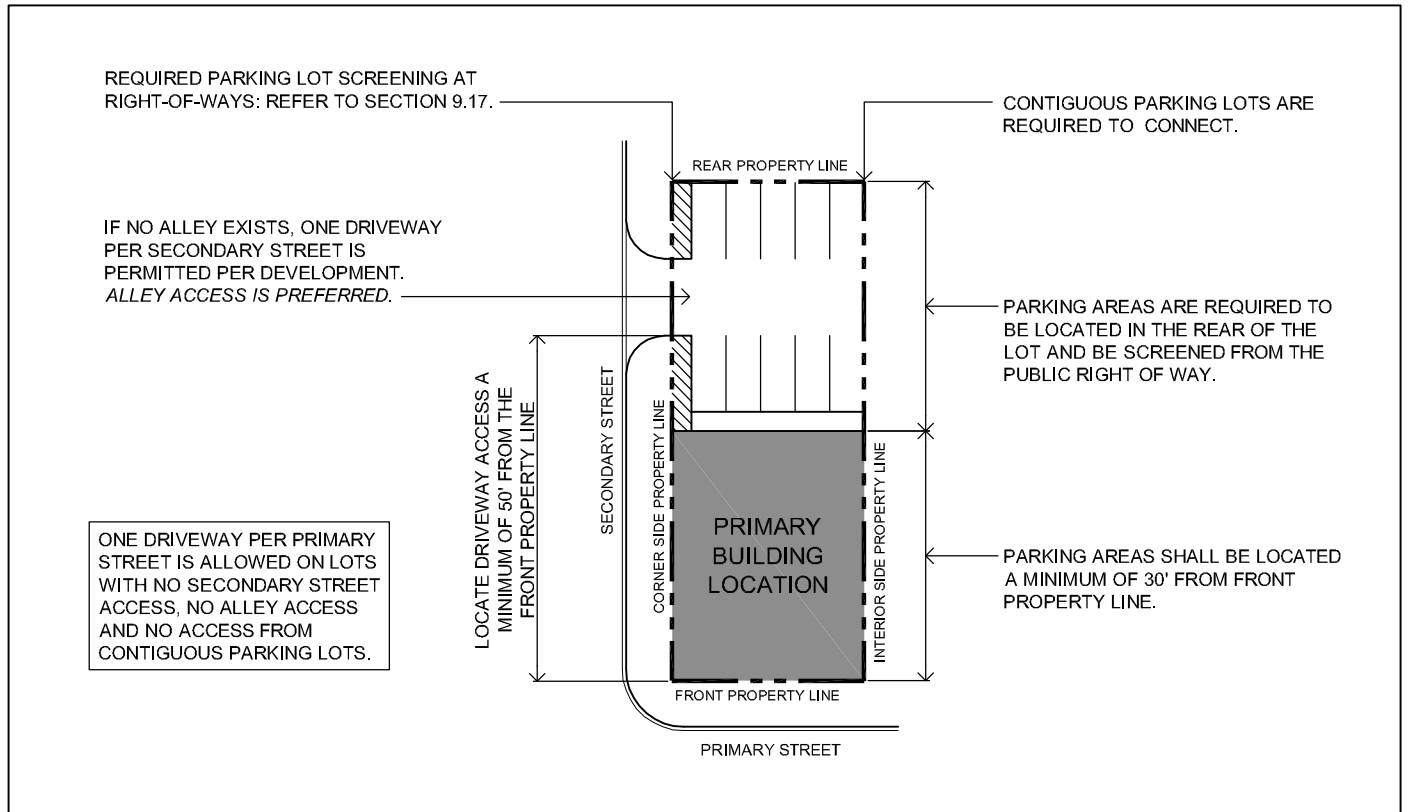
1. Surface parking lots are permitted in the rear of the lot only, fully screened from the front property line by a building.
2. Structured parking is permitted internal to blocks, but is required to be located behind occupied uses on the ground floor.
3. Driveway access from primary streets is permitted when all of the following conditions exist:
  - a. When lot has no secondary street access;
  - b. When lot has no alley access and it is not physically possible to attain alley access; and
  - c. When lot has no access to contiguous parking lots on adjacent lots.
4. Driveway standards are referenced in Article 2.
5. Shared driveways, shared access and shared parking are strongly encouraged.
6. Refer to Landscape Standards in Article 9 for buffer zone screening of parking on secondary streets and all parking lot landscaping requirements.

ILLUSTRATION 5.3  
HUD 6: MIXED-USE A DISTRICT BUILDING HEIGHT



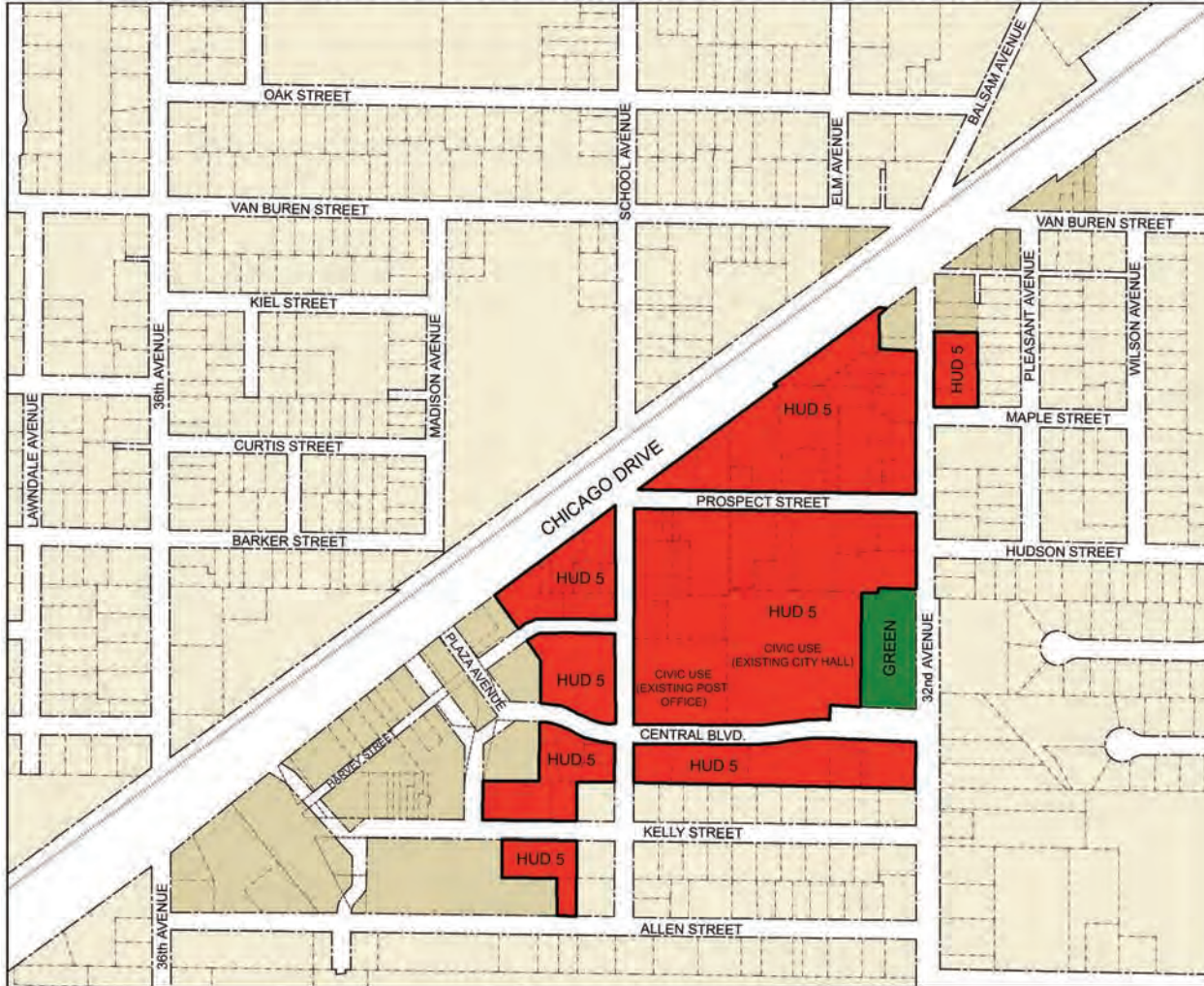
## ILLUSTRATION 5.4

### HUD 6: MIXED-USE A DISTRICT OFF-STREET PARKING



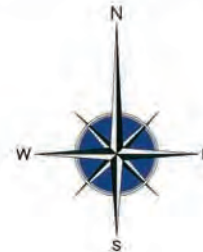
# ARTICLE 5 DISTRICT STANDARDS

IMAGE 5.3 DISTRICT LOCATION PLAN: HUD 5 TOWN / NEIGHBORHOOD CENTER A DISTRICT



## DISTRICT LOCATION PLAN LEGEND

- HUD 5 TOWN/NEIGHBORHOOD CENTER A DISTRICT
- OTHER DOWNTOWN HUDSONVILLE ZONING DISTRICTS  
(REFER TO OTHER DISTRICTS IN ARTICLE 5)
- PUBLIC OPEN SPACE  
(REFER TO ARTICLE 4 AND ARTICLE 11)
- NOT PART OF DOWNTOWN HUDSONVILLE ZONING DISTRICT  
(REFER TO CITY OF HUDSONVILLE ZONING ORDINANCE FOR PROPERTIES WITHIN THIS AREA)



**Section 5.04 HUD 5: Town Neighborhood Center A District**

A. *General Character.* The Town / Neighborhood Center District has a greater mix of residential within the urban fabric than the Central Business District and the Mixed-Use A District. Retail is typically confined to certain corner locations, main streets or near the edges of this District as it abuts the more intense Districts (The Central Business District and the Mixed-Use A District). Mixed-use is typically accomplished with the Cottage Retail and Live-Work Building Types, although all retail oriented Building Types can be found in this District, including the Mixed-Use Type. This District allows for a wide range of residential building types, including apartments, rowhouses and the single-family detached cottage house. Setbacks and build-to-zones are more varied, while street trees are more informally arranged and in greater varieties. Natural features become more evident, as part of the urban fabric. Features of the Town / Neighborhood Center District include:

1. Mix of retail and residential, including rowhouses, small apartment buildings, and some detached single family homes;
2. Restricted and less intense commercial and office activity;
3. Balance between attached and detached buildings;
4. Balance between landscape and buildings; and
5. Medium pedestrian activity.

B. *Intent.* The regulations of this District are intended to create a substantial and diverse mix of most of the Building Types allowed within this Ordinance. Retail is intended to be concentrated in enclaves which complement the more intense adjacent districts. Generally, retail is confined to smaller, more residentially scaled building types and is intended as neighborhood oriented retail and personal service uses. This district, maintains a medium intensity of development. Specific objectives include:

1. To reinforce and enhance a compact development pattern;
2. To accommodate and promote mixed-use districts;
3. To provide a complimentary mix of residential building types;
4. To create and reinforce a unique, small town character for the City;
5. To express the community’s special commitment to the visual quality of near-downtown Districts by establishing the minimum criteria for building design while promoting amenities necessary to attract business, residents and visitors;
6. To create an aesthetically pleasing entrance into downtown;
7. To provide a smooth development pattern transition from downtown to adjacent districts; and

8. To establish clear development requirements in order to provide quick, equitable and efficient responses to typical development proposals.

C. *District Components.* Each District is composed of elements which help to define the public realm of the District. These elements include Building Types, Private Frontage Types, Public Frontage Types and Public Open Space Types and are specific to each District. Building Types and Private Frontage Types that are appropriate in the HUD 7 (Mixed-Use A) District are indicated in Table 5.3. Public Frontage Types and Public Open Space Types are indicated on the Regulating Plans in Article 4. The Private Frontage Types in Article 7 shall be combined with specific Building Types to create frontages for buildings. The Building Types in Article 6 will indicate lot sizes, lot placement, access requirements, story height and architectural standards for specific types. Refer to Table 5.3.

**TABLE 5.3 DISTRICT STANDARDS FOR HUD 5: TOWN / NEIGHBORHOOD CENTER A**

District Elements	Applicability to District
The following Building Types are allowed in the HUD 5 District (REFER TO ARTICLE 6)	
Hudsonville Mixed-Use	By Special Use Permit
Hudsonville Retail	By Right
Hudsonville Cottage Retail	By Right
Hudsonville Live-Work	By Right
Hudsonville Apartment	By Right
Hudsonville Rowhouse	By Right
Hudsonville Two-Family House	By Right
Hudsonville Cottage House	By Right
Hudsonville Accessory Dwelling Unit	By Special Use Permit
Hudsonville Industrial Shop	By Special Use Permit
The following Private Frontage Types are allowed in the HUD 5 District (REFER TO ARTICLE 7)	
Storefront Frontage	By Right
Arcade Frontage	By Special Use Permit
Balcony Frontage	By Right
Shopfront Frontage	By Right
Door Yard Frontage	By Right
Stoop Frontage	By Right
Forecourt Frontage	By Right
Porch Lawn Frontage	By Right

By Right -Type is allowed by right in the District.  
 By Special Use Permit - Requires Planning Commission approval.  
 All types which are not listed are prohibited in this District.



# ARTICLE 5 DISTRICT STANDARDS

D. *Building Height.* Building height in this Article is relative to the District and is measured in the number of stories and not numerical (feet-inches, metric, etc.) floor to floor heights. Illustration 5.5 indicates the minimum and maximum number of stories allowed for any building in this District, along with stories that may be allowed by Special Use Permit as part of an incentive for developer provided amenities indicated in this article. Refer to Illustration 5.5.

1. Building height shall be measured in number of stories. Refer to Article 2, Section 2.09.
2. Story heights are measured from finished floor to finished floor.
3. Allowable numerical floor to floor heights are indicated for each Building Type in Article 6.
4. A final allowable building height will result when the following conditions have been met:
  - a. The desired number of stories has been confirmed in Article 5;
  - b. Corresponding allowable floor to floor heights have been assigned to each of the stories based on the corresponding Building Type in Article 6; and
  - c. Any required rooftop screening or parapets have been accounted for.

E. *Off-street Parking.* Off-street parking placement in this Article is relative to the District. This article only indicates the physical arrangement of the parking on the site and not the quantities of spaces required, which is referenced in Article 12. Refer to Illustration 5.6.

1. Surface parking lots are permitted in the rear of the lot only, fully screened from the front property line by a building.
2. Structured parking is permitted internal to blocks, but is required to be located behind occupied uses on the ground floor.
3. Driveway access from primary streets is permitted when all of the following conditions exist:
  - a. When lot has no secondary street access;
  - b. When lot has no alley access and it is not physically possible to attain alley access; and
  - c. When lot has no access to contiguous parking lots on adjacent lots.
4. Driveway standards are referenced in Article 2.
5. Shared driveways, shared access and shared parking are strongly encouraged.
6. Refer to Landscape Standards in Article 9 for buffer zone screening of parking on secondary streets and all parking lot landscaping requirements.

ILLUSTRATION 5.5  
HUD 5: TOWN NEIGHBORHOOD CENTER A BUILDING HEIGHT

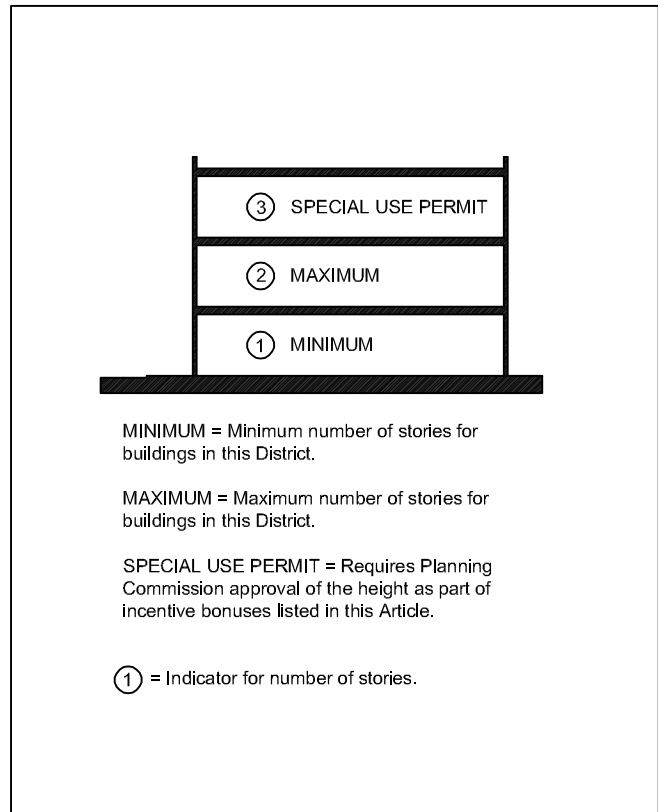
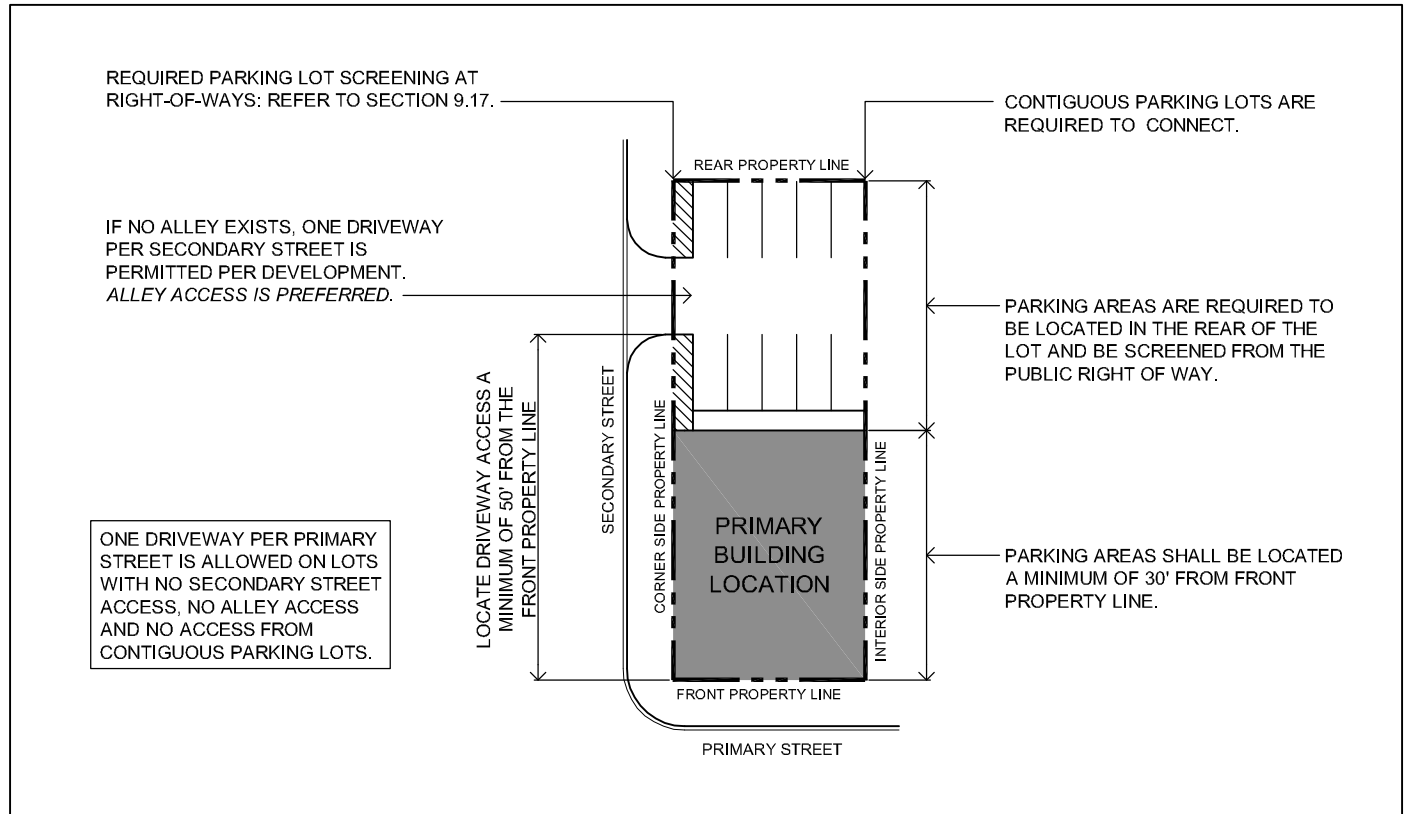


ILLUSTRATION 5.6

HUD 5: TOWN NEIGHBORHOOD CENTER A DISTRICT OFF-STREET PARKING



# ARTICLE 5 DISTRICT STANDARDS

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## Section 5.05 District Block Sizes

A. *Purpose.* The purpose of the District block sizes referenced in Table 5.4 of this Section is to establish maximum sizes for block depth and block width in order to maintain and create an interconnected street grid that allows for both efficient vehicular and pedestrian activity. The scale of moderately sized blocks will enhance the pedestrian scale of these Districts. The block sizes indicated in Table 5.4 shall govern block sizes as follows:

1. Block sizes listed in Table 5.4 are measured from centerline of Right-of-Way to centerline of Right-of-Way.
2. Block sizes indicated are for all new block configurations within the designated District.
3. Existing block sizes shall be modified by adding new streets in order to maintain the dimensions indicated whenever possible during redevelopment.
4. In locations adjacent to Chicago Drive, block sizes indicated in Table 5.4 may be waived due to the limited number of connections allowed at Chicago Drive. Whenever possible, block sizes shall be as pedestrian scaled as reasonably possible at these adjacent locations.

## Section 5.06 Incentives for Owner / Developer Provided Amenities

A. *Purpose.* The purpose of this Section is to provide optional development incentives in the Urban Mixed-Use Districts of Downtown Hudsonville. These incentives may be used by the property owner / project developer to increase the number of stories allowed for the project through a special land use permit.

B. *Cumulative Incentives.* Combining incentives to create cumulative height bonuses is not allowed. Property Owners / Developers should choose either incentive, but not both, in order to apply for height bonuses.

C. *Public Open Space Incentive.* Incentives are indicated in Table 5.5. The City of Hudsonville Planning Commission may grant additional building height in number of stories to any project in the HUD-7, HUD-6 or HUD-5 Districts which provides public open space that meets one of the following requirements:

1. Public Open Space that is consistent with that which is indicated on the Regulating Plans in Article 4 of this Ordinance. The open space is required to conform to the standards established in the Public Open Space Standards in Article 11 of this Ordinance; or

2. Public Open Space that is not indicated on the Regulating Plans but meets the vision and goals of the District and the City of Hudsonville Downtown Master Plan. The open space is required to conform to the standards established in the Public Open Space Standards in Article 11 of this Ordinance

D. *LEED and LEED-ND Incentive.* Incentives are indicated in Table 5.5. The City of Hudsonville Planning Commission may grant additional building height in number of stories to any project in the HUD-7, HUD-6 or HUD-5 Districts which will be certified as LEED or LEED-ND. Applicants must submit the following information for each project seeking LEED or LEED-ND incentives:

1. Name of the LEED Accredited Professional working on the project: Each project must include a LEED accredited professional as part of the project team. This team member advises the project team on LEED issues and ensures that the specific LEED credits for the project are achieved.
2. LEED Scorecard: A LEED Scorecard must be submitted as part of its plan. The Scorecard must be accompanied by an explanation of how each credit will be achieved or why the credit cannot be achieved for the project. Prior to issuance of specific permits, reports must be submitted outlining progress on achieving LEED credits.
3. Construction Waste Management Plan: Prepare and implement a construction waste management plan. The plan must outline where waste will be sent for recycling, reuse, reprocessing, or disposal. Letter from each of the recipient facilities must be included.
4. Energy Star: For multi-family residential projects; appliances and fixtures must meet U.S. EPA's Energy Star standards. Projects must include Energy Star compliant clothes washers; dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs.
5. Owners / Developers applying for this incentive program must register their projects with the USGBC. Proof of registration must be submitted to the City followed by quarterly updates that identify the progress of the project and points achieved. Projects must be certified by the USGBC at the agreed upon level.

**TABLE 5.4 District Block Sizes**

	<b>HUD 7 Central Business District</b>	<b>HUD 6 Mixed-Use A District</b>	<b>HUD 5 Town Neighborhood Center A District</b>
Maximum Block Depth	350 feet	400 feet	400 feet
Maximum Block Length	450 feet	700 feet	850 feet

**TABLE 5.5 Development Incentives**

Type of Incentive	Applicability in Districts		
	<b>HUD 7 Central Business District</b>	<b>HUD 6 Mixed-Use A District</b>	<b>HUD 5 Town Neighborhood Center A District</b>
Public Open Space Incentive	The Planning Commission may allow an increase in up to two (2) additional building stories in this District.	The Planning Commission may allow an increase in up to one (1) additional building story in this District.	The Planning Commission may allow an increase in up to one (1) additional building story in this District.
LEED and LEED-ND Incentive	The Planning Commission may allow an increase in up to two (2) additional building stories in this District.	The Planning Commission may allow an increase in up to one (1) additional building story in this District.	The Planning Commission may allow an increase in up to one (1) additional building story in this District.

Note: Incentives are not cumulative and can not be combined to create additional height bonuses.

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# ARTICLE 6

## BUILDING TYPE STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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Section 6.03	Hudsonville Mixed-Use
Section 6.04	Hudsonville Retail
Section 6.05	Hudsonville Cottage Retail
Section 6.06	Hudsonville Live-Work
Section 6.07	Hudsonville Apartment
Section 6.08	Hudsonville Rowhouse
Section 6.09	Hudsonville Two-family House
Section 6.10	Hudsonville Cottage House
Section 6.11	Hudsonville Industrial Shop
Section 6.12	Hudsonville Accessory Dwelling Unit
Section 6.13	Building Material Standards

# ARTICLE 6 BUILDING TYPE STANDARDS



IMAGE 6.1



IMAGE 6.2



IMAGE 6.3

## Section 6.01 Purpose and Intent

- A. *Relationship to Architectural Design Elements Portfolio.* The Building Type Standards in this Article are intrinsically based on the previously adopted Architectural Design Elements Portfolio (ADEP). This Article replaces the ADEP.
- B. *Applicability to Existing Development.* Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.
- C. *Purpose.* Allowable Building Types for Downtown Hudsonville are described and illustrated in this Article. Regulations for proper site placement, massing and composition, appropriate Private Frontage Type, specific building dimensional heights, and other minimum standards are within the text, illustrations and images provided for each Building Type.
- D. *Overview.* West Michigan's small towns have a rich architectural heritage that has created a collection of places that are distinct and remarkable for their diversity and unique regional character. While the architecture of the buildings varies from town to town, a common architectural language was shared by the region's traditional builders, which has resulted in the unique character and quality of neighborhoods, public spaces, parks, and downtown streets.

It is the intent, through the use of the Building Type Standards, to aid in creating places that are based in this rich architectural heritage. Places that tell us where we are and who we are. This Article is intended to provide the City of Hudsonville with the ability to define its new architecture which will result in neighborhoods, shopping districts, streetscapes and buildings that are timeless, classic and built for today as well as for generations to come.

The purpose of the Building Type Standards is to rekindle an appreciation for an architectural and building tradition that is rarely practiced today. Re-establishing the vernacular building tradition that has led to the rich architectural tradition will facilitate the development of an endearing and enduring place. As part of this Article, we are not only building on the traditional realm of architecture, but also embracing the contemporary spirit of architecture so that all ranges of buildings can become part of the new heritage of the City of Hudsonville.

During a series of visioning sessions, the citizens of Hudsonville indicated what they desired their city to look like in the future and this included, in no small part, the architecture and buildings that define the city and streetscapes. The citizens almost universally desired an architecture that had a human scale and was based in

tradition. While the desired architecture was beautiful and grand, it was not overly ornate, but rather very similar to that of other small towns in West Michigan. The citizens desire for a unique place that told them that they were in Hudsonville, has led to the content of this Article.

These unique places all have many things in common, one of which is that they are pedestrian oriented, rather than auto oriented. It is our intent to create pedestrian oriented places that are based within this rich architectural heritage.

This Article provides patterns for traditional buildings as a resource for individual owners, local builders, architects and the City of Hudsonville as a place to start in creating the kind of Hudsonville that was envisioned during the community input sessions.

E. *Architectural Style.* Article 6, Building Type Standards, is intended to convey the minimum architectural standards for buildings in the City of Hudsonville, as determined by the citizens during public workshops. While these standards provide a minimum threshold, applicants are encouraged to engage a licensed architect to create building designs which meet these standards but also expand the variety of architectural styles. These standards are not intended to limit architectural styles and applicants and their architects are encouraged to create styles which will make the city a rich and diverse place. Refer to Images 6.1 through 6.6, which are based on the outcomes of the visioning exercises conducted through the Small Town Design Initiative with Michigan State University.

F. *Civic Buildings.* Civic buildings, including, but not limited to, city halls, public works buildings, libraries, post offices, schools and churches are exempt from the building type standards of Article 6. Civic buildings are encouraged to be sited in locations of prominence, such as corners of major intersections, terminating a street vista or overlooking or within a larger civic space.

Civic buildings are intended to become landmarks. In order to allow greater flexibility and distinctive architectural expression, building setbacks, maximum lot coverage, frontage percentages, maximum building height and façade composition shall be limited to that specifically set forth during the public process that may be associated with their design. Building setbacks, maximum lot coverage, and maximum building height shall be compatible with the surrounding context of the Zoning District that the civic building is located within.



IMAGE 6.4



IMAGE 6.5



IMAGE 6.6



# ARTICLE 6 BUILDING TYPE STANDARDS

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## Section 6.02 How to Use Building Type Standards

A. *Building Type Standards.* Each designated District within Downtown Hudsonville has its own list of allowable Building Types. All of these Building Types and their associated requirements are described in Article 6. The parameters for each Building Type are organized as indicated in the following subsections:

1. **HISTORY & CHARACTER:** The first subsection of every Building Type section begins with a brief description of the Building Type and its local history. Photos of relevant examples of the type in the West Michigan region have been documented and are shown.
2. **ESSENTIAL ELEMENTS:** Each Building Type will have a list of Essential Elements which convey the most important architectural features of the Building Type. These are based on the precedent research of local examples.
3. **ACCESS REQUIREMENTS:** Each Building Type will have a list of required access elements, which pertain to maintaining a pedestrian-scale of building access within the urban context.
4. **GALLERY OF POSSIBILITIES:** This subsection contains photographs of primarily regional examples of the Building Type. These photos are intended to provide inspiration for design as it relates to the building type. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.
5. **BUILDING TYPE SITE DISPOSITION:** This subsection indicates how the Building Type is positioned on the site, including build-to-zones, setback requirements, allowed lot widths and maximum site coverage.
6. **MINIMUM ARCHITECTURAL STANDARDS:** This subsection typically provides a front (primary street side) elevation drawing, a schematic plan and schematic profile or section that convey the minimum architectural standards of the particular Building Type. These drawings relay the critical vertical dimensions and basic features of the facade in a graphic form that is intended to define these elements as they relate to the design of any building representing the Building Type.

7. **MASSING & COMPOSITION:** Massing and composition will vary per Building Type, with some types requiring a more substantial description than others. This subsection describes the basic massing or shapes for each of the Building Types. Massing and composition are described with photographic examples of various conditions. Where applicable, facade composition diagrams are also included to convey appropriate composition of the various facades for each Building Type.

8. **WINDOWS:** While window design requirements may vary from Building Type to Building Type, it is important to remember that windows are one of the most important building components. Appropriate proportion of windows and their placement on the building elevation are of critical importance. Both the shape and the style of windows are conveyed in this subsection. Typical window compositions are illustrated for each Building Type. Typical window proportions, trim details and special window or door elements are illustrated within this subsection. For ground floor retail buildings, storefront details are also included, when appropriate. The storefront is a required feature at the ground floor for any street facing building that contains retail.

9. **MISCELLANEOUS DETAILS:** Depending on the Building Type, other important details are included in this subsection. These details can include alternate canopies, balconies and building cornices.

B. *Material Standards.* The material standards at the end of this Article contain a list of acceptable materials and their application. This list of materials is applicable to all buildings within this Article. The reason that the application of these materials is important is that the Building Types conveyed in this Article are intended to aid in the creation of pedestrian friendly places. Therefore without appropriate building materials and details, the pedestrian experience will be compromised. In addition to the gallery of materials, an abbreviated list of material manufacturers for the items referenced in the gallery is provided in the appendix of this Ordinance.

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

### Section 6.03 Hudsonville Mixed-Use Building Type

A. *History and Character.* Refer to Images 6.7, 6.8 and 6.9. Throughout the West Michigan region, many small towns and villages have a traditional commercial core. This commercial core is primarily composed of multi-story mixed-use buildings that include retail shops, which line the main commercial streets on the ground floor, while residences and offices occupy the spaces above. This building pattern creates a civic center for these communities by defining a distinctive public realm, while providing for much retail, office and housing flexibility. It has been observed that when this historic pattern is consistently applied to downtown environments that it operates successfully even in the most rural West Michigan communities.

This public realm is an active place for people of all ages and provides for many flexible opportunities for retail, office and housing.

Even in the most rural of communities, these traditional mixed-use buildings and the districts which they create, serve as a regional commerce center. Neighborhood services and amenities are within walking distance of the surrounding neighborhoods and these amenities also become destinations for the outlying rural areas.

Historic precedents for this Building Type tend to have a very regular pattern of large storefront openings. The upper floors also have a regular pattern of windows, usually in either two-bay or three-bay compositions. The Mixed-Use Building Type may either be a masonry or non-masonry building.



IMAGE 6.7 MIXED USE BUILDING TYPE



IMAGE 6.8 MIXED USE BUILDING TYPE



IMAGE 6.9 MIXED USE BUILDING TYPE

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

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IMAGE 6.10 BUILDING TYPE STOREFRONT



IMAGE 6.11 BUILDING TYPE WINDOWS



IMAGE 6.12 MIXED USE BUILDING TYPE CORNICES

B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.

1. Two- and three-story masonry or non-masonry (primarily lap-sided) buildings with sign band between storefront and upper stories.
2. Street-facing ground floors with a storefront design including large windows and recessed glass doors. Refer to Image 6.10.
3. Simple, individual vertically proportioned window compositions above the ground floor. These are typically double-hung type windows. Refer to Image 6.11
4. Street-facing front facades with parapet walls at the roof and a cornice expression. Refer to Image 6.12

## ARTICLE 6 BUILDING TYPE STANDARDS

### MIXED USE BUILDING TYPE

C. *Access Requirements.* Access to the Mixed-Use Building Type shall meet the following requirements:

1. The main entrance(s) to ground floor commercial space(s) shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.13.
2. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.

Exception: A variance may be granted in instances where use or building function may necessitate a single door for public access. In instances where a single door for public access is allowed, the building façade is still required to meet the bay composition requirements that are addressed as part of the façade composition in Section 603. I and Illustration 6.7

3. Access to upper story commercial, service or office uses shall be through a street level lobby
4. Interior circulation to each dwelling shall be through a corridor which may be single- or double-loaded.



IMAGE 6.13 MIXED USE BUILDING TYPE ACCESS

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**MIXED USE BUILDING TYPE**



IMAGE 6.14 MIXED USE BUILDING TYPE MASONRY



IMAGE 6.17 MIXED USE BUILDING TYPE MASONRY



IMAGE 6.15 MIXED USE BUILDING TYPE MASONRY



IMAGE 6.18 MIXED USE BUILDING TYPE MASONRY



IMAGE 6.16 MIXED USE BUILDING TYPE MASONRY



IMAGE 6.19 MIXED USE BUILDING TYPE MASONRY

D. *Gallery of Possibilities.* These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building. The Mixed-Use Building Type can fall into one of the following:

1. *Masonry Mixed-Use Building Type.* Refer to Images 6.14 through 6.19. Masonry (usually in the form of brick) is the most prevalent of all siding materials for this building type in small Mid-western towns and cities. Masonry Mixed-Use Building Types typically have a masonry veneer on all sides of the building, although in some cases, the rear of the building can be other approved materials. Many other details depend on what type of siding is chosen for the building, including window, store-front and canopy / awning details.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**MIXED USE BUILDING TYPE**



IMAGE 6.20 MIXED USE BUILDING TYPE (NON-MASONRY)



IMAGE 6.23 MIXED USE BUILDING TYPE (NON-MASONRY)



IMAGE 6.21 MIXED USE BUILDING TYPE (NON-MASONRY)



IMAGE 6.24 MIXED USE BUILDING TYPE (NON-MASONRY)



IMAGE 6.22 MIXED USE BUILDING TYPE (NON-MASONRY)



IMAGE 6.25 MIXED USE BUILDING TYPE (NON-MASONRY)

2. *Non-masonry Mixed-Use Building Type.* Refer to Images 6.20 through 6.25. This category of siding allows for many types of materials other than masonry, including wood or cement board lap-siding or panelized sheathing in the form of metal panels. Historically, wood siding has been the prevalent type. Many other details depend on what type of siding is chosen for the building, including window, storefront and canopy / awning details.



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

E. *Site Disposition.* Refer to Illustration 6.1 and Table 6.1. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, a Build-To-Line has been employed in lieu of a building setback, resulting in a requirement that there be no building setback along any street frontage. Mixed-Use Type Buildings shall meet the following requirements:

1. *Street Frontage.*
  - a. On primary streets, a minimum of 95% of the length of the front build-to-line shall be occupied by building.
  - b. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) shall be occupied by building. The corner may be open per Illustration 6.1 and by Special Use Permit.
  - c. Front building facades shall be constructed to the build-to-line. Refer to Illustration 6.1.
  - d. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed to a build-to-line per Illustration 6.1.

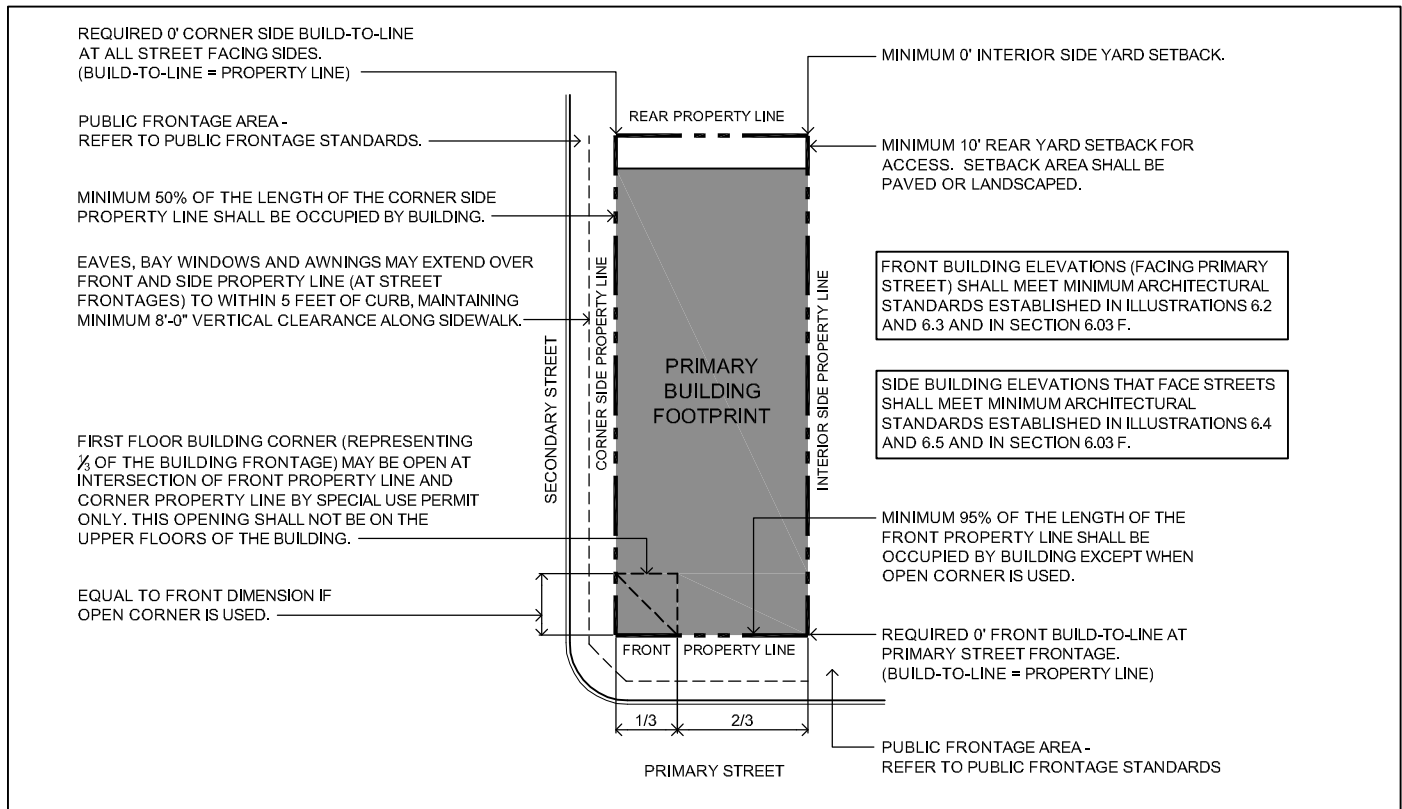
e. Eaves and upper floor bay windows, balconies and awnings/canopies are permitted to extend over the front and side (at street frontages) property line to within 5' of the curb, maintaining a minimum of 8'-0" height clearance along the public sidewalk.

f. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.1 for lot sizes and lot coverage for this Building Type

2. *Setbacks and Build-To-Lines.*

- a. Front: Required zero (0) foot build-to-line.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior side: Minimum zero (0) foot setback.
- d. Corner side: Required zero (0) foot corner side build-to-line.

**ILLUSTRATION 6.1**  
SITE DISPOSITION MIXED-USE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

**TABLE 6.1 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Mixed-Use Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	20 feet	100 feet	20 feet	150 feet	20 feet	200 feet
LOT AREA	2,000 sq. ft.	12,500 sq. ft.	2,000 sq. ft.	20,000 sq. ft.	2,000 sq. ft.	no maximum
BUILDING LOT COVERAGE	no minimum	90%	no minimum	80%	no minimum	80%

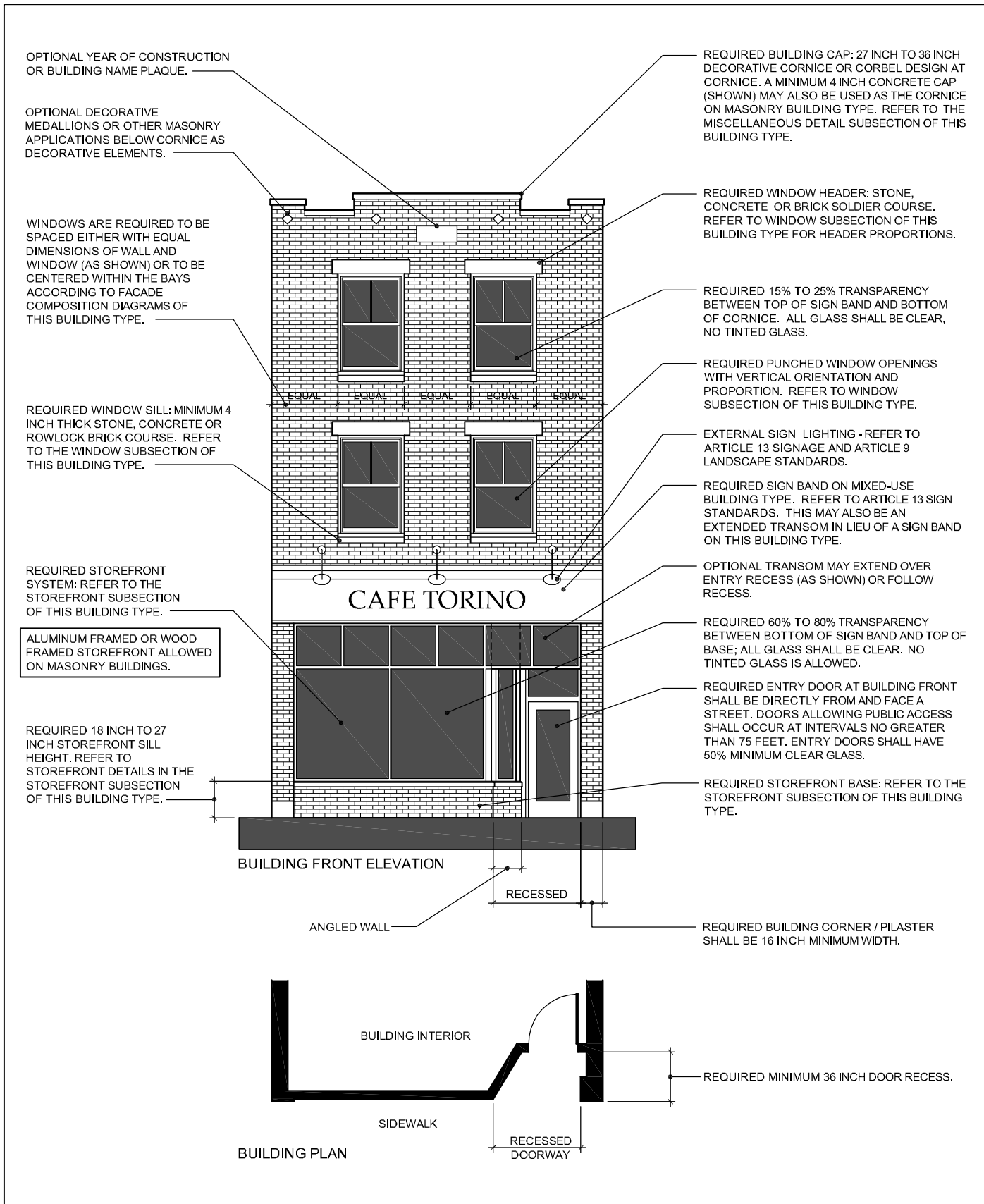
F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for either the masonry Mixed-Use Building Type or the non-masonry Mixed-Use Building Type. These diagrams illustrate required ranges for a series of elements associated with each of these Building Types. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.2 or 6.3, depending on the exterior materials.
2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.4 or 6.5, depending on the exterior materials.

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

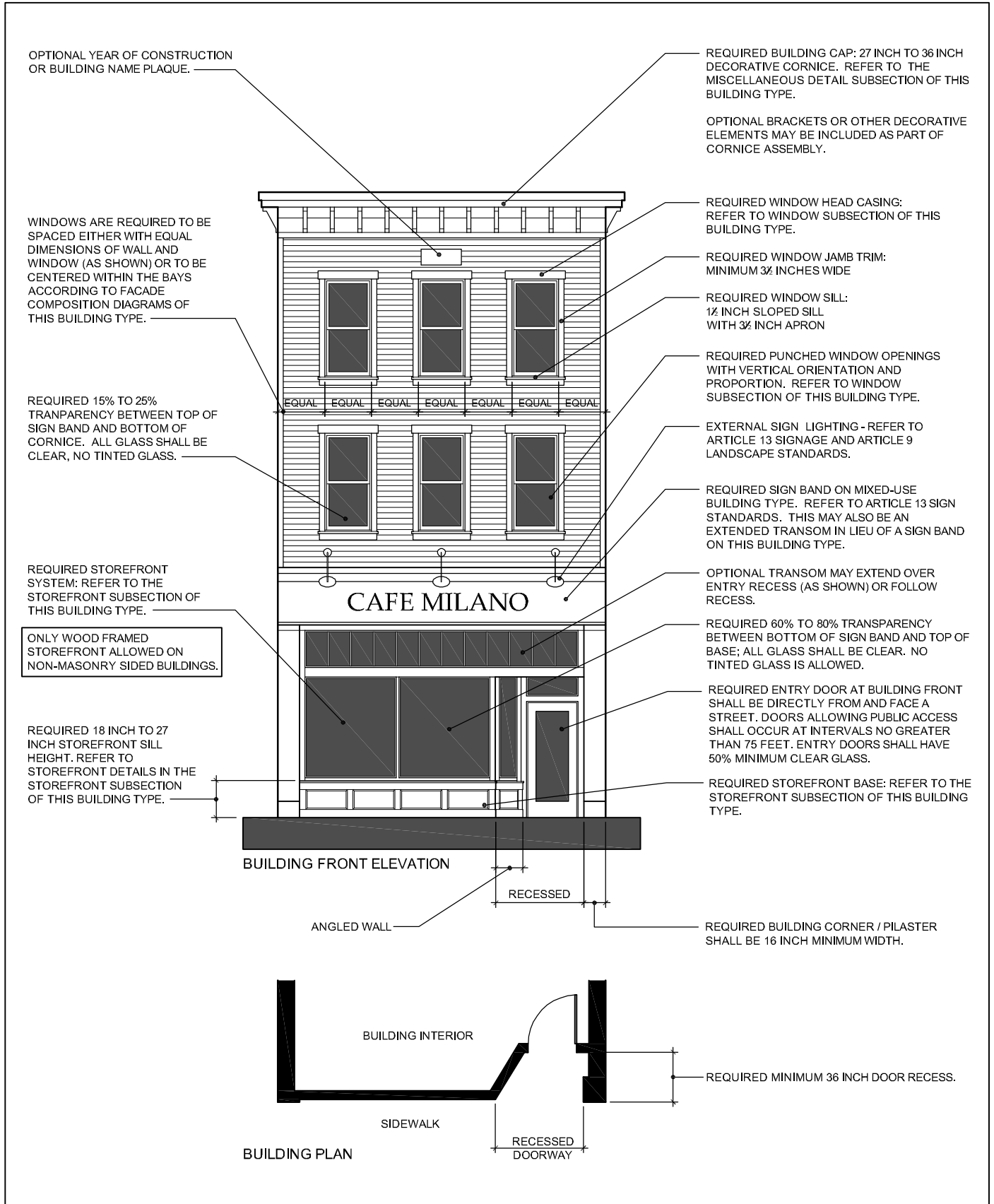
ILLUSTRATION 6.2  
MINIMUM ARCHITECTURAL STANDARDS: FRONT ELEVATION MASONRY MIXED-USE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

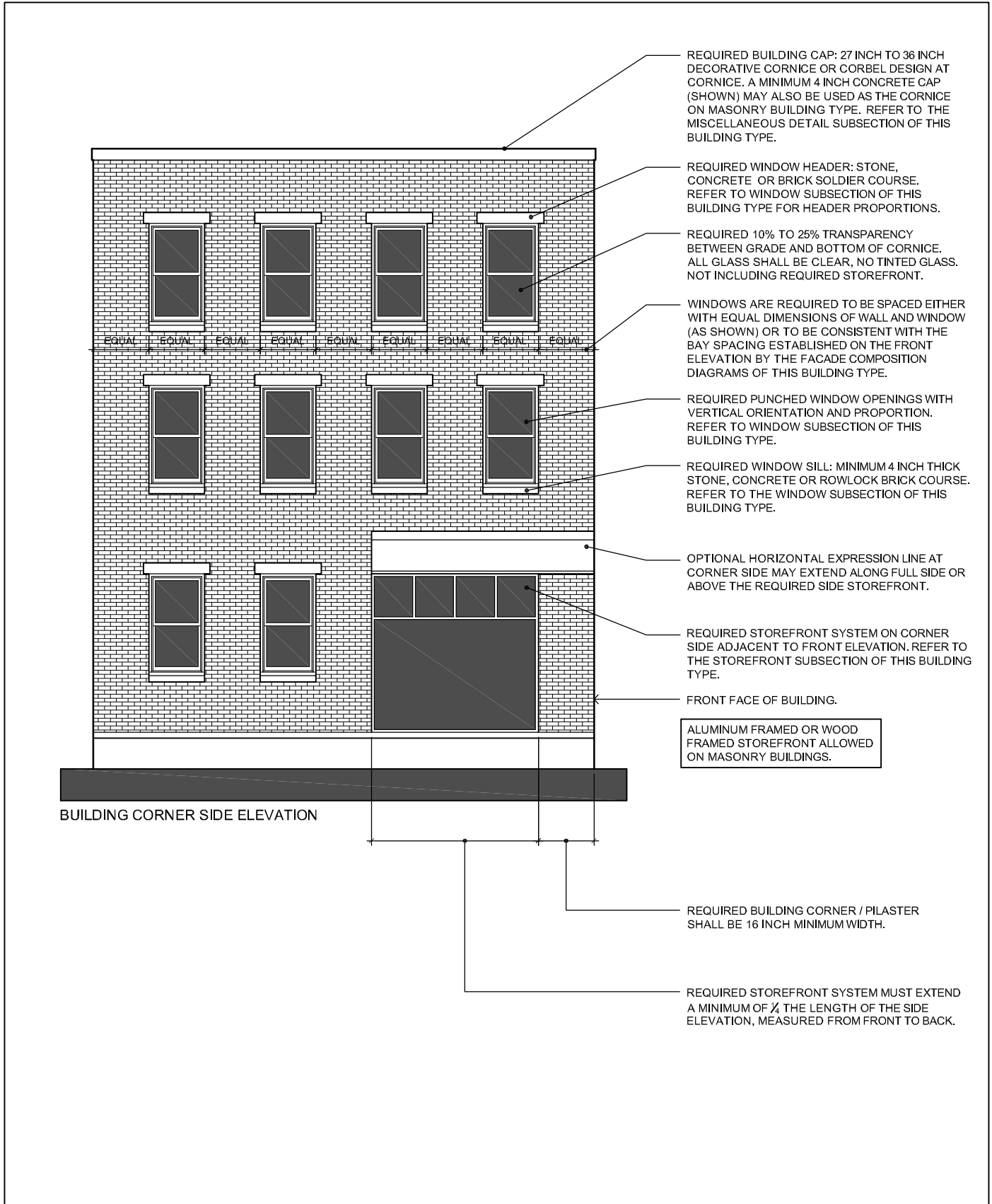
**ILLUSTRATION 6.3**  
**MINIMUM ARCHITECTURAL STANDARDS: FRONT ELEVATION NON-MASONRY MIXED-USE BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

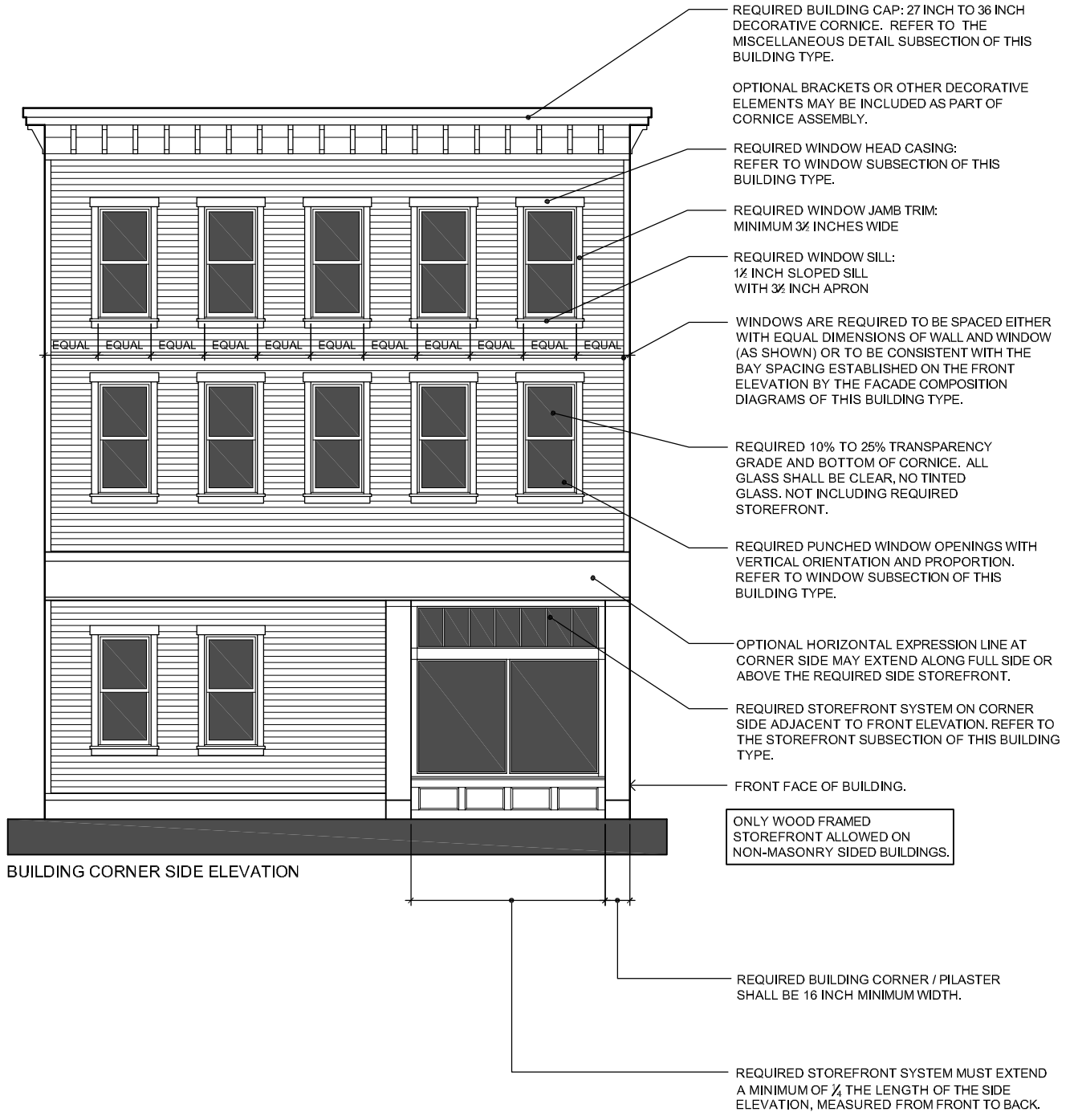
ILLUSTRATION 6.4  
 MINIMUM ARCHITECTURAL STANDARDS: SIDE ELEVATION AT CORNER MASONRY MIXED-USE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

**ILLUSTRATION 6.5**  
**MINIMUM ARCHITECTURAL STANDARDS: SIDE ELEVATION AT CORNER NON-MASONRY MIXED-USE BUILDING TYPE**



## ARTICLE 6 BUILDING TYPE STANDARDS

### MIXED USE BUILDING TYPE

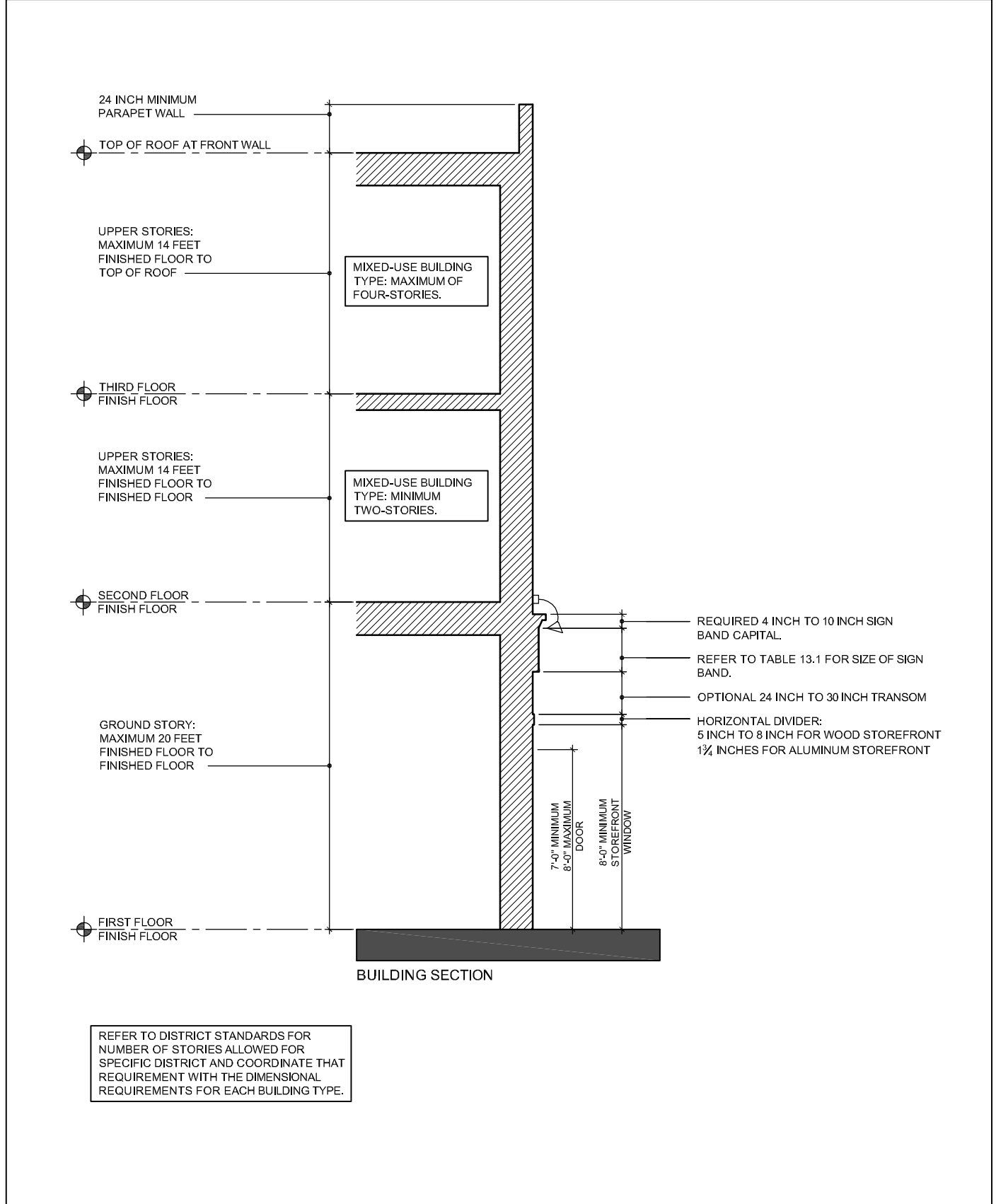
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3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
    - a. In cases where there are existing adjacent buildings, it is encouraged to utilize a shared wall or to build directly adjacent to these existing buildings in order to maintain a unified street edge.
    - b. In cases where there is an open lot, maintenance of a unified street edge should be considered during planning of the building and its side wall. This will require that building codes be consulted and wall penetrations planned accordingly.
  4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
- G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.6. Building Heights addressed as part of this Article are measured from finished floor to finished floor. Also included as part of this subsection are the vertical dimensions of the sign band components and storefront components.
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to top of roof.
  2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.6 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
  3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

ILLUSTRATION 6.6  
MINIMUM ARCHITECTURAL STANDARDS: FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS





# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE



IMAGE 6.26 MIXED USE BUILDING TYPE MASSING



IMAGE 6.27 MIXED USE BUILDING TYPE MASSING



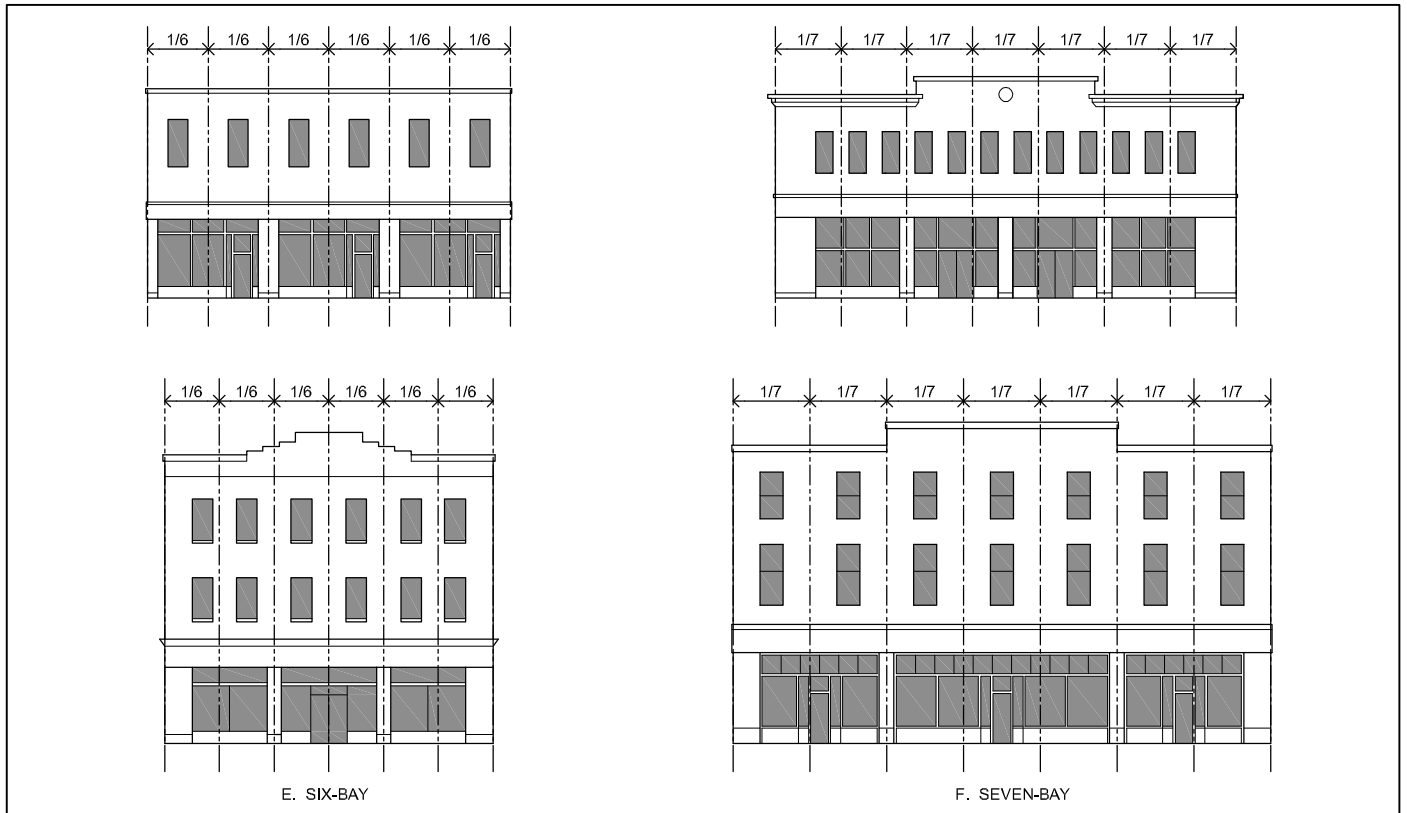
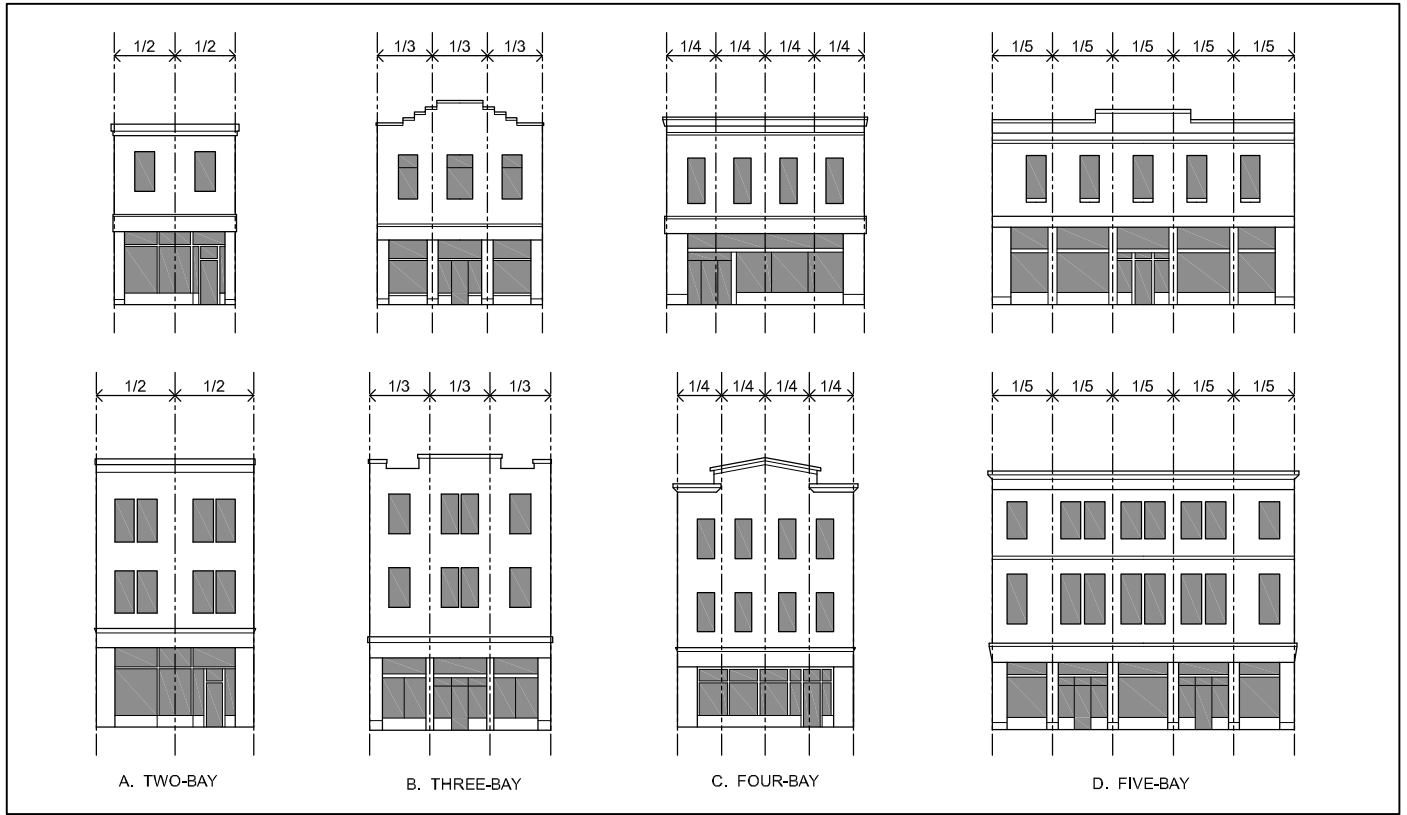
IMAGE 6.28 MIXED USE BUILDING TYPE MASSING

H. *Massing.* Refer to Images 6.26, 6.27 and 6.28. The Mixed-Use Building Type mass is composed of a rectangular box with building height, width and depth determined by number of stories, lot width, lot depth and lot coverage. A required flat roof with a twenty-four (24) inch high parapet wall per Illustration 6.6 further defines the massing of the building. The Mixed-Use Type is typically a two- or three-story building with a tall ground floor and an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is also represented in the vertically accentuated upper windows.

I. *Composition.* Refer to Illustration 6.7. Mixed-Use Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion and to properly space upper floor windows. Typically, the Mixed-Use Type will have a two- or three-bay composition with the ground floor expressed as a single storefront. These compositions are then attached to create a series of buildings, which in turn form a streetscape. While it is common for these buildings to have a two- or three-bay composition, larger buildings on larger lots may have six- or seven-bay (or more) compositions above the ground floor with varying storefront treatments. Determination of the number of bays will typically be based on the building length and how that length is divided to accentuate the vertical appearance. Bay spacing for two-bay through seven-bay compositions are diagrammed in Illustration 6.7.

# ARTICLE 6 BUILDING TYPE STANDARDS MIXED USE BUILDING TYPE

ILLUSTRATION 6.7  
FACADE COMPOSITION DIAGRAMS MIXED-USE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

ILLUSTRATION 6.8  
STOREFRONT STANDARDS: ALUMINUM STOREFRONT

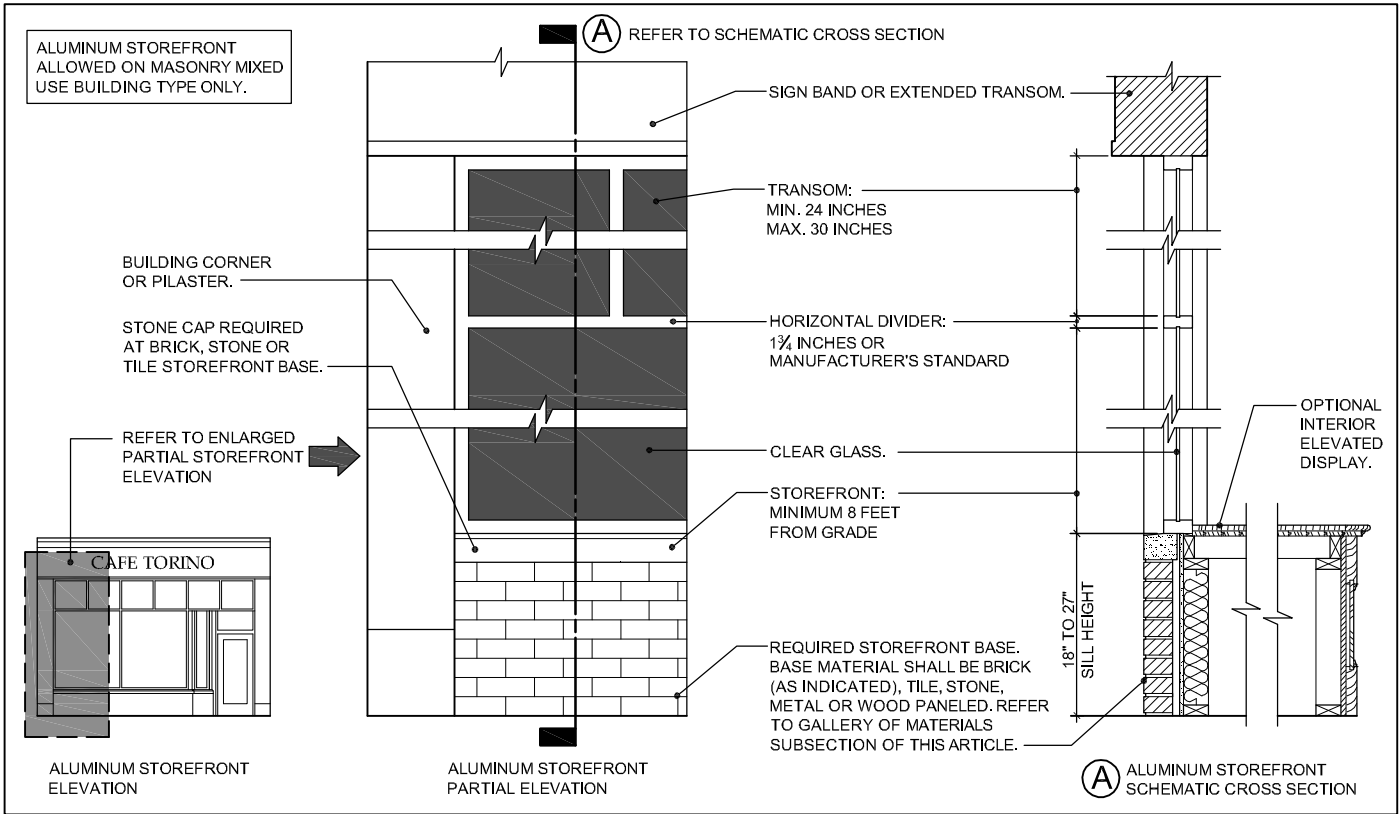
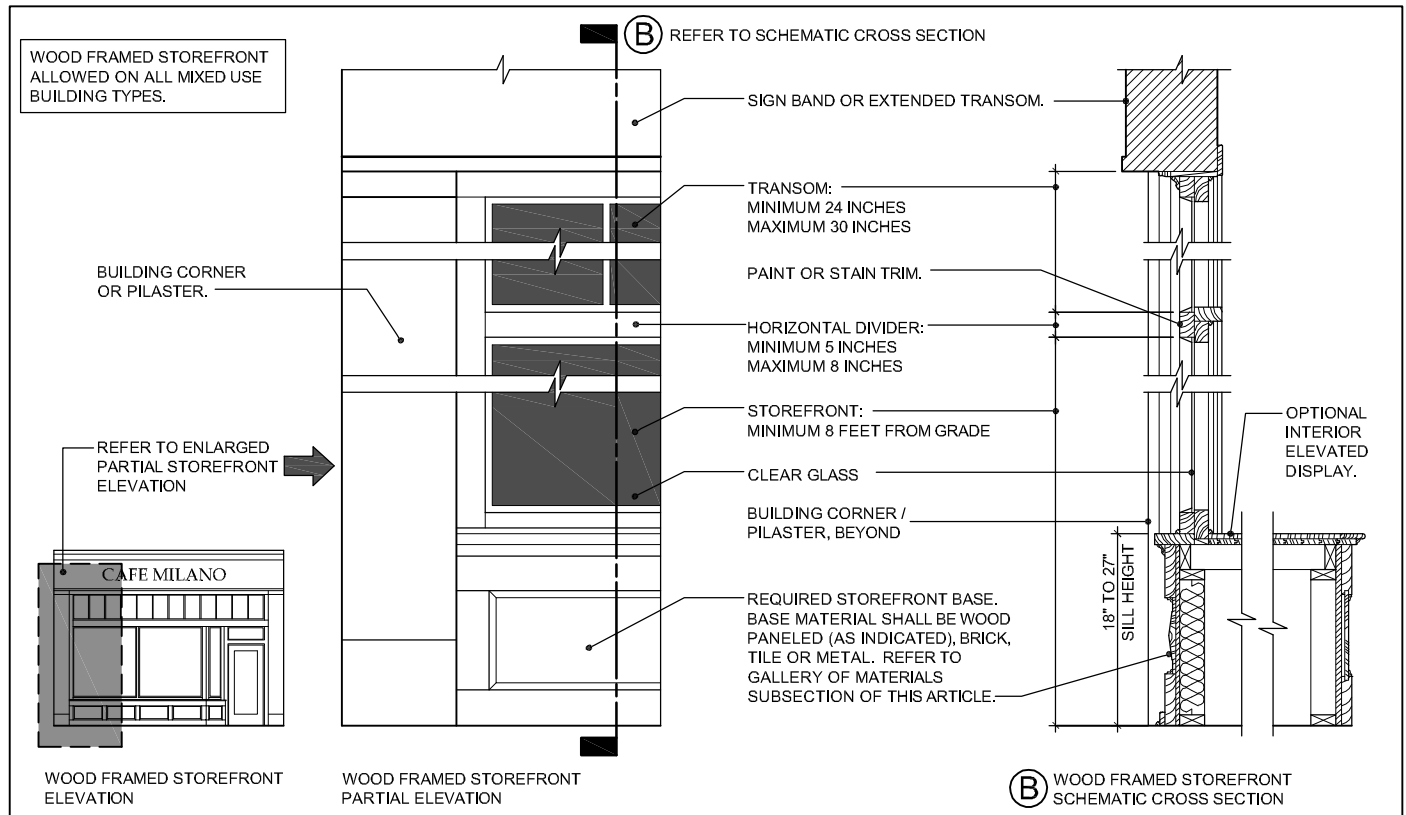


ILLUSTRATION 6.9  
STOREFRONT STANDARDS: WOOD FRAMED STOREFRONT



## ARTICLE 6 BUILDING TYPE STANDARDS

### MIXED USE BUILDING TYPE

J. *Storefronts.* Refer to Illustrations 6.8 and 6.9 and Images 6.29, 6.30 and 6.31. Storefronts at the ground level are required for the Mixed-Use Building Type. These storefronts are intended to provide an active and permeable street wall for the display of goods and services to accentuate commerce. These storefronts are typically designed using wood millwork shapes to trim large storefront windows or they can also be made of standardized aluminum framing on masonry buildings. These wood and aluminum type storefronts are diagrammed in illustrations 6.8 and 6.9. Storefronts will typically have the following attributes:

1. A recessed glass entrance door centered in between two storefront windows or off to one side.
2. A transom window above the main windows, which can either be continuous or follow the recess of the door.
3. A deep entablature / cornice expression above the window composition that serves as an area for signs. This expression serves as a cap to the storefront and also as a transition to the upper levels of the building and is sometimes referred to generally as a horizontal expression line. This horizontal line typically runs the entire length of the front façade between the storefront and the upper floors.



IMAGE 6.29 MIXED USE BUILDING TYPE STOREFRONT



IMAGE 6.30 MIXED USE BUILDING TYPE STOREFRONT



IMAGE 6.31 MIXED USE BUILDING TYPE STOREFRONT

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE

ILLUSTRATION 6.10  
WINDOW STANDARDS: MASONRY MIXED-USE BUILDING TYPE

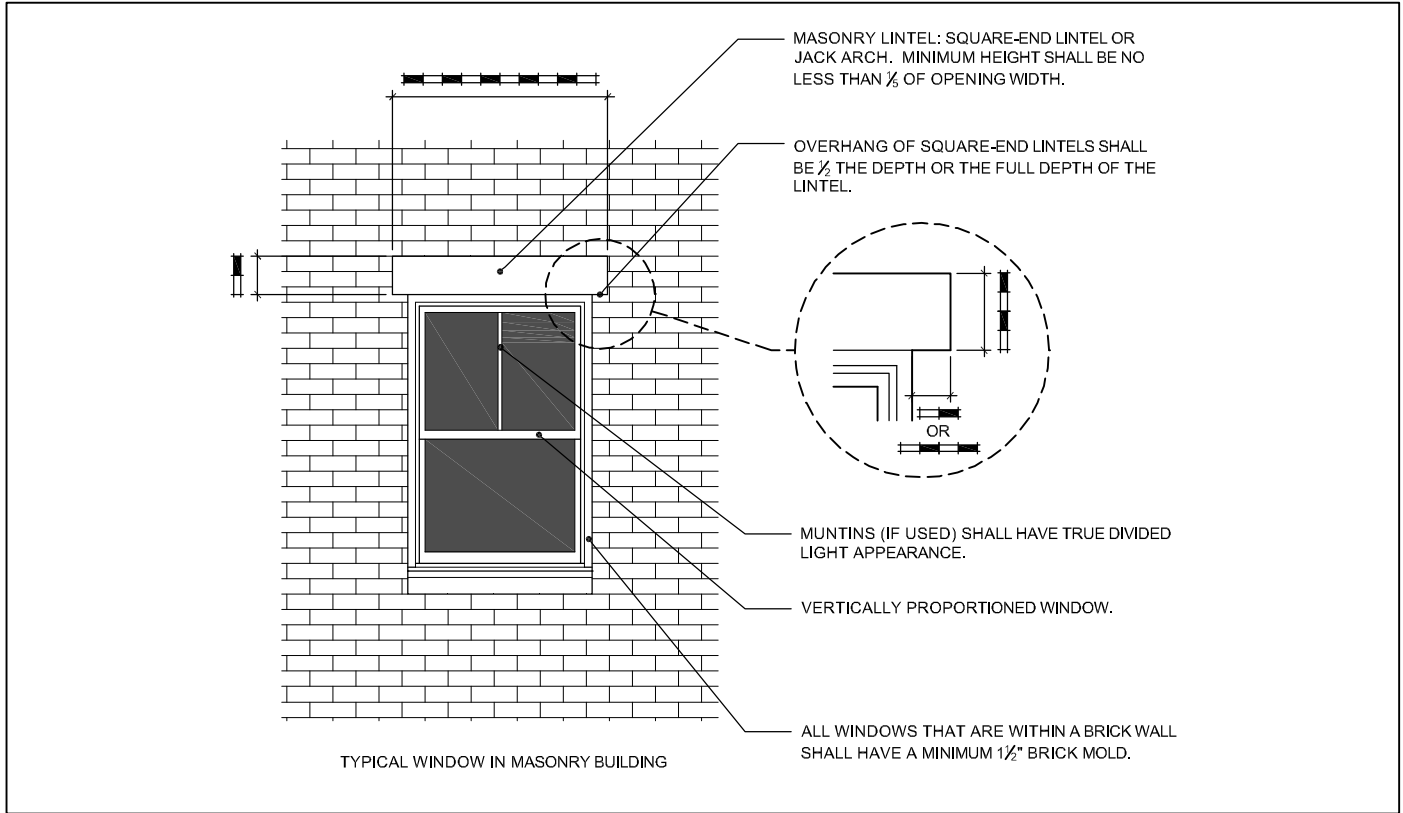
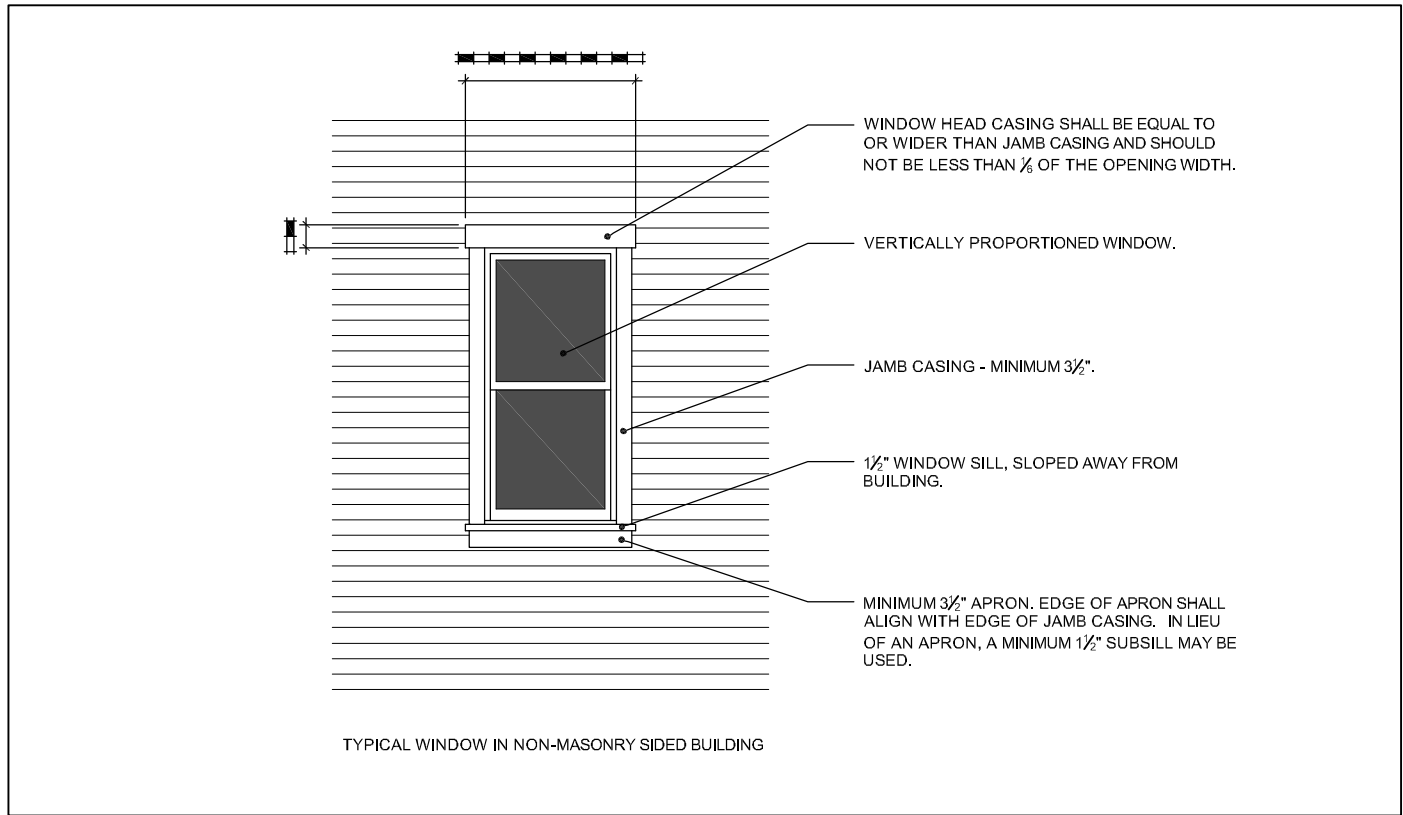


ILLUSTRATION 6.11  
WINDOW STANDARDS: NON-MASONRY MIXED-USE BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS

### MIXED USE BUILDING TYPE

K. *Windows.* Refer to Illustrations 6.10 and 6.11 and Images 6.32, 6.33 and 6.34. Windows above the ground floor and on side elevations are typically vertical in proportion with the following attributes:

1. Standard windows are double hung type operation with a two-over-one pattern or two-over-two pattern of divided lights, but other variations are acceptable; including no divided lights. Window type and divided light pattern shall be consistent throughout the entire building.
2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.
4. Jack arches, stone, and precast lintels as well as articulated window hoods and trim are common over windows set in masonry walls with appropriate proportions described in Illustrations 6.10 and 6.11.



IMAGE 6.32 MIXED USE BUILDING TYPE WINDOWS



IMAGE 6.33 MIXED USE BUILDING TYPE WINDOWS

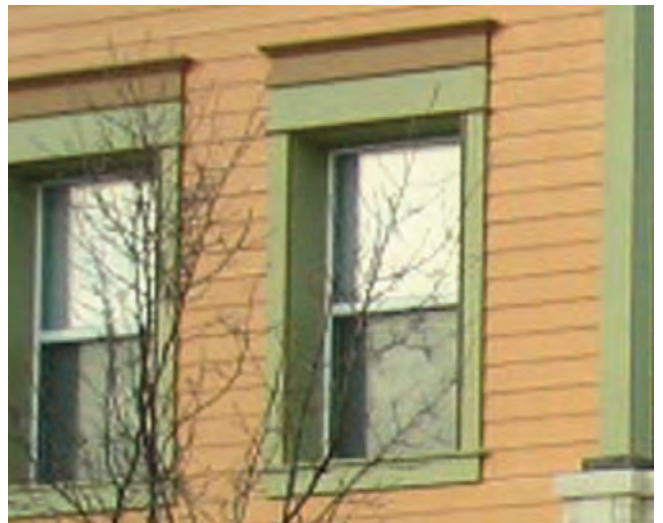


IMAGE 6.34 MIXED USE BUILDING TYPE WINDOWS

# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE



IMAGE 6.35 MIXED USE BUILDING TYPE AWNING



IMAGE 6.36 MIXED USE BUILDING TYPE AWNING

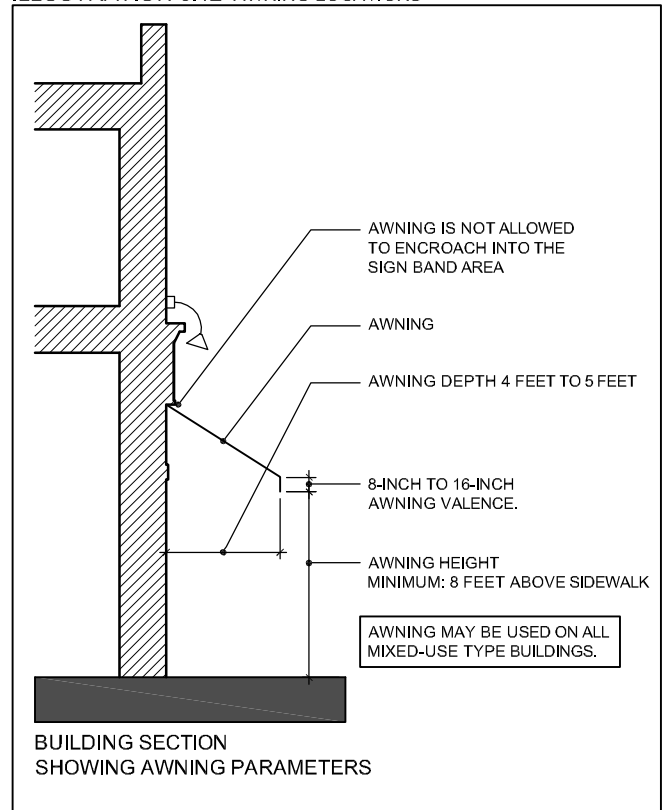


IMAGE 6.37 MIXED USE BUILDING TYPE AWNING

L. *Miscellaneous Details.* Mixed-Use Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Awning.* Refer to Images 6.35, 6.36 and 6.37. An awning over the storefront assembly is an optional design element that may be placed on the Mixed-Use Building Type. Awnings shall be made of canvas, nylon or other approved durable materials. Plastic awnings are not allowed. Refer to Article 13, Sign Standards for detailed information on awnings and their related signage. Refer to Illustration 6.12 for awning locations on this Building Type.

ILLUSTRATION 6.12 AWNING LOCATIONS



# ARTICLE 6 BUILDING TYPE STANDARDS MIXED USE BUILDING TYPE

2. *Metal Canopies.* Refer to Images 6.38, 6.39, 6.40. A metal canopy is an option for the brick Mixed-Use Building Type in lieu of using an awning. They are typically composed of simple shapes of structural steel or aluminum that is detailed as a flat horizontal plane that projects from the facade. The structural steel supports a metal deck that acts as the canopy covering. The canopy frame is supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. Refer to Article 13, Sign Standards for detailed information on metal canopies and their related signage. Refer to Illustration 6.13 for metal canopy locations on this Building Type.



IMAGE 6.38 MIXED USE BUILDING TYPE METAL CANOPY

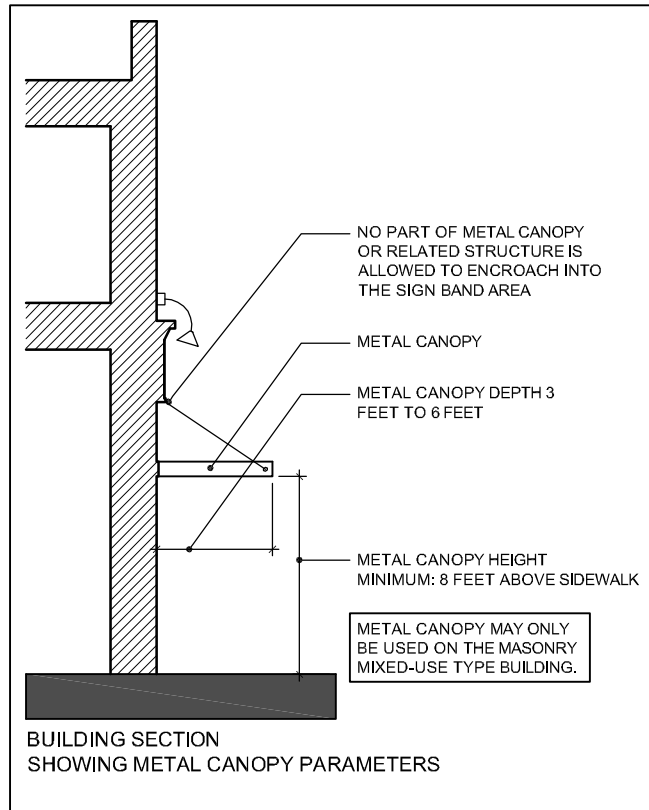


IMAGE 6.39 MIXED USE BUILDING TYPE METAL CANOPY



IMAGE 6.40 MIXED USE BUILDING TYPE METAL CANOPY

ILLUSTRATION 6.13 METAL CANOPY LOCATIONS





# ARTICLE 6 BUILDING TYPE STANDARDS

## MIXED USE BUILDING TYPE



IMAGE 6.41 MIXED USE BUILDING TYPE BALCONY



IMAGE 6.42 MIXED USE BUILDING TYPE BALCONY



IMAGE 6.43 MIXED USE BUILDING TYPE ARCADE

3. *Balconies.* Refer to Images 6.41 and 6.42. Upper-story balconies are occasionally present on the Mixed-Use Building Type. They occur when the Balcony Private Frontage Type that is associated with this Building Type is utilized as a design detail. Refer to Article 7 for Private Frontage Standards. These balconies are typically covered with the building roof and have columns which correspond to the vertical articulation of the structure below. These balconies are made of wood and have a railing that corresponds to the style of the building. Balconies are strictly an option for this Building Type and are not required.
4. *Arcade.* Refer to Image 6.43. Ground level arcades at the storefront are occasionally present on the Mixed-Use Building Type. They occur when the Arcade Private Frontage Type that is associated with this Building Type is utilized as a design detail. Refer to Article 7 for Private Frontage Standards. These arcades are typically covered with the upper floor(s) building mass and have columns which correspond to the vertical articulation of the ground level. Arcades are strictly an option for this Building Type and are not required.

## ARTICLE 6 BUILDING TYPE STANDARDS

### MIXED USE BUILDING TYPE

5. *Cornices.* Refer to Images 6.44, 6.45 and 6.46. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are required on all Mixed-Use Building Types.



IMAGE 6.44 MIXED USE BUILDING TYPE CORNICE



IMAGE 6.45 MIXED USE BUILDING TYPE CORNICE



IMAGE 6.46 MIXED USE BUILDING TYPE CORNICE

# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE



IMAGE 6.47 RETAIL BUILDING TYPE



IMAGE 6.48 RETAIL BUILDING TYPE



IMAGE 6.49 RETAIL BUILDING TYPE

### Section 6.04 Hudsonville Retail Building Type

A. *History and Character.* Refer to Images 6.47, 6.48 and 6.49. Throughout the West Michigan region, many small towns and villages have a traditional downtown. This downtown is primarily composed of multi-story mixed-use buildings, although in many cases single-story retail buildings are also part of the downtown, particularly adjacent to the commercial core. These retail buildings contain shops and offices that may line the main commercial streets along with the secondary streets. This building pattern creates a civic center for these communities by defining a distinctive public realm, while providing for much retail, office and housing flexibility. It has been observed that when this historic pattern is consistently applied to downtown environments that it operates successfully even in the most rural West Michigan communities.

This public realm is an active place for people of all ages and provides for many flexible opportunities for retail, office and housing.

Even in the most rural of communities, these traditional mixed-use buildings and the districts which they create, serve as a regional commerce center. Neighborhood services and amenities are within walking distance of the surrounding neighborhoods and these amenities also become destinations for the outlying rural areas.

Historic precedents for this Building Type tend to have a very regular pattern of large storefront openings, which very closely resemble the mixed-use building storefronts. These buildings are usually represented in either two-bay or three-bay compositions. The Retail Building Type may either be a masonry or non-masonry building and is an acceptable Building Type for use in these traditional downtowns as a new infill building or as a rehabilitation of existing one-story buildings.

## ARTICLE 6 BUILDING TYPE STANDARDS

### RETAIL BUILDING TYPE

B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.

1. One-story masonry or non-masonry (primarily lap-sided) buildings with sign band between storefront and cornice. Refer to Image 6.50.
2. Street-facing ground floors with a storefront design including large windows and recessed glass doors. Refer to Image 6.51.
3. Street-facing front facades with parapet walls at the roof and a cornice expression. Refer to Image 6.52



IMAGE 6.50 RETAIL BUILDING TYPE SIGNBAND



IMAGE 6.51 RETAIL BUILDING TYPE SIGNBAND



IMAGE 6.52 RETAIL BUILDING TYPE SIGNBAND

## ARTICLE 6 BUILDING TYPE STANDARDS

### RETAIL BUILDING TYPE



IMAGE 6.53 RETAIL BUILDING TYPE ACCESS

C. *Access Requirements.* Access to the Retail Building Type shall meet the following requirements:

1. The main entrance(s) to ground floor commercial space(s) shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.53.

2. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.

Exception: A variance may be granted in instances where use or building function may necessitate a single door for public access. In instances where a single door for public access is allowed, the building façade is still required to meet the bay composition requirements that are addressed as part of the façade composition in Section 604. I and Illustration 6.20

D. *Gallery of Possibilities.* These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building. The Retail Building Type can fall into one of the following:

1. *Masonry Retail Building Type.* Refer to Images 6.54 through 6.59. Masonry (usually in the form of brick) is the most prevalent of all siding materials for this building type in small Mid-western towns and cities. Masonry Retail Building Types typically have a masonry veneer on all sides of the building, although in some cases, the rear of the building can be other approved materials. Many other details depend on what type of siding is chosen for the building, including window, storefront and canopy / awning details.

ARTICLE 6 BUILDING TYPE STANDARDS  
RETAIL BUILDING TYPE



IMAGE 6.54 RETAIL BUILDING TYPE (MASONRY)



IMAGE 6.57 RETAIL BUILDING TYPE (MASONRY)



IMAGE 6.55 RETAIL BUILDING TYPE (MASONRY)



IMAGE 6.58 RETAIL BUILDING TYPE (MASONRY)



IMAGE 6.56 RETAIL BUILDING TYPE (MASONRY)



IMAGE 6.59 RETAIL BUILDING TYPE (MASONRY)

# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE



IMAGE 6.60 RETAIL BUILDING TYPE (NON-MASONRY)



IMAGE 6.61 RETAIL BUILDING TYPE (NON-MASONRY)



IMAGE 6.62 RETAIL BUILDING TYPE (NON-MASONRY)

2. *Non-masonry Retail Building Type.* Refer to Images 6.60 through 6.62. This category of siding allows for many types of materials other than masonry, including wood or cement board lap-siding or panelized sheathing in the form of metal panels. Historically, wood siding has been the prevalent type. Many other details depend on what type of siding is chosen for the building, including window, storefront and canopy / awning details.

E. *Site Disposition.* Refer to Illustration 6.14 and Table 6.2. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, a Build-To-Line has been employed in lieu of a building setback, resulting in a requirement that there be no building setback along any street frontage. Retail Type Buildings shall meet the following requirements:

1. *Street Frontage.*
  - a. On primary streets, a minimum of 95% of the length of the front build-to-line shall be occupied by building.
  - b. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) shall be occupied by building. The corner may be open per Illustration 6.12 and by Special Use Permit.
  - c. Front building facades shall be constructed to the build-to-line. Refer to Illustration 6.14.
  - d. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed to a build-to-line per Illustration 6.14.
  - e. Eaves and upper floor bay windows, balconies and awnings/canopies are permitted to extend over the front and side (at street frontages) property line to within 5' of the curb, maintaining a minimum of 8'-0" height clearance along the public sidewalk.
  - f. Areas located between the building and the front or corner side property lines, shall be paved to match adjacent sidewalk for pedestrians.
  - g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.2 for lot sizes and lot coverage for this Building Type
2. *Setbacks and Build-to-Lines.*
  - a. Front: Required zero (0) foot build-to-line.
  - b. Rear: Minimum ten (10) foot setback.
  - c. Interior Side: Minimum zero (0) foot setback
  - d. Corner side: required zero (0) foot corner side build-to-line.

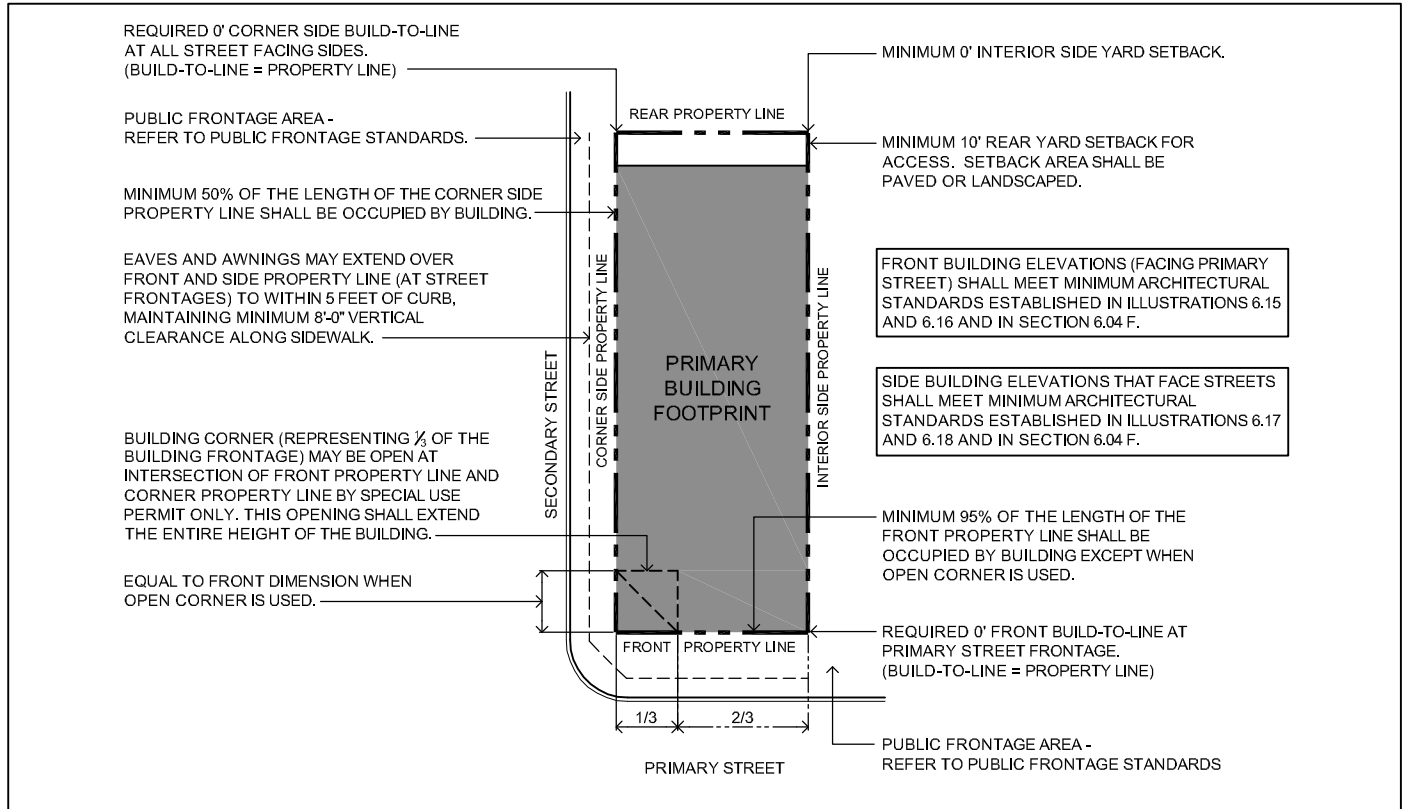
# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

**TABLE 6.2 LOT SIZES and LOT COVERAGE PER DISTRICT**  
Retail Building Type

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	20 feet	150 feet	20 feet	150 feet	20 feet	200 feet
LOT AREA	2,000 sq. ft.	20,000 sq. ft.	2,000 sq. ft.	20,000 sq. ft.	2,000 sq. ft.	no maximum
BUILDING LOT COVERAGE	no minimum	80%	no minimum	80%	no minimum	80%

**ILLUSTRATION 6.14**  
SITE DISPOSITION RETAIL BUILDING TYPE





## ARTICLE 6 BUILDING TYPE STANDARDS

### RETAIL BUILDING TYPE

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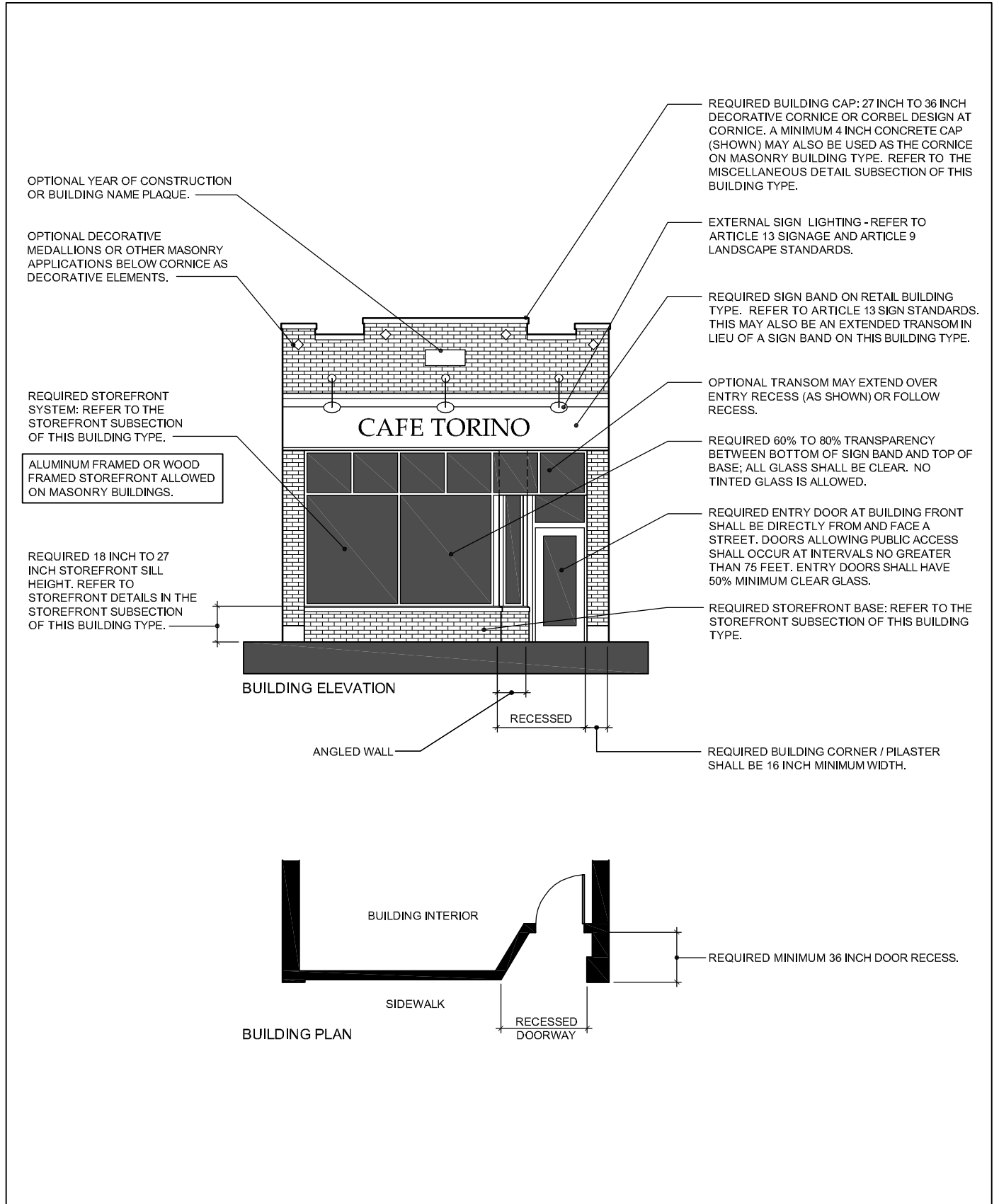
F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for either the masonry Retail Building Type or the non-masonry Retail Building Type. These diagrams illustrate required ranges for a series of elements associated with each of these Building Types. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.15 or 6.16, depending on the exterior materials.

# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

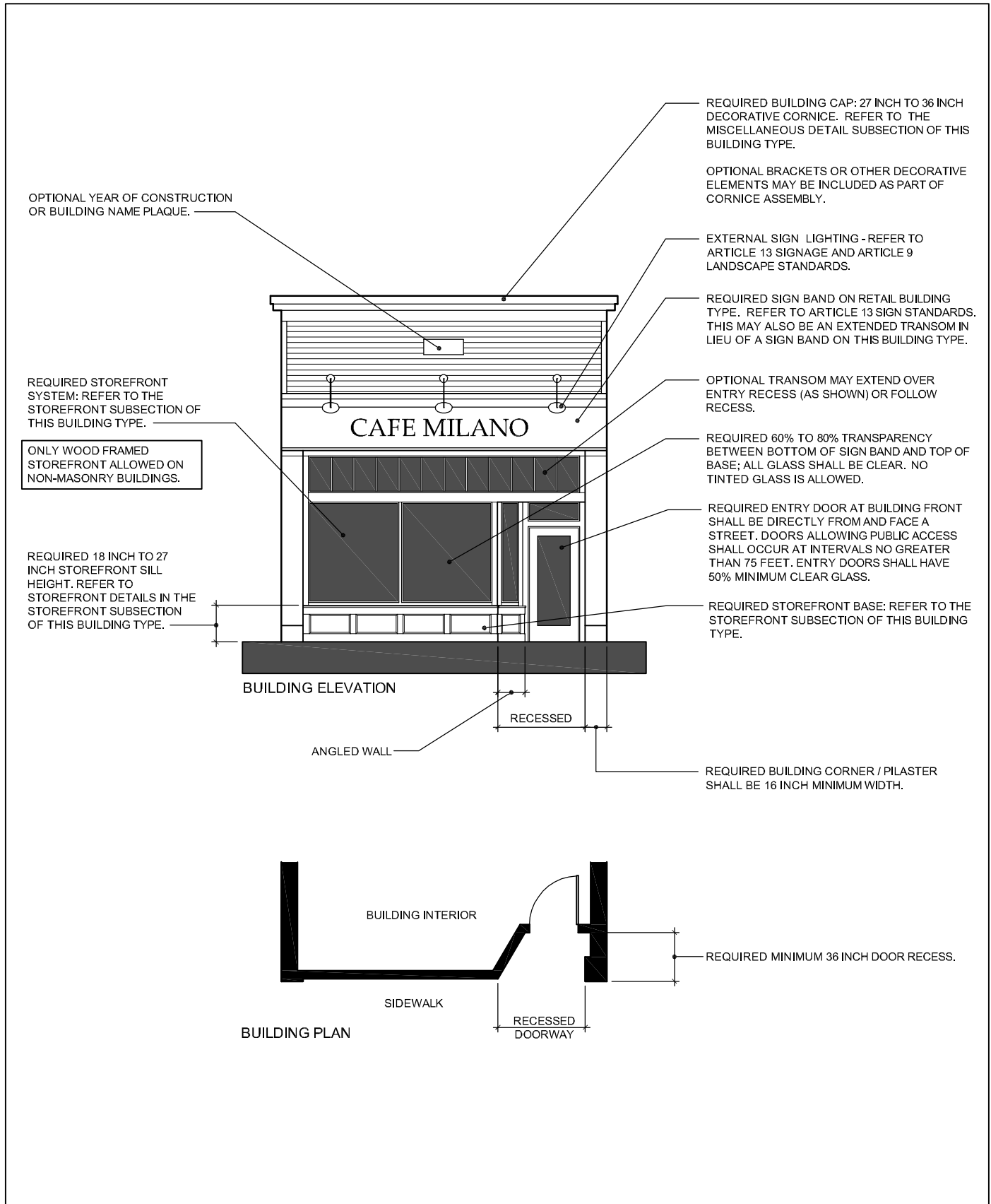
**ILLUSTRATION 6.15**  
**MINIMUM ARCHITECTURAL STANDARDS: MASONRY RETAIL BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

ILLUSTRATION 6.16  
 MINIMUM ARCHITECTURAL STANDARDS: NON-MASONRY RETAIL BUILDING TYPE

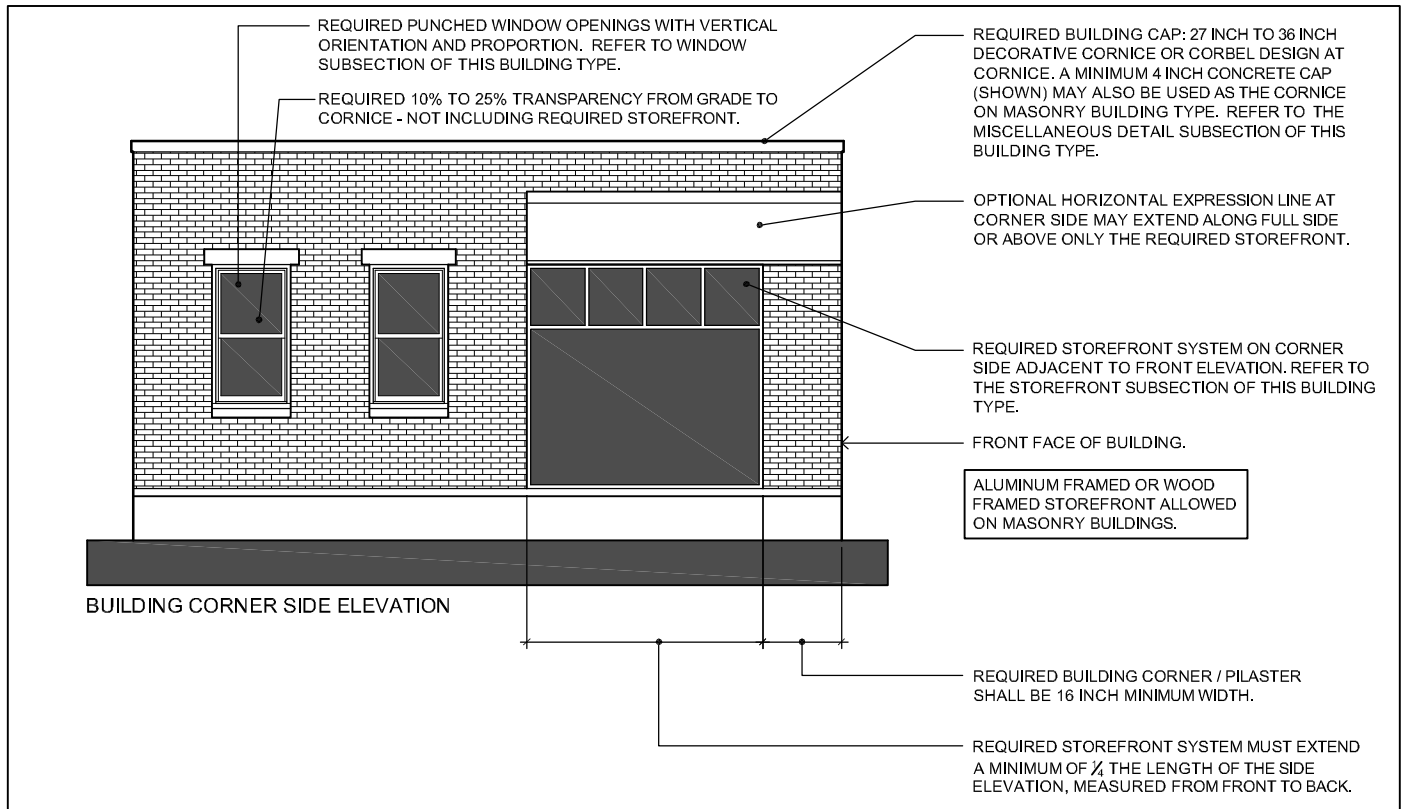


# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.17 or 6.18, depending on the exterior materials.

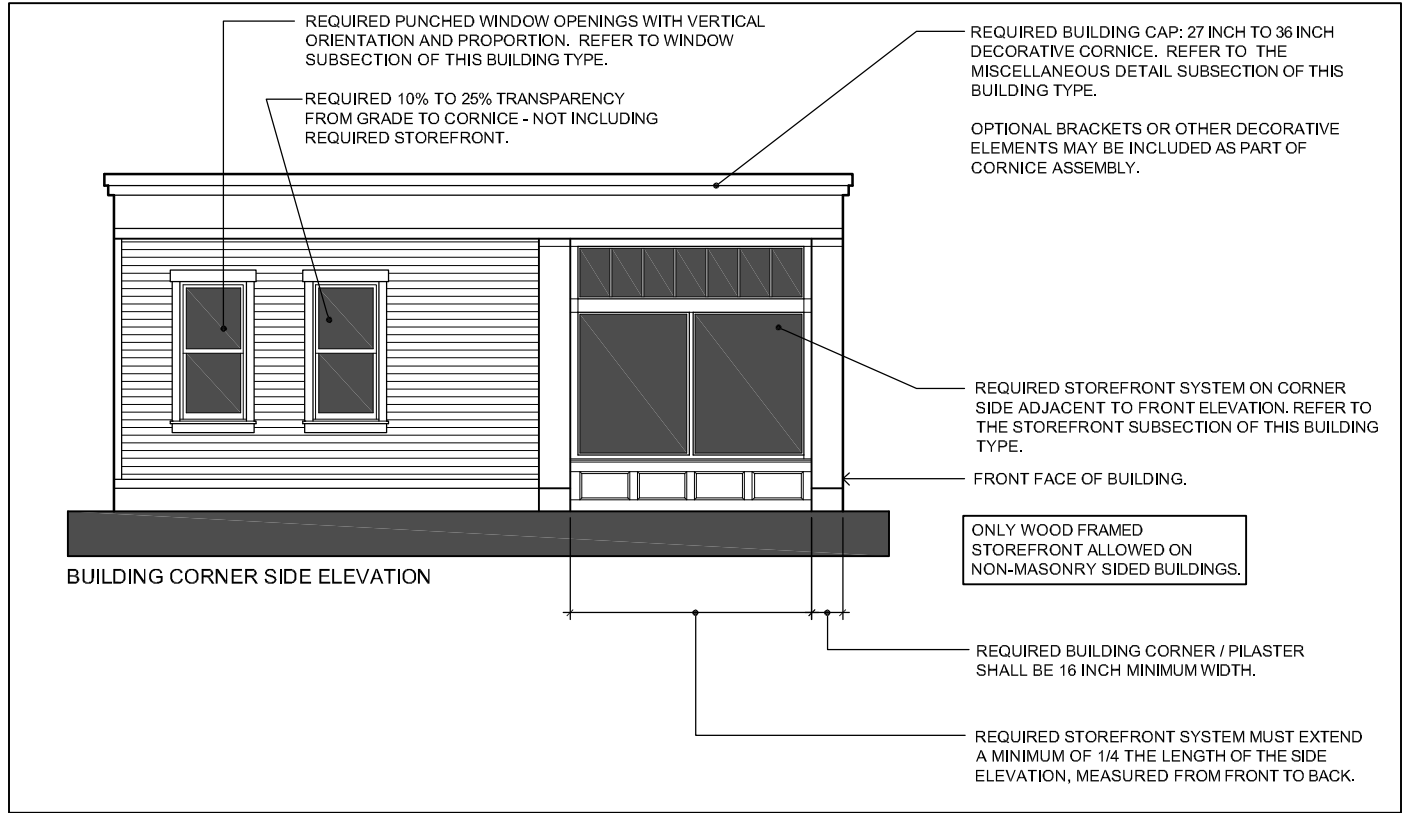
**ILLUSTRATION 6.17 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER MASONRY RETAIL BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

ILLUSTRATION 6.18  
MINIMUM ARCHITECTURAL STANDARDS: SIDE ELEVATION AT CORNER NON-MASONRY RETAIL BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

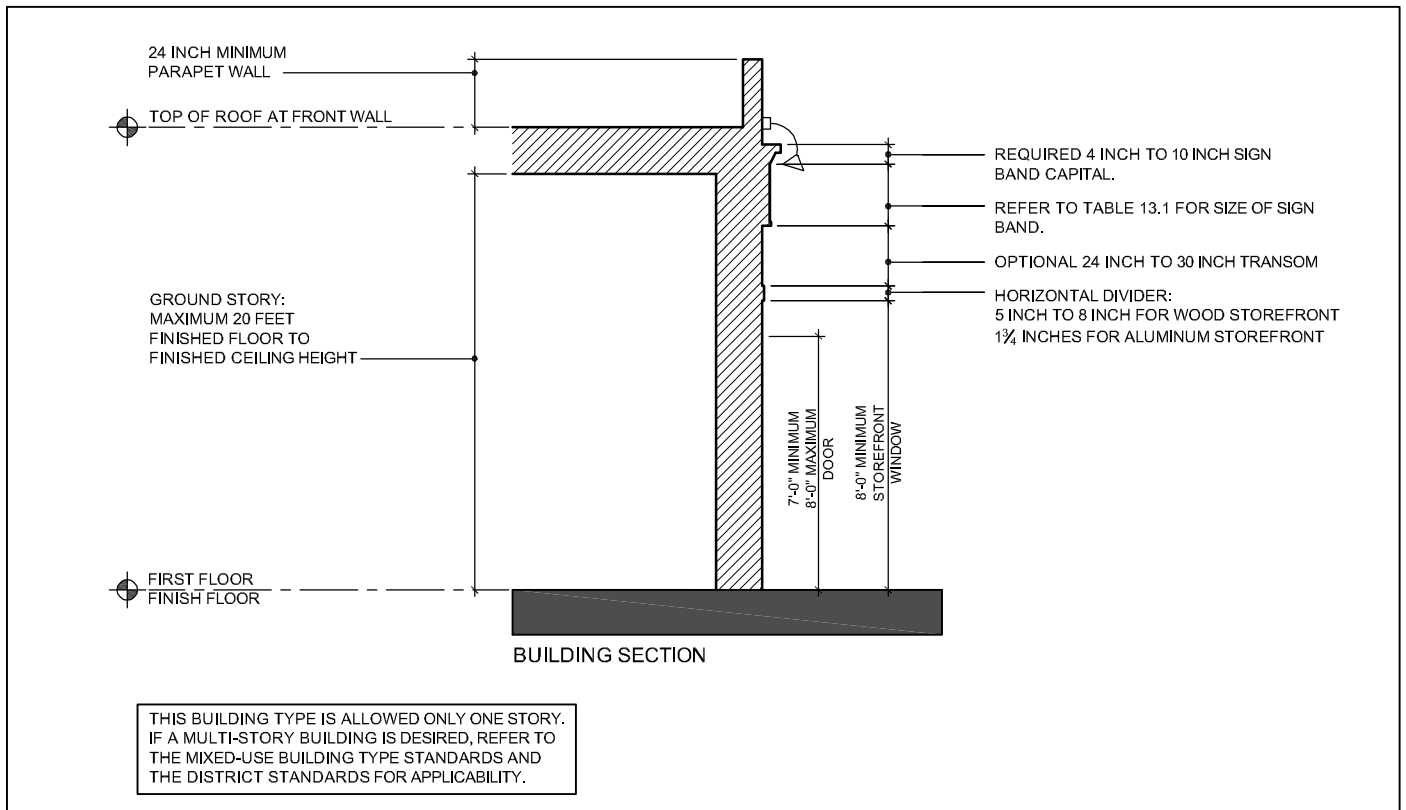
- a. In cases where there are existing adjacent buildings, it is encouraged to utilize a shared wall or to build directly adjacent to these existing buildings in order to maintain a unified street edge.
- b. In cases where there is an open lot, maintenance of a unified street edge should be considered during planning of the building and its side wall. This will require that building codes be consulted and wall penetrations planned accordingly.

4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.19. Building Heights addressed as part of this Article are measured from finished floor to top of roof. This Building Type is a one-story building only and therefore heights are concerned with only first floor to top of roof. Also included as part of this subsection are the vertical dimensions of the sign band components and storefront components.

1. Numerical height shall be measured from finished first floor to top of roof.
2. Number of stories allowed within specific Districts are indicated Article 5.

ILLUSTRATION 6.19 MINIMUM ARCHITECTURAL STANDARDS: FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE



IMAGE 6.63 RETAIL BUILDING TYPE MASSING



IMAGE 6.64 RETAIL BUILDING TYPE MASSING



IMAGE 6.65 RETAIL BUILDING TYPE MASSING

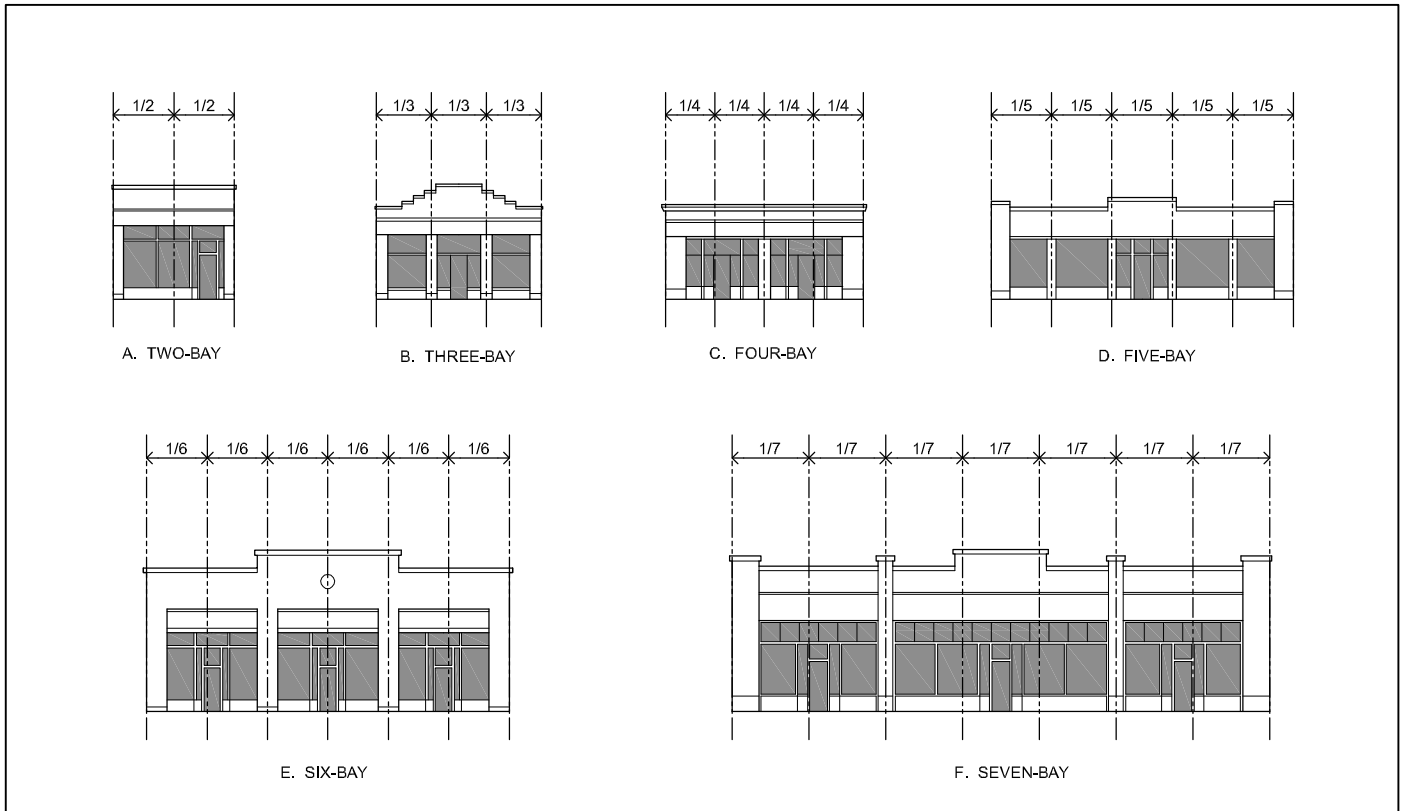
H. *Massing.* Refer to Images 6.63, 6.64 and 6.65. The Retail Building Type mass is composed of a rectangular box with the building width and depth determined by lot width, lot depth, and lot coverage. A required flat roof with a twenty-four (24) inch high parapet wall per Illustration 6.19 further defines the height of the building. The Retail Building Type is a one-story building with a tall ground floor and an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is accentuated with these vertical elements placed to break-up the horizontal storefronts, particularly on multi-bay compositions.

# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

I. *Composition.* Refer to Illustration 6.20. Retail Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion. Typically, the Retail Type will have a two- or three-bay composition with the ground floor expressed as a single storefront. These compositions are then attached to create a series of buildings, which in turn form a streetscape. While it is common for these buildings to have a two- or three-bay composition, larger buildings on larger lots may have six- or seven-bay (or more) compositions above the ground floor with varying storefront treatments. Determination of the number of bays will typically be based on the building length and how that length is divided to accentuate the vertical appearance. Bay spacing for two-bay through seven-bay compositions are diagrammed in Illustration 6.20.

ILLUSTRATION 6.20  
FACADE COMPOSITION DIAGRAMS RETAIL BUILDING TYPE





# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE



IMAGE 6.66 RETAIL BUILDING TYPE STOREFRONT



IMAGE 6.67 RETAIL BUILDING TYPE STOREFRONT



IMAGE 6.68 RETAIL BUILDING TYPE STOREFRONT

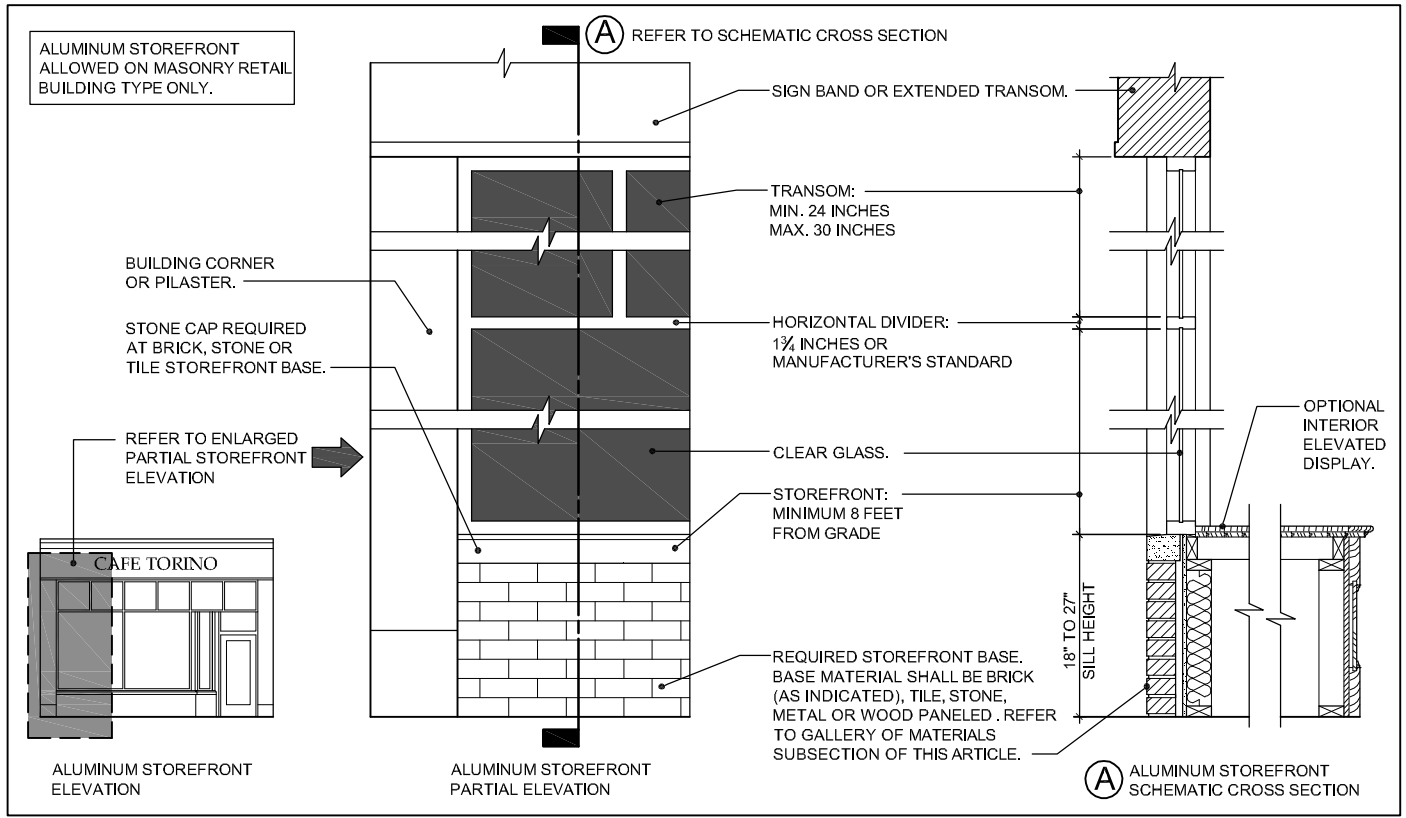
J. *Storefronts.* Refer to Illustrations 6.21 and 6.22 and Images 6.66, 6.67 and 6.68. Storefronts at the ground level are required for the Retail Building Type. These storefronts are intended to provide an active and permeable street wall for the display of goods and services to accentuate commerce. These storefronts are typically designed using wood millwork shapes to trim large storefront windows or they can also be made of standardized aluminum framing on masonry buildings. These wood and aluminum type storefronts are diagramed in Illustrations 6.21 and 6.22. Storefronts will typically have the following attributes:

1. A recessed glass entrance door centered in between two storefront windows or off to one side.
2. A transom window above the main windows, which can either be continuous or follow the recess of the door.
3. A deep entablature / cornice expression above the window composition that serves as an area for signs. This expression serves as a cap to the storefront and also as a transition to the upper levels of the building and is sometimes referred to generally as a horizontal expression line. This horizontal line typically runs the entire length of the front façade between the storefront and the upper floors. In some cases on this Building Type, the horizontal expression line is implied as simply the space between the storefront and the cornice. In this case, this expression is made of the same materials as the building.

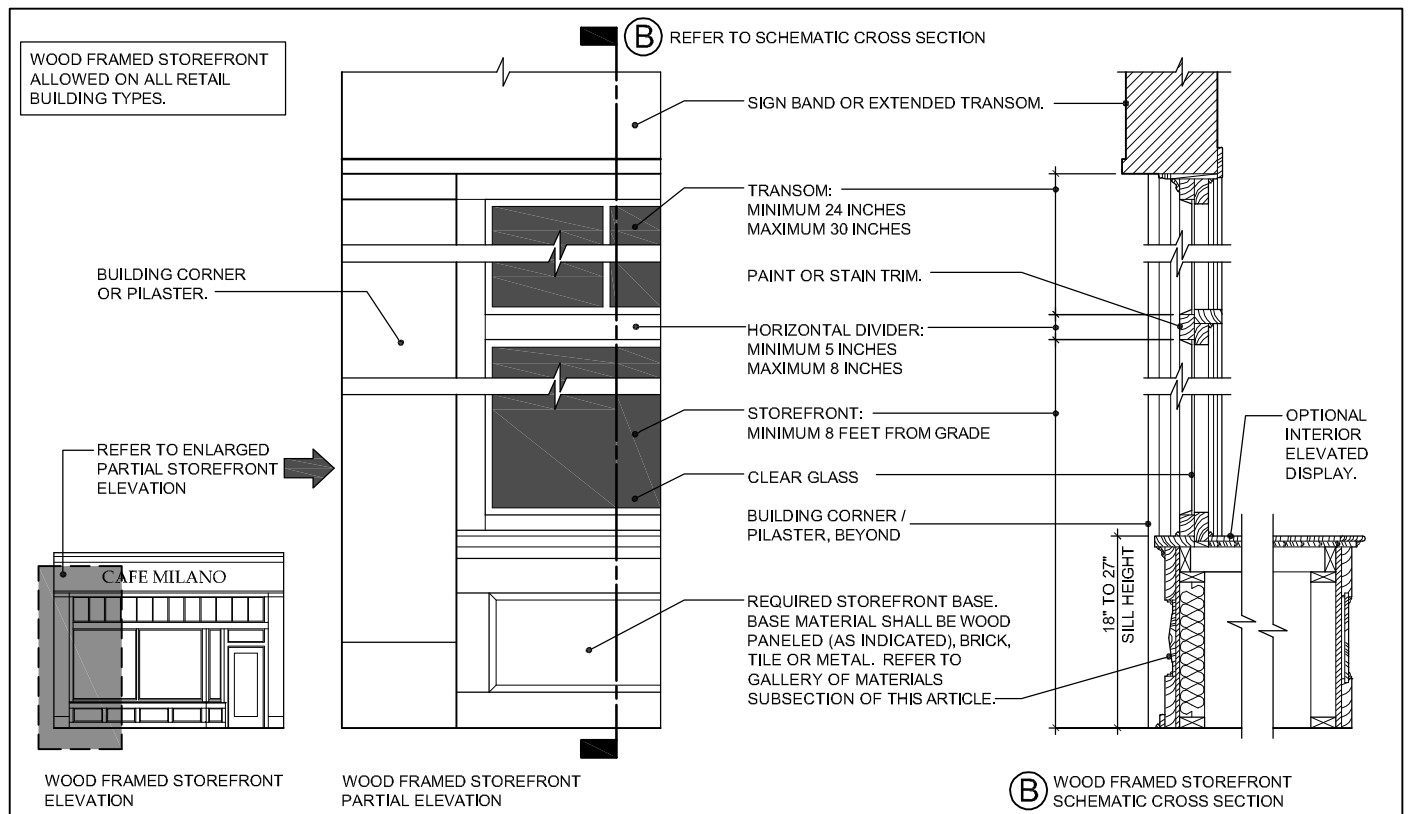
# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

**ILLUSTRATION 6.21**  
STOREFRONT STANDARDS: ALUMINUM STOREFRONT



**ILLUSTRATION 6.22**  
STOREFRONT STANDARDS: WOOD FRAMED STOREFRONT



## ARTICLE 6 BUILDING TYPE STANDARDS

### RETAIL BUILDING TYPE

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IMAGE 6.69 RETAIL BUILDING TYPE WINDOWS

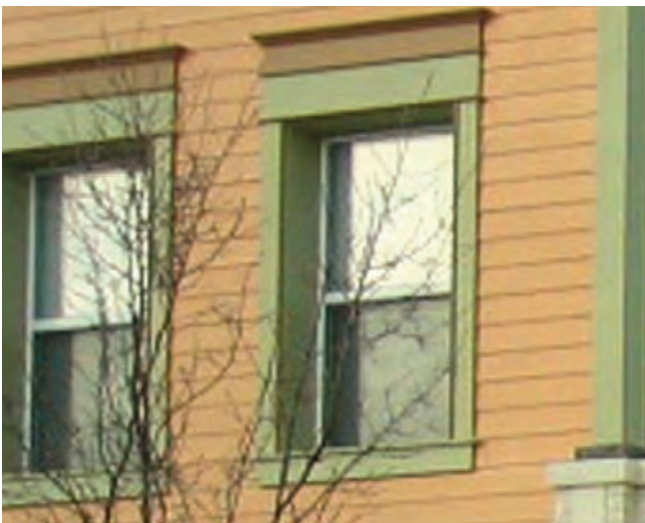


IMAGE 6.70 RETAIL BUILDING TYPE WINDOWS



IMAGE 6.71 RETAIL BUILDING TYPE WINDOWS

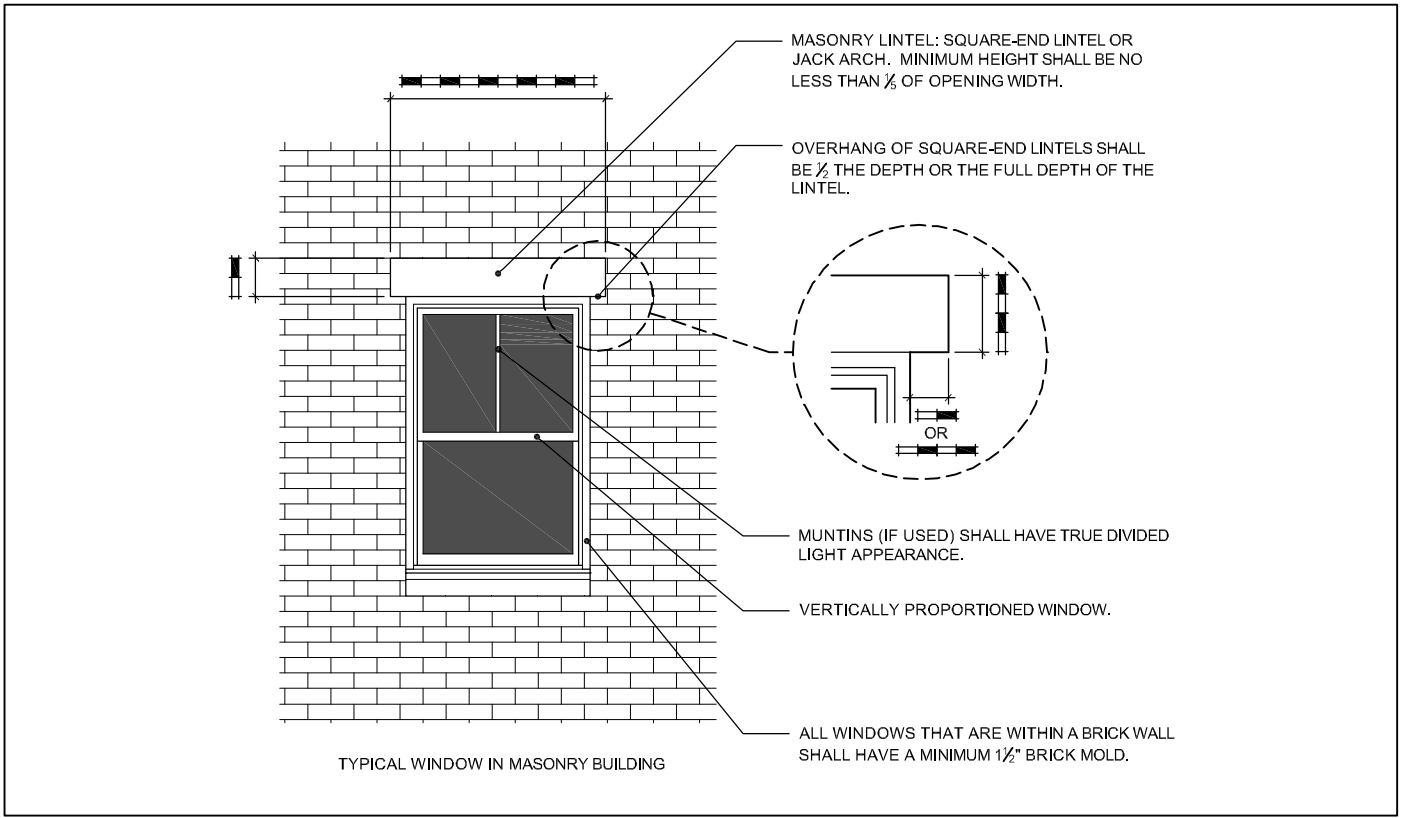
K. *Windows.* Refer to Illustrations 6.23 and 6.24 and Images 6.69, 6.70 and 6.71. Windows on the side elevations are typically vertical in proportion with the following attributes:

1. Standard windows are double hung type operation with a two-over-one pattern or two-over-two pattern of divided lights, but other variations are acceptable; including no divided lights. Window type and divided light pattern shall be consistent throughout the entire building.
2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.
4. Jack arches, stone, and precast lintels as well as articulated window hoods and trim are common over windows set in masonry walls with appropriate proportions described in Illustrations 6.23 and 6.34.

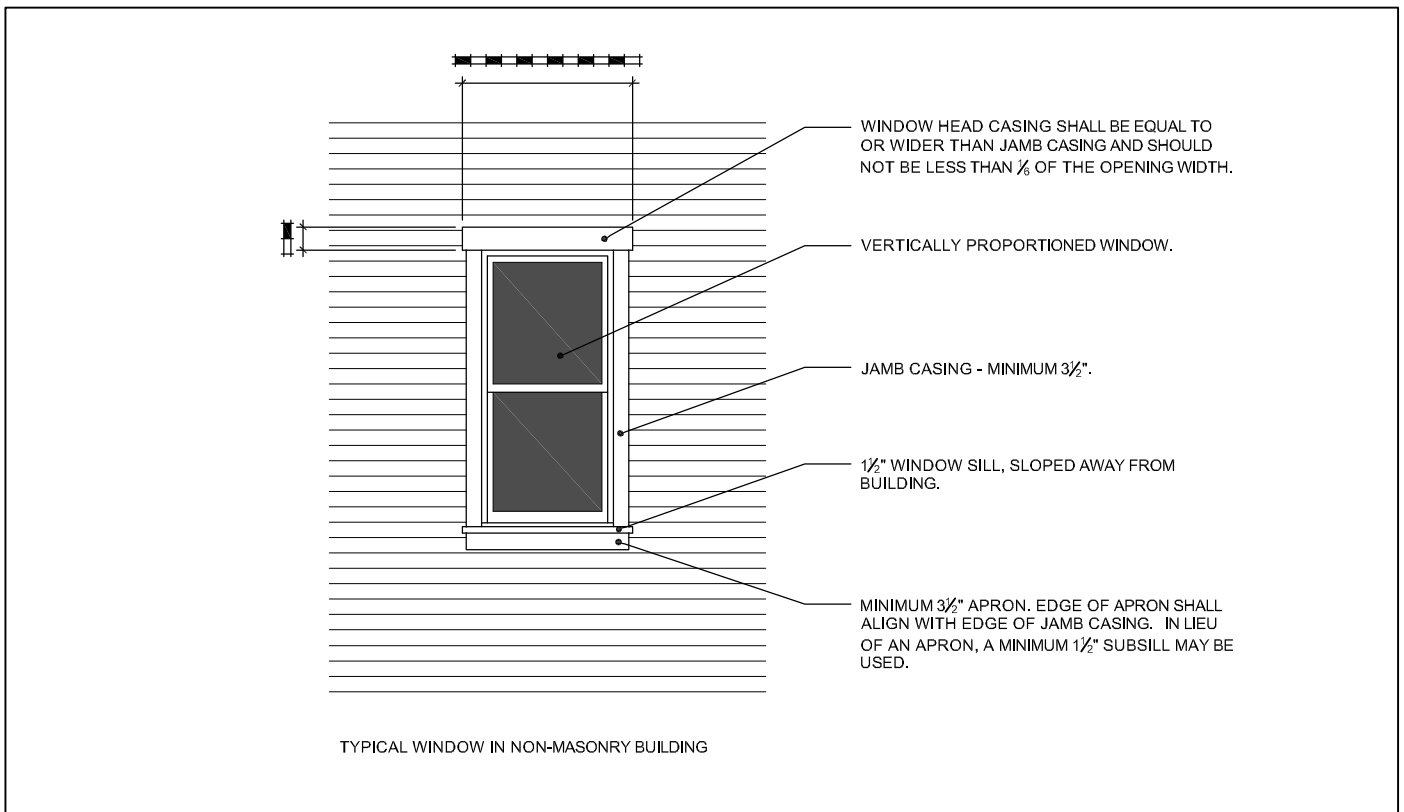
# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

**ILLUSTRATION 6.23**  
WINDOW STANDARDS: MASONRY RETAIL BUILDING TYPE



**ILLUSTRATION 6.24**  
WINDOW STANDARDS: NON-MASONRY RETAIL BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE



IMAGE 6.72 RETAIL BUILDING TYPE AWNING



IMAGE 6.73 RETAIL BUILDING TYPE AWNING

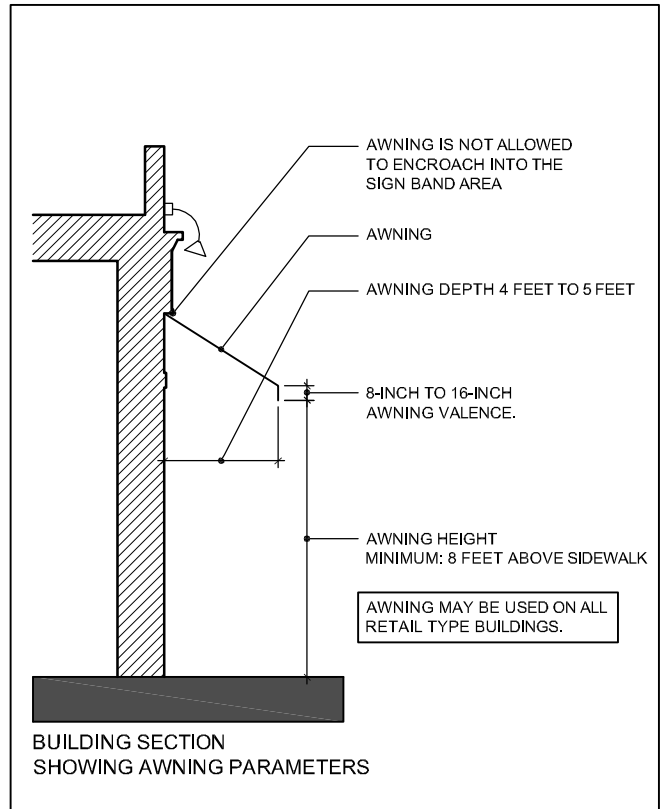


IMAGE 6.74 RETAIL BUILDING TYPE AWNING  
(SHOWN ON MIXED-USE BUILDING)

L. *Miscellaneous Details.* Retail Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Awning.* Refer to Images 6.72, 6.73 and 6.74. An awning over the storefront assembly is an optional design element that may be placed on the Retail Building Type. Awnings shall be made of canvas, nylon or other approved durable materials. Plastic awnings are not allowed. Refer to Article 13, Sign Standards for detailed information on awnings and their related signage. Refer to Illustration 6.25 for awning locations on this Building Type.

ILLUSTRATION 6.25 AWNING LOCATIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

2. *Metal Canopies.* Refer to Images 6.75, 6.76, 6.77. A metal canopy is an option for the brick Retail Building Type in lieu of using an awning. They are typically composed of simple shapes of structural steel or aluminum that is detailed as a flat horizontal plane that projects from the facade. The structural steel supports a metal deck that acts as the canopy covering. The canopy frame is supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. Refer to Article 13, Sign Standards for detailed information on metal canopies and their related signage. Refer to Illustration 6.26 for metal canopy locations on this Building Type.



IMAGE 6.75 RETAIL BUILDING TYPE CANOPY

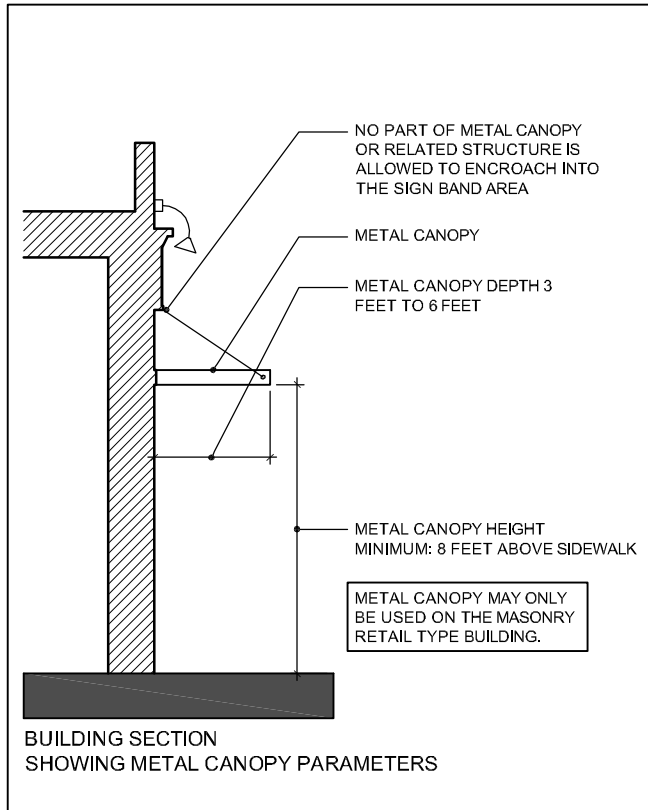


IMAGE 6.76 RETAIL BUILDING TYPE CANOPY



IMAGE 6.77 RETAIL BUILDING TYPE CANOPY

ILLUSTRATION 6.26 METAL CANOPY LOCATIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## RETAIL BUILDING TYPE

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3. *Cornices.* Refer to Images 6.78, 6.79 and 6.80. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are required on all Retail Building Types.



IMAGE 6.78 RETAIL BUILDING TYPE CORNICE



IMAGE 6.79 RETAIL BUILDING TYPE CORNICE



IMAGE 6.80 RETAIL BUILDING TYPE CORNICE

## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE RETAIL BUILDING TYPE

### Section 6.05 Hudsonville Cottage Retail Building Type

- A. *History and Character.* Refer to Images 6.81, 6.82 and 6.83. The West Michigan region boasts many small towns, villages and cities that have unique building types that represent an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of business districts and traditional commercial downtowns. At the edges of many of these commercial areas, the Cottage Retail Building Type grew in significance. This Building Type was developed on compact and walkable blocks, and while it was sometimes at the edges of commercial districts, it also came to signify the very core of many small villages and hamlets in West Michigan.

Cottage Retail Building Types are usually represented by small and narrow free-standing buildings at the traditional four-corners of hamlets, but they can also be grouped together to create entire village centers. This Building Type offers a transitional element between commercial cores and adjacent residential uses.

Historic precedents for this Building Type are typically one or two stories in height. Vertically oriented windows provide transparency on the upper stories. The storefront or shopfront Private Frontage of the Cottage Retail Building Type typically offers a slightly smaller amount of transparency at the ground floor than the Hudsonville Mixed-Use and Hudsonville Retail Building Types. However, the storefronts and shopfronts do still allow a potential patron to see inside the store and those shopping or working inside to see out. This level of transparency creates interest and makes the pedestrian journey more rewarding.

The Cottage Retail Building Type is typically clad in wood lap siding and is very seldom masonry. Due to this condition, architectural standards for this Building Type are calibrated to wood sided standards. In cases where brick is desired for this Building Type, the Planning Commission may allow it as part of a Special Use Permit.

The Hudsonville Cottage Retail building is an acceptable Building Type for use on the edges of traditional commercial cores as a new infill building or as a rehabilitation of existing buildings.



IMAGE 6.81 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.82 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.83 COTTAGE RETAIL BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE



IMAGE 6.84 COTTAGE RETAIL TYPE STOREFRONT



IMAGE 6.85 COTTAGE RETAIL TYPE MASSING

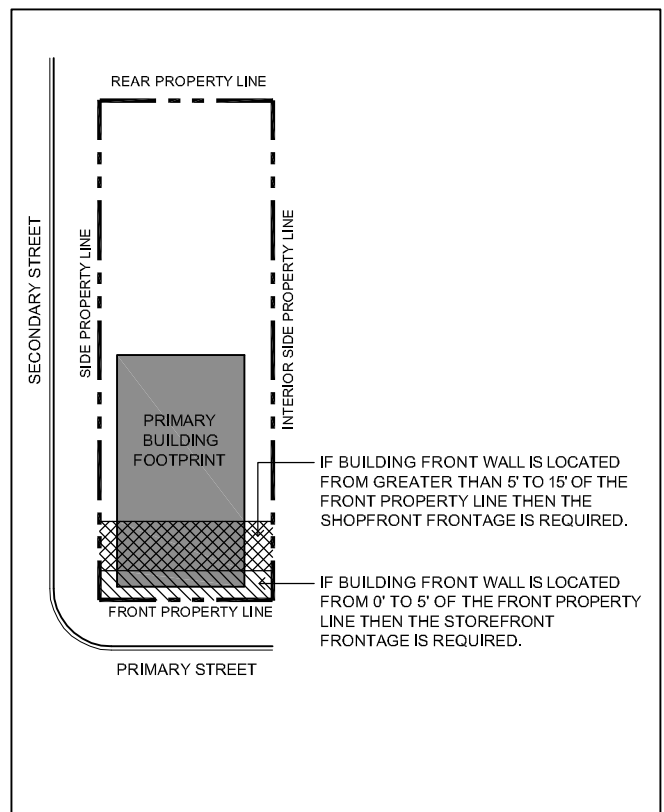


IMAGE 6.86 COTTAGE RETAIL TYPE ROOF

B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.

1. Narrow one- and two-story buildings primarily with wood lap-siding and sign band between storefront and upper floors.
  - a. A Storefront Private Frontage is required when the building front wall is located between zero (0) and five (5) feet from the front of the property line. Refer to illustration 6.27
  - b. A Shopfront Type Private Frontage is required when the building front wall is located between greater than five (5) feet to fifteen (15) feet from the property line. Refer to Illustration 6.27.
  - c. A brick veneer may be substituted for the lap siding.
2. Street-facing ground floors have storefront or shopfront design with large windows and glass doors. Refer to Illustration 6.27 and Image 6.84.
3. Narrow single building mass that sometimes has been added to with distinct individual masses, which are articulated with different roof lines. Refer to Image 6.85.
4. Street-facing front facades typically have gable roofs with the gable end facing the street. Refer to Image 6.86

ILLUSTRATION 6.27 FRONTAGE TYPE DESIGNATION FOR COTTAGE RETAIL BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE RETAIL BUILDING TYPE

- C. *Access Requirements.* Access to the Cottage Retail Building Type shall meet the following requirements:
1. The main entrance(s) to ground floor commercial space(s) shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.87.
  2. Doors allowing public access shall occur at intervals no greater than fifty (50) feet.



IMAGE 6.87 COTTAGE RETAIL TYPE ACCESS

## ARTICLE 6 BUILDING TYPE STANDARDS

### COTTAGE RETAIL BUILDING TYPE

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D. *Gallery of Possibilities.* These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building. The Cottage Retail Building Type can fall into one of the following:

1. *Lap-sided Cottage Retail Building Type.* Refer to Images 6.88 through 6.92. A majority of Cottage Retail Building Types are clad in lap siding. This siding material may be any of the materials listed in Section 6.13.
2. *Masonry Cottage Retail Building Type.* Refer to Image 6.93. In rare instances the Cottage Retail Building Types are clad in materials other than wood lap siding, primarily with a brick veneer.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**COTTAGE RETAIL BUILDING TYPE**



IMAGE 6.88 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.91 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.89 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.92 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.90 COTTAGE RETAIL BUILDING TYPE



IMAGE 6.93 COTTAGE RETAIL TYPE (MASONRY)

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

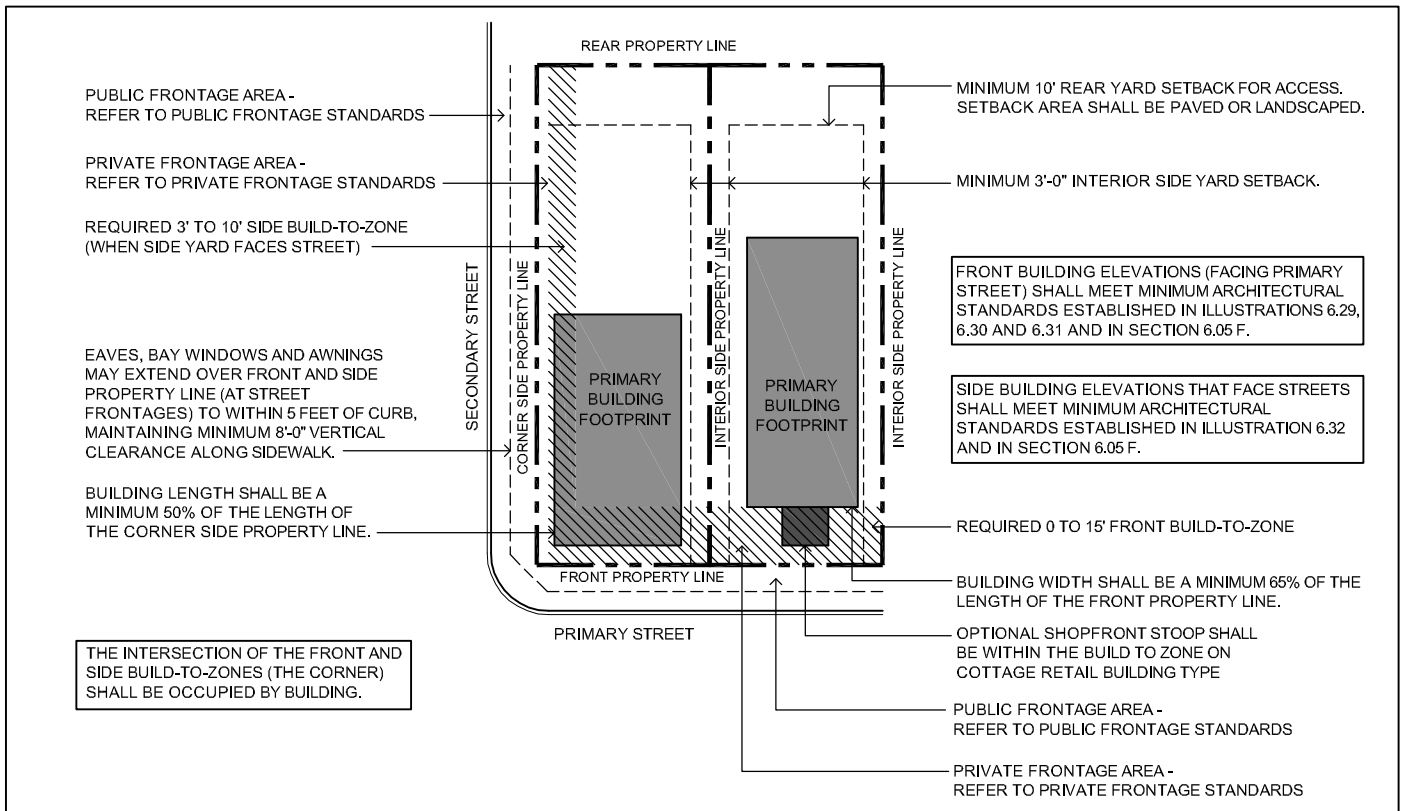
E. *Site Disposition.* Refer to Illustration 6.28 and Table 6.3. Site disposition indicates how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Cottage Retail Type Buildings shall meet the following requirements:

1. *Street Frontage.*
  - a. On primary streets, a minimum of 70% of the length of the front build-to-line must be occupied by building.
  - b. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) must be occupied by building.
  - c. Front building facades must be constructed within the build-to-zone. Refer to Illustration 6.28.
  - d. At street-facing corner locations, the side of the building elevation facing the secondary street must be constructed within the build-to-zone per Illustration 6.28.
  - e. Eaves and upper floor bay windows, balconies and awnings/canopies are permitted to extend

over the front and side (at street frontages) property line to within 5' of the curb, maintaining a minimum of 8'-0" height clearance along the public sidewalk.

- f. Areas located between the building and the front or corner side property lines, must adhere to one of the following:
  - i. *Storefront Frontage.* Where building wall is zero to five (0 to 5) feet from the property line the area shall be paved to match adjacent sidewalk for pedestrians. Refer to Private Frontage Standards in Article 7.
  - ii. *Shopfront Frontage.* Where building wall is greater than five (5) feet to fifteen (15) feet from the property line the area shall be landscaped, along with a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
- g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.3 for lot sizes and lot coverage for this Building Type

**ILLUSTRATION 6.28**  
SITE DISPOSITION COTTAGE RETAIL BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

**TABLE 6.3 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Cottage Retail Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	30 feet	150 feet	30 feet	200 feet
LOT AREA	Prohibited	Prohibited	2,600 sq. ft.	20,000 sq. ft.	2,600 sq. ft.	no maximum
BUILDING LOT COVERAGE	Prohibited	Prohibited	no minimum	70%	no minimum	70%

Cottage Retail Building Type is Prohibited in HUD 7 Central Business District

2. *Setbacks and Build-to-Zones.*

- a. Front: Required zero (0) to fifteen (15) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum three (3) foot setback
- d. Corner side: required three (3) to ten (10) foot build-to-zone.

F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Cottage Retail Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation with Storefront Frontage.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.29 or 6.30, depending on whether the building is a two-story or one-story building.
2. *Front Elevation with Shopfront Frontage.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustration 6.31. The shopfront may also occur on a one-story building, which is not shown in illustrations.
3. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustration 6.32.
4. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1, 2 and 3 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator

and/or Planning Commission.

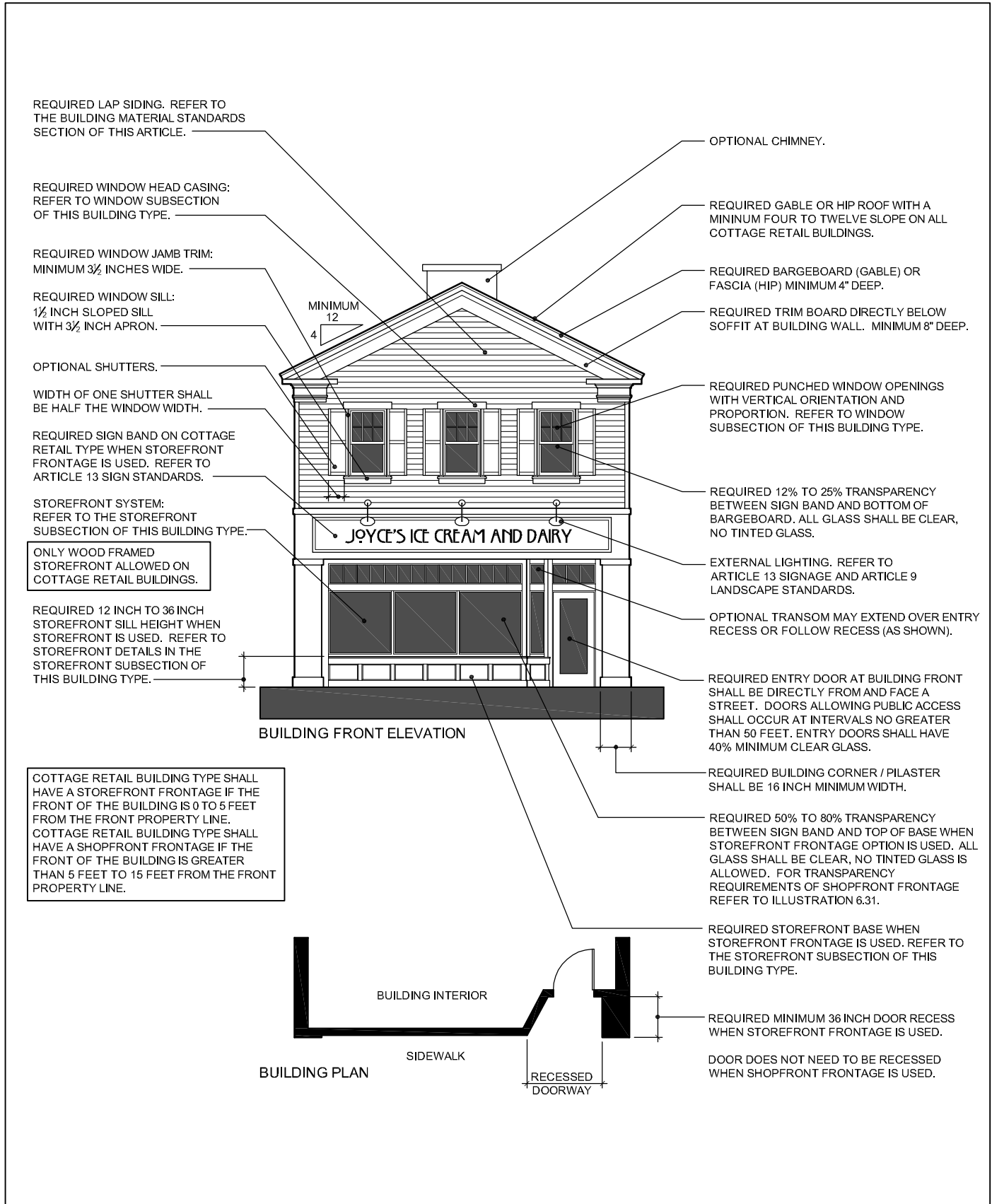
5. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1, 2 and 3 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

ILLUSTRATION 6.29

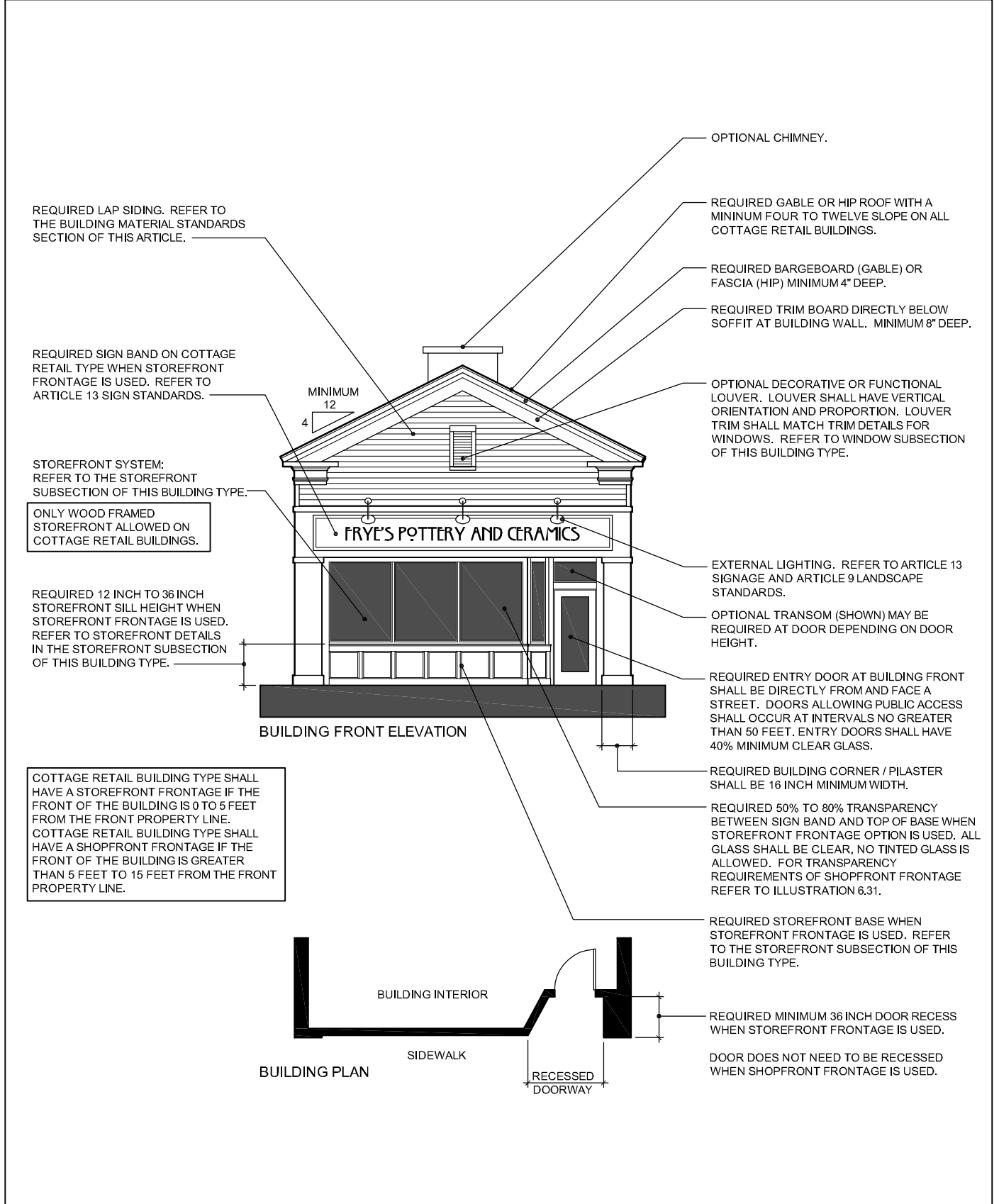
MINIMUM ARCHITECTURAL STANDARDS: FRONT ELEVATION TWO-STORY COTTAGE RETAIL BUILDING TYPE WITH STOREFRONT FRONTAGE OPTION



# ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE RETAIL BUILDING TYPE

**ILLUSTRATION 6.30**

**MINIMUM ARCHITECTURAL STANDARDS: FRONT ELEVATION ONE-STORY COTTAGE RETAIL BUILDING TYPE WITH STOREFRONT FRONTAGE OPTION**



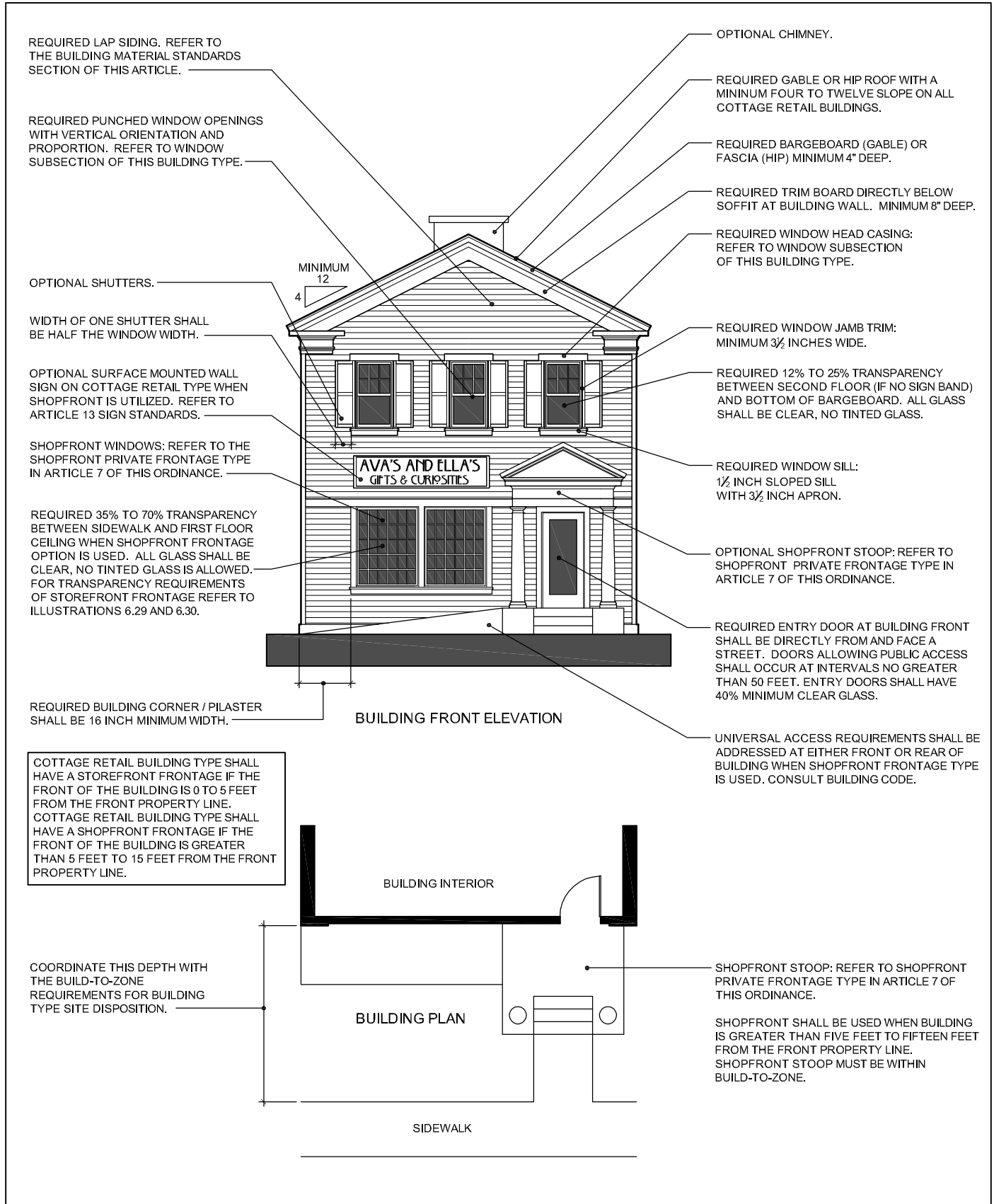


# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

ILLUSTRATION 6.31

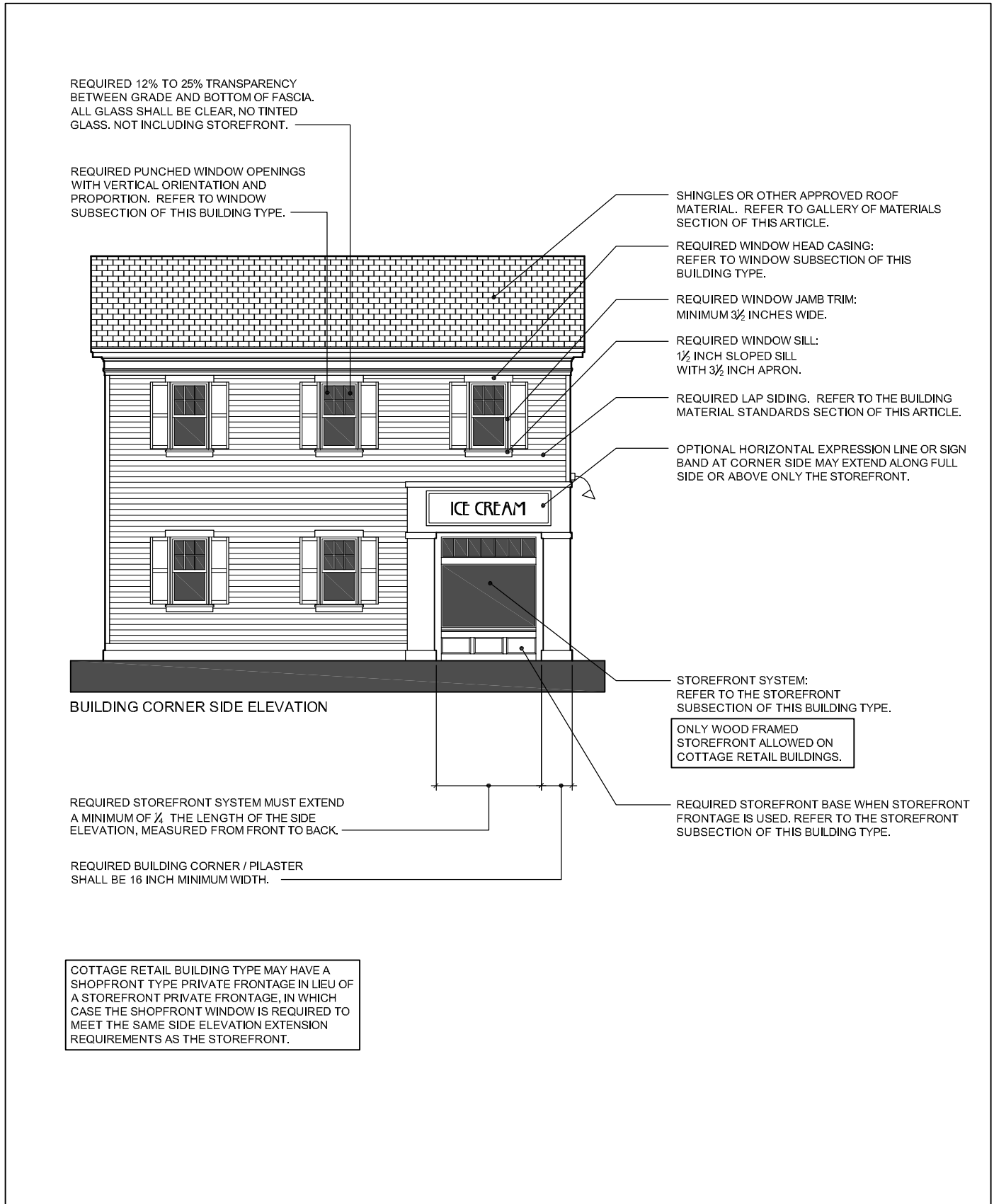
MINIMUM ARCHITECTURAL STANDARDS: FRONT ELEVATION TWO-STORY COTTAGE RETAIL BUILDING TYPE WITH SHOPFRONT FRONTAGE OPTION



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

ILLUSTRATION 6.32 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER TWO-STORY COTTAGE RETAIL BUILDING TYPE WITH STOREFRONT FRONTAGE OPTION



# ARTICLE 6 BUILDING TYPE STANDARDS

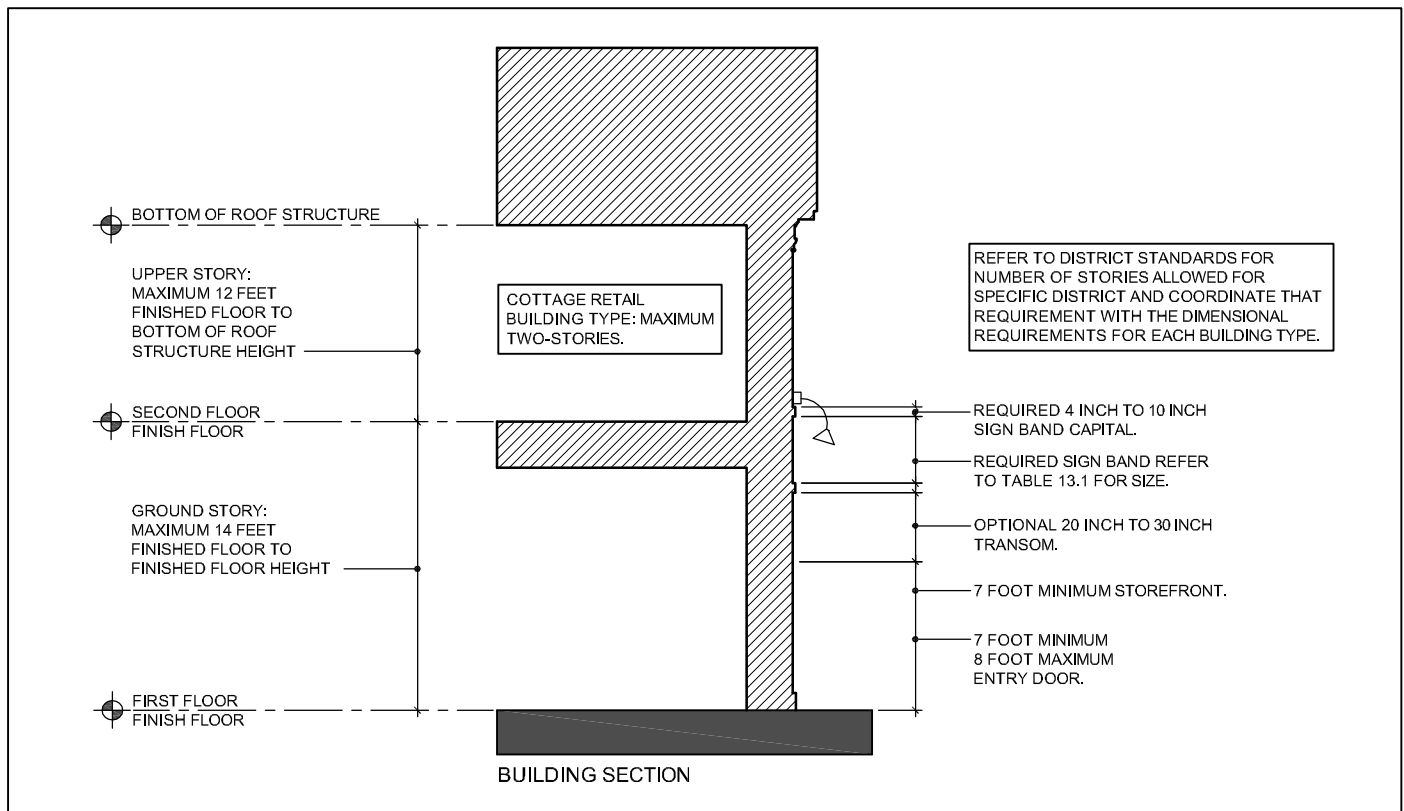
## COTTAGE RETAIL BUILDING TYPE

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.33.

Building Heights addressed as part of this Article are measured from finished floor to finished floor or finished floor to bottom of roof structure. Also included as part of this subsection are the vertical dimensions of the sign band components and storefront components.

1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to bottom of roof structure.
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.33 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.

ILLUSTRATION 6.33  
MINIMUM ARCHITECTURAL STANDARDS: FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE RETAIL BUILDING TYPE

H. *Massing*. Refer to Images 6.94, 6.95 and 6.96. The Cottage Retail Building Type mass is composed of a narrow, typically rectangular box with building height, width and depth determined by number of stories, lot width and lot coverage. A required pitched (sloped) roof further defines the massing of the building. The Cottage Retail Building is typically a one- or two-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is accentuated with these vertical elements placed to break-up the horizontal storefronts, particularly on multi-bay compositions. Cottage Retail Building Types can be constructed in a variety of forms with street-facing front facades having front or side facing gable roofs, and in some cases as hip roofs.

I. *Composition*. Refer to Illustration 6.34. Cottage Retail Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion and the appearance of a smaller building. The Cottage Retail Type shall have single bays that are between twenty (20) feet and fifty (50) feet wide. In instances where the building is greater than fifty (50) feet, the composition shall be divided into distinct masses that are no greater than thirty (30) feet in width. These masses shall have the appearance of free-standing buildings either articulated with structure, materials or other architectural details. This Building Type shall have either a storefront or shopfront frontage depending on its site disposition. Both of these frontages are indicated in Illustration 6.34.



IMAGE 6.94 COTTAGE RETAIL TYPE MASSING



IMAGE 6.95 COTTAGE RETAIL TYPE MASSING



IMAGE 6.96 COTTAGE RETAIL TYPE MASSING

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

ILLUSTRATION 6.34  
 FACADE COMPOSITION DIAGRAMS COTTAGE RETAIL BUILDING TYPE

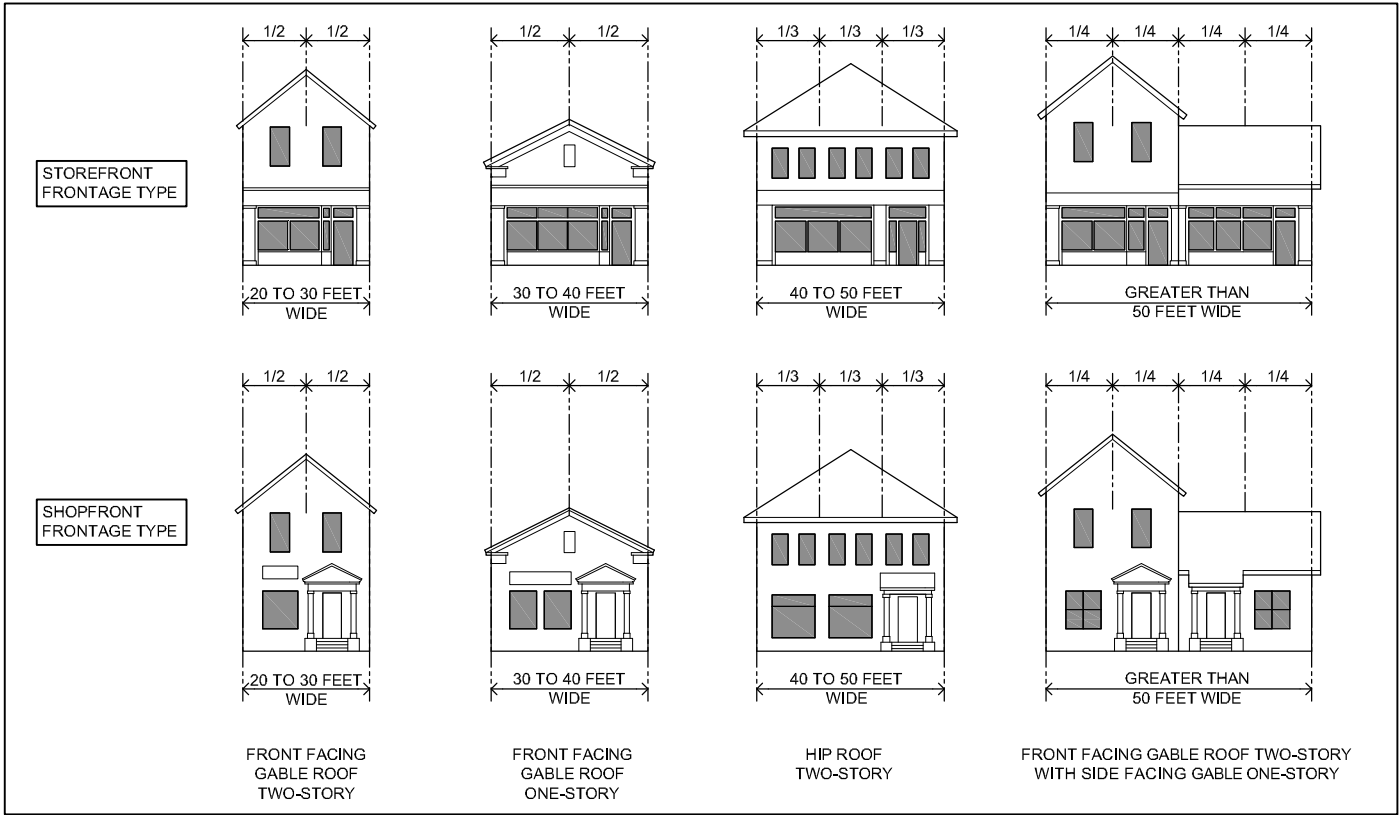
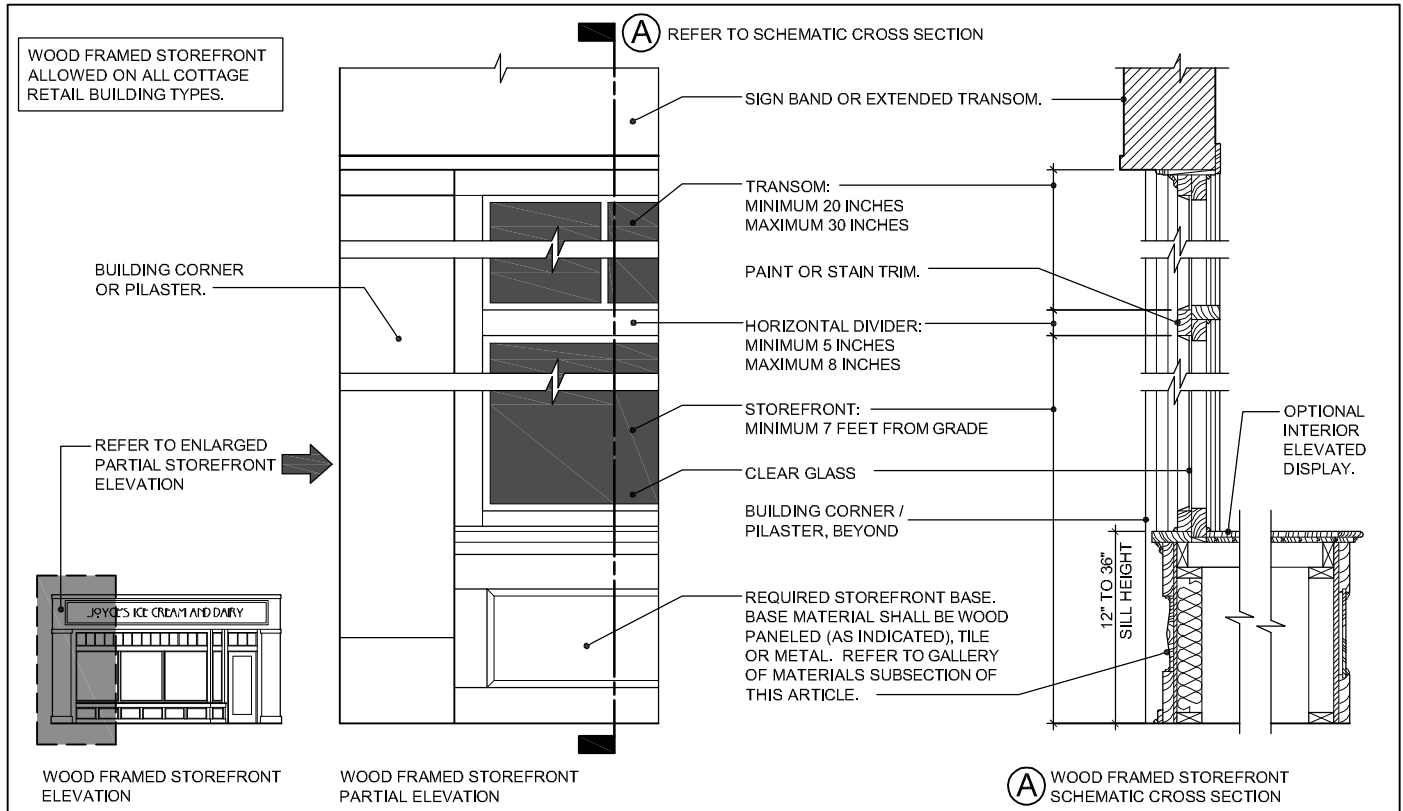


ILLUSTRATION 6.35  
 STOREFRONT STANDARDS: WOOD FRAMED STOREFRONT



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE RETAIL BUILDING TYPE

J. *Storefronts.* Refer to Illustration 6.35 and Images 6.97, 6.98 and 6.99. Storefronts at the ground level are typical for the Cottage Retail Building Type and either a storefront or shopfront shall be used on this Building Type. Storefronts shall be used when the front building wall is located from zero to five (0 to 5) feet from the front property line. (Shopfronts shall be used when the front building wall is located from greater than five (5) feet to fifteen feet from the front property line.) Storefronts are intended to provide an active and permeable street wall for the display of goods and services to accentuate commerce. These storefronts are typically designed using wood millwork shapes to trim large storefront windows. These wood storefronts are diagrammed in Illustration 6.35. Storefronts will typically have the following attributes:

1. A recessed glass entrance door centered in between two storefront windows or off to one side.
2. A transom window above the main windows, which can either be continuous or follow the recess of the door.
3. A deep entablature / cornice expression above the window composition that serves as an area for signs. This expression serves as a cap to the storefront and also as a transition to the upper levels of the building and is sometimes referred to generally as a horizontal expression line. This horizontal line typically runs the entire length of the front façade between the storefront and the upper floors. In some cases on this Building Type, the horizontal expression line is implied as simply the space between the storefront and the cornice. In this case, this expression is made of the same materials as the building.



IMAGE 6.97 COTTAGE RETAIL TYPE STOREFRONT



IMAGE 6.98 COTTAGE RETAIL TYPE STOREFRONT



IMAGE 6.99 COTTAGE RETAIL TYPE STOREFRONT  
(SHOWN ON MIXED-USE BUILDING)

## ARTICLE 6 BUILDING TYPE STANDARDS

### COTTAGE RETAIL BUILDING TYPE

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IMAGE 6.100 COTTAGE RETAIL TYPE WINDOWS



IMAGE 6.101 COTTAGE RETAIL TYPE WINDOWS



IMAGE 6.102 COTTAGE RETAIL TYPE WINDOWS

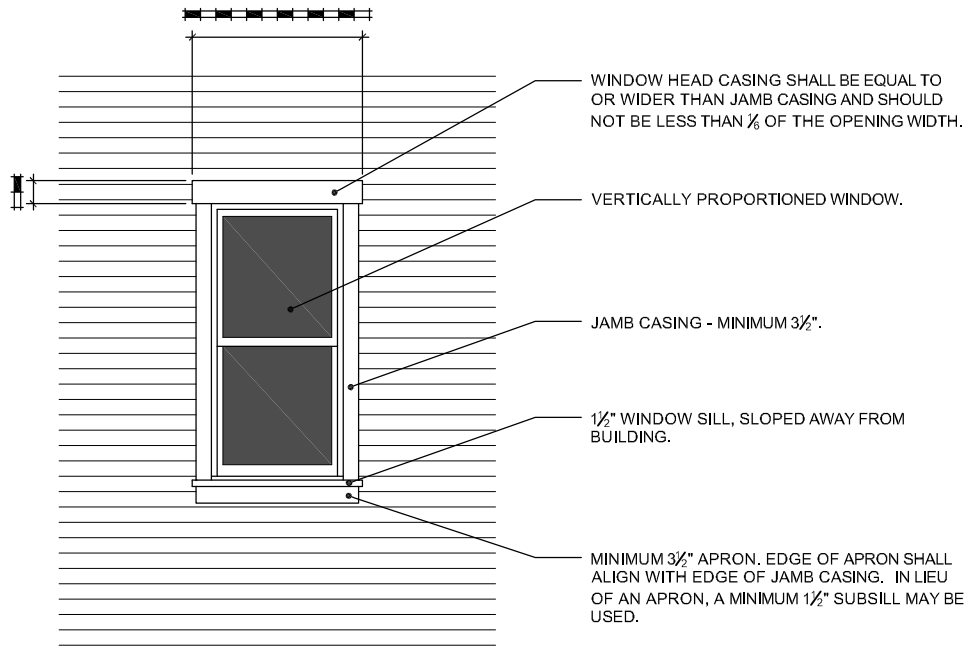
L. *Windows.* Refer to Illustration 6.36 and Images 6.100, 6.101 and 6.102. Windows are typically vertical in proportion with the following attributes:

1. Standard windows are double hung type operation with a two-over-one pattern or two-over-two pattern of divided lights, but other variations are acceptable; including no divided lights. Window type and divided light pattern shall be consistent throughout the entire building.
2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE

ILLUSTRATION 6.36  
WINDOW STANDARDS: COTTAGE RETAIL BUILDING TYPE



TYPICAL WINDOW IN COTTAGE RETAIL BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE RETAIL BUILDING TYPE



IMAGE 6.103 COTTAGE RETAIL TYPE AWNING



IMAGE 6.104 COTTAGE RETAIL TYPE AWNING

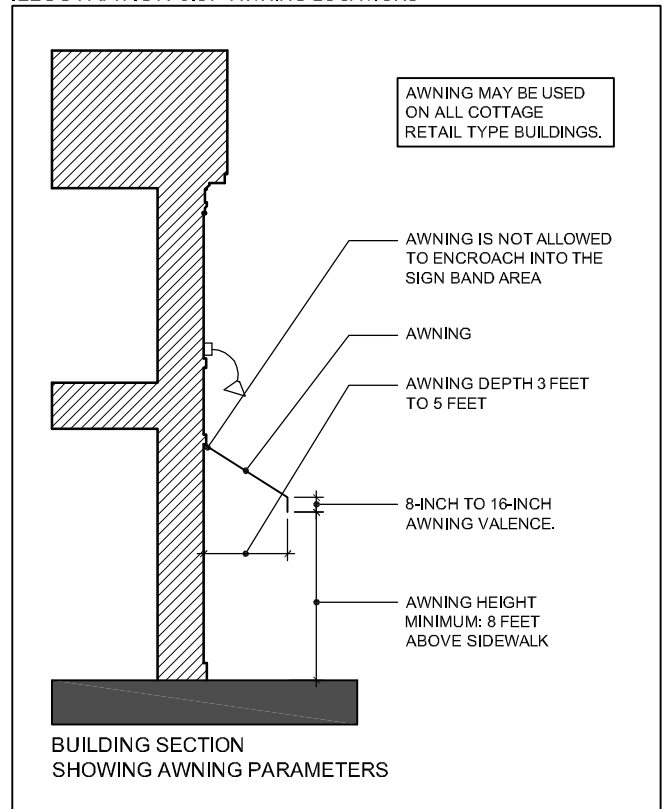


IMAGE 6.105 COTTAGE RETAIL TYPE AWNING

M. *Miscellaneous Details.* Cottage Retail Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Awning.* Refer to Images 6.103, 6.104 and 6.105. An awning over the storefront assembly is an optional design element that may be placed on the Cottage Retail Building Type. Awnings shall be made of canvas, nylon or other approved durable materials. Plastic awnings are not allowed. Refer to Article 13, Sign Standards for detailed information on awnings and their related signage. Refer to Illustration 6.37 for awning locations on this Building Type.
2. *Shutters.* Shutters are optional elements on the Cottage Retail Building Type. The width of one shutter must be equal to half of the window opening width, so that the shutters have the appearance of covering the window when shut. Shutters do not have to be operable.

ILLUSTRATION 6.37 AWNING LOCATIONS



**Section 6.06 Hudsonville Live-Work Building Type**

A. *History and Character.* Refer to Images 6.106, 6.107 and 6.108. The many small towns, villages and cities of the West Michigan region have a diverse range of building types that have represented an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of the districts which surrounded the traditional commercial downtowns. These districts typically have transitional conditions which offer a great deal of flexibility in Building Type and Use. The Live-Work Building Type, more recently called the “flex” house, represents a Building Type that is emblematic of these transitional zones. This Building Type is typically developed on compact and walkable blocks in the districts surrounding the downtown core and offers a transitional element between commercial cores and adjacent residential uses.

Live-Work Building Types are usually represented by small and narrow bays of single units grouped together into three or more units to form a coherent street wall. This Building Type is typically either a masonry building or clad in wood lap siding.

This Building Type is typically two- or three-stories in height, with vertically oriented windows which provide transparency on the upper stories. The Building Type’s street frontage is represented with the Shopfront, Stoop or Terrace / Lightwell Private Frontage Type, which typically will offer a slightly smaller amount of transparency at the ground floor than the Hudsonville Mixed-Use, Retail Building or Cottage Retail Building Types. This is to give the buildings a composition that is closer to a residential building than that of a commercial building.

The Live-Work Building Type is a solution to provide the space, layout, and locale to accommodate a full scale home-based business, which many of today’s homes can not. The live-work unit is a residential unit which functions both as a place to live and a place to work. These types of residences have been around for many years, but are experiencing a surge in popularity due to the advantages they offer the small business owner.

Each individual unit has commercial space located on the street level and residential use on the floors above. The homeowner may choose to use both spaces or may decide to lease the live or work space section to tenants for extra income. These units can function as a single home or a duplex, with a varying amount of space dedicated to commercial activity.



IMAGE 6.106 LIVE-WORK BUILDING TYPE



IMAGE 6.107 LIVE-WORK BUILDING TYPE



IMAGE 6.108 LIVE-WORK BUILDING TYPE

# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE



IMAGE 6.109 LIVE-WORK TYPE STOREFRONT



IMAGE 6.110 LIVE-WORK TYPE STOOP



IMAGE 6.111 LIVE-WORK TYPE TERRACE/LIGHTWELL

This Building Type is flexible in both how it accommodates varying uses, but also how it fits into a variety of neighborhoods. With selection of certain design elements, the building can fit into more or less urban environments. For example, a flat roof is most likely to be utilized in areas directly adjacent to the HUD 7 Downtown Business District, while sloped roofs are more likely to occur closer to the edges of the HUD 6 and HUD 5 Districts - near the less intense Residential Districts. Other design elements that are typically calibrated to more or less intense Districts are the building's relationship to the sidewalk and whether the building has brick veneer or lap siding.

The Hudsonville Live-Work Building is an acceptable Building Type for use on the edges of traditional commercial cores as a new infill building.

B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.

1. Narrow two- and three-story masonry or non-masonry buildings with one of the following Private Frontage Types (refer to Article 7 for Private Frontages):
  - a. *A Shopfront Type Private Frontage.* Refer to Image 6.109.
  - b. *A Stoop Type Private Frontage.* Refer to Image 6.110.
  - c. *A Terrace or Lightwell Private Frontage.* Refer to Image 6.111.
2. Simple, individual vertically proportioned window compositions above the ground floor.
3. Street-facing front facades with either parapet walls and a cornice expression or gable roofs that are oriented with the gable end facing the sides of the building. Refer to Image 6.112.

## ARTICLE 6 BUILDING TYPE STANDARDS

### LIVE-WORK BUILDING TYPE

C. *Access Requirements.* Access to the Live-Work Building Type shall meet the following requirements:

1. The main entrance shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.113.
2. Doors shall occur at every bay, as defined in the façade composition diagrams. Refer to Illustration 6.45.



IMAGE 6.112 LIVE-WORK TYPE FRONT FAÇADE



IMAGE 6.113 LIVE-WORK TYPE ACCESS

## ARTICLE 6 BUILDING TYPE STANDARDS

### LIVE-WORK BUILDING TYPE

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D. *Gallery of Possibilities.* Refer to Images 6.114 through 6.119. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**LIVE-WORK BUILDING TYPE**



IMAGE 6.114 LIVE-WORK BUILDING TYPE



IMAGE 6.117 LIVE-WORK BUILDING TYPE



IMAGE 6.115 LIVE-WORK BUILDING TYPE



IMAGE 6.118 LIVE-WORK BUILDING TYPE



IMAGE 6.116 LIVE-WORK BUILDING TYPE



IMAGE 6.119 LIVE-WORK BUILDING TYPE

# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

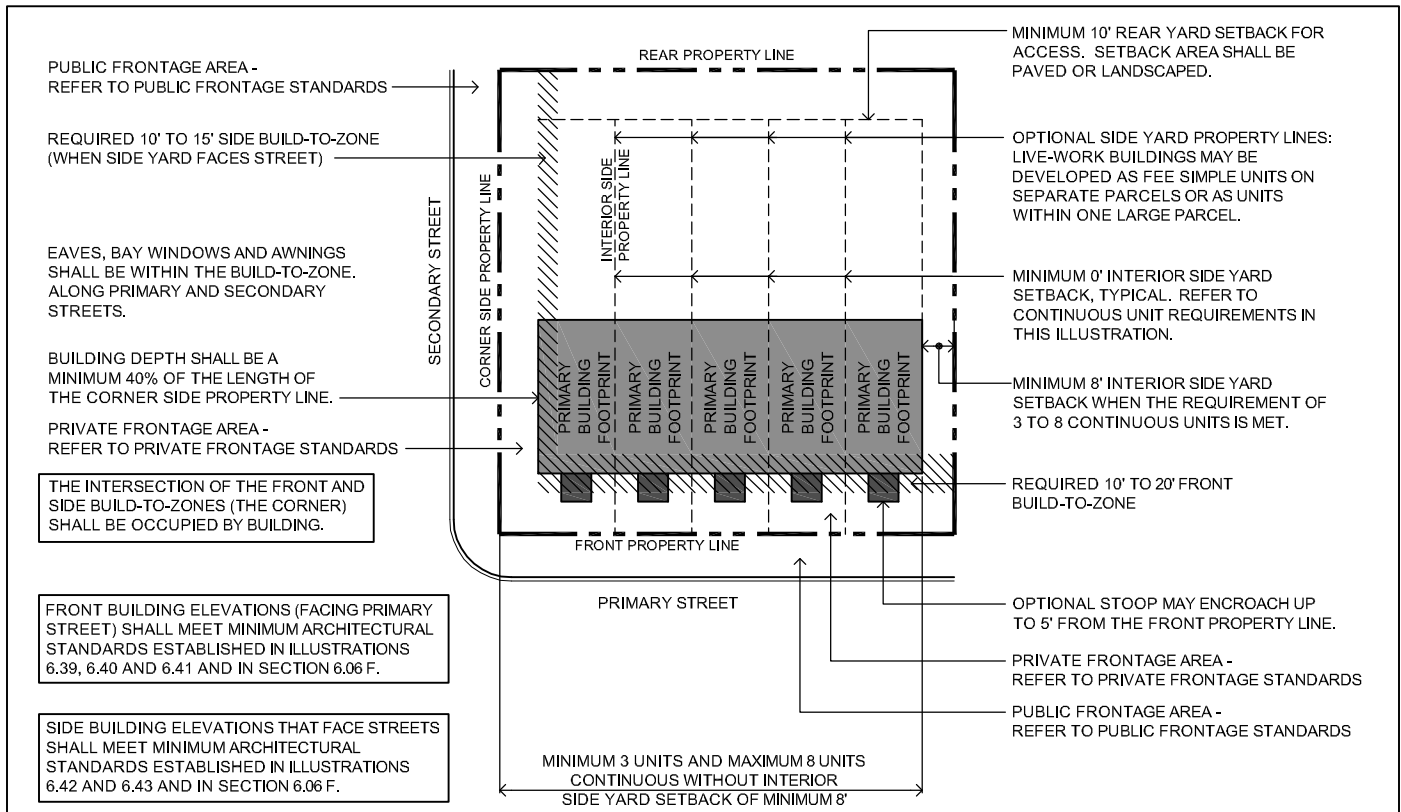
E. *Site Disposition.* Refer to Illustration 6.38 and Table 6.4. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Live-Work Type Buildings shall meet the following requirements:

1. *Street Frontage.*

- a. On primary streets, a contiguous frontage of buildings is required. This frontage shall be composed of live work buildings. The live work buildings shall be composed of a minimum of three (3) and a maximum of eight (8) units, or bays.
- b. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) shall be occupied by building.
- c. Front building facades shall be constructed within the build-to-zone. Refer to Illustration 6.38.

- d. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.38.
- e. Eaves and upper floor bay windows and balconies are required to be within the build-to-zone at front and corner side property lines.
- f. Eaves and upper floor bay windows and balconies are required to meet setback requirements in locations other than those indicated in item e.) above.
- g. Areas located between the building and the front or corner side property lines, shall be landscaped, along with a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
- h. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.4 for lot sizes and lot coverage for this Building Type.

**ILLUSTRATION 6.38**  
SITE DISPOSITION LIVE-WORK BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

**TABLE 6.4 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Live-Work Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	60 feet	200 feet	60 feet	250 feet
LOT AREA	Prohibited	Prohibited	6,000 sq. ft.	20,000 sq. ft.	6,000 sq. ft	no maximum
BUILDING LOT COVERAGE	Prohibited	Prohibited	no minimum	70%	no minimum	70%

Live Work Building Type is Prohibited in HUD 7 Central Business District

2. *Setbacks and Build-to-Zones.*

- a. Front: Required ten (10) to twenty (20) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum ten (10) foot setback, when the requirement of three (3) to eight (8) continuous units is met.
- d. Corner side: Required ten (10) to fifteen (15) foot build-to-zone.

F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Live-Work Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.39, 6.40, or 6.41, depending on composition of the building.
2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.42 or 6.43.
3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator

and/or Planning Commission.

4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.44. Building Heights addressed as part of this Article are measured from finished floor to finished floor.

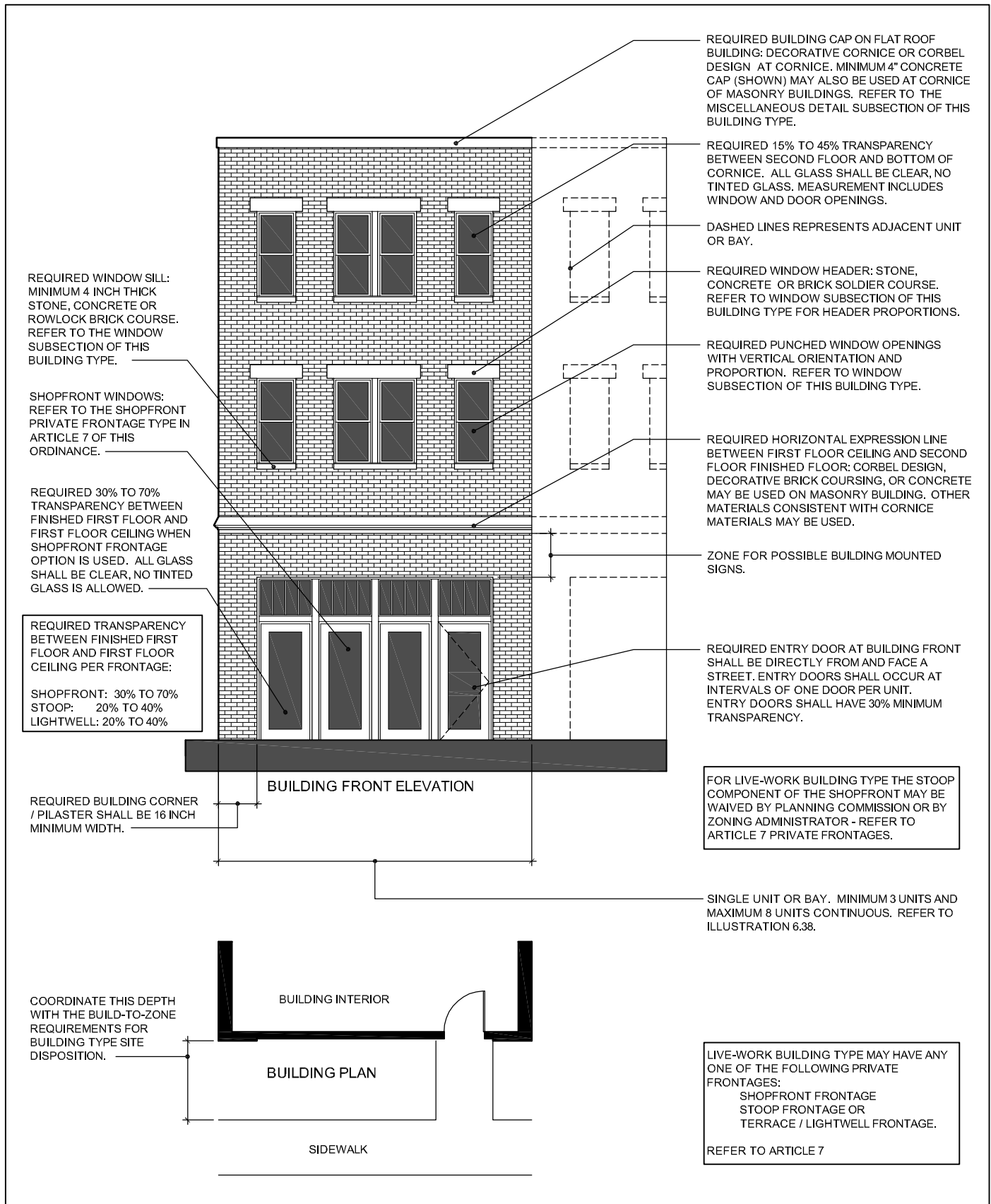
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to top of roof (for flat roof buildings) and from finished floor to bottom of roof structure (for pitched roof buildings).
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.44 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.
4. For this Building Type, a partial third story may be added if it is located in the attic space.



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

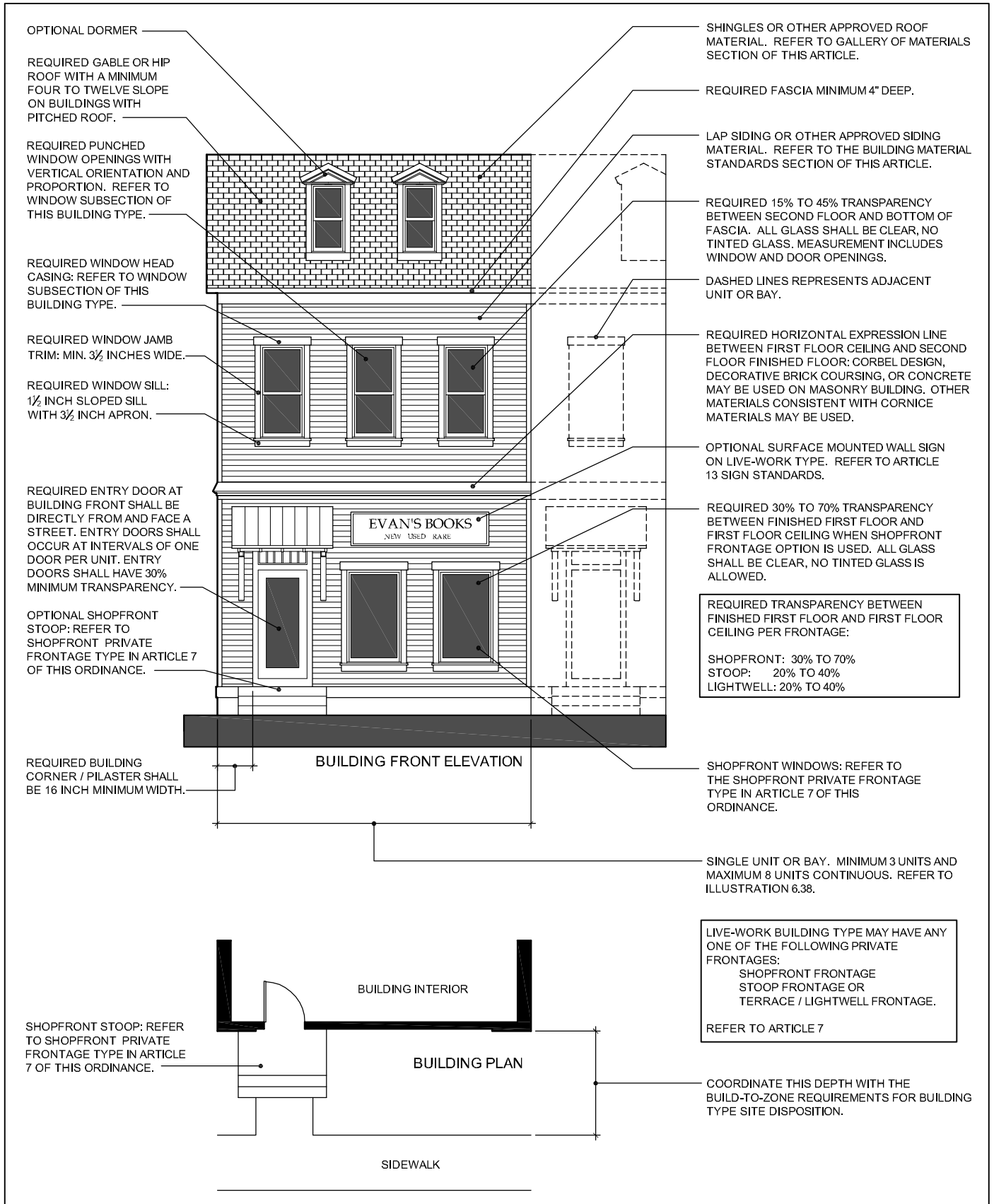
ILLUSTRATION 6.39 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION MASONRY LIVE-WORK BUILDING TYPE WITH SHOPFRONT FRONTAGE OPTION AND FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

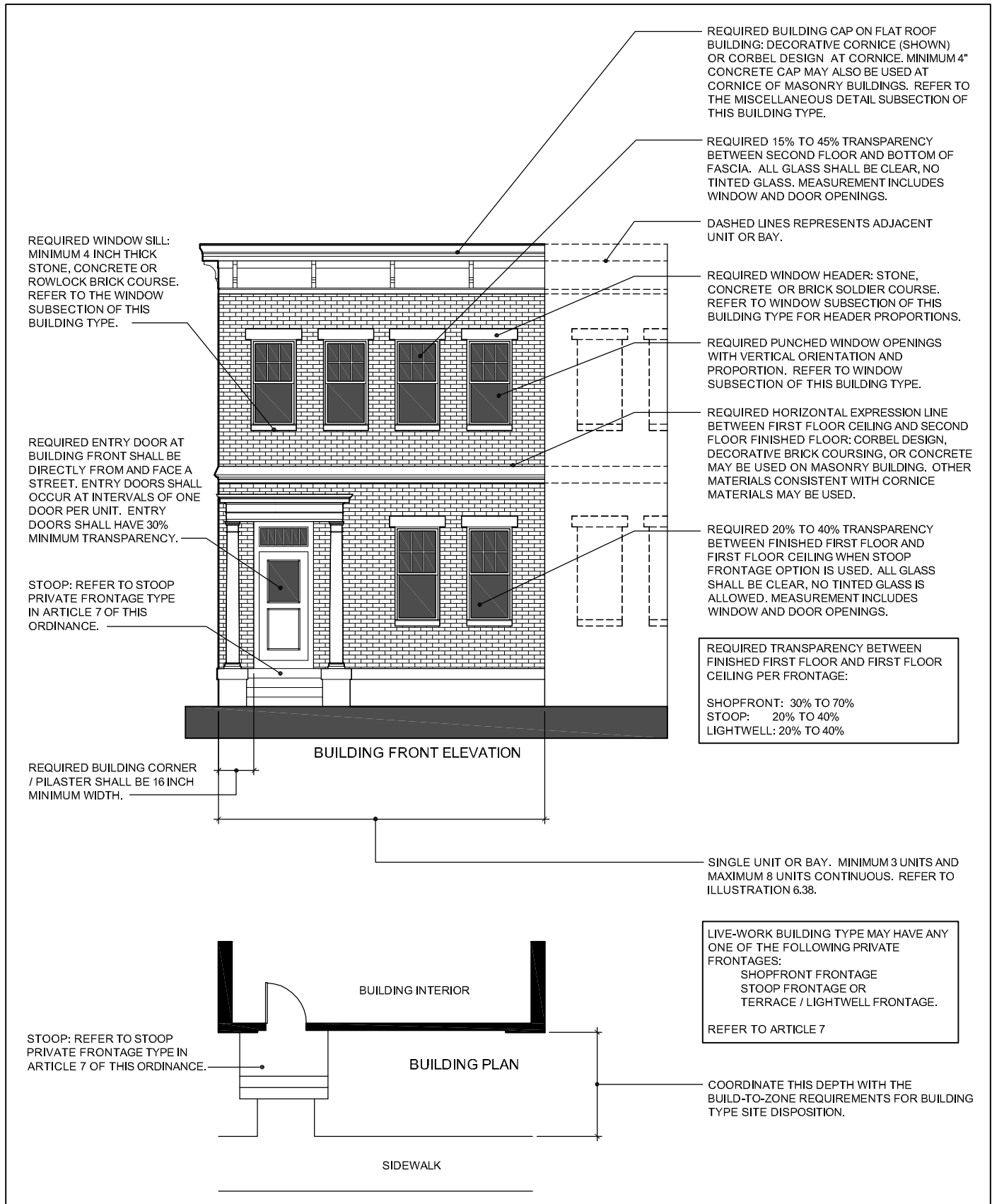
**ILLUSTRATION 6.40 MINIMUM ARCHITECTURAL STANDARDS:**  
**FRONT ELEVATION NON-MASONRY LIVE-WORK BUILDING TYPE WITH SHOPFRONT FRONTAGE OPTION AND PITCHED ROOF**



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

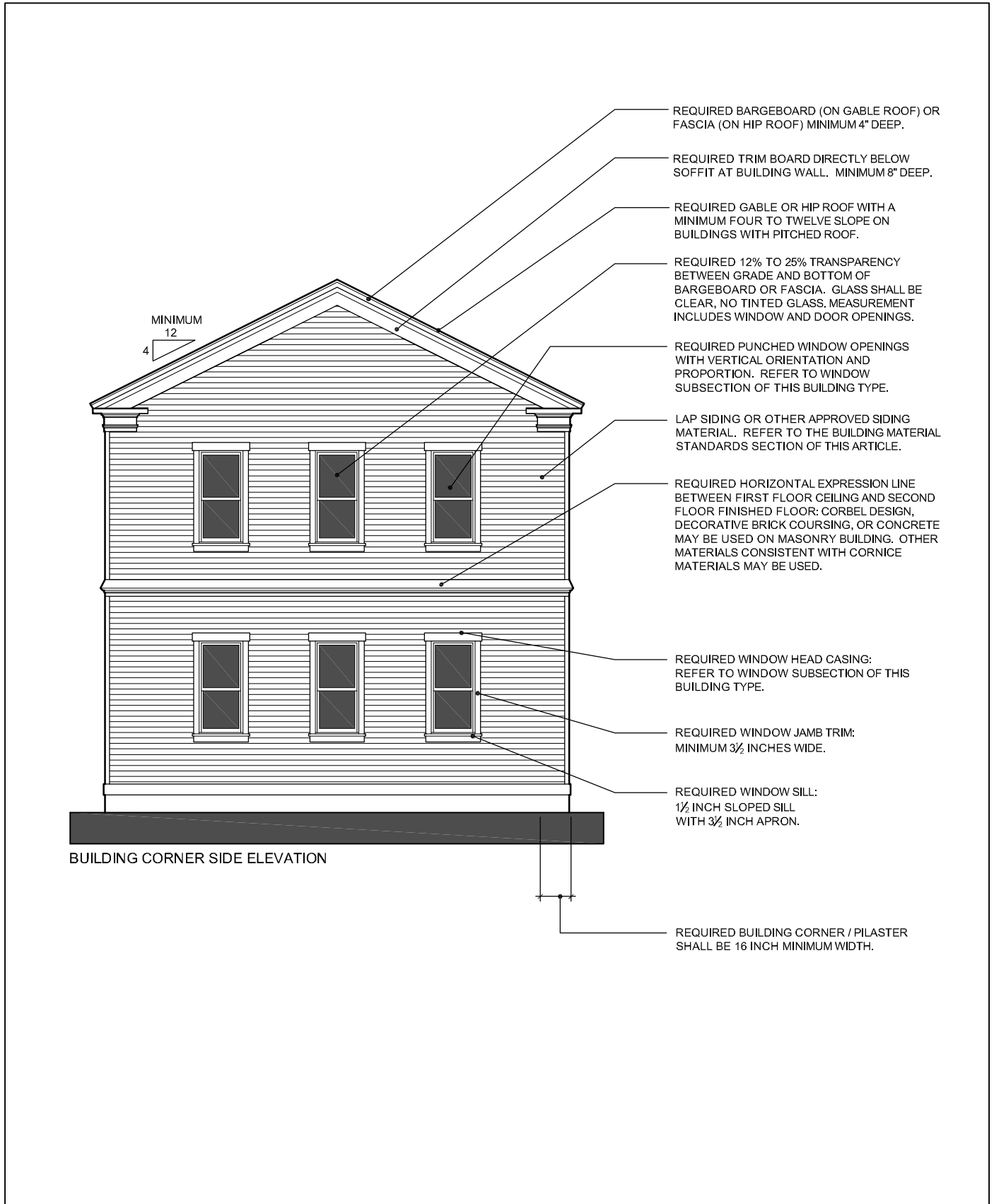
ILLUSTRATION 6.41 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION MASONRY LIVE-WORK BUILDING TYPE WITH STOOP FRONTAGE OPTION AND FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

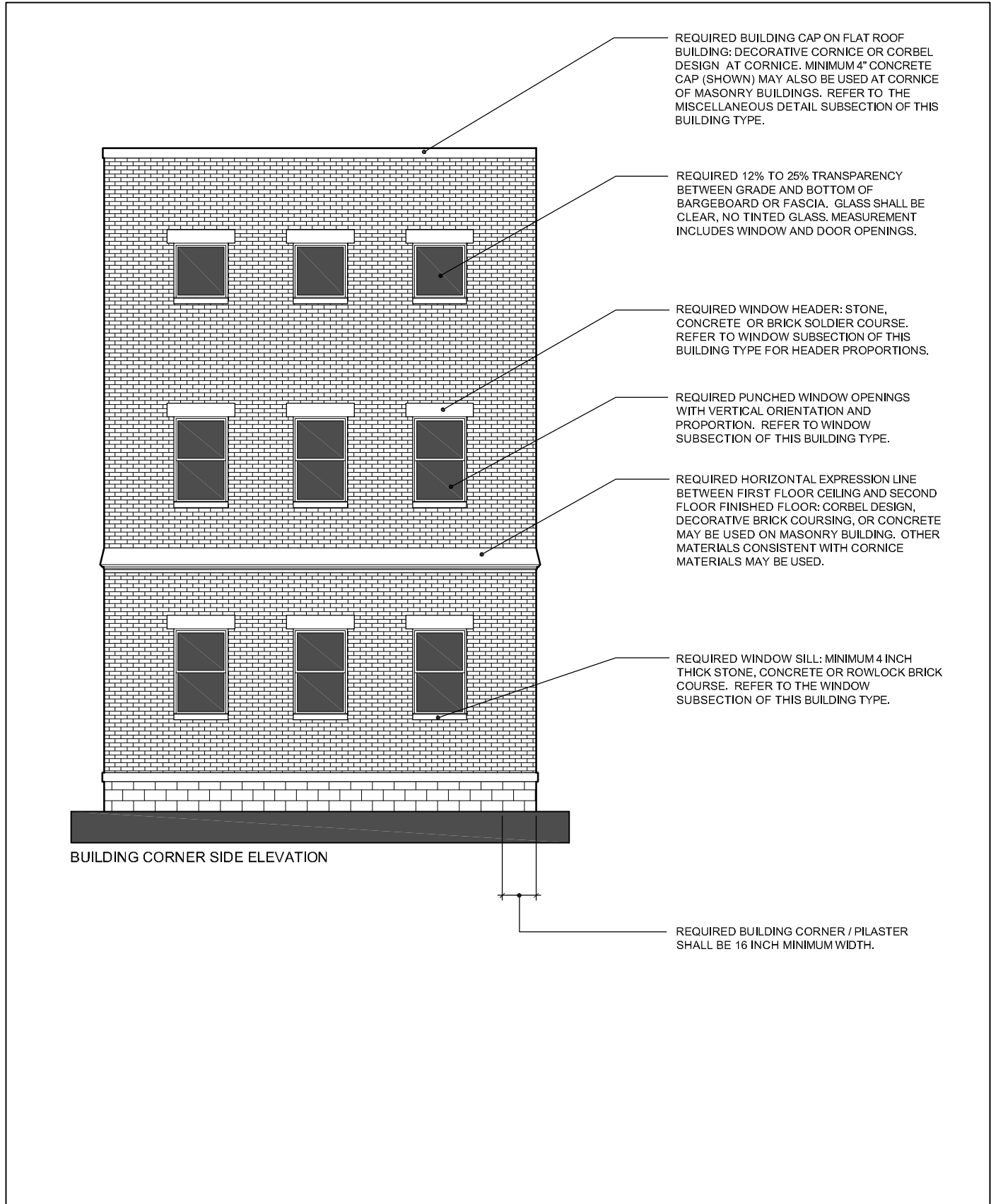
ILLUSTRATION 6.42 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER LIVE-WORK BUILDING TYPE WITH PITCHED ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

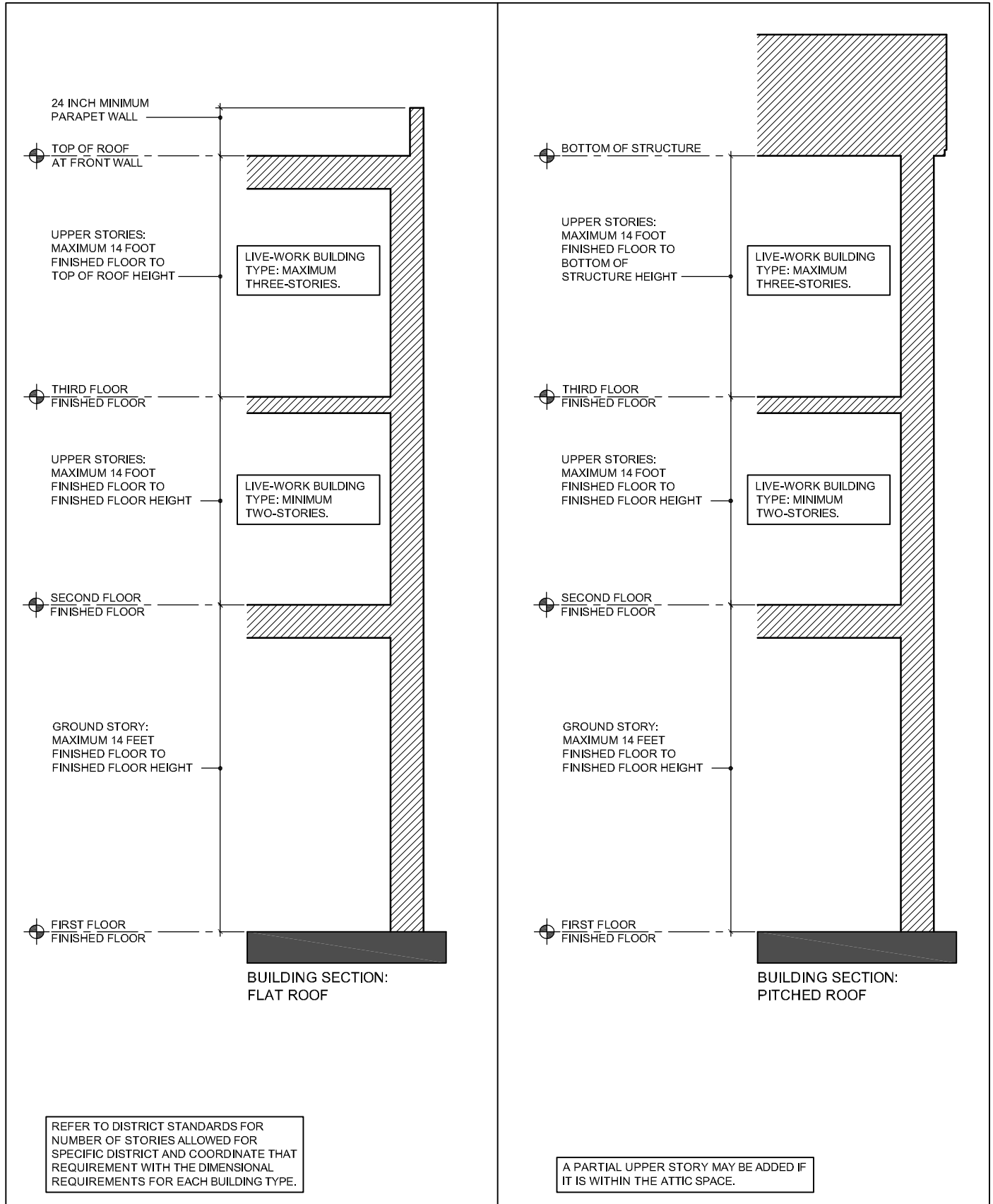
ILLUSTRATION 6.43 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER LIVE-WORK BUILDING TYPE WITH FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

ILLUSTRATION 6.44 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE



IMAGE 6.120 LIVE-WORK TYPE MASSING

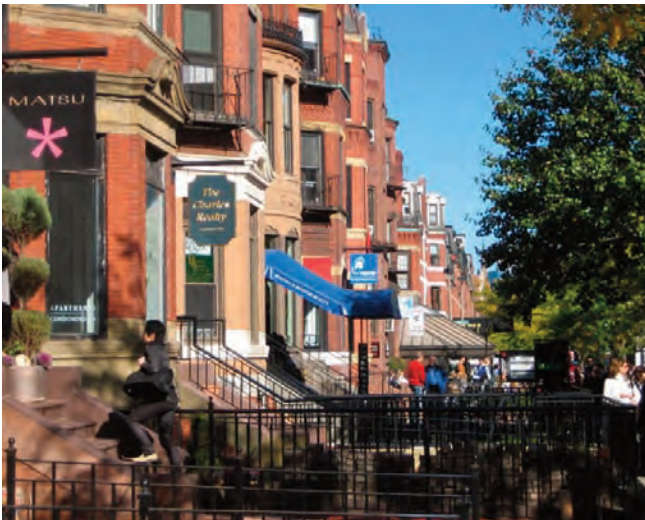


IMAGE 6.121 LIVE-WORK TYPE MASSING



IMAGE 6.122 LIVE-WORK TYPE MASSING

H. *Massing.* Refer to Images 6.120, 6.121 and 6.122. The Live-Work Building Type mass is composed of narrow rectangular boxes that are attached to form a building. The building height, width and depth are determined by number of stories, lot width, lot depth, and lot coverage. The building may have a flat or pitched (sloped) roof that can further define its overall mass. The Live-Work Building is typically a two- or three-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is accentuated with these vertical elements placed in consistent spacing with the individual units.

I. *Composition.* Refer to Illustration 6.45. Live-Work Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion and the appearance of a smaller building. The Live-Work Type shall have single bays that are between fourteen (14) feet and twenty-four (24) feet wide. These bays shall represent individual fee simple units on separate parcels or as units within one large parcel. This Building Type shall have a shopfront, stoop, or terrace / lightwell frontage. These three frontages, categorized with roof articulation are indicated in Illustration 6.45.

ARTICLE 6 BUILDING TYPE STANDARDS  
LIVE-WORK BUILDING TYPE

ILLUSTRATION 6.45  
FACADE COMPOSITION DIAGRAMS LIVE-WORK BUILDING TYPE





# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

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IMAGE 6.123 LIVE-WORK TYPE WINDOW



IMAGE 6.124 LIVE-WORK TYPE WINDOW



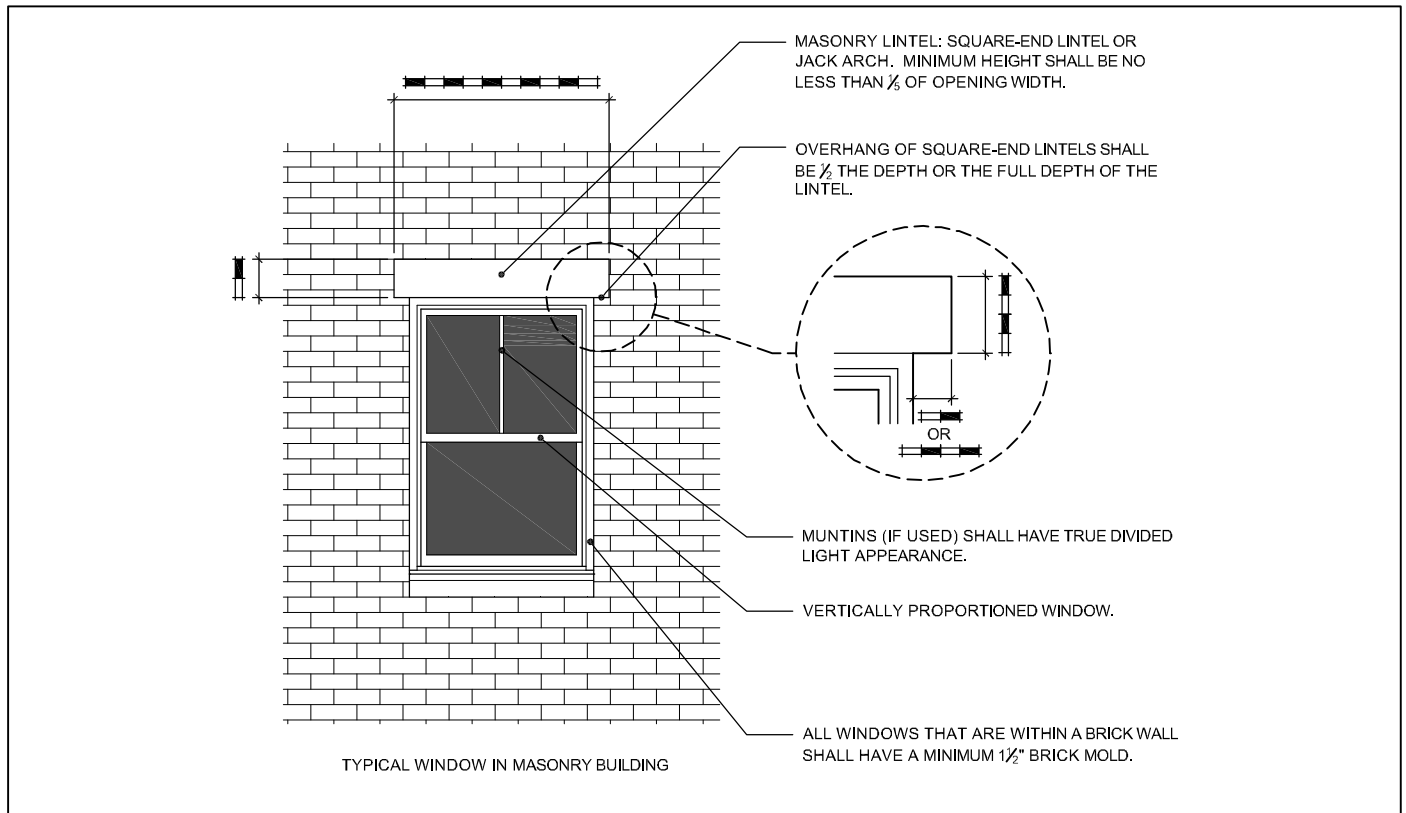
IMAGE 6.125 LIVE-WORK TYPE WINDOW

- J. *Windows.* Refer to Illustrations 6.46 and 6.47 and Images 6.123, 6.124 and 6.125. Windows are typically vertical in proportion with the following attributes:
1. Standard windows may be of any operational type and may have divided lights or no divided lights. Divided light pattern shall be consistent throughout the entire building.
  2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.

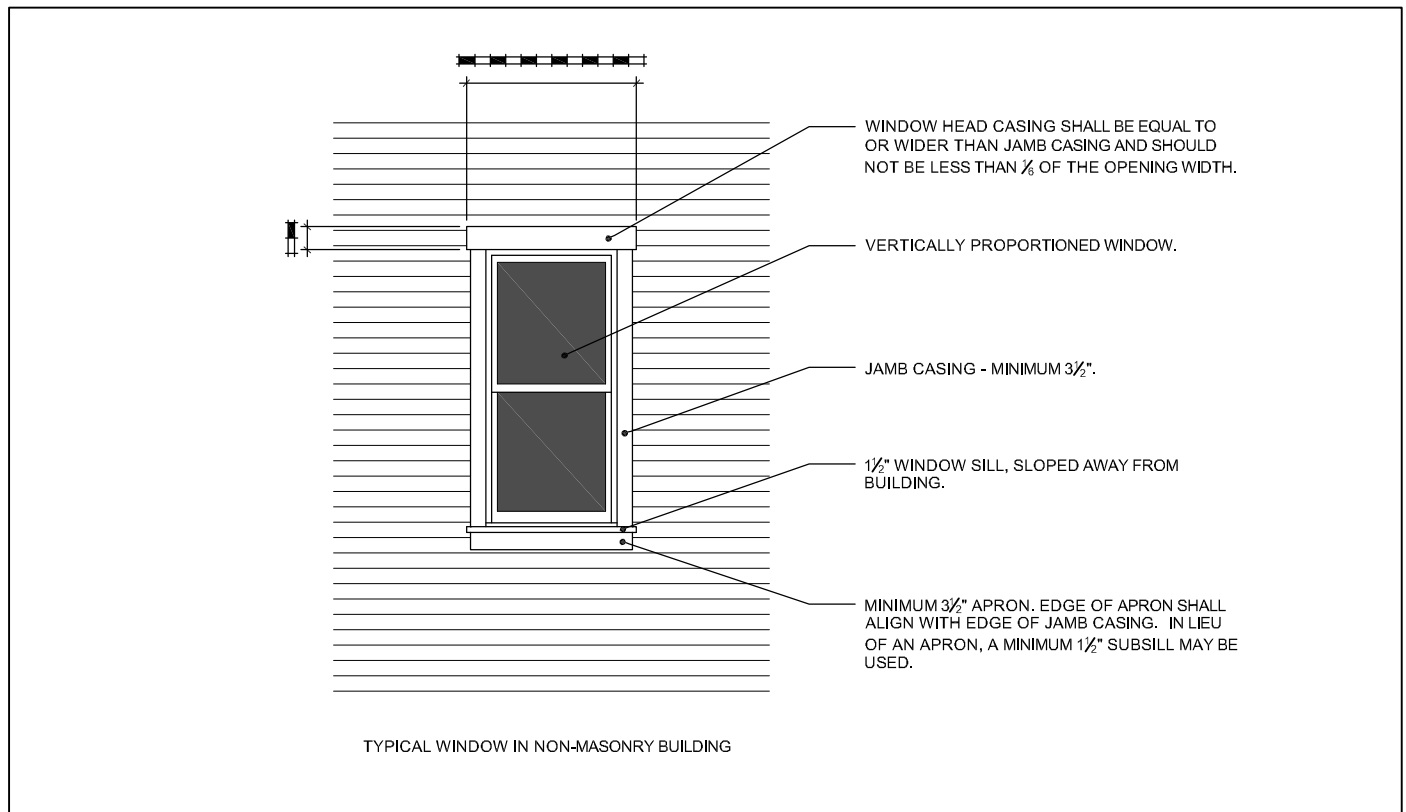
# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE

**ILLUSTRATION 6.46 WINDOW STANDARDS:**  
MASONRY LIVE-WORK BUILDING TYPE



**ILLUSTRATION 6.47 WINDOW STANDARDS:**  
NON-MASONRY LIVE-WORK BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## LIVE-WORK BUILDING TYPE



IMAGE 6.126 LIVE-WORK TYPE BALCONY



IMAGE 6.127 LIVE-WORK TYPE BAY WINDOW



IMAGE 6.128 LIVE-WORK TYPE AWNING

K. *Miscellaneous Details.* Live-Work Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Balconies.* Refer to Image 6.126. Upper-story balconies are occasionally present on the Live-Work Building Type. They typically occur as simple cantilevered extensions from the upper floor living units or as a steel balcony supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. These balconies are typically composed of simple shapes of structural steel to minimize their bulk. Balconies shall match the architectural detailing of the building.
2. *Bay Windows.* Refer to Image 6.127. Bay windows are occasionally present on the Live-Work Building Type as an articulation of the front façade. Many times the bay window will house the shopfront windows.
3. *Awning.* Refer to Image 6.128. An awning over the shopfront, stoop or lightwell frontage is an optional design element that may be placed on the Live-Work Building Type. Awnings shall be made of canvas, nylon or other approved durable materials. Plastic awnings are not allowed. Signs are not allowed to be included in awnings on Live-Work Buildings.

## ARTICLE 6 BUILDING TYPE STANDARDS

### LIVE-WORK BUILDING TYPE

4. *Cornices.* Refer to Images 6.129, 6.130 and 6.131. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are not required on the Live-Work Building Type, unless the building has a flat roof.



IMAGE 6.129 LIVE-WORK TYPE CORNICE



IMAGE 6.130 LIVE-WORK TYPE CORNICE



IMAGE 6.131 LIVE-WORK TYPE CORNICE

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE



IMAGE 6.132 APARTMENT BUILDING TYPE



IMAGE 6.133 APARTMENT BUILDING TYPE



IMAGE 6.134 APARTMENT BUILDING TYPE

### Section 6.07 Hudsonville Apartment Building Type

A. *History and Character.* Refer to Images 6.132, 6.133 and 6.134. The many small towns, villages and cities of the West Michigan region have a diverse range of building types that have represented an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of the districts which surrounded the traditional commercial downtowns. These districts typically have a diverse range of residential Building Types that allow for variety in number of dwellings, size of dwelling, and arrangement of dwelling type. This range allows for these residential buildings to accommodate a diverse socio-economic population, within a single, coherent neighborhood structure. While these buildings allow for a great deal of residential variety, they typically are well integrated into the neighborhood, utilizing massing, scale and composition that is consistent with the neighborhood context. The Apartment Building Type is typically developed on compact and walkable blocks in the districts surrounding the downtown core and offers a transitional element between commercial cores and adjacent residential uses. The Apartment Building Type may also be integrated into single-use residential districts, provided that is consistent in mass, scale and composition to the neighborhood residential architecture.

Apartment Building Types are usually represented by vertically oriented bays or segments that are established by fenestration patterns and/or structural and decorative elements. This Building Type is typically a masonry building, but in some instances it is clad in wood lap siding.

This Building Type is typically two- or three-stories in height, with vertically oriented windows which provide transparency on the upper stories. The Building Type's street frontage is represented with the Stoop, Forecourt or Porch Lawn Frontage Type, which will typically be set back from the street in an established build-to-zone. This allows for the buildings to provide a less intense and more relaxed street wall that is consistent with other residential building types.

This Building Type is flexible in both how it accommodates various dwelling units, but also how it fits into a variety of neighborhoods. With selection of certain design elements, the building can fit into more or less urban environments. For example, a flat roof is most likely to be utilized in areas directly adjacent to the HUD 7 Downtown Business District, while sloped roofs are more likely to occur closer to the edges of the HUD 6 and HUD 5 Districts - near the less intense Residential Districts.

## ARTICLE 6 BUILDING TYPE STANDARDS

### APARTMENT BUILDING TYPE

The Hudsonville Apartment Building Type is an acceptable Building Type for use on the edges of traditional commercial cores as a new infill building.

- B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.
1. Two- and three-story masonry or non-masonry buildings with one of the following Private Frontage Types (refer to Article 7 for Private Frontages):
    - a. *A Door Yard Private Frontage.* Refer to Images 6.138a and 6.138b. The Door Yard Private Frontage may also be combined with the Forecourt Private Frontage as indicated in Image 6.136.
    - b. *A Stoop Type Private Frontage.* Refer to Image 6.135.
    - c. *A Forecourt Type Private Frontage.* Refer to Image 6.136.
    - d. *A Porch Lawn Private Frontage.* Refer to Image 6.137.
  2. Simple, individual vertical proportioned window compositions above the ground floor.
  3. Street-facing front facades typically have either parapet walls with a cornice expression or pitched (gable or hip) roofs.
  4. Massing, composition and scale that is consistent with other residential buildings in the neighborhood.



IMAGE 6.135 APARTMENT TYPE STOOP



IMAGE 6.136 APARTMENT TYPE FORECOURT



IMAGE 6.137 APARTMENT TYPE PORCH LAWN

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

---



IMAGE 6.138 APARTMENT TYPE ACCESS



IMAGE 6.138a APARTMENT TYPE DOORYARD



IMAGE 6.138b APARTMENT TYPE DOORYARD

C. *Access Requirements.* Access to the Apartment Building Type shall meet the following requirements:

1. The main entrance shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.138.
2. Doors shall occur at intervals no greater than seventy-five (75) feet.
3. Access to the upper story residential uses may be through a street level lobby.
4. Interior circulation to each dwelling shall be through a corridor which may be single- or double-loaded

D. *Gallery of Possibilities.* Refer to Images 6.139 through 6.144. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**APARTMENT BUILDING TYPE**



IMAGE 6.139 APARTMENT BUILDING TYPE



IMAGE 6.142 APARTMENT BUILDING TYPE



IMAGE 6.140 APARTMENT BUILDING TYPE



IMAGE 6.143 APARTMENT BUILDING TYPE



IMAGE 6.141 APARTMENT BUILDING TYPE



IMAGE 6.144 APARTMENT BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

E. *Site Disposition.* Refer to Illustration 6.48 and Table 6.5. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Apartment Type Buildings shall meet the following requirements:

1. *Street Frontage.*

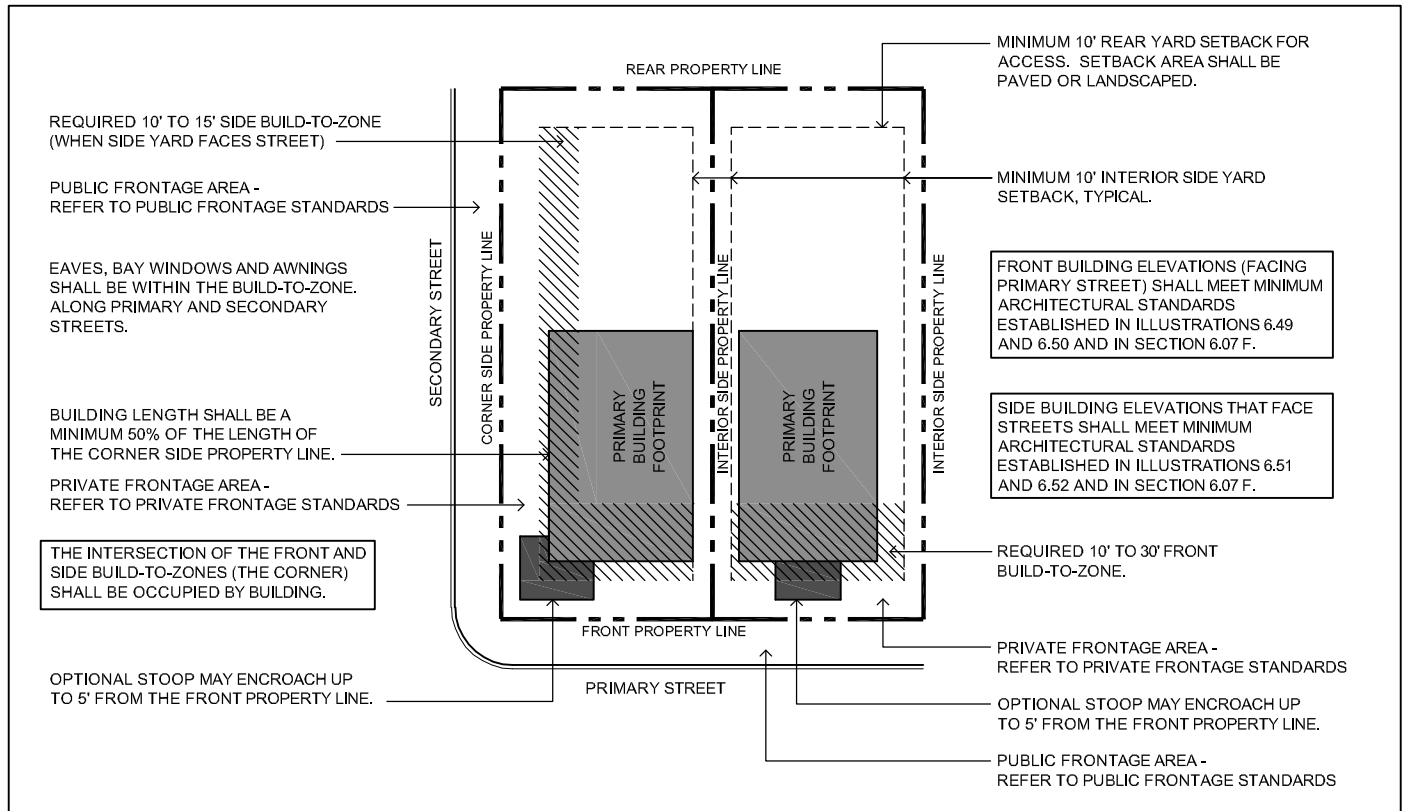
- a. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) shall be occupied by building.
- b. Front building facades shall be constructed within the build-to-zone. Refer to Illustration 6.48.
- c. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.48.

- d. Eaves and upper floor bay windows and balconies are required to be within the build-to-zone at front and corner side property lines.
- e. Eaves and upper floor bay windows and balconies are required to meet setback requirements in locations other than those indicated in item d.) above.
- f. Areas located between the building and the front or corner side property lines, shall be landscaped, along with a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
- g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.5 for lot sizes and lot coverage for this Building Type.

2. *Setbacks and Build-to-Zones.*

- a. Front: Required ten (10) to thirty (30) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum ten (10) foot setback.
- d. Corner side: Required ten (10) to fifteen (15) foot build-to-zone.

**ILLUSTRATION 6.48**  
SITE DISPOSITION APARTMENT BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

**TABLE 6.5 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Apartment Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	50 feet	200 feet	50 feet	250 feet
LOT AREA	Prohibited	Prohibited	6,000 sq. ft.	20,000 sq. ft.	6,000 sq. ft.	no maximum
BUILDING LOT COVERAGE	Prohibited	Prohibited	no minimum	60%	no minimum	60%

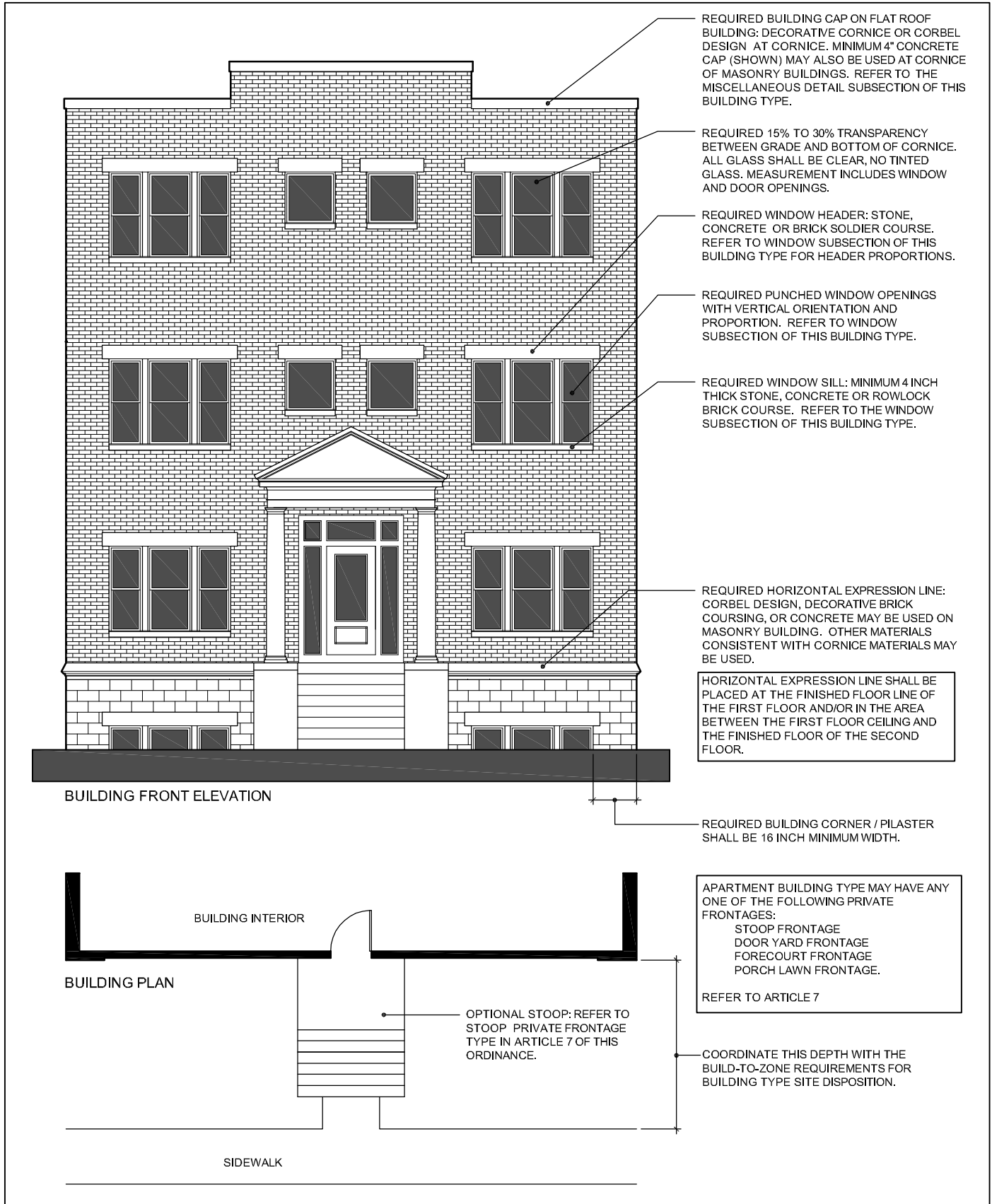
Apartment Building Type is Prohibited in HUD 7 Central Business District

- F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Apartment Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.
1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.49 or 6.50, depending on composition of the building.
  2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.51 or 6.52.
  3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
  4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

ILLUSTRATION 6.49 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION MASONRY APARTMENT BUILDING TYPE WITH STOOP FRONTAGE OPTION AND FLAT ROOF

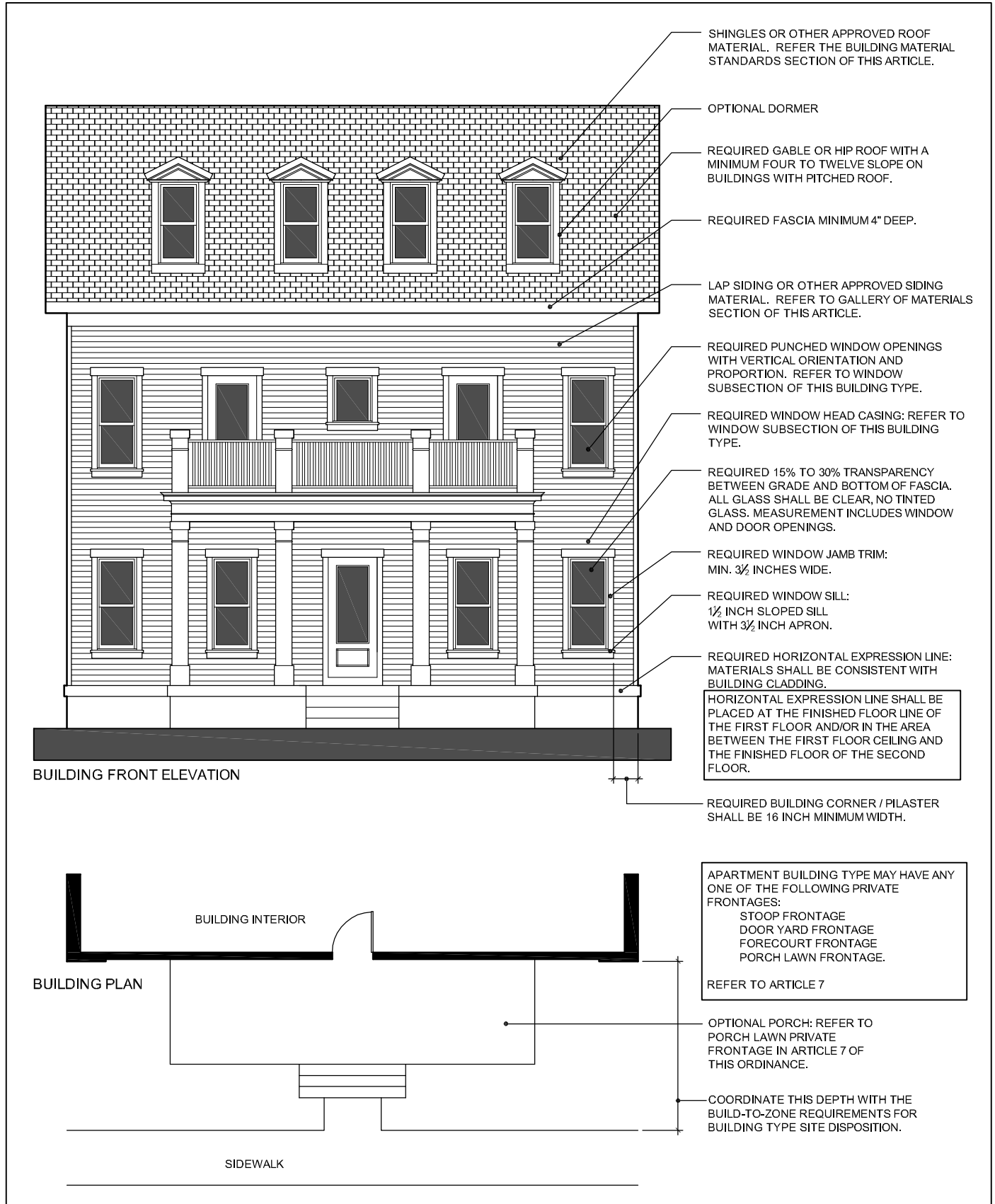


# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

ILLUSTRATION 6.50 MINIMUM ARCHITECTURAL STANDARDS:

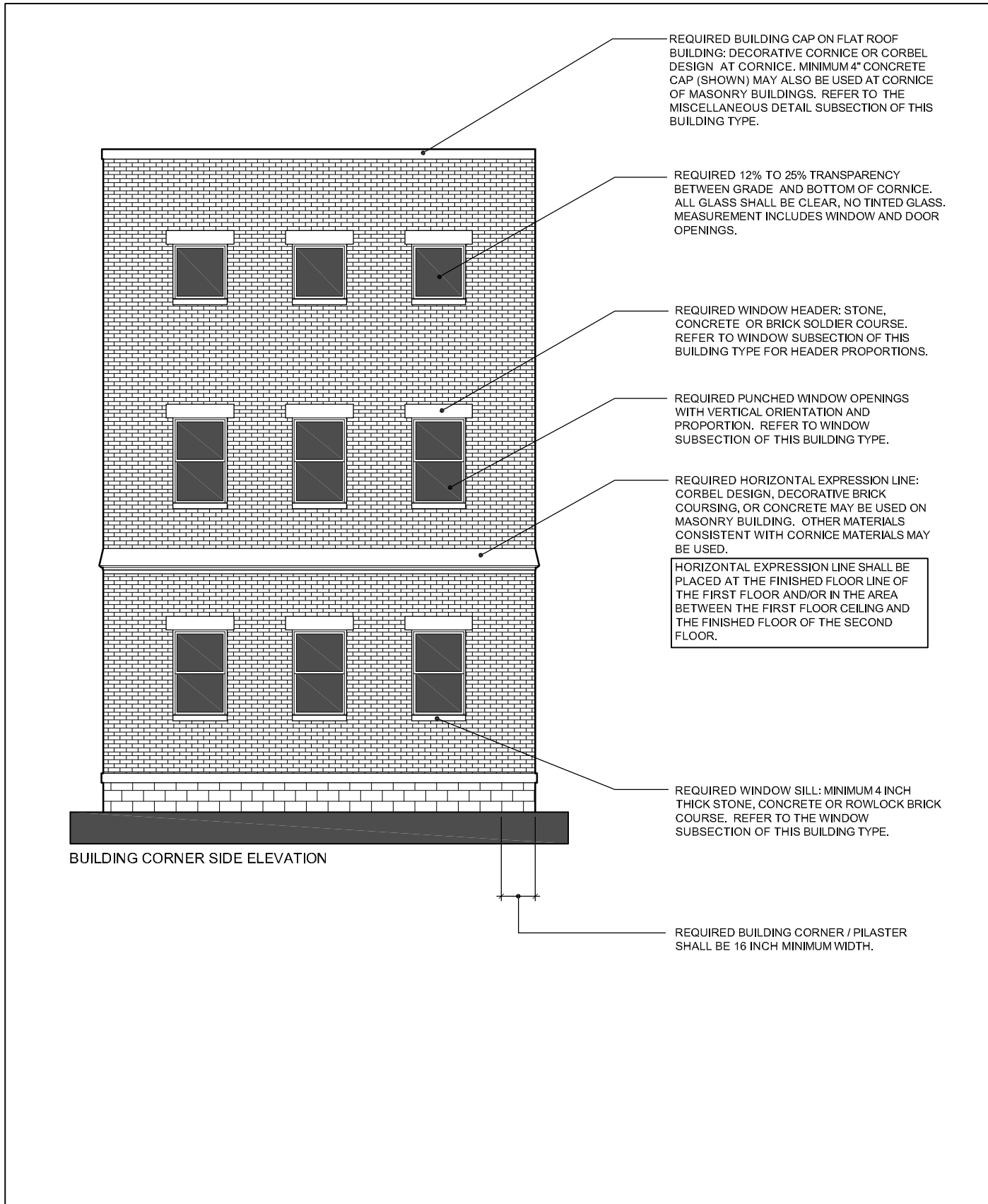
FRONT ELEVATION NON-MASONRY APARTMENT BUILDING TYPE WITH PORCH LAWN FRONTAGE OPTION AND PITCHED ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

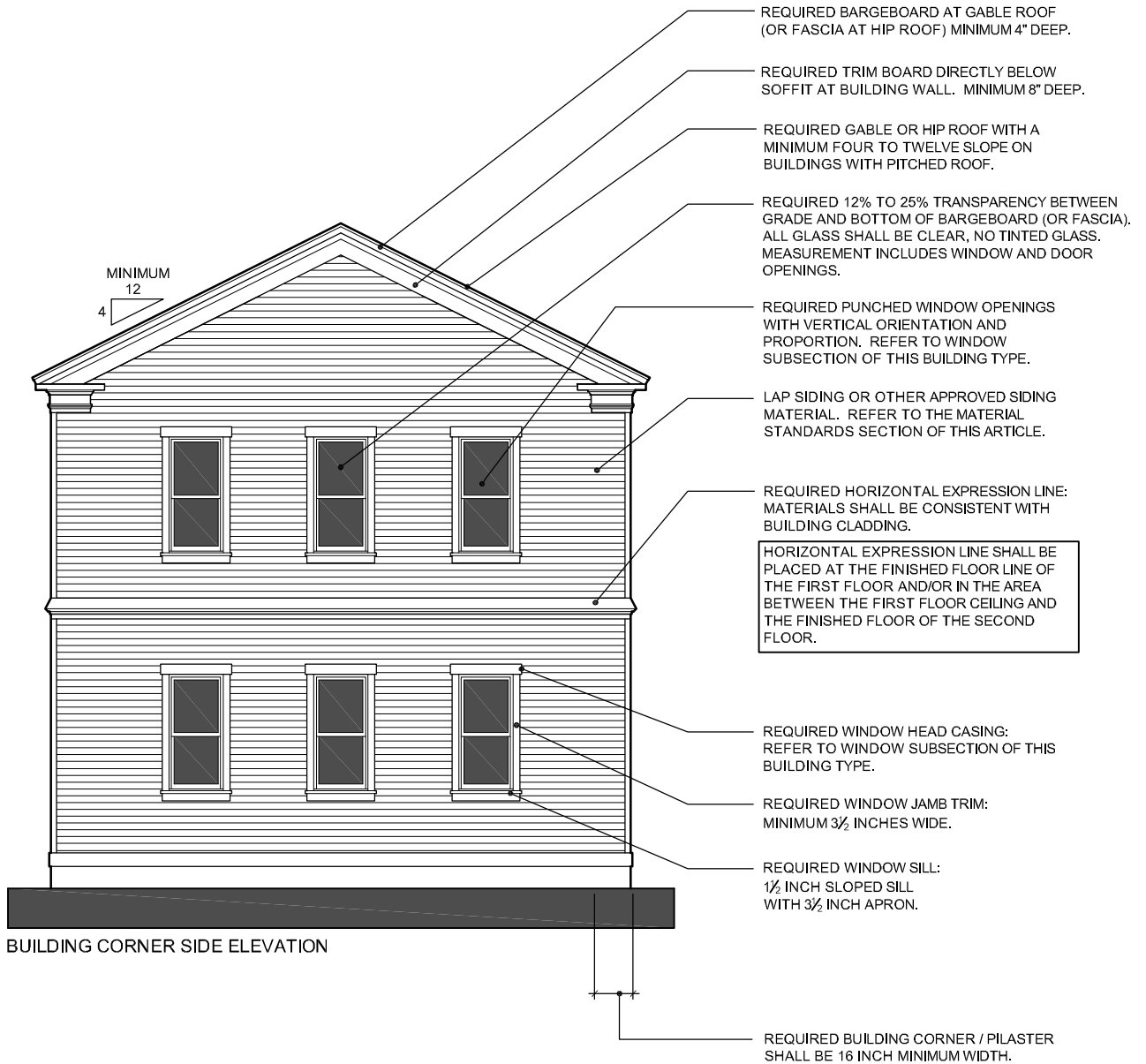
ILLUSTRATION 6.51 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER APARTMENT BUILDING TYPE WITH FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

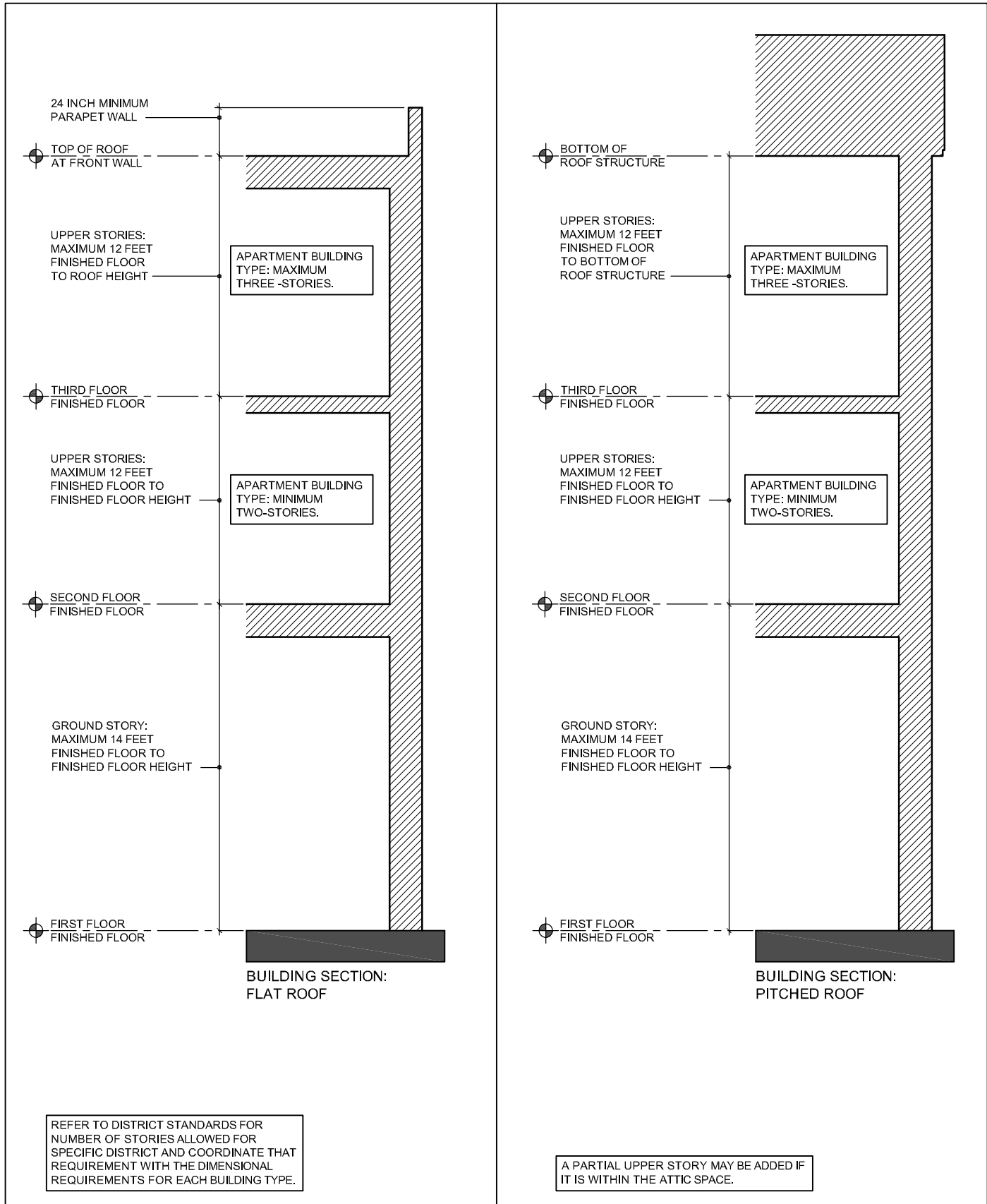
ILLUSTRATION 6.52 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER APARTMENT BUILDING TYPE WITH PITCHED ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

ILLUSTRATION 6.53 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



- G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.53. Building Heights addressed as part of this Article are measured from finished floor to finished floor.
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to top of roof (for flat roof buildings) and from finished floor to bottom of roof structure (for pitched roof buildings).
  2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.53 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
  3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.
  4. For this Building Type, a partial third story may be added if it is located in the attic space.



# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

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IMAGE 6.145 APARTMENT TYPE MASSING



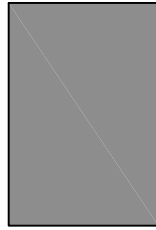
IMAGE 6.146 APARTMENT TYPE MASSING



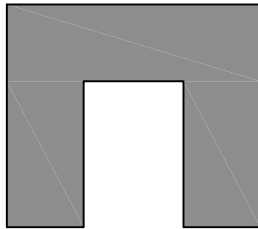
IMAGE 6.147 APARTMENT TYPE MASSING

H. *Massing.* Refer to Images 6.145, 6.146 and 6.147. The Apartment Building Type mass is typically composed of rectilinear forms with building height, width and depth determined by number of stories, lot width, lot depth and lot coverage. The building may have a flat or pitched (sloped) roof that can further define its overall mass. The Apartment Building is typically a two- or three-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements. Refer to Illustration 6.54.

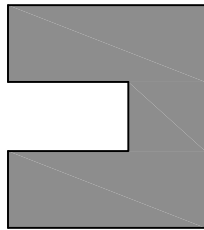
ILLUSTRATION 6.54  
OPTIONAL SITE CONFIGURATIONS APARTMENT BUILDING TYPE



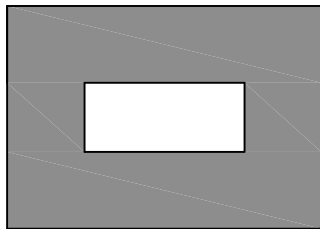
RECTANGULAR



FRONT  
FACING  
COURTYARD



SIDE  
FACING  
COURTYARD



INTERIOR  
COURTYARD

OPTIONAL SITE CONFIGURATIONS REPRESENT DIFFERENT BUILDING FOOTPRINTS THAT ARE TYPICAL FOR THE APARTMENT BUILDING TYPE.

COURTYARD BUILDINGS ARE TYPICAL CONFIGURATIONS WHEN THE BUILDING FRONTAGE IS WIDER THAN 100' IN ORDER TO BREAK THE FACADE INTO VERTICAL ELEMENTS AND TO ALLOW FOR LIGHT INTO INTERIOR APARTMENT UNITS.

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

I. *Composition.* Refer to Illustration 6.55. The facades of Apartment Building Types are required to be divided into a series of vertical bays or segments in order to maintain a vertical building proportion and/or the appearance of a smaller building composition. The Apartment Type shall have single bays that are no greater than forty (40) feet wide. These bays or segments may be articulated by window compositions, vertical structural elements, wall articulation, courtyards, or vertical details that are consistent with the building or other architectural devices. This Building Type shall have a door yard, stoop, forecourt or porch lawn frontage. These four frontages and roof articulation are indicated in Illustration 6.55.

ILLUSTRATION 6.55  
FACADE COMPOSITION DIAGRAMS APARTMENT BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS APARTMENT BUILDING TYPE

- J. *Windows.* Refer to Illustrations 6.56 and 6.57 and Images 6.148, 6.149 and 6.150. Windows are typically vertical in proportion with the following attributes:
1. Standard windows may be of any operational type and may have divided lights or no divided lights. Divided light pattern shall be consistent throughout the entire building.
  2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.



IMAGE 6.148 APARTMENT TYPE WINDOW



IMAGE 6.149 APARTMENT TYPE WINDOW

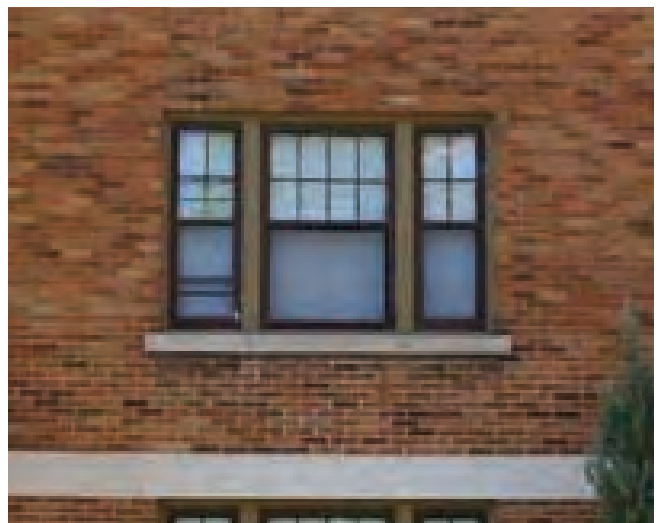


IMAGE 6.150 APARTMENT TYPE WINDOW

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

ILLUSTRATION 6.56 WINDOW STANDARDS:  
MASONRY APARTMENT BUILDING TYPE

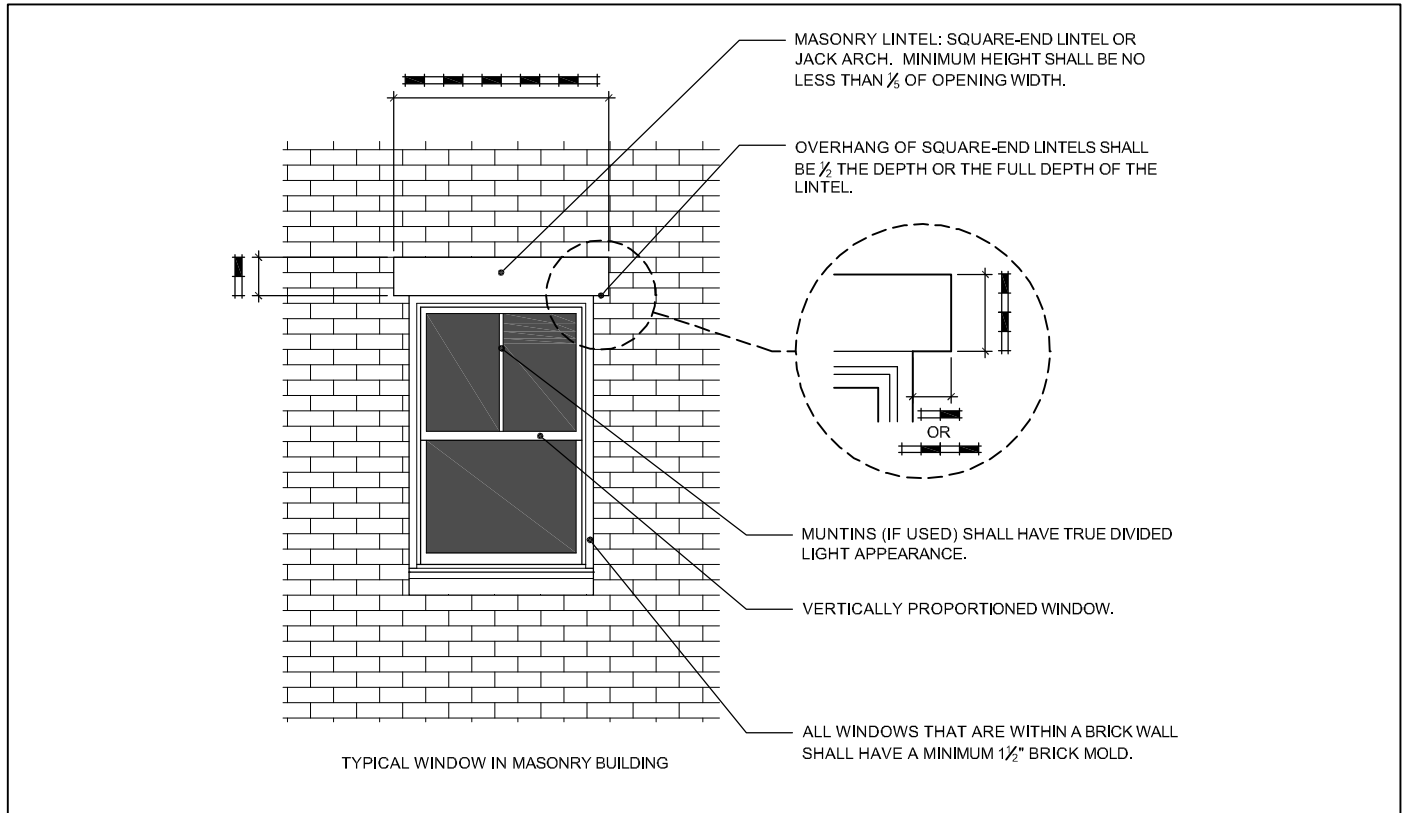
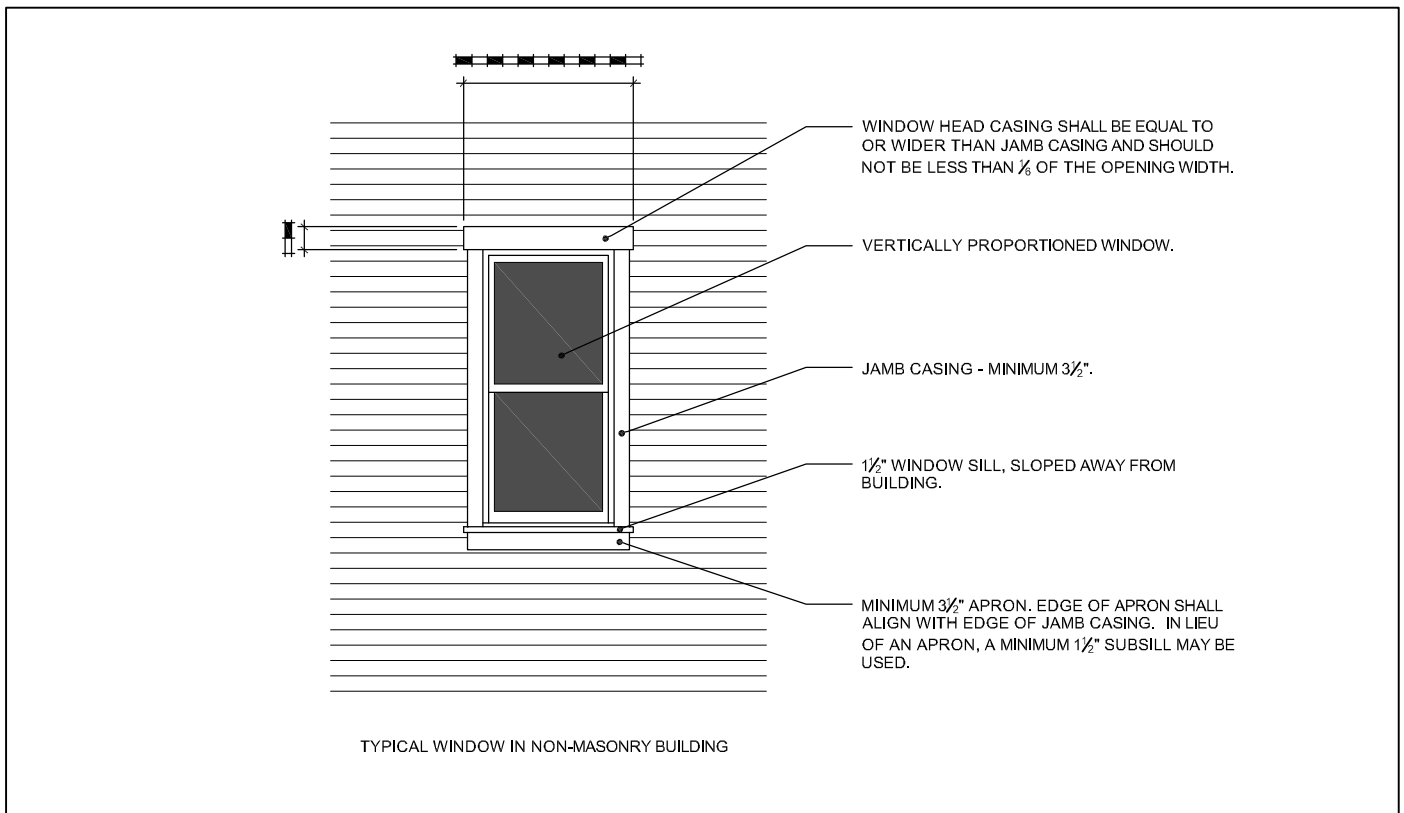


ILLUSTRATION 6.57 WINDOW STANDARDS:  
NON-MASONRY APARTMENT BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS

### APARTMENT BUILDING TYPE

K. *Miscellaneous Details.* Apartment Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Balconies.* Refer to Image 6.151. Upper-story balconies are occasionally present on the Apartment Building Type. They typically occur as simple cantilevered extensions from the upper floor living units or as a steel balcony supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. These balconies are typically composed of simple shapes of structural steel to minimize their bulk. Balconies shall match the architectural detailing of the building.
2. *Bay Windows.* Refer to Image 6.152. Bay windows are occasionally present on the Apartment Building Type as an articulation of the front façade.



IMAGE 6.151 APARTMENT TYPE BALCONY



IMAGE 6.152 APARTMENT TYPE BAY

# ARTICLE 6 BUILDING TYPE STANDARDS

## APARTMENT BUILDING TYPE

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3. *Cornices.* Refer to Images 6.153, 6.154 and 6.155. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are not required on the Apartment Building Type, unless the building has a flat roof.



IMAGE 6.153 APARTMENT TYPE CORNICE



IMAGE 6.154 APARTMENT TYPE CORNICE

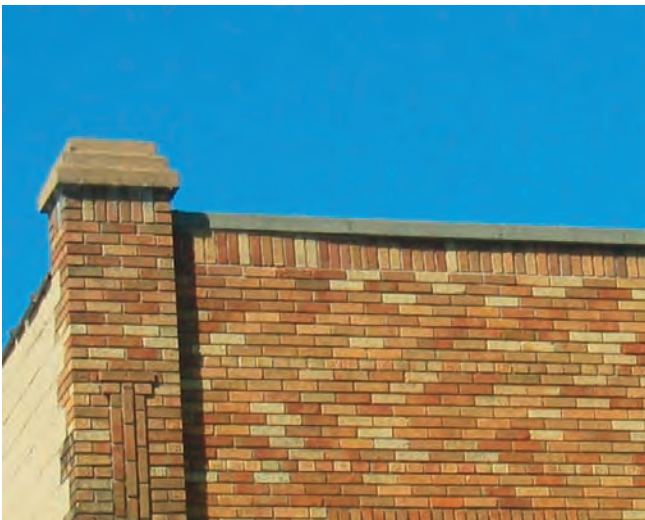


IMAGE 6.155 APARTMENT TYPE CORNICE

## ARTICLE 6 BUILDING TYPE STANDARDS

### ROWHOUSE BUILDING TYPE

#### Section 6.08 Hudsonville Rowhouse Building Type

A. *History and Character.* Refer to Images 6.156, 6.157 and 6.158. The many small towns, villages and cities of the West Michigan region have a diverse range of building types that have represented an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of the districts which surrounded the traditional commercial downtowns. These districts typically have many types of residential buildings. This range allows for these residential buildings to accommodate a diverse socio-economic population, within a single, coherent neighborhood structure. While these buildings allow for a great deal of residential variety, they typically are well integrated into the neighborhood, utilizing massing, scale and composition that is consistent with the neighborhood context. The Rowhouse Building Type is typically developed on compact and walkable blocks in the districts surrounding the downtown core and offers a transitional element between commercial cores and adjacent, less intense residential uses. The Rowhouse Type may also be integrated into single-use residential districts, provided that is consistent in mass, scale and composition to the neighborhood residential architecture.

Rowhouse Building Types are usually represented by small and narrow bays of single units grouped together into three or more units to form a coherent street wall. This Building Type is typically either a masonry building or clad in wood lap siding.

This Building Type is typically two- or three-stories in height, with vertically oriented windows which provide transparency on the upper stories. The Building Type's street frontage is represented with the Stoop, Terrace / Lightwell or Porch-Lawn Private Frontage Type.

The Hudsonville Rowhouse Building is an acceptable Building Type for use on the edges of traditional commercial cores as a new infill building.



IMAGE 6.156 ROWHOUSE BUILDING TYPE



IMAGE 6.157 ROWHOUSE BUILDING TYPE



IMAGE 6.158 ROWHOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE



IMAGE 6.159 ROWHOUSE TYPE STOOP



IMAGE 6.160 ROWHOUSE TYPE TERRACE/LIGHTWELL



IMAGE 6.161 ROWHOUSE TYPE PORCH-LAWN

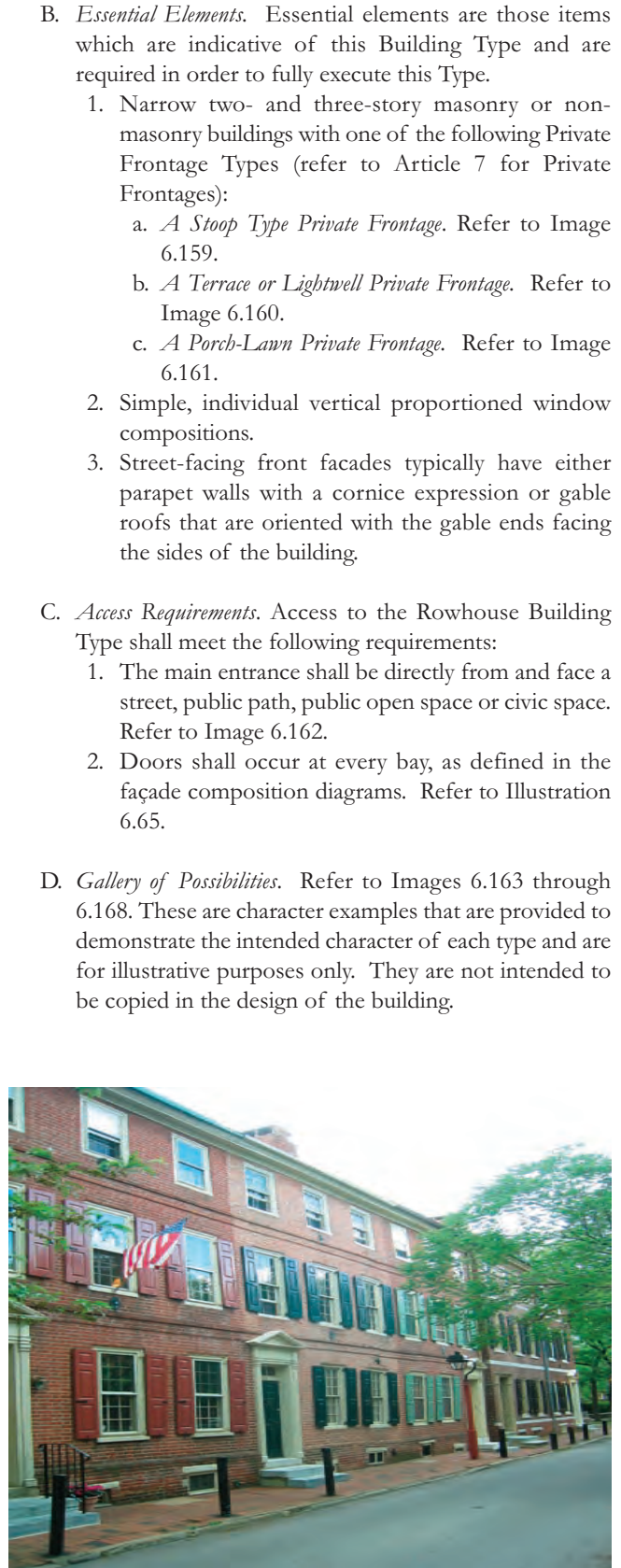


IMAGE 6.162 ROWHOUSE TYPE ACCESS

- B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.
1. Narrow two- and three-story masonry or non-masonry buildings with one of the following Private Frontage Types (refer to Article 7 for Private Frontages):
    - a. *A Stoop Type Private Frontage.* Refer to Image 6.159.
    - b. *A Terrace or Lightwell Private Frontage.* Refer to Image 6.160.
    - c. *A Porch-Lawn Private Frontage.* Refer to Image 6.161.
  2. Simple, individual vertical proportioned window compositions.
  3. Street-facing front facades typically have either parapet walls with a cornice expression or gable roofs that are oriented with the gable ends facing the sides of the building.
- C. *Access Requirements.* Access to the Rowhouse Building Type shall meet the following requirements:
1. The main entrance shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.162.
  2. Doors shall occur at every bay, as defined in the façade composition diagrams. Refer to Illustration 6.65.
- D. *Gallery of Possibilities.* Refer to Images 6.163 through 6.168. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**ROWHOUSE BUILDING TYPE**



IMAGE 6.163 ROWHOUSE BUILDING TYPE



IMAGE 6.166 ROWHOUSE BUILDING TYPE



IMAGE 6.164 ROWHOUSE BUILDING TYPE



IMAGE 6.167 ROWHOUSE BUILDING TYPE



IMAGE 6.165 ROWHOUSE BUILDING TYPE



IMAGE 6.168 ROWHOUSE BUILDING TYPE

# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

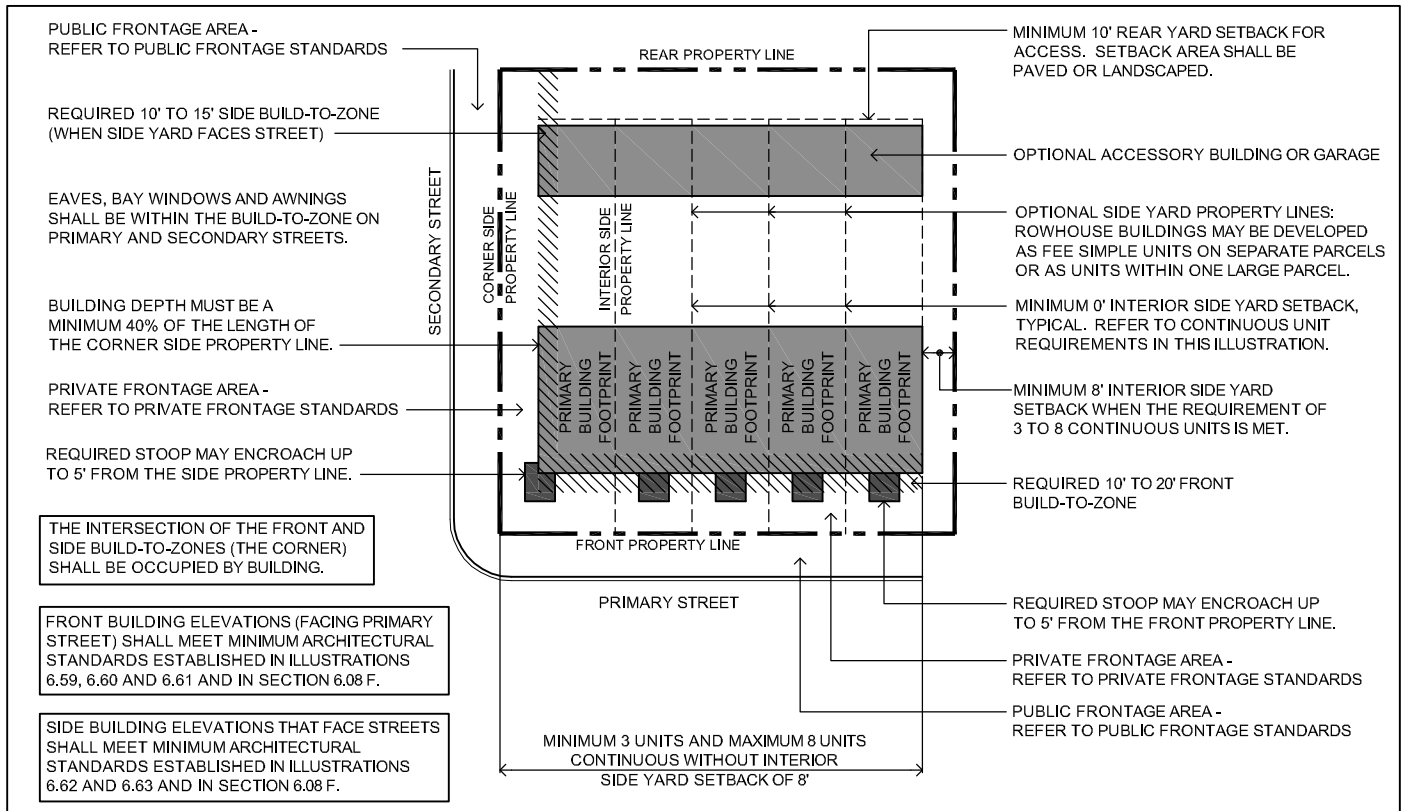
E. *Site Disposition.* Refer to Illustration 6.58 and Table 6.6. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Rowhouse Type Buildings shall meet the following requirements:

1. *Street Frontage.*

- a. On primary streets, a contiguous frontage of individual units is required. The rowhouse buildings shall be composed of a minimum of three (3) and a maximum of eight (8) units, or bays.
- b. At street-facing corner locations the intersection of the front and side build-to-lines (the corner) shall be occupied by building.
- c. Street-facing front building facades shall be constructed within the build-to-zone. Refer to Illustration 6.58.

- d. At street-facing corner locations the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.58.
- e. Eaves and upper floor bay windows and balconies are required to be within the build-to-zone at front and corner side property lines.
- f. Eaves and upper floor bay windows and balconies are required to meet setback requirements in locations other than those indicated in item e.) above.
- g. Areas located between the building and the front or corner side property lines, shall be landscaped, along with a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
- h. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.6 for lot sizes and lot coverage for this Building Type.

**ILLUSTRATION 6.58**  
**SITE DISPOSITION ROWHOUSE BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

**TABLE 6.6 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Rowhouse Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	60 feet	200 feet	60 feet	250 feet
LOT AREA	Prohibited	Prohibited	6,000 sq. ft.	20,000 sq. ft.	6,000 sq. ft.	no maximum
BUILDING LOT COVERAGE	Prohibited	Prohibited	no minimum	70%	no minimum	70%

Rowhouse Building Type is Prohibited in HUD 7 Central Business District

2. *Setbacks and Build-to-Zones.*

- a. Front: Required ten (10) to twenty (20) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum eight (8) foot setback when the requirement of three (3) to eight (8) continuous units is met.
- d. Corner side: required ten (10) to fifteen (15) foot build-to-zone.

F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Rowhouse Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.59, 6.60, or 6.61, depending on composition of the building.
2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.62 or 6.63.
3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of

openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

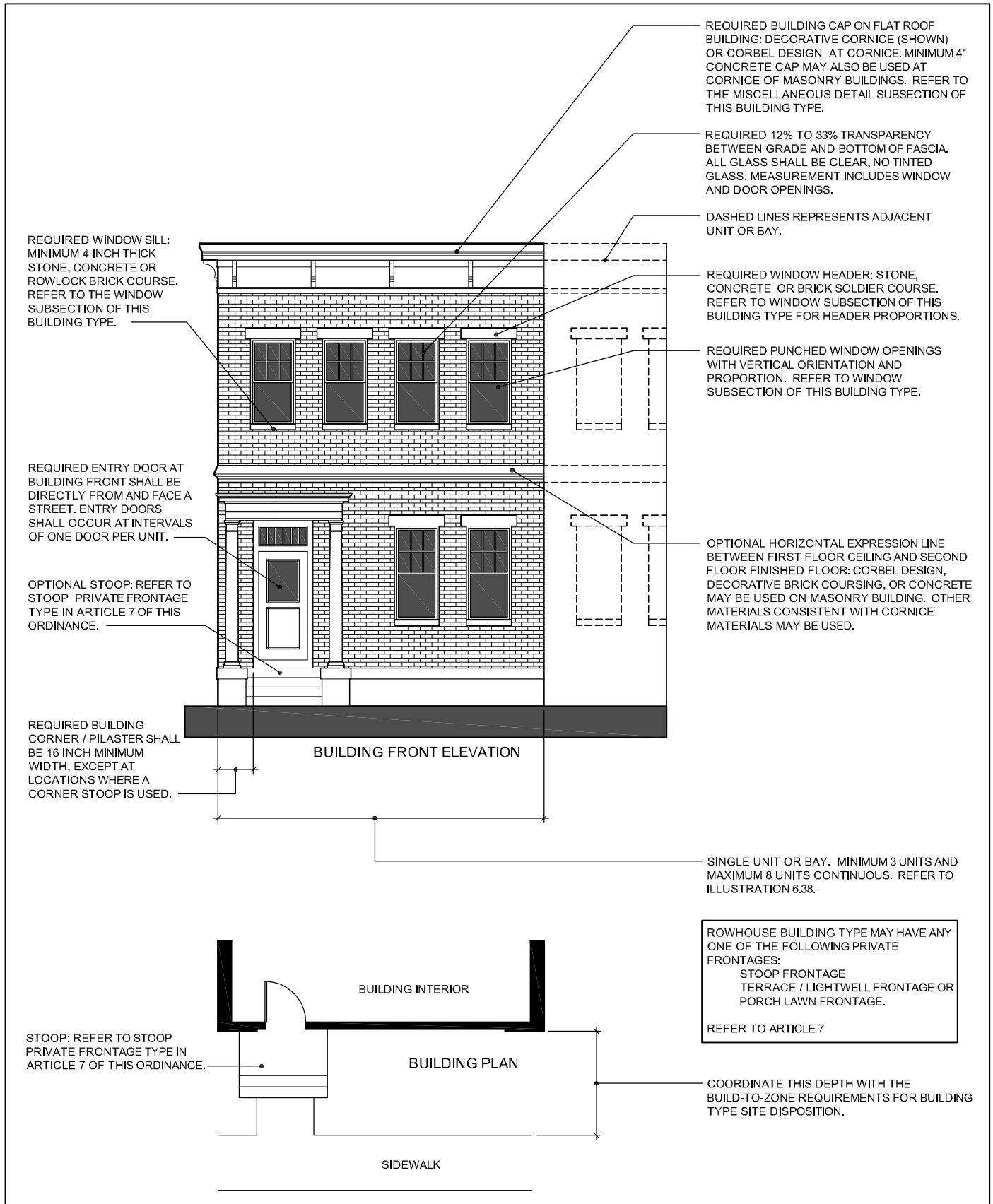
G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.64. Building Heights addressed as part of this Article are measured from finished floor to finished floor.

1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to top of roof (for flat roof buildings) and from finished floor to bottom of roof structure (for pitched roof buildings).
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.64 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.
4. For this Building Type, a partial third story may be added if it is located in the attic space.

# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

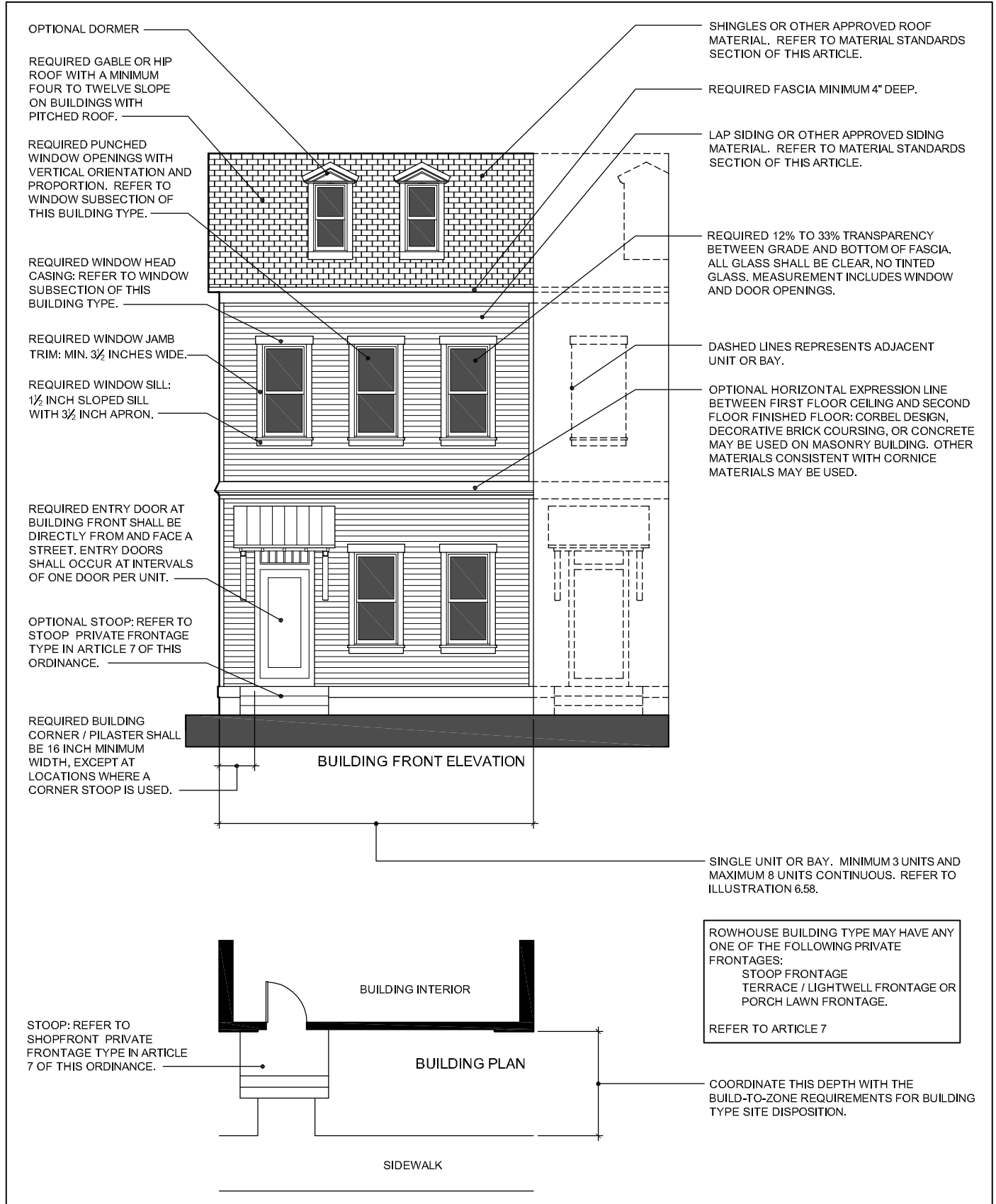
ILLUSTRATION 6.59 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION MASONRY ROWHOUSE BUILDING TYPE WITH STOOP FRONTAGE OPTION AND FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

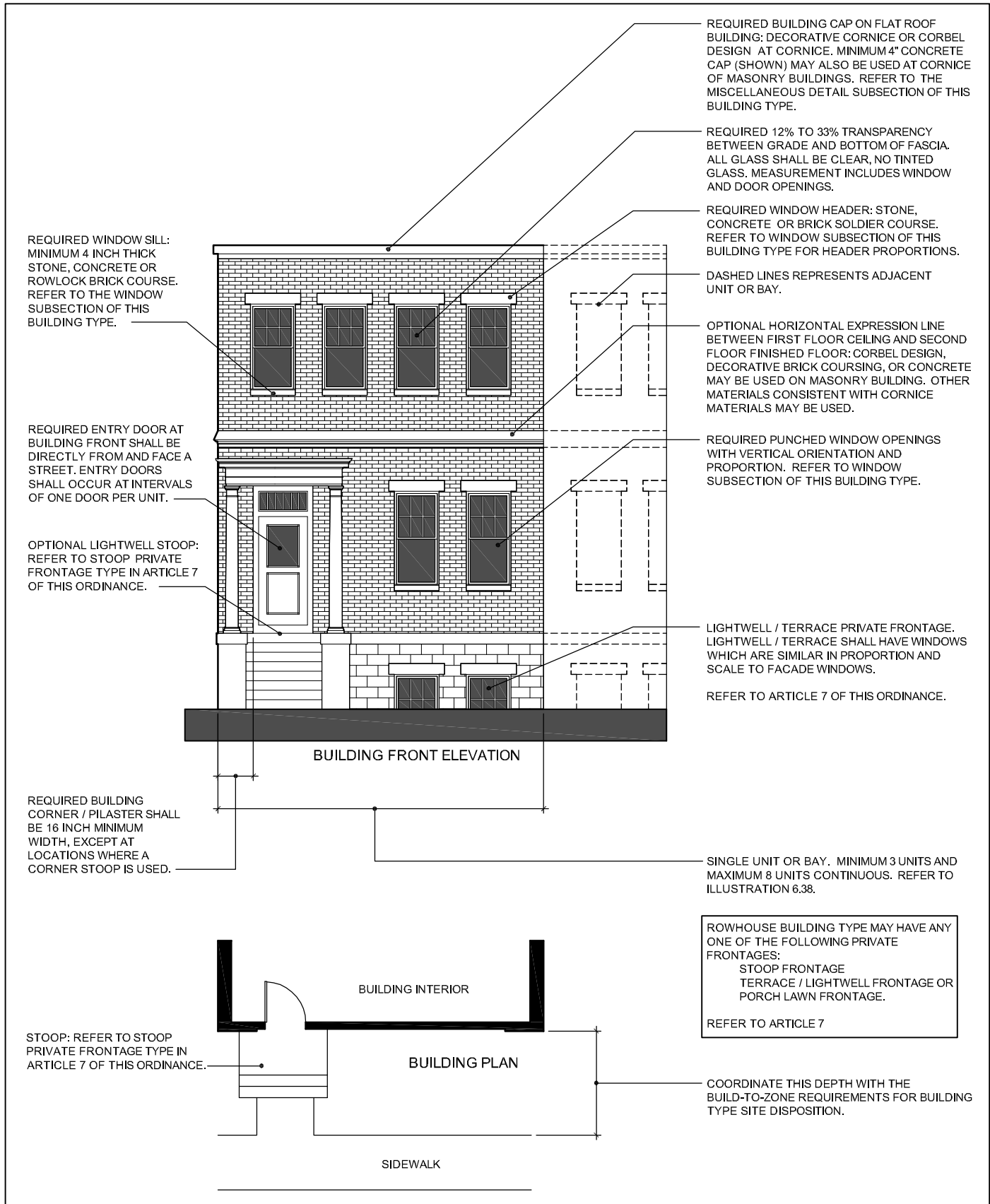
**ILLUSTRATION 6.60 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION NON-MASONRY ROWHOUSE BUILDING TYPE WITH STOOP FRONTAGE OPTION AND PITCHED ROOF**



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

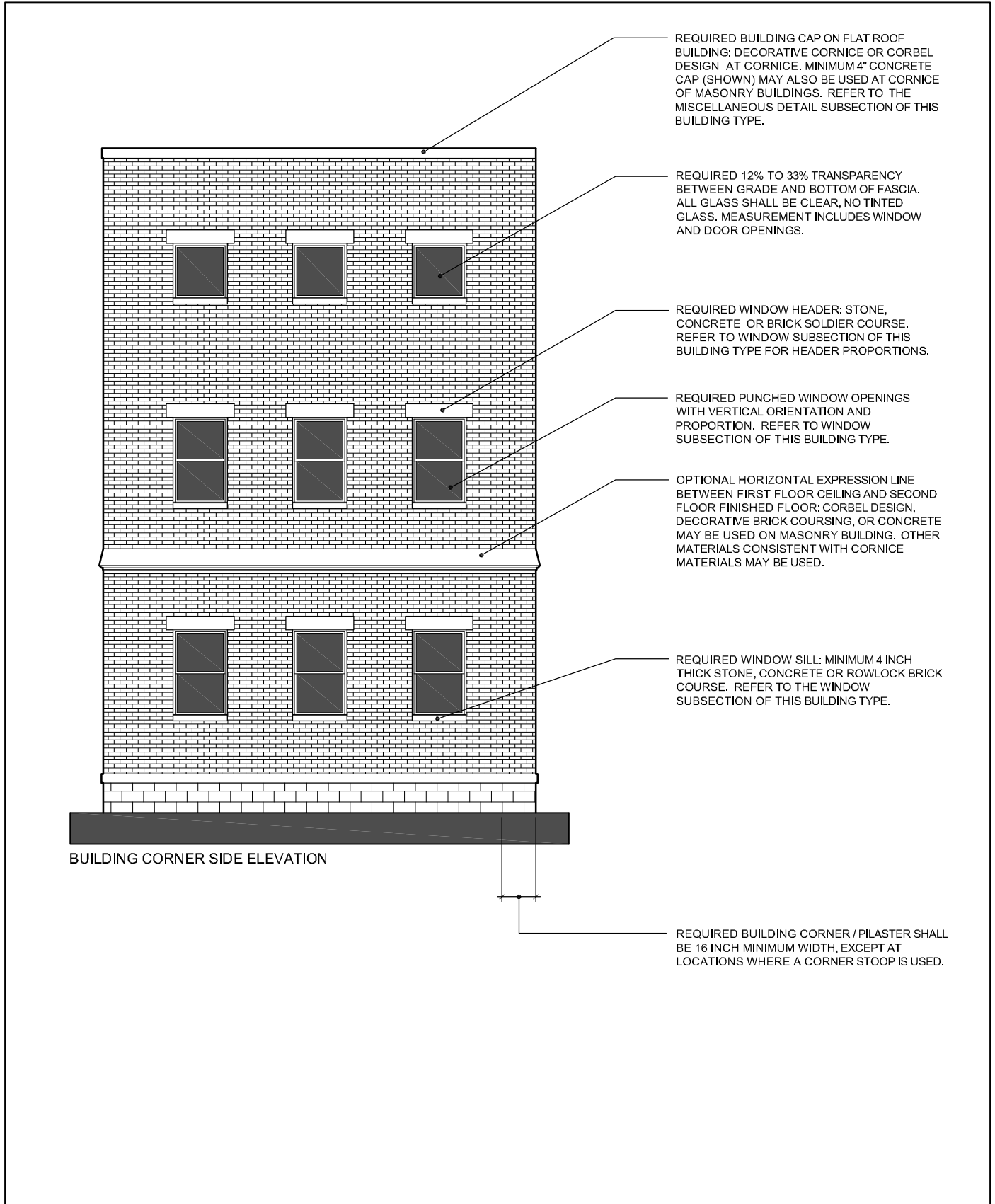
ILLUSTRATION 6.61 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION MASONRY ROWHOUSE BUILDING TYPE WITH TERRACE / LIGHTWELL FRONTAGE OPTION AND FLAT ROOF



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

ILLUSTRATION 6.62 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER ROWHOUSE BUILDING TYPE WITH FLAT ROOF

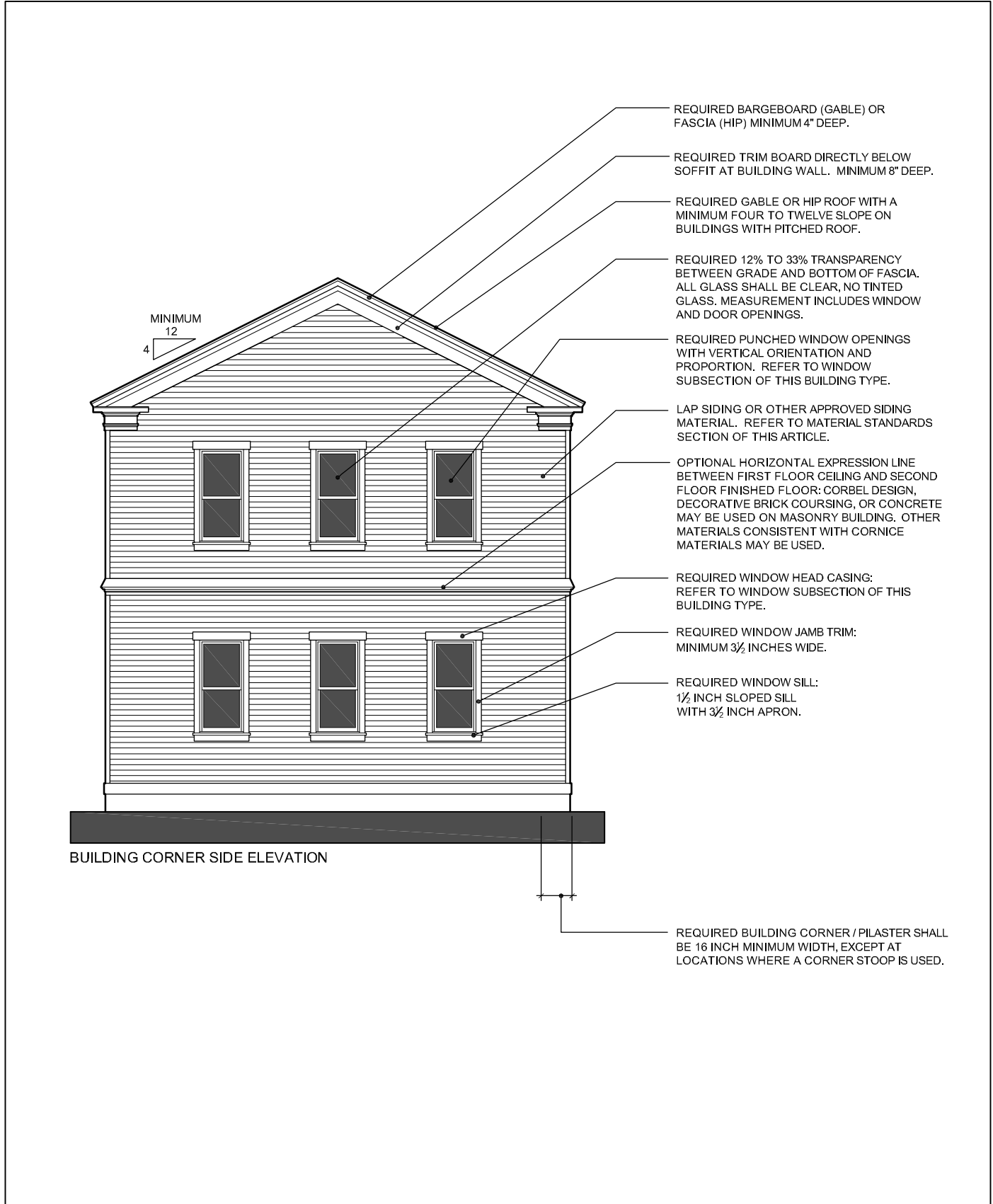




# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

ILLUSTRATION 6.63 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER ROWHOUSE BUILDING TYPE WITH PITCHED ROOF

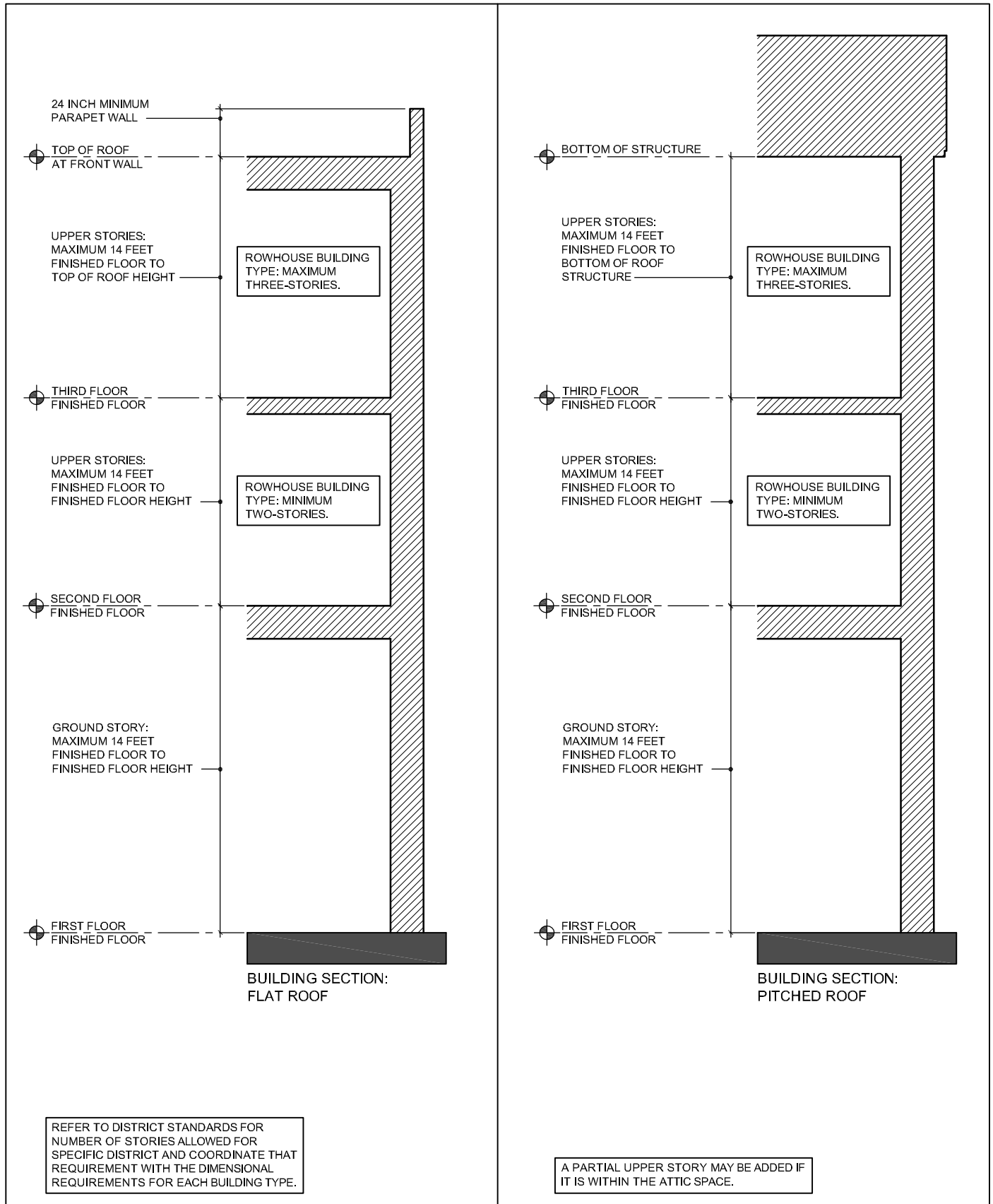


# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

**ILLUSTRATION 6.64**

MINIMUM ARCHITECTURAL STANDARDS: FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE



IMAGE 6.169 ROWHOUSE TYPE MASSING



IMAGE 6.170 ROWHOUSE TYPE MASSING



IMAGE 6.171 ROWHOUSE TYPE MASSING

H. *Massing.* Refer to Images 6.169, 6.170 and 6.171. The Rowhouse Building Type mass is composed of narrow rectangular boxes that are attached to form a building. The building height, width and depth are determined by number of stories, lot width, lot depth, and lot coverage. The building may have a flat or pitched (sloped) roof that can further define its overall mass. The Rowhouse Building is typically a two- or three-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is accentuated with these vertical elements placed in consistent spacing with the individual units.

I. *Composition.* Refer to Illustration 6.65. Rowhouse Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion and the appearance of a smaller building. The Rowhouse Type shall have single bays that are between fourteen (14) feet and twenty-four (24) feet wide. These bays shall represent individual fee simple units on separate parcels or as units within one large parcel. This Building Type shall have a stoop, terrace / lightwell or porch lawn private frontage. These three frontages, categorized with roof articulation are indicated in Illustration 6.65.

ARTICLE 6 BUILDING TYPE STANDARDS  
ROWHOUSE BUILDING TYPE

ILLUSTRATION 6.65  
FACADE COMPOSITION DIAGRAMS ROWHOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

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IMAGE 6.172 ROWHOUSE TYPE WINDOWS



IMAGE 6.173 ROWHOUSE TYPE WINDOWS



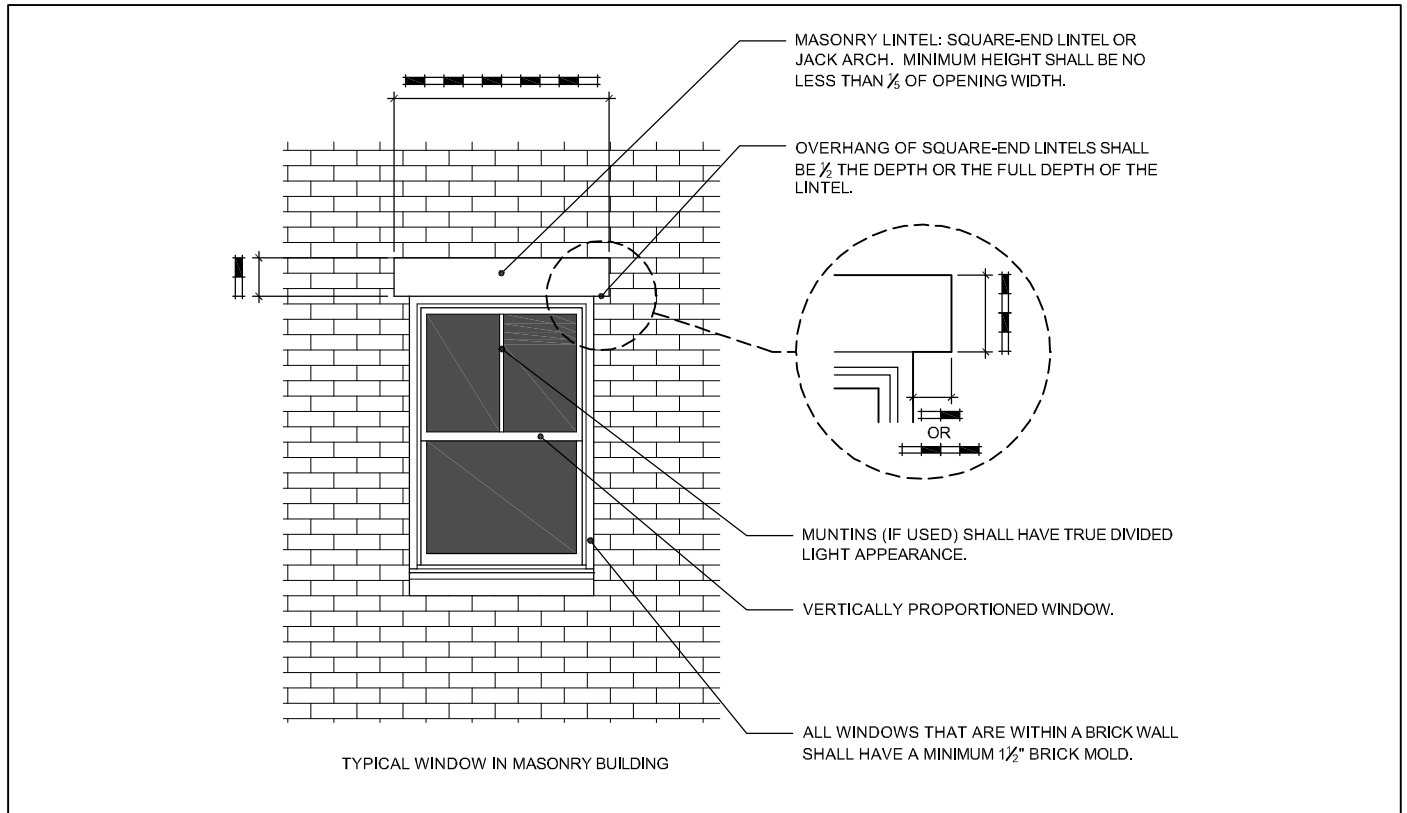
IMAGE 6.174 ROWHOUSE TYPE WINDOWS

- J. *Windows.* Refer to Illustrations 6.66 and 6.67 and Images 6.172, 6.173 and 6.174. Windows are typically vertical in proportion with the following attributes:
1. Standard windows may be of any operational type and may have divided lights or no divided lights. Divided light pattern shall be consistent throughout the entire building.
  2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.

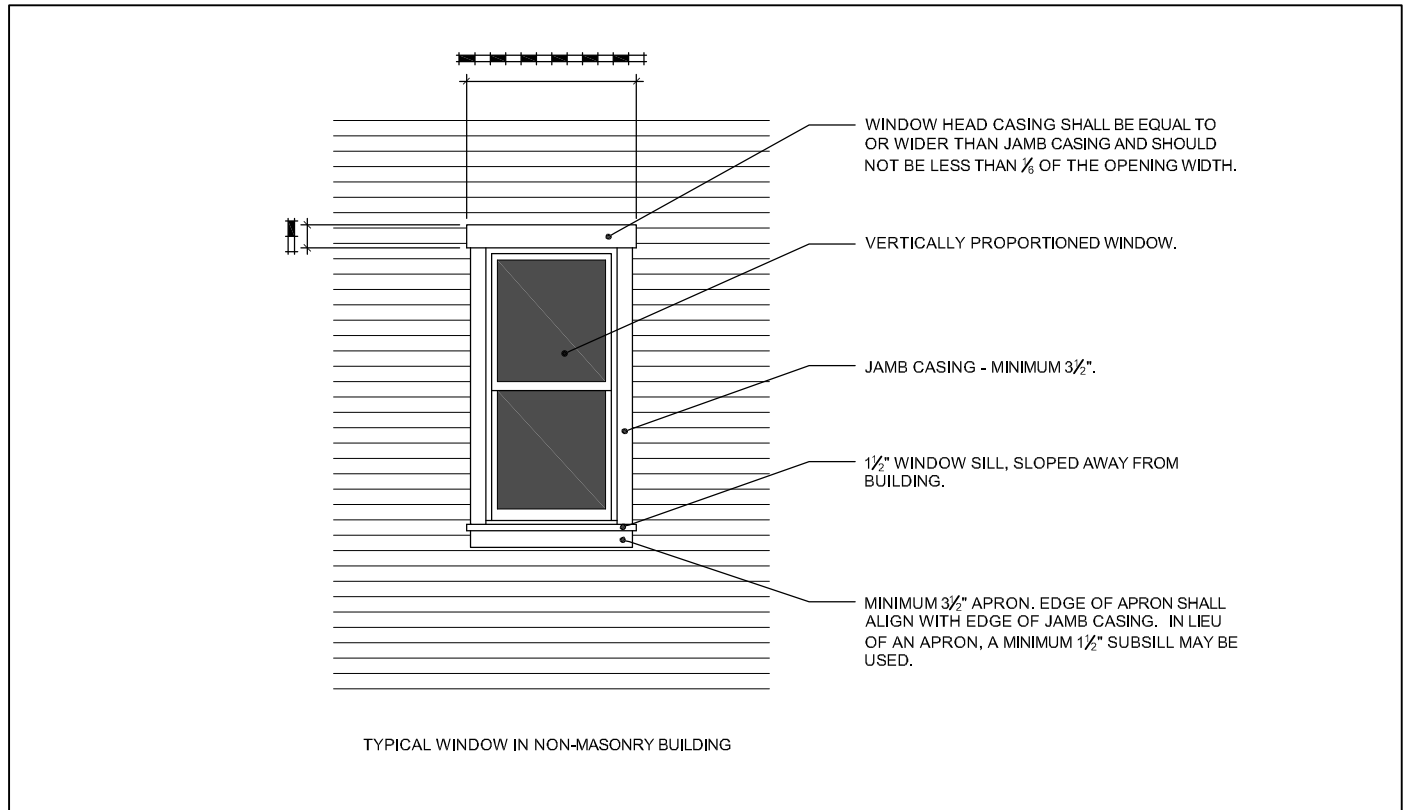
# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

**ILLUSTRATION 6.66**  
WINDOW STANDARDS: MASONRY ROWHOUSE BUILDING TYPE



**ILLUSTRATION 6.67**  
WINDOW STANDARDS: NON-MASONRY ROWHOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## ROWHOUSE BUILDING TYPE

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IMAGE 6.175 ROWHOUSE TYPE BALCONY



IMAGE 6.176 ROWHOUSE TYPE BAY WINDOW

K. *Miscellaneous Details.* Rowhouse Building Types typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details include the following:

1. *Balconies.* Refer to Image 6.175. Upper-story balconies are occasionally present on the Rowhouse Building Type. They typically occur as simple cantilevered extensions from the upper floor living units or as a steel balcony supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. These balconies are typically composed of simple shapes of structural steel to minimize their bulk. Balconies shall match the architectural detailing of the building.
2. *Bay Windows.* Refer to Image 6.176. Bay windows are occasionally present on the Rowhouse Building Type as an articulation of the front façade.

## ARTICLE 6 BUILDING TYPE STANDARDS

### ROWHOUSE BUILDING TYPE

3. *Cornices.* Refer to Images 6.177, 6.178 and 6.179. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are not required on the Rowhouse Building Type, unless the building has a flat roof.



IMAGE 6.177 ROWHOUSE TYPE CORNICE



IMAGE 6.178 ROWHOUSE TYPE CORNICE



IMAGE 6.179 ROWHOUSE TYPE CORNICE



# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE



IMAGE 6.180 TWO-FAMILY HOUSE BUILDING TYPE



IMAGE 6.181 TWO-FAMILY HOUSE BUILDING TYPE



IMAGE 6.182 TWO-FAMILY HOUSE BUILDING TYPE

### Section 6.09 Hudsonville Two-family House Building Type

A. *History and Character.* Refer to Images 6.180, 6.181 and 6.182. The many small towns, villages and cities of the West Michigan region have a diverse range of building types that have represented an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of the districts which surrounded the traditional commercial downtowns. These districts typically have a diverse range of residential Building Types that allow for variety in number of dwellings, size of dwelling, and arrangement of dwelling type. This range allows for these residential buildings to accommodate a diverse socio-economic population, within a single, coherent neighborhood structure. While these buildings allow for a great deal of residential variety, they typically are well integrated into the neighborhood, utilizing massing, scale and composition that is consistent with the neighborhood context. The Two-family House Building Type is typically developed on compact and walkable blocks in the districts surrounding the downtown core and offers options for a variety of living arrangements in a multi-family building type which follows the form of a large single family house. The Two-family House Building Type may also be integrated into single-use residential districts, provided that is consistent in mass, scale and composition to the neighborhood residential architecture.

Two-family House Building Types are typically integrated into the single-family detached residential block structure or at edges of these blocks allowing for a transition from more intense development patterns, which can include apartment, rowhouse, live-work or even retail and mixed-use buildings. Historically this building type followed the forms, mass and composition of single-family detached houses. This building type is usually represented by vertically oriented bays or segments that are established by fenestration patterns and/or structural and decorative elements.

This Building Type is typically two-stories in height, with vertically oriented windows which provide transparency. The Building Type's street frontage is represented with the Stoop or Porch Lawn Frontage Type, which will typically be set back from the street in an established build-to-zone. This allows for the buildings to provide a less intense and more relaxed street wall that is consistent with other residential building types.

## ARTICLE 6 BUILDING TYPE STANDARDS

### TWO-FAMILY BUILDING TYPE

The Two-family House Building Type is based on the simple, elegant forms that were adapted to more informal houses on small lots in Midwestern towns and cities. The massing arrangement follows a simple pattern, while ornamentation was typically restrained and limited to the porches and stoops.

The Hudsonville Two-family House Building Type is an acceptable Building Type for use on the edges of traditional commercial cores as infill.

- B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.
1. Two-story buildings with one of the following Private Frontage Types (refer to Article 7 for Private Frontages):
    - a. *A Stoop Type Private Frontage.* Refer to Image 6.183.
    - b. *A Porch Lawn Private Frontage.* Refer to Image 6.184.
  2. Simple, individual vertically proportioned window and door compositions.
  3. Moderately pitched gable or hip roof.
  4. Primarily lap-siding, although masonry structures are an option for this building.
  5. Massing, composition and scale which is consistent with other residential buildings in the neighborhood.



IMAGE 6.183 TWO-FAMILY HOUSE TYPE STOOP



IMAGE 6.184 TWO-FAMILY HOUSE TYPE PORCH-LAWN

# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE



IMAGE 6.185 2 TWO-FAMILY HOUSE BUILDING TYPE



IMAGE 6.186 TWO-FAMILY HOUSE BUILDING TYPE



IMAGE 6.187 TWO-FAMILY HOUSE BUILDING TYPE

C. *Access Requirements.* Access to the Two-family House Building Type shall meet the following requirements:

1. The main entrance shall be directly from and face a street, public path, public open space or civic space.

D. *Gallery of Possibilities.* Refer to Images 6.185 through 6.187. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.

E. *Site Disposition.* Refer to Illustration 6.68 and Table 6.7. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Two-family House Building Types shall meet the following requirements:

1. *Street Frontage.*
  - a. At street-facing corner locations, the intersection of the front and side build-to-zones (the corner) shall be occupied by building.
  - b. Front building facades shall be constructed within the build-to-zone. Refer to Illustration 6.68.
  - c. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.68.
  - d. Eaves and upper floor bay windows and balconies along street frontages are required to be within the build-to-zone.
  - e. Eaves and upper floor bay windows and balconies are required to meet setback requirements in locations other than those indicated in item d.) above.
  - f. Areas located between the building and the front or corner side property lines along street frontages, shall be landscaped and provide a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
  - g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.7 for lot sizes and lot coverage for this Building Type.

# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

**TABLE 6.7 LOT SIZES and LOT COVERAGE PER DISTRICT**  
Two-family House Building Type

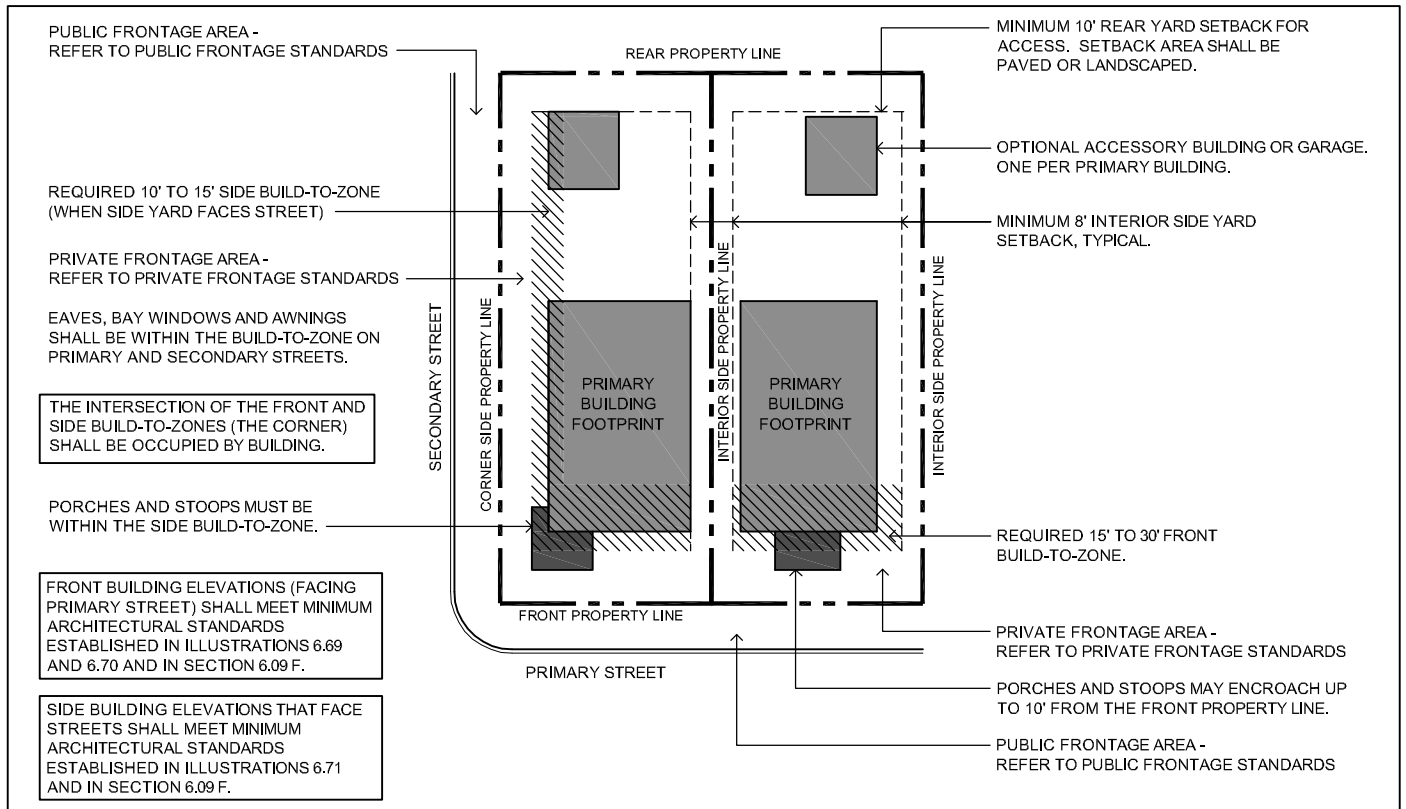
	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	44 feet	80 feet	44 feet	90 feet
LOT AREA	Prohibited	Prohibited	4,400 sq. ft.	12,000 sq. ft.	4,400 sq. ft.	15,000 sq. ft.
BUILDING LOT COVERAGE	Prohibited	Prohibited	30%	50%	30%	50%

Two-family House Building Type is Prohibited in HUD 7 Central Business District

2. *Setbacks and Build-to-Zones.*

- a. Front: Required fifteen (15) to thirty (30) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum eight (8) foot setback.
- d. Corner side: required ten (10) to fifteen (15) foot build-to-zone.

**ILLUSTRATION 6.68**  
SITE DISPOSITION TWO-FAMILY HOUSE BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS

### TWO-FAMILY BUILDING TYPE

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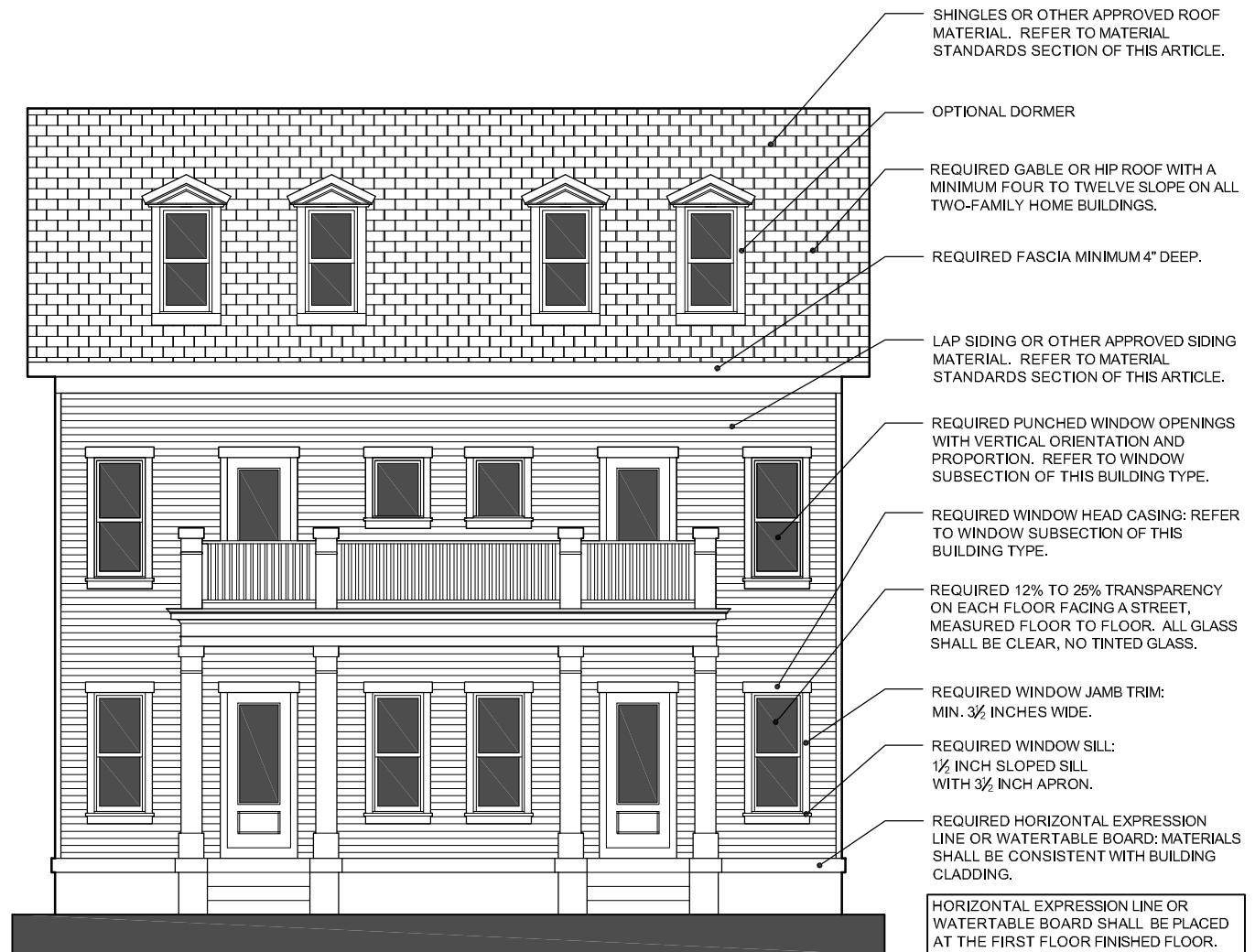
F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Two-family House Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.69 or 6.70, depending on composition of the building.
2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.71.
3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

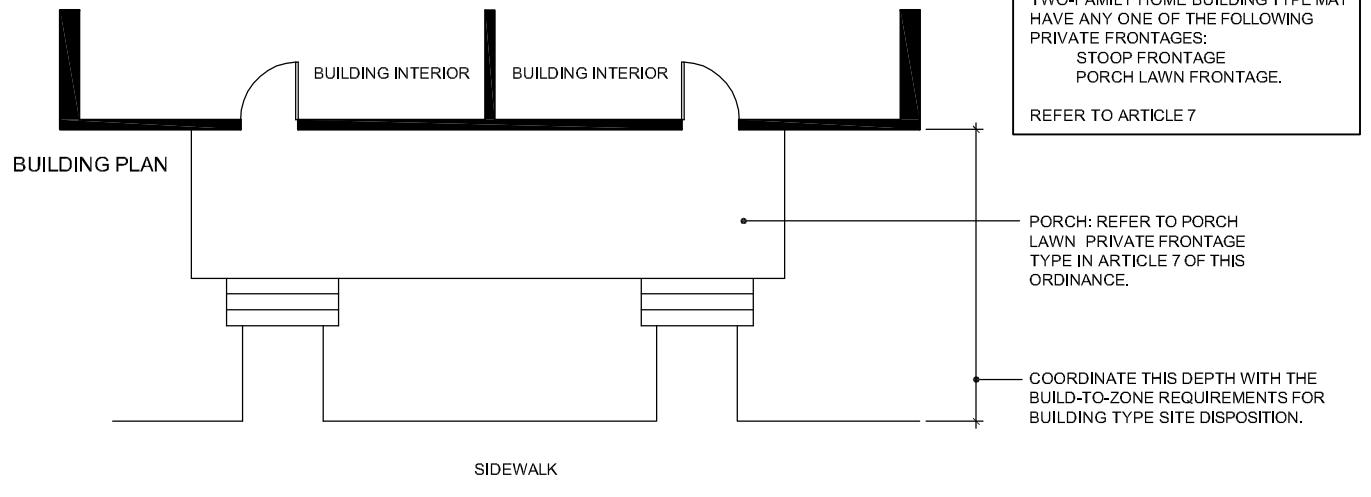
# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

**ILLUSTRATION 6.69 MINIMUM ARCHITECTURAL STANDARDS:**  
**FRONT ELEVATION TWO-FAMILY HOUSE BUILDING TYPE WITH PORCH LAWN FRONTAGE**



**BUILDING FRONT ELEVATION**

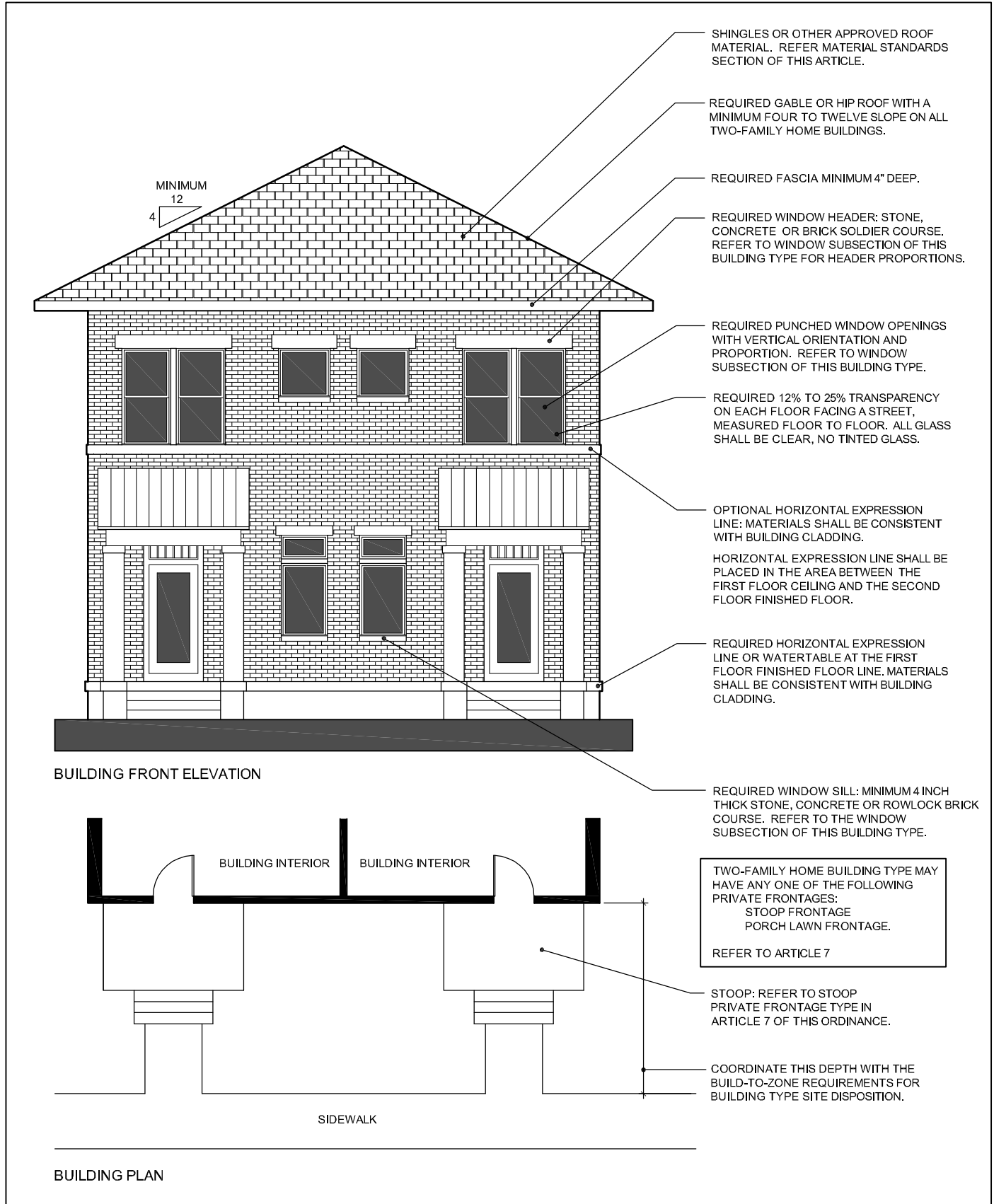


**BUILDING PLAN**

# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

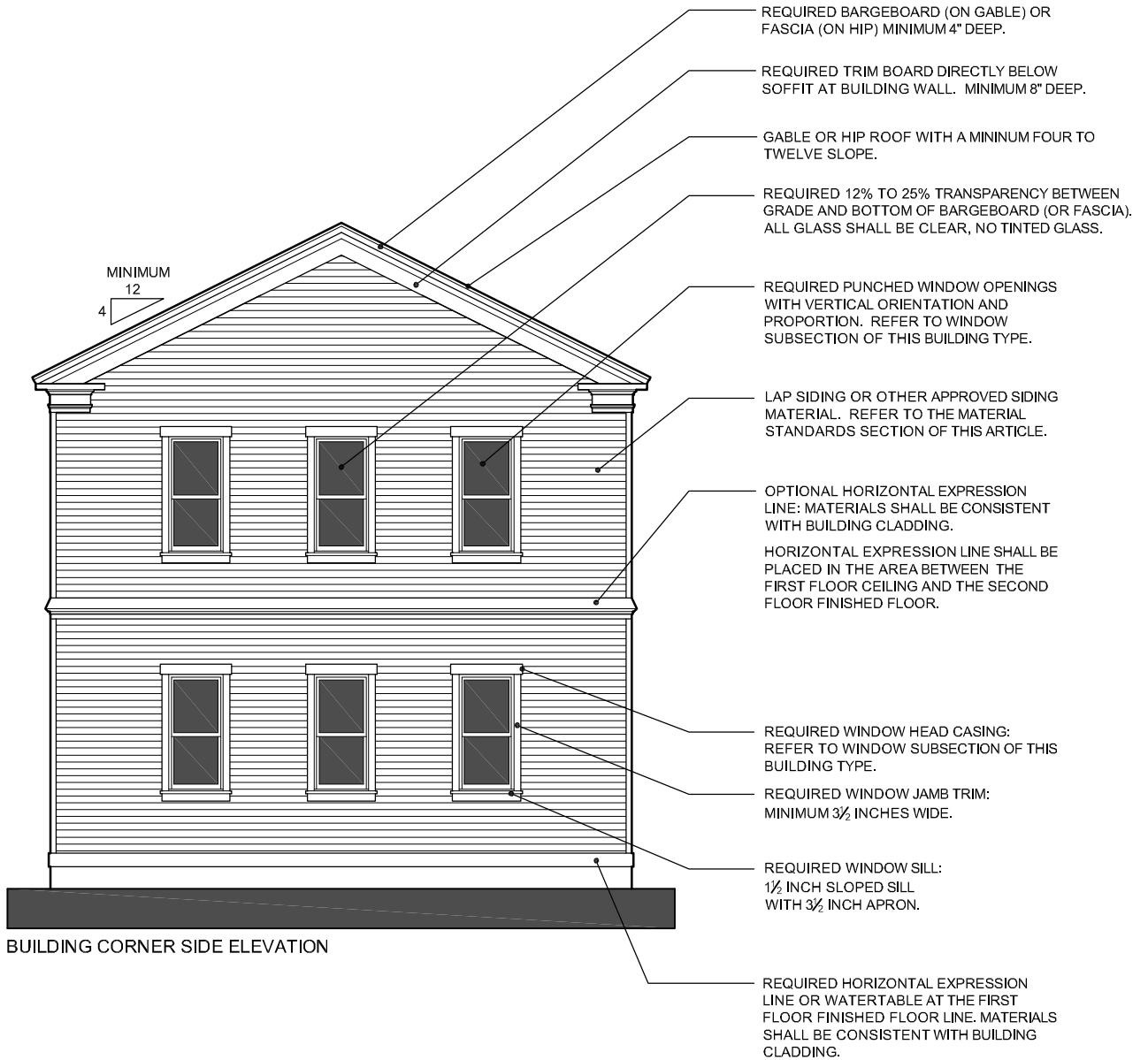
ILLUSTRATION 6.70 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION TWO-FAMILY HOUSE BUILDING TYPE WITH STOOP FRONTAGE



# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

ILLUSTRATION 6.71 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER TWO-FAMILY HOUSE BUILDING TYPE



BUILDING CORNER SIDE ELEVATION



# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.72. Building Heights addressed as part of this Article are measured from finished floor to finished floor.

1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to bottom of roof structure.
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.72 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.
4. For this Building Type, a partial third story may be added if it is located in the attic space.

H. *Massing.* Refer to Images 6.188, 6.189 and 6.190. The Two-Family House Building Type mass is composed of a narrow rectangular box with building height, width and depth determined by number of stories, lot width, lot depth, and lot coverage. The building shall have a sloped

roof that can further define its overall mass. The Two-Family House Building Type is a two-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements.

I. *Composition.* Refer to Illustration 6.73. The facade of a Two-family House Building Type is required to be vertically divided into two bays (or segments) in order to maintain a vertical building proportion. The Two-family House Type is further characterized by the symmetrical and balanced placement of doors and windows within the bays. The façade may also be an asymmetrical composition, but windows and doors should still maintain a balanced placement. The facade composition of this Building Type typically relies upon either side facing gables, front facing gables, or hipped or cross gable roof configurations. Complex forms and larger living spaces may be created by combining side and/or rear wings with the main body. The architectural character of these added masses shall be subordinate to and match that of the main body. Windows can occur in pairs and multiples in order to achieve larger compositional groupings. Gabled or shed dormers may be introduced to bring light into attic spaces. This Building Type shall have a stoop or porch lawn frontage (which is not indicated on the façade composition diagram for clarity).

**ILLUSTRATION 6.73**  
**FACADE COMPOSITION DIAGRAMS TWO-FAMILY HOUSE BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

ILLUSTRATION 6.72 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS

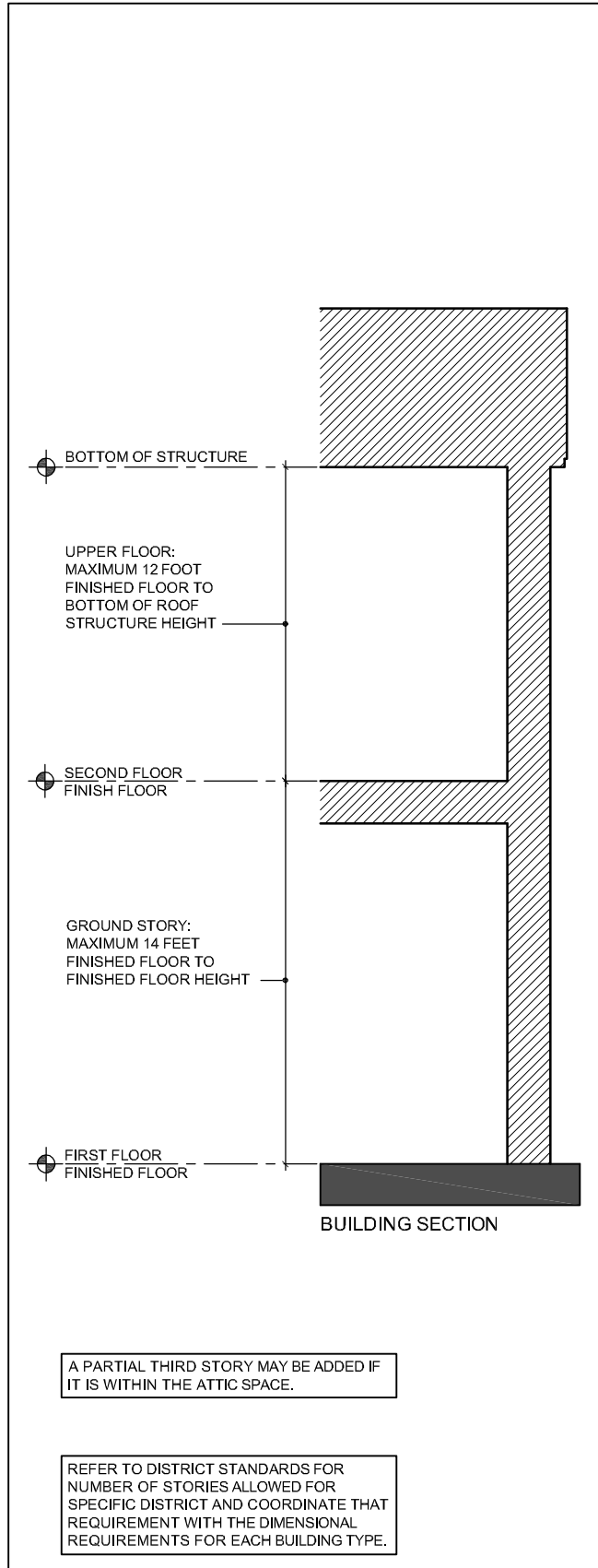


IMAGE 6.188 STACKED FLAT TYPE TWO-FAMILY



IMAGE 6.189 TWO-FAMILY HOUSE TYPE MASSING



IMAGE 6.190 TWO-FAMILY HOUSE TYPE MASSING

# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

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IMAGE 6.191 TWO-FAMILY HOUSE TYPE WINDOWS



IMAGE 6.192 TWO-FAMILY HOUSE TYPE WINDOWS



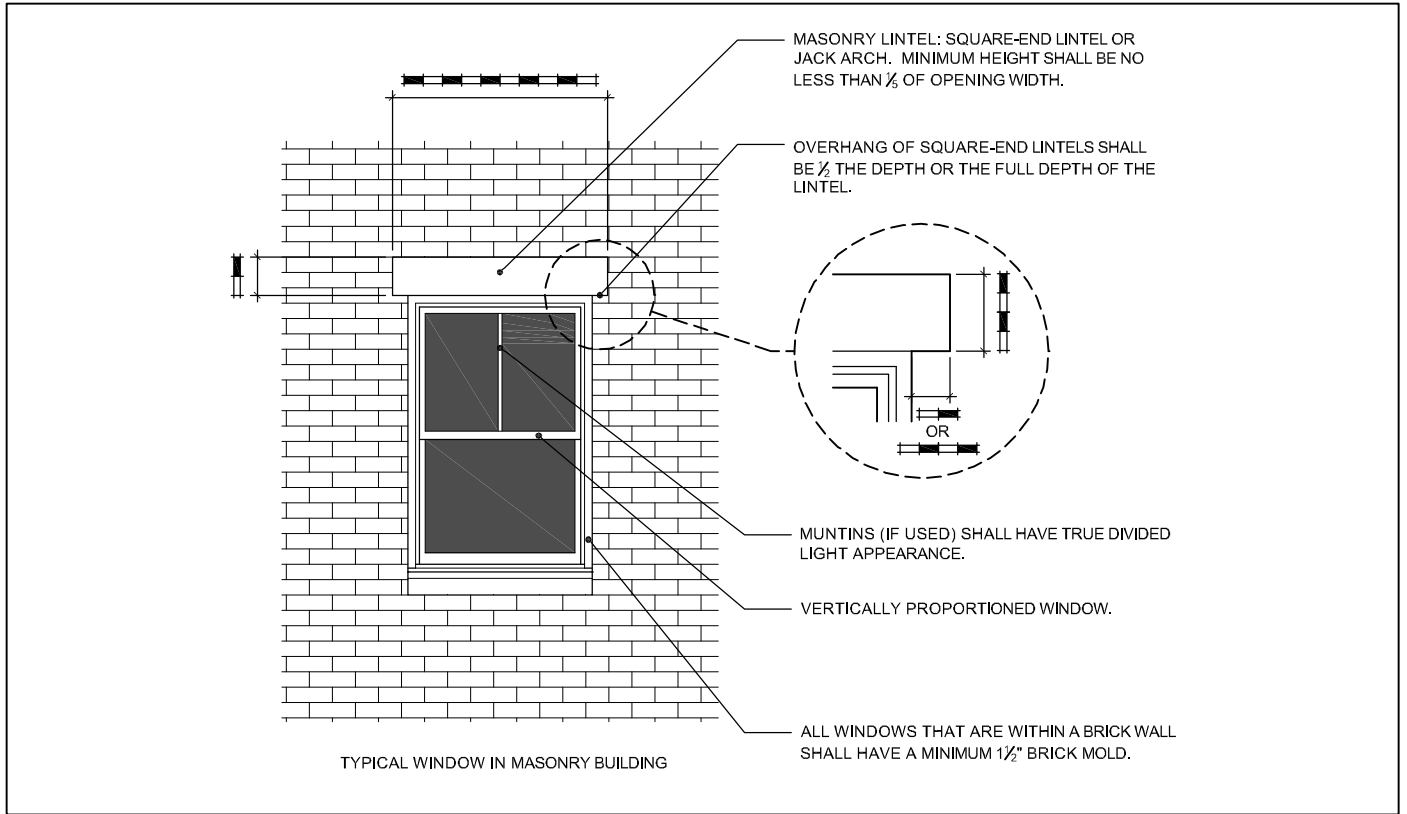
IMAGE 6.193 TWO-FAMILY HOUSE TYPE WINDOWS

- J. *Windows.* Refer to Illustrations 6.74 and 6.75 and Images 6.191, 6.192 and 6.193. Windows are typically vertical in proportion with the following attributes:
1. Standard windows may be of any operational type and may have divided lights or no divided lights. Divided light pattern shall be consistent throughout the entire building.
  2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.

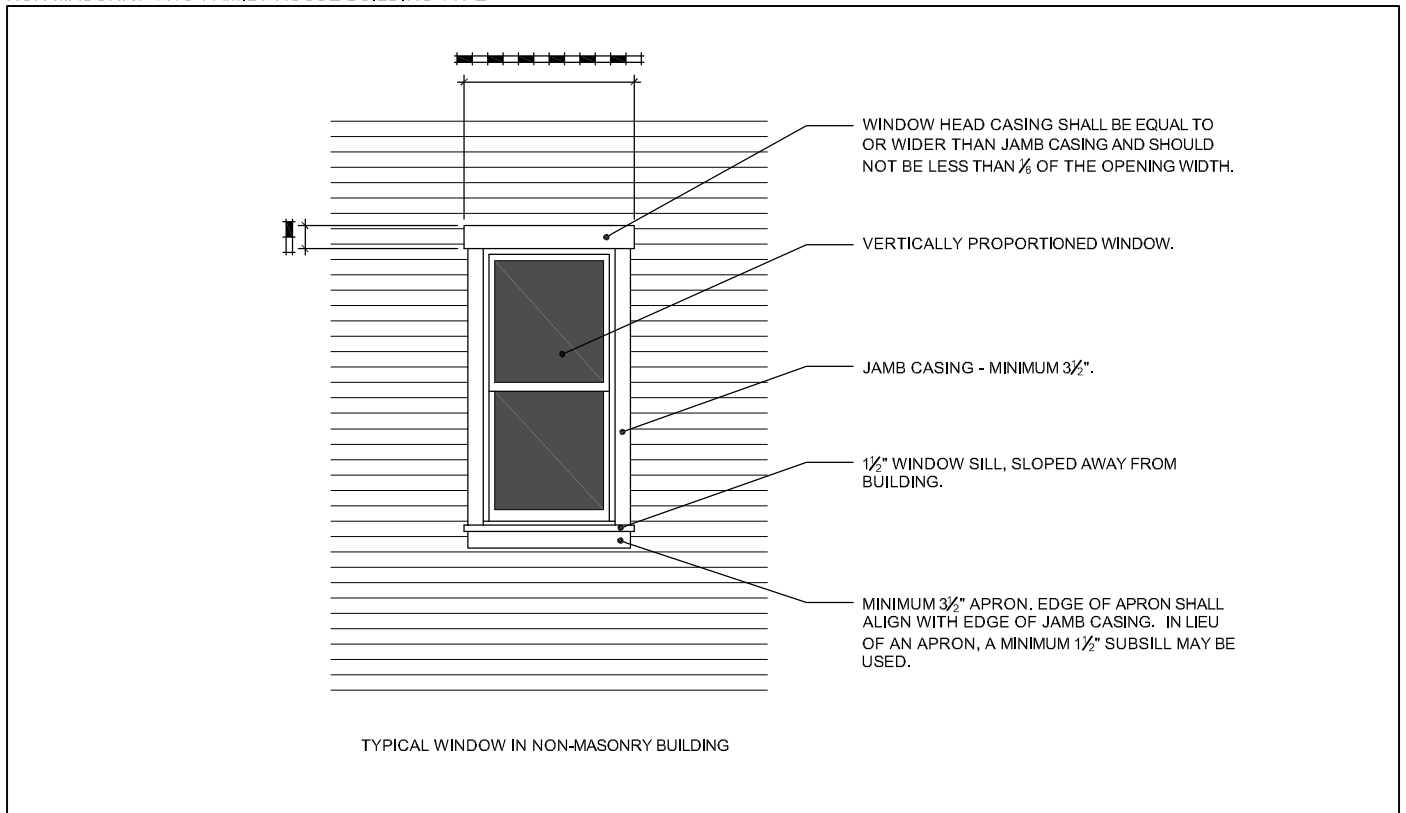
# ARTICLE 6 BUILDING TYPE STANDARDS

## TWO-FAMILY BUILDING TYPE

**ILLUSTRATION 6.74 WINDOW STANDARDS:**  
MASONRY TWO-FAMILY HOUSE BUILDING TYPE



**ILLUSTRATION 6.75 WINDOW STANDARDS:**  
NON-MASONRY TWO-FAMILY HOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE



IMAGE 6.194 COTTAGE HOUSE (COTTAGE COURT)



IMAGE 6.195 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.196 COTTAGE HOUSE BUILDING TYPE

### Section 6.10 Hudsonville Cottage House Building Type

A. *History and Character.* Refer to Images 6.194, 6.195 and 6.196. The many small towns, villages and cities of the West Michigan region have a diverse range of building types that have represented an organic growth pattern. This pattern was the result of many factors that created different demands on and for buildings throughout the history of the districts which surrounded the traditional commercial downtowns. These districts typically have a diverse range of residential Building Types that allow for variety in number of dwellings, size of dwelling, and arrangement of dwelling type. This range allows for these residential buildings to accommodate a diverse socio-economic population, within a single, coherent neighborhood structure. While these buildings allow for a great deal of residential variety, they typically are well integrated into the neighborhood, utilizing massing, scale and composition that is consistent with the neighborhood context. The Cottage House Building Type is typically developed on compact and walkable blocks in the districts surrounding the downtown core and offers the opportunity for a small single-family residence, particularly for the empty-nester or first-time home buyer.

The Hudsonville Cottage House Building Type emerged from the traditions of the small house found in many towns and villages during the early 20th century. This single-family residential building type fits on a small urban lot with close proximity to the street. Historically, this building type has its roots in the Greek Revival styles which became the “national style” during its peak of influence. The Building Type was also manifested in a variety of later styles ending with the craftsman or bungalow in the late 1920’s.

While this Building Type is typically two-stories in height, it can often-times be a one-story residence, reflecting its bungalow heritage. This residential building typically has vertically oriented windows that are composed as either individual or multiple units that create either a symmetrical or asymmetrical composition. The Building Type’s street frontage is represented with the Stoop or Porch Lawn Frontage Type, which will typically encroach into the building’s setback zone. This allows the buildings to create a less rigid and a more varied street wall that is consistent with other residential building types, described in this Ordinance.

Additionally, Cottage House Buildings may be arrayed around a common landscaped courtyard in lieu of being placed along the street frontage. This condition is referred to as a Cottage Court and is described further in section 6.10 K.

## ARTICLE 6 BUILDING TYPE STANDARDS

### COTTAGE HOUSE BUILDING TYPE

The Cottage House Building Type is based on the simple, elegant forms that made up the more informal houses on small lots in Midwestern towns and cities. These massing arrangements followed a simple pattern, while ornamentation was typically restrained and limited to the porches and stoops.

The Hudsonville Cottage House Building Type is an acceptable Building Type for use on the edges of traditional commercial cores as infill.

- B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.
1. One- or two-story buildings with one of the following Private Frontage Types (refer to Article 7 for Private Frontages):
    - a. *A Stoop Type Private Frontage.* Refer to Image 6.197.
    - b. *A Porch Lawn Private Frontage.* Refer to Image 6.198.
  2. Simple vertical proportioned window and door compositions.
  3. Moderately pitched gable or hip roof.
  4. Primarily lap-siding, although masonry structures are an option for this building.
- C. *Access Requirements.* Access to the Cottage House Building Type shall meet the following requirements:
1. The main entrance shall be directly from and face a street, public path, public open space or civic space.
  2. *Cottage Courts.* For Cottage House Building Types that are arranged in a cottage court the main entrance of each residence shall face the common courtyard per the requirements of section 6.10K



IMAGE 6.197 COTTAGE HOUSE TYPE STOOP



IMAGE 6.198 COTTAGE HOUSE TYPE PORCH-LAWN

## ARTICLE 6 BUILDING TYPE STANDARDS

### COTTAGE HOUSE BUILDING TYPE

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D. *Gallery of Possibilities.* Refer to Images 6.199 through 6.204. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**COTTAGE HOUSE BUILDING TYPE**



IMAGE 6.199 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.202 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.200 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.203 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.201 COTTAGE HOUSE BUILDING TYPE



IMAGE 6.204 COTTAGE HOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

E. *Site Disposition.* Refer to Illustration 6.76 and Table 6.8. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, the conventional front and corner side setback is replaced with a build-to-zone, which allows the street-facing building edges to be located within a range, so that the street edges are more flexible than those edges provided with a build-to-line. Cottage House Type Buildings shall meet the following requirements:

1. *Street Frontage.*

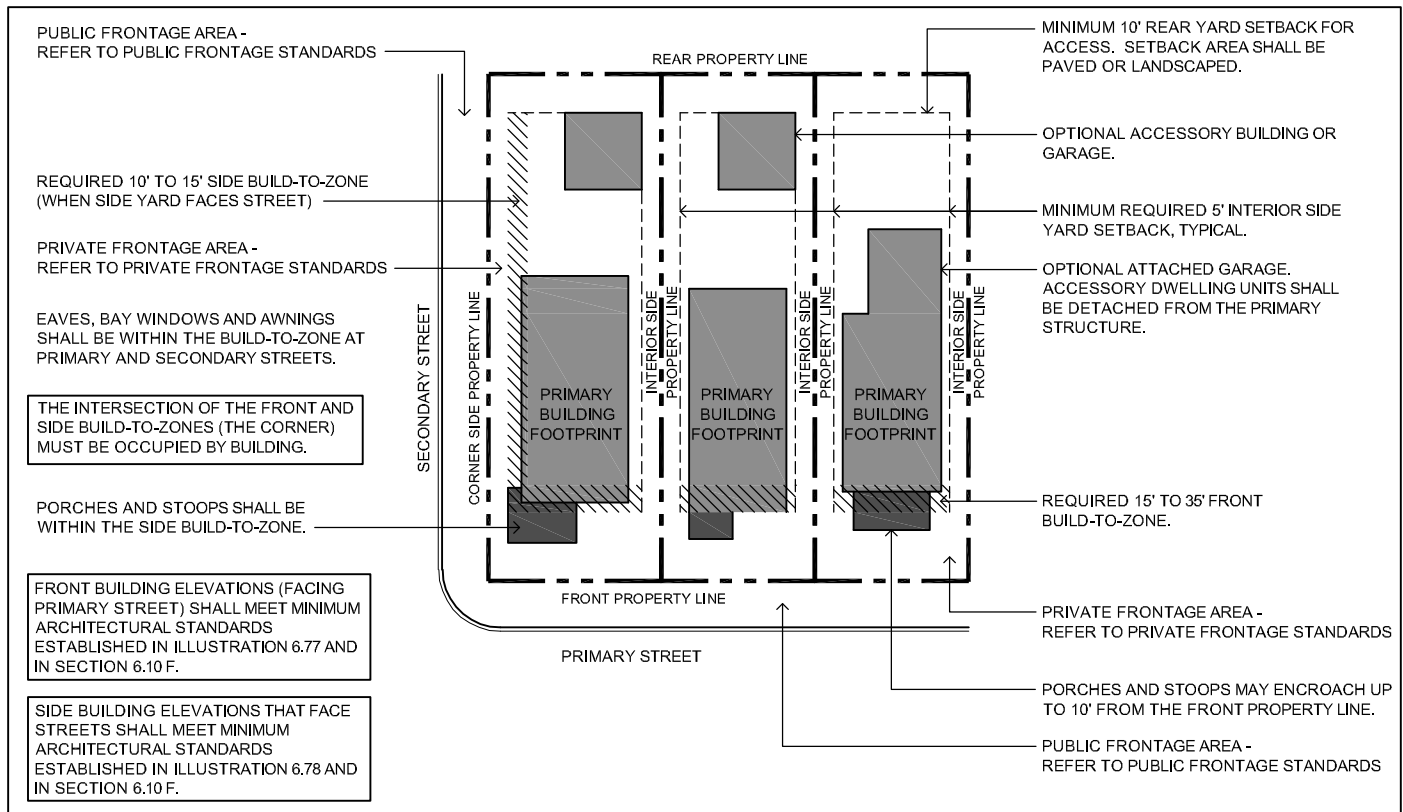
- a. At street-facing corner locations, the intersection of the front and side build-to-zones (the corner) shall be occupied by building.
- b. Front building facades shall be constructed within the build-to-zone. Refer to Illustration 6.76.
- c. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.76.

- d. Eaves, bay windows and balconies are required to be within the build-to-zone at street frontages.
- e. Eaves and bay windows are required to meet setback requirements in locations other than those indicated in item d.) above.
- f. Areas located between the building and the front or corner side property lines, along street frontages, shall be landscaped and provide a minimum five (5) foot wide sidewalk connecting any doors to the public sidewalk. Refer to Private Frontage Standards in Article 7.
- g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.8 for lot sizes and lot coverage for this Building Type.

2. *Setbacks and Build-to-Zones.*

- a. Front: Required fifteen (15) to thirty five (35) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum five (5) foot setback
- d. Corner side: required ten (10) to fifteen (15) foot build-to-zone.

**ILLUSTRATION 6.76**  
SITE DISPOSITION COTTAGE HOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

**TABLE 6.8 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Cottage House Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	26 feet	50 feet	26 feet	60 feet
LOT AREA	Prohibited	Prohibited	2,600 sq. ft.	7,500 sq. ft.	2,600 sq. ft.	9,000 sq. ft.
BUILDING LOT COVERAGE	Prohibited	Prohibited	30%	40%	30%	40%

Cottage House Building Type is Prohibited in HUD 7 Central Business District.  
 Cottage House Courtyards are not required to meet these requirements.

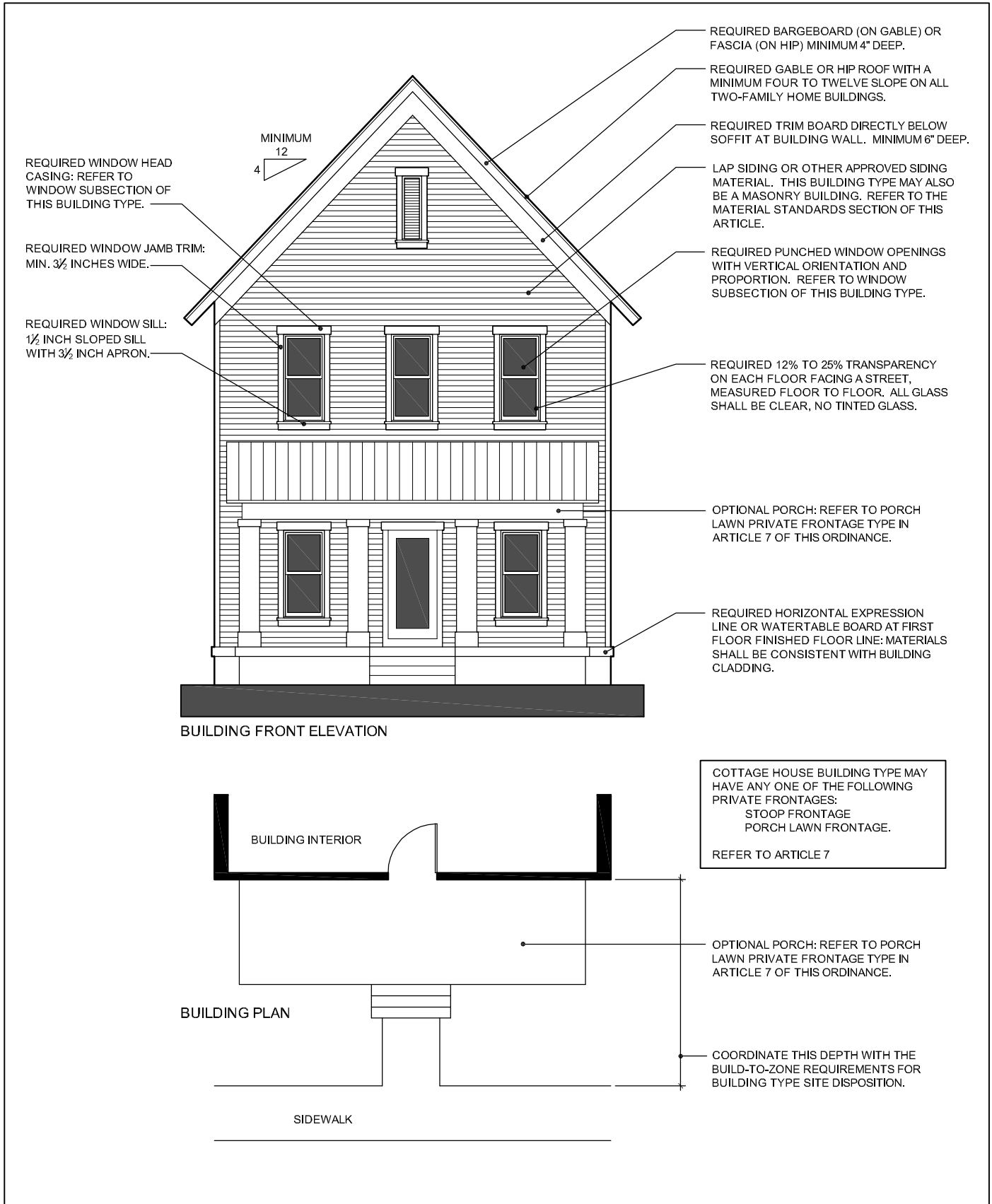
- F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Cottage House Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.
1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustration 6.77, depending on composition of the building.
  2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustration 6.78.
  3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
  4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

- G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.79. Building Heights addressed as part of this Article are measured from finished floor to finished floor.
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to bottom of roof structure.
  2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.79 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with number of stories in Article 5 to be properly utilized.
  3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.
  4. For this Building Type, a partial third story may be added if it is located in the attic space.

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

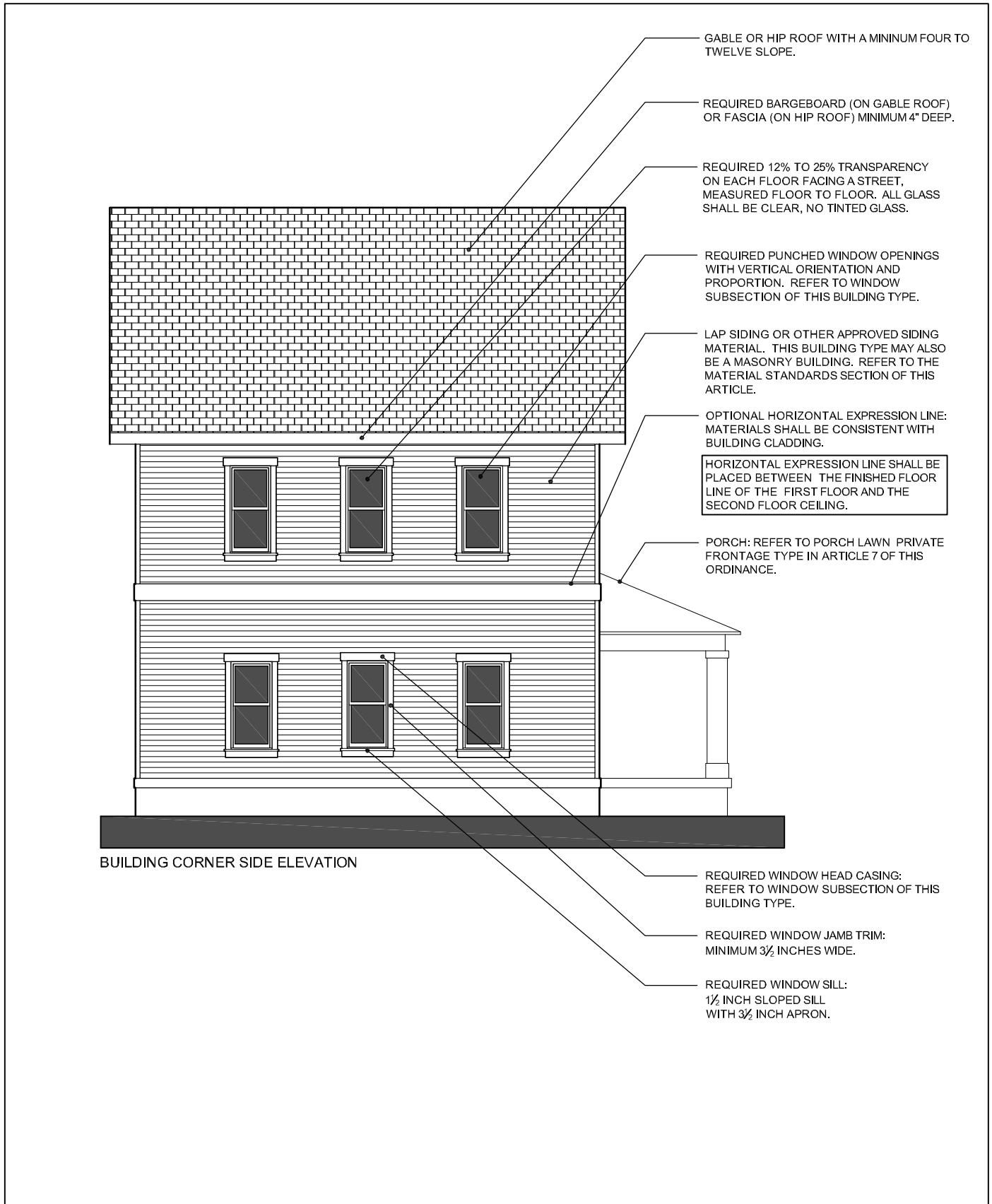
ILLUSTRATION 6.77 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION COTTAGE HOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

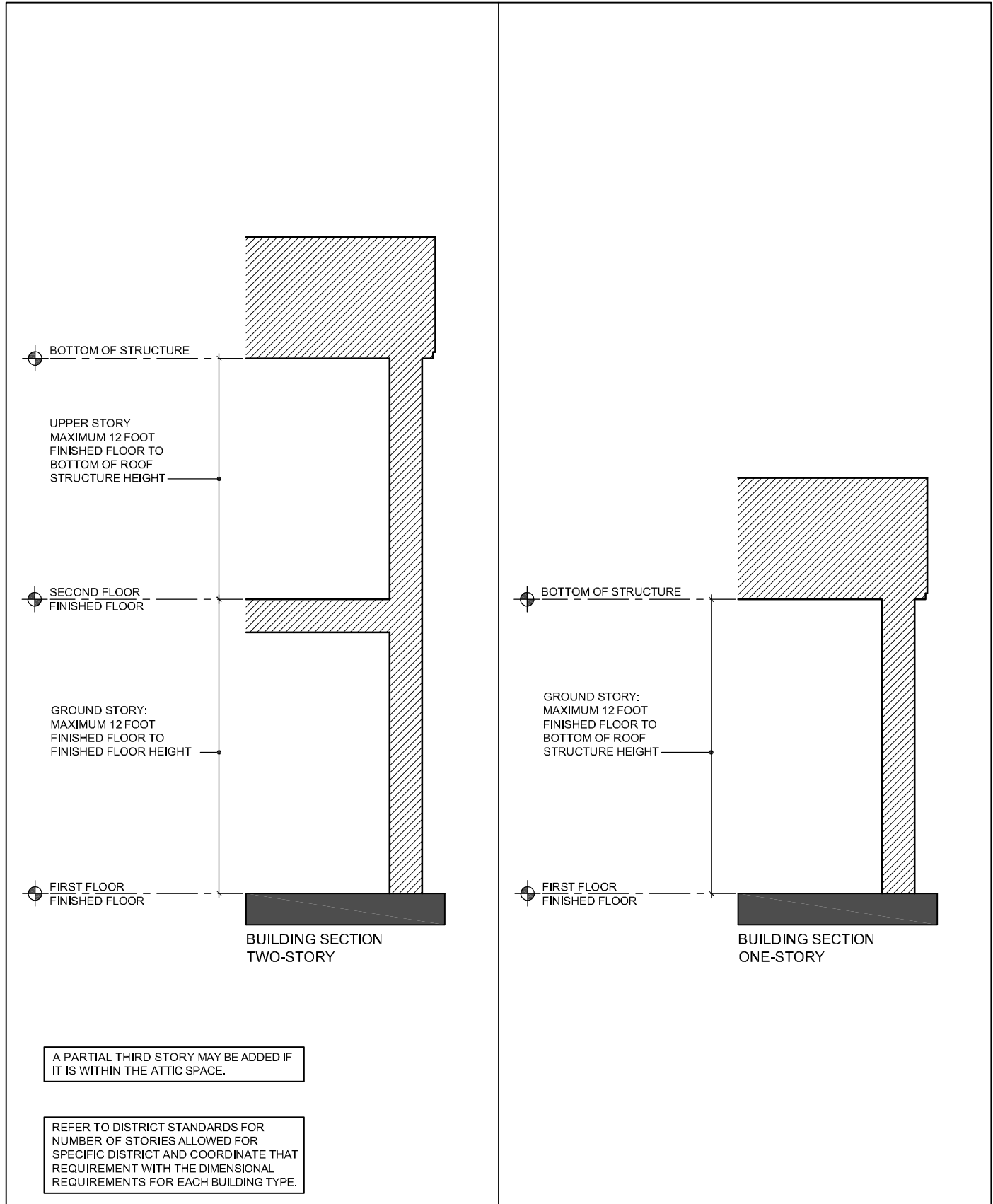
ILLUSTRATION 6.78 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER COTTAGE HOUSE BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

ILLUSTRATION 6.79 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE HOUSE BUILDING TYPE

H. *Massing.* Refer to Images 6.205, 6.206 and 6.207. The Cottage House Building Type mass is composed of a narrow rectangular box with building height, width and depth determined by number of stories, lot width, lot depth, and lot coverage. The building shall have a sloped roof that can further define its overall mass. The Cottage House Building Type is a one- or two-story building with an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements.



IMAGE 6.205 COTTAGE HOUSE TYPE MASSING



IMAGE 6.206 COTTAGE HOUSE TYPE MASSING



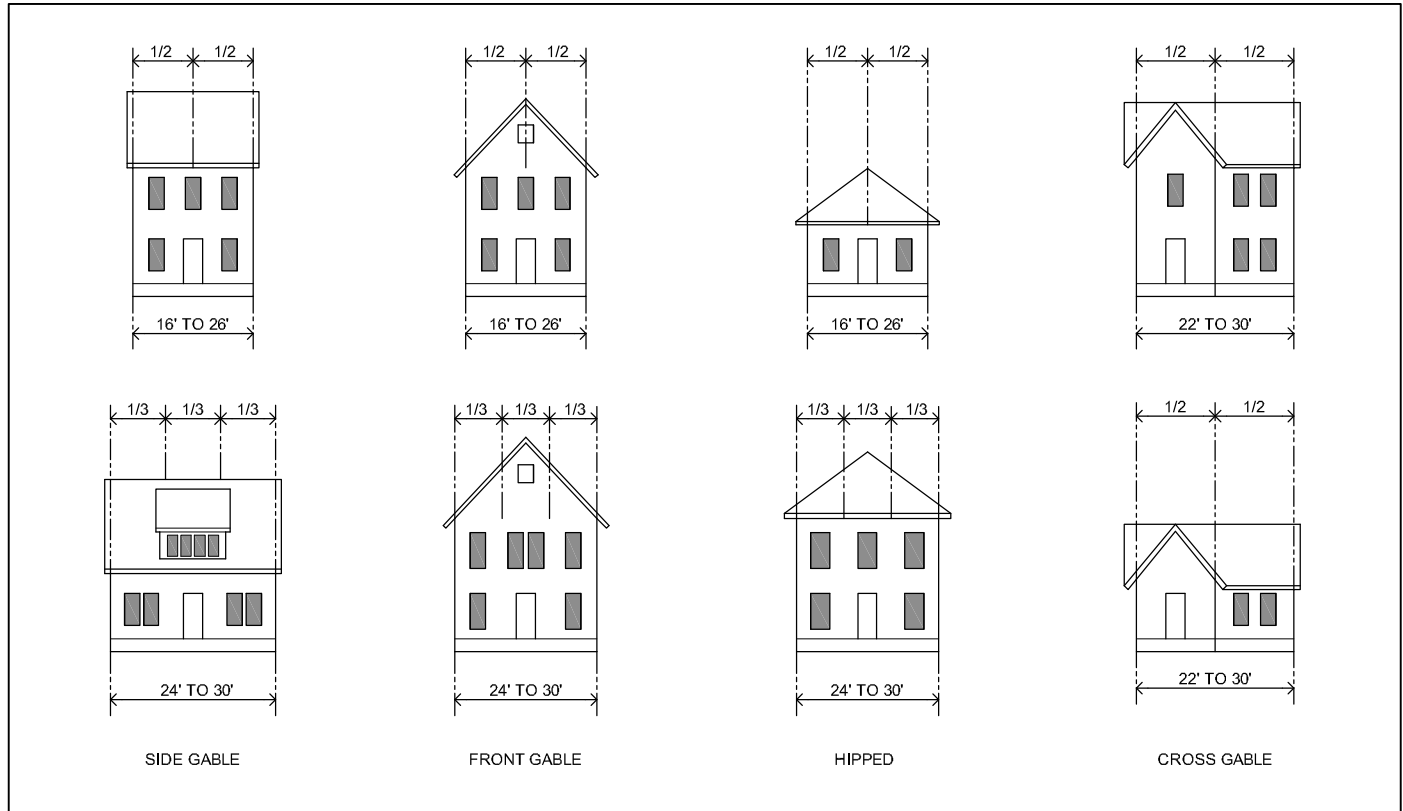
IMAGE 6.207 COTTAGE HOUSE TYPE MASSING

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

I. *Composition.* Refer to Illustration 6.80. The facades of Cottage House Building Types are required to be divided into a series of vertical bays or segments in order to maintain a vertical building proportion. The Cottage House Type is characterized by a symmetrical and balanced placement of doors and windows in regularly spaced bays which reflect vertical proportion. The façade may also be an asymmetrical composition, but windows and doors should still maintain a balanced placement. The façade composition shall maintain vertical proportion on one-story buildings by utilizing vertical windows, structural elements and roof lines. The façade composition of this Building Type typically relies upon a side facing gable, front facing gable, or hipped or cross gable roof configurations. Windows can occur in pairs and multiples in order to achieve larger ground floor compositions. Gabled or shed dormers may be introduced to bring light into attic spaces. This Building Type shall have a stoop or porch lawn frontage (which is not indicated on the façade composition diagram for clarity).

ILLUSTRATION 6.80  
 FACADE COMPOSITION DIAGRAMS COTTAGE HOUSE BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE HOUSE BUILDING TYPE

- J. *Windows.* Refer to Illustrations 6.81 and 6.82 and Images 6.208, 6.209 and 6.210. Windows are typically vertical in proportion with the following attributes:
1. Standard windows may be of any operational type and may have divided lights or no divided lights. Divided light pattern shall be consistent throughout the entire building.
  2. Window panes, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.



IMAGE 6.208 COTTAGE HOUSE TYPE WINDOW



IMAGE 6.209 COTTAGE HOUSE TYPE WINDOW



IMAGE 6.210 COTTAGE HOUSE TYPE WINDOW



# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

ILLUSTRATION 6.81 WINDOW STANDARDS:  
MASONRY COTTAGE HOUSE BUILDING TYPE

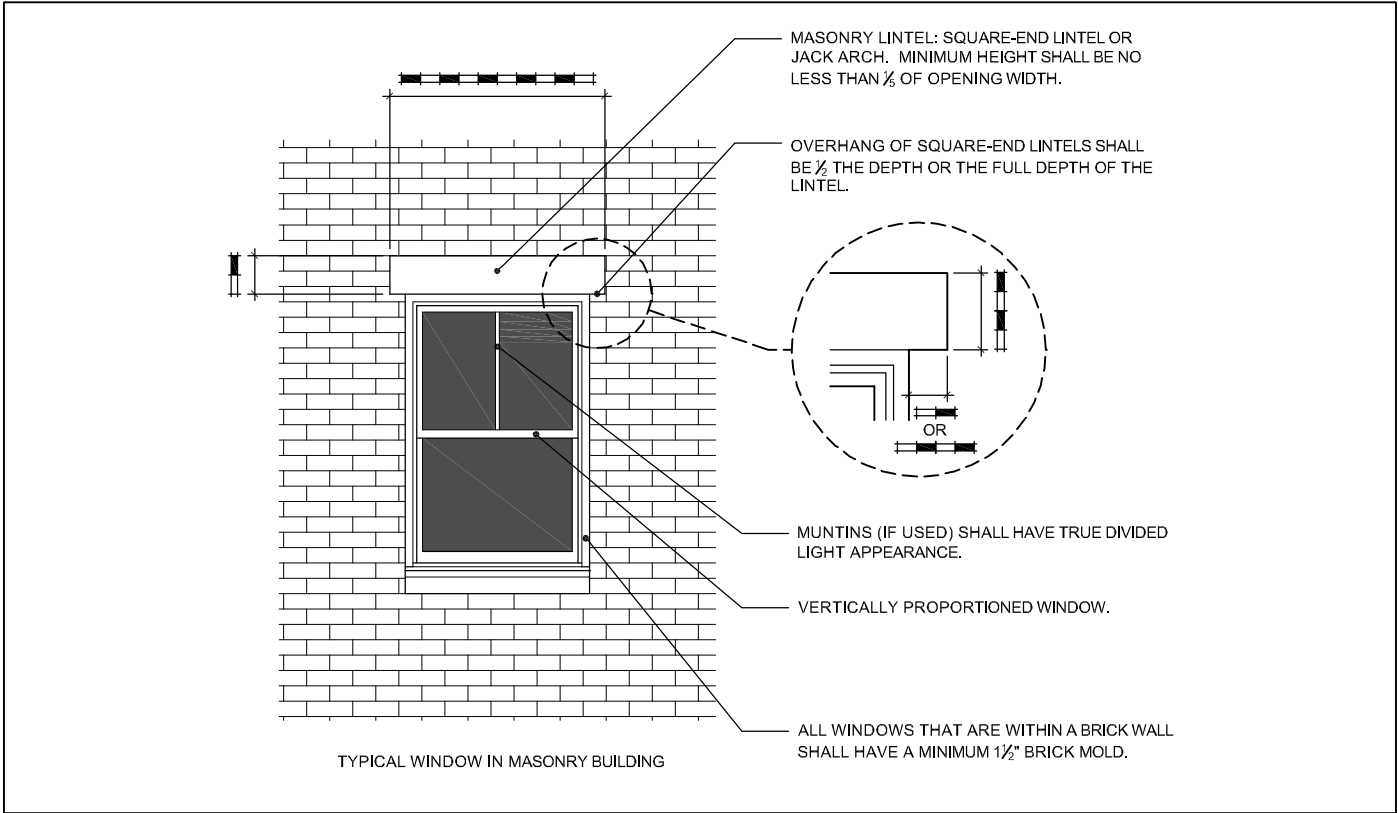
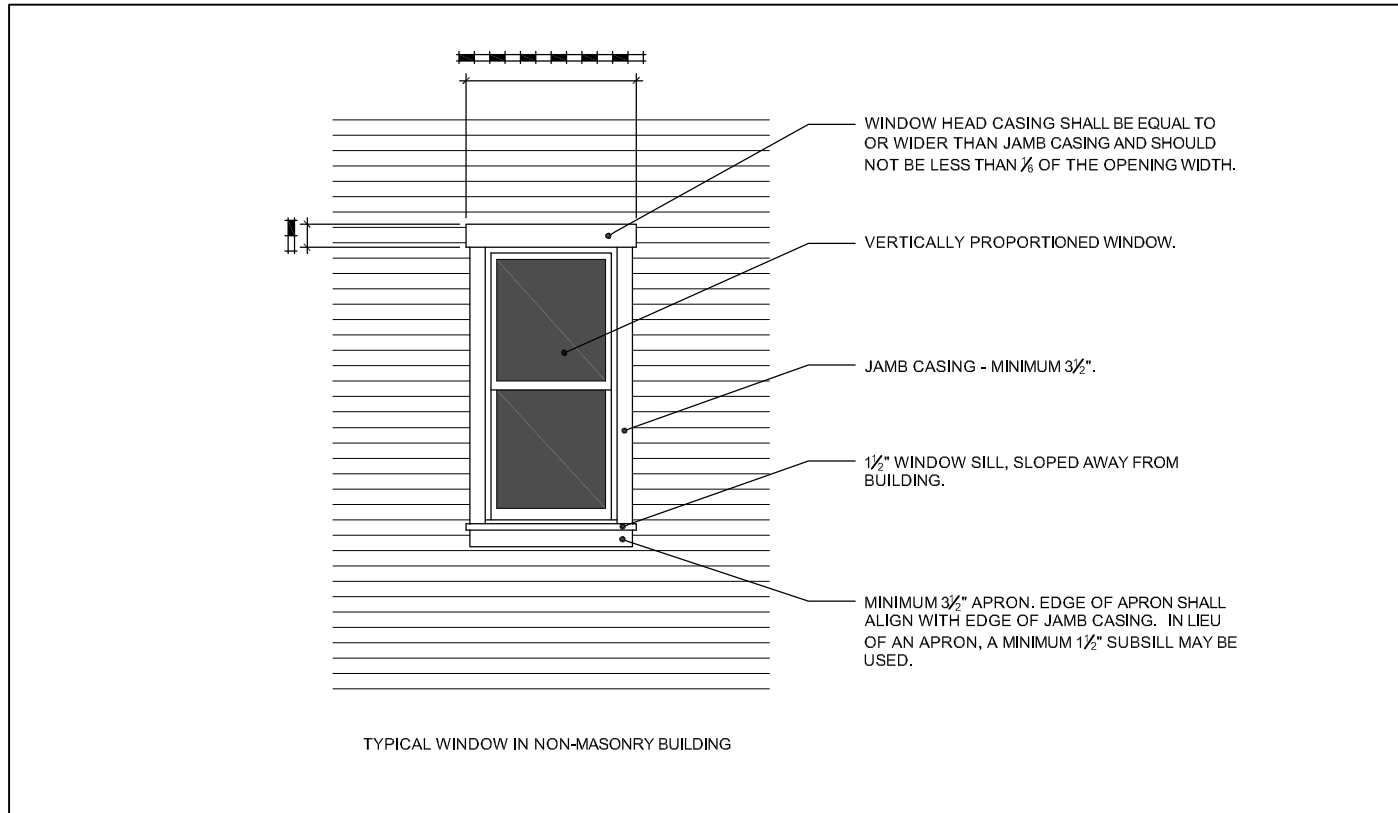


ILLUSTRATION 6.82 WINDOW STANDARDS:  
NON-MASONRY COTTAGE HOUSE BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS COTTAGE HOUSE BUILDING TYPE

K. *Cottage Courts*. Refer to Illustration 6.83 and Images 6.211, 6.212 and 6.213. Depending on site conditions and parcel size, Cottage House Building Types can be arranged as Cottage Courts in any District where this Building Type is allowed. These courts typically array the small residences around a common landscaped courtyard that opens to a street. In this configuration, the homes do not front on a primary street, but rather a non-vehicular courtyard. This necessitates that the buildings be serviced by a rear alley for automobile and garage access. Cottage Courts shall have the following requirements:

1. Court must abut and open to a street and be accessible from the public sidewalk.
2. A sidewalk must be constructed, within the court, which connects all cottage front doors to the public sidewalk at the street.
3. Courtyard sidewalks shall be four (4) feet wide minimum.
4. The courtyard must contain a minimum of four (4) cottages and a maximum of twelve (12) cottages.
5. The rear of the court may have up to three (3) accessory or garage buildings in lieu of cottage house buildings. These accessory buildings or garages must be compatible in scale, mass and composition to the primary buildings.
6. If accessory buildings are included at the rear of the courtyard, a maximum of eight (8) cottages are allowed.
7. The cottages must be arrayed around three (3) sides of the common courtyard, so that they define the edges of the courtyard.
8. The courtyard must be landscaped and is not allowed to be paved, with the exception of the required sidewalks.
9. Landscape should not be used to separate a front yard from front yards of adjacent homes.
10. Trees within the courtyard shall be of porch scale (no more than 1.5 times the height of the porch at maturity).
11. Trees may be placed in side yards to protect privacy as required.
12. Units are typically developed as condominiums and there are no individual property lines within the parcel.
13. The courtyard may be developed as a private or public amenity.



IMAGE 6.211 COTTAGE HOUSE TYPE (COTTAGE COURT)



IMAGE 6.212 COTTAGE HOUSE TYPE (COTTAGE COURT)

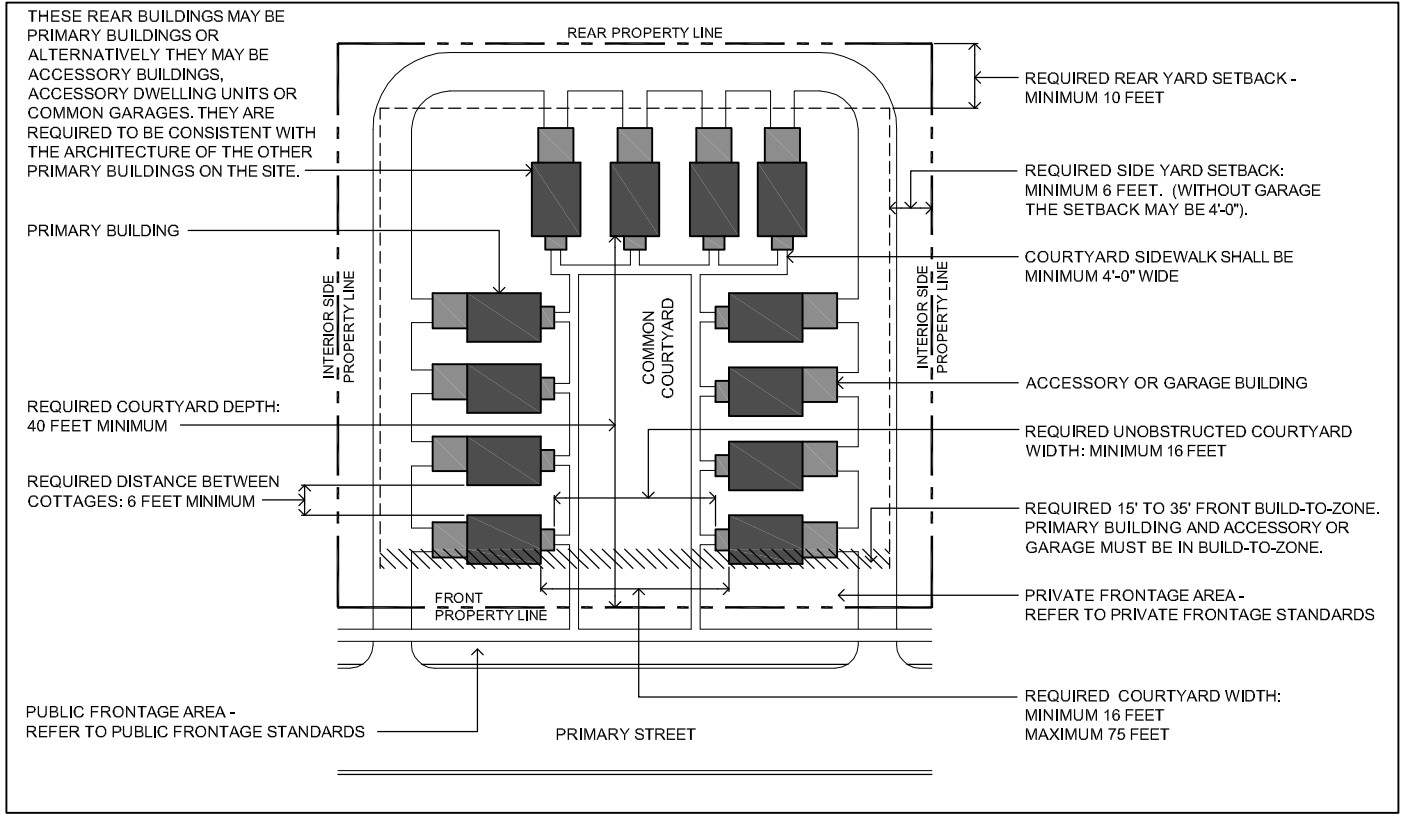


IMAGE 6.213 COTTAGE HOUSE TYPE (COTTAGE COURT)

# ARTICLE 6 BUILDING TYPE STANDARDS

## COTTAGE HOUSE BUILDING TYPE

ILLUSTRATION 6.83 COTTAGE COURT SITE DISPOSITION



## ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

### Section 6.11 Hudsonville Industrial Shop Building Type

A. *History and Character.* Refer to Images 6.214, 6.215 and 6.216. In contemporary society, light industrial and heavy commercial uses are increasingly more community friendly than in the past. These uses no longer create dangerous or noxious situations which require them to be segregated into designated areas and separated from the community. Due to their increased safety and acceptance, these types of uses can be integrated into human scaled, pedestrian-oriented places.

While it may not be appropriate for these uses to be integrated into true retail building types, they sometimes can be housed in variations of the retail and mixed-use buildings that are common in towns and villages throughout West Michigan.

The Hudsonville Industrial Shop Building Type can accommodate a variety of vocations and uses, which can include, building trades, wholesale facilities, printing companies, automotive sales, agricultural products, textile mills, furniture and cabinet making, and ceramic and pottery production.

The building can also act as a business or industrial incubator space, a use that has seen an increased popularity in recent years, particularly in small cities and towns that are still primarily rural.

The Industrial Shop Building Type will typically be articulated in a much more simplified manner than its retail counterparts. These buildings can also be manifested as more contemporary type buildings in massing, composition and material.

This Building Type is intended to be flexible in both design and the uses that it can accommodate, while still being able to fit into an urban context. Parking should still be concentrated to the rear of the building, although it may be appropriate to have a larger front build-to-zone and limited off-street parking in the front of the building.

The Hudsonville Industrial Shop building is an acceptable building type for use in heavy commercial and light industrial applications as a new infill building or as a rehabilitation of existing buildings.



IMAGE 6.214 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.215 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.216 INDUSTRIAL SHOP BUILDING TYPE

## ARTICLE 6 BUILDING TYPE STANDARDS

### INDUSTRIAL SHOP BUILDING TYPE

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IMAGE 6.217 INDUSTRIAL SHOP TYPE WINDOW



IMAGE 6.218 INDUSTRIAL SHOP TYPE ACCESS

B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.

1. One- and two-story masonry or metal-clad buildings.
2. Horizontal expression line or sign band between ground floor and upper stories (on two-story buildings).
3. Ground floors have window and door pattern that creates a pedestrian oriented street edge.
4. Simple, individual vertical proportioned window compositions above the ground floor. These are typically casement or fixed type windows. Refer to Image 6.217
5. Front facades have parapet walls with cornice expression.

C. *Access Requirements.* Access to the Industrial Shop Building Type shall meet the following requirements:

1. The main entrance(s) to ground floor commercial space(s) shall be directly from and face a street, public path, public open space or civic space. Refer to Image 6.218.
2. Doors allowing public access shall occur at intervals no greater than seventy-five (75) feet.
3. Access to upper story commercial, service, office or other uses shall be through a street level lobby.
4. Contiguous Industrial Shop Building Types shall not exceed two-hundred forty (240) feet along the public right of way without a pedestrian access way that is at least ten (10) feet wide connecting the rear parking area to the sidewalk.

D. *Gallery of Possibilities.* Refer to Images 6.219 through 6.224. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building. Industrial Shop Building Types can be one- or two-story buildings that are either clad in masonry or metal panel. The building may also be composed of combinations of these attributes, for example a building with a masonry first floor and a metal panel second floor

**ARTICLE 6 BUILDING TYPE STANDARDS**  
**INDUSTRIAL SHOP BUILDING TYPE**



IMAGE 6.219 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.222 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.220 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.223 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.221 INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.224 INDUSTRIAL SHOP BUILDING TYPE

# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

E. *Site Disposition.* Refer to Illustration 6.84 and Table 6.9. Site disposition indicates how the building is placed on the site and how the building shall relate to the street. In the case of this Building Type, front and corner side setbacks are replaced with front and corner side build-to-zones, which allow for a flexible site placement relative to the front and corner side property line. Industrial Shop Buildings shall meet the following requirements:

1. *Street Frontage.*

- a. On primary streets, a minimum of 70% of the length of the front build-to-zone shall be occupied by building.
- b. At street-facing corner locations, the intersection of the front and side build-to-lines (the corner) shall be occupied by building.
- c. Front building facades shall be constructed to within the build-to-zone per the requirements of Illustration 6.84. Refer to Illustration 6.84.
- d. At street-facing corner locations, the side of the building elevation facing the secondary street shall be constructed within the build-to-zone per Illustration 6.84.

e. Balconies and canopies are permitted to extend over the front and side (at street frontages) property line to within 5' of the curb, maintaining a minimum of 8'-0" height clearance along the public sidewalk.

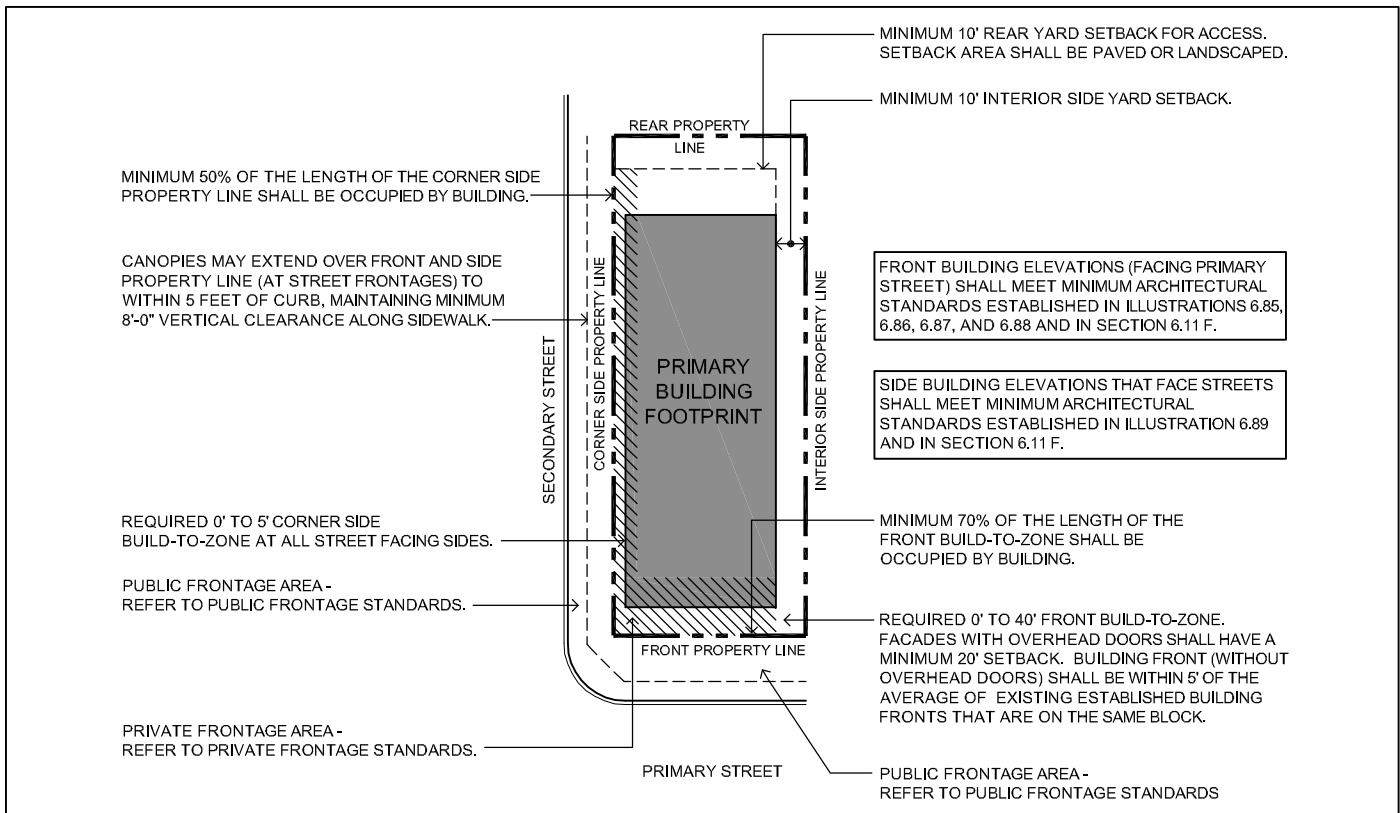
f. Areas located between the building and the front or corner side property lines, shall be paved to match adjacent sidewalk for pedestrians.

g. The lot width, lot area and building lot coverage for this Building Type is calibrated to the District which the building is located in. Refer to Table 6.9 for lot sizes and lot coverage for this Building Type.

2. *Setbacks and Build-to-Zones.*

- a. Front: Required zero (0) to forty (40) foot build-to-zone.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum ten (10) foot setback
- d. Corner side: Required zero (0) to five (5) foot build-to-zone.

**ILLUSTRATION 6.84**  
SITE DISPOSITION INDUSTRIAL SHOP BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

**TABLE 6.9 LOT SIZES and LOT COVERAGE PER DISTRICT**  
**Industrial Shop Building Type**

	HUD 7: Central Business District		HUD 6: Mixed-Use A District		HUD 5: Town Neighborhood Center A District	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
LOT WIDTH	Prohibited	Prohibited	40 feet	150 feet	40 feet	200 feet
LOT AREA	Prohibited	Prohibited	4,000 sq. ft.	20,000 sq. ft.	4,000 sq. ft.	no maximum
BUILDING LOT COVERAGE	Prohibited	Prohibited	no minimum	80%	no minimum	80%

Industrial Shop Building Type is Prohibited in HUD 7 Central Business District

F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Industrial Shop Building Type. These diagrams illustrate required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.

1. *Front Elevation.* The front elevation (the elevation facing the primary street) shall meet the requirements of Illustrations 6.85, 6.86, 6.87 or 6.88, depending on the exterior materials and height.
2. *Side Elevation at Corner.* The side elevation at corner locations (the elevation facing either a secondary street or other public right of way) shall meet the requirements of Illustrations 6.89 and 6.90.
3. *Side Elevation at Interior.* Side elevations at the interior property line (all side elevations not facing a public right of way) do not have to meet the standards of items 1 and 2 above, however these elevations shall remain consistent with both the front and other elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.
  - a. In cases where there are existing adjacent buildings, it is encouraged to utilize a shared wall or to build directly adjacent to these existing buildings in order to maintain a unified street edge.
  - b. In cases where there is an adjacent open lot, maintenance of a unified street edge should be considered during planning of the building and its side wall. This will require that building codes be consulted and wall penetrations planned accordingly.

4. *Rear Elevation.* The rear elevation does not have to meet the standards of items 1 and 2 above, however this elevation shall remain consistent with other building elevations in materials, massing and proportions of openings wherever possible. This elevation is subject to review by the Zoning Administrator and/or Planning Commission.

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.91. Building Heights addressed as part of this Article are measured from finished floor to finished floor. Also included as part of this subsection are the vertical dimensions of the optional sign band components.

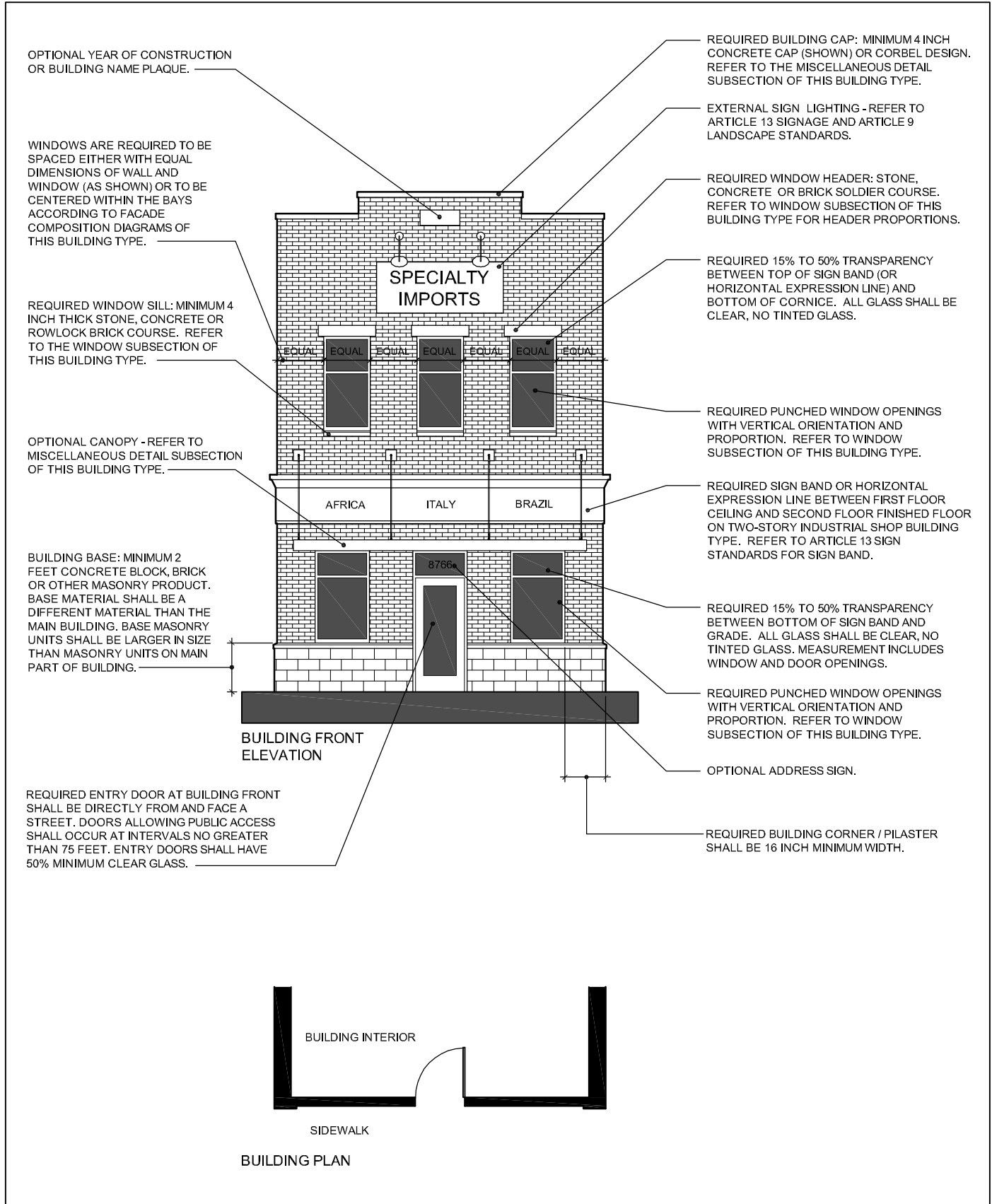
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to top of roof.
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.6 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finish floor to finish floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. When number of stories and numerical floor to floor heights are combined, specific building heights can be established.



# ARTICLE 6 BUILDING TYPE STANDARDS

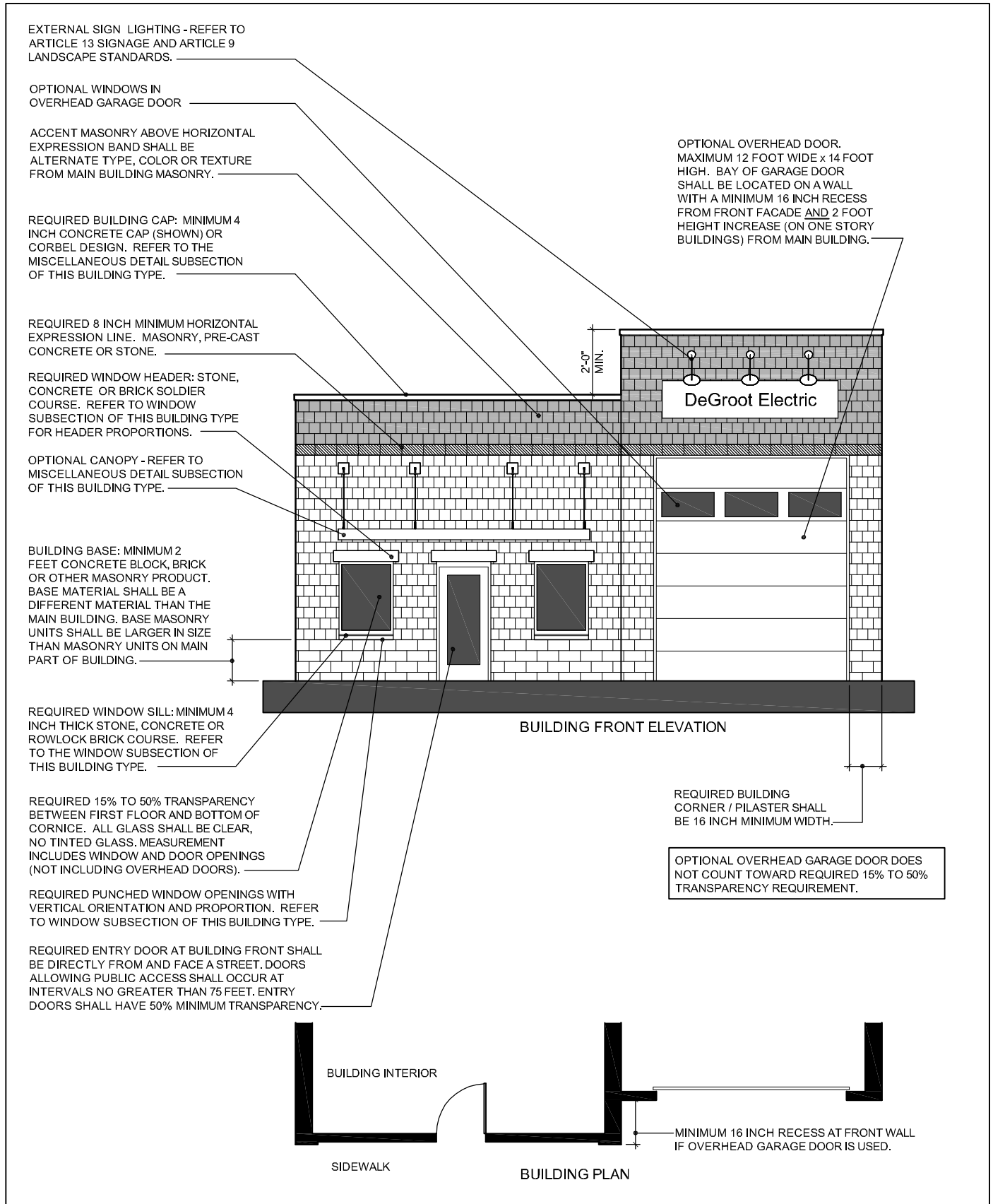
## INDUSTRIAL SHOP BUILDING TYPE

ILLUSTRATION 6.85 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION TWO-STORY MASONRY INDUSTRIAL SHOP BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

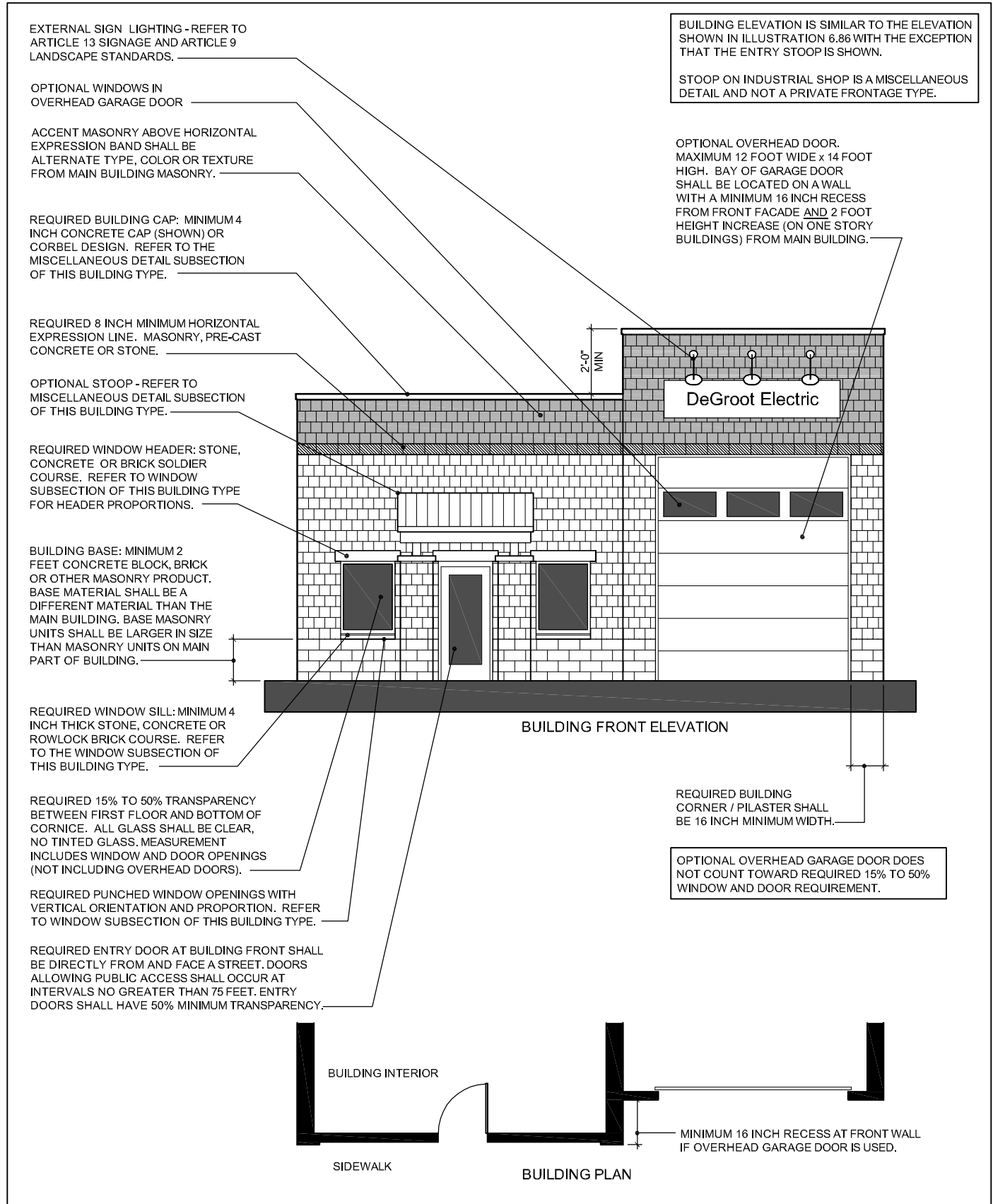
**ILLUSTRATION 6.86 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION ONE-STORY MASONRY INDUSTRIAL SHOP BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

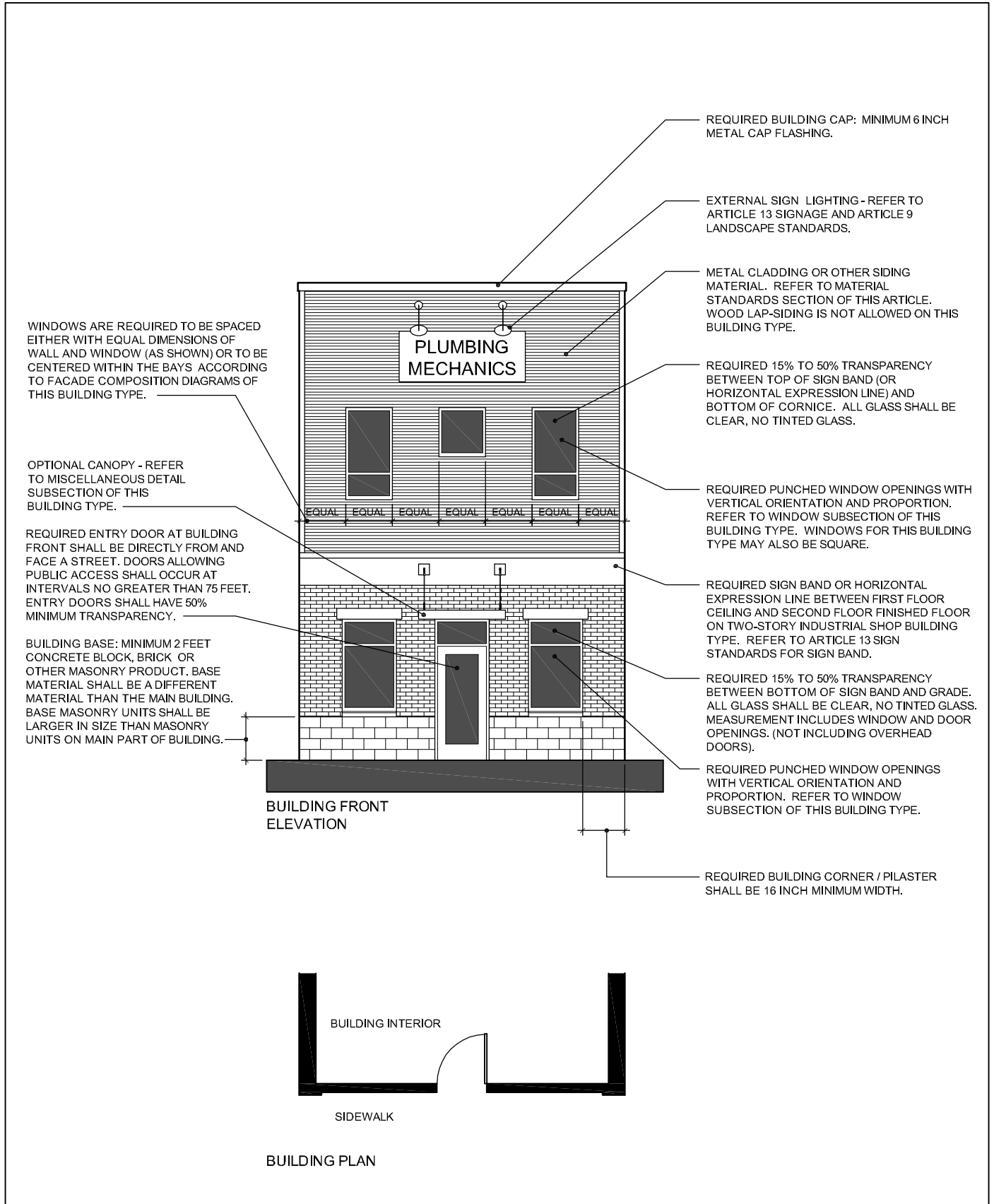
## INDUSTRIAL SHOP BUILDING TYPE

ILLUSTRATION 6.87 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION ONE-STORY MASONRY INDUSTRIAL SHOP BUILDING TYPE WITH STOOP ENTRY



# ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

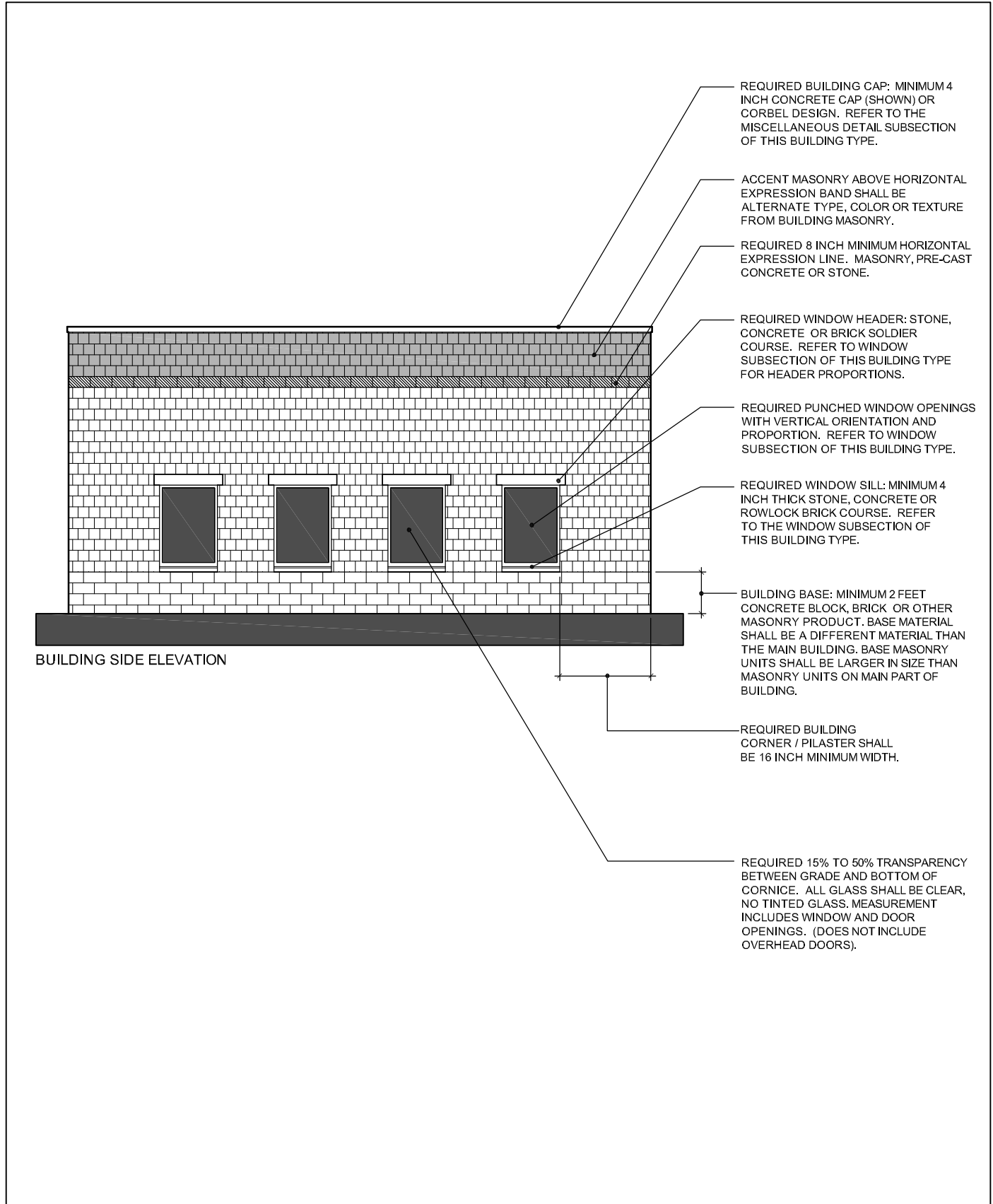
**ILLUSTRATION 6.88 MINIMUM ARCHITECTURAL STANDARDS:  
FRONT ELEVATION TWO-STORY METAL-CLAD INDUSTRIAL SHOP BUILDING TYPE**



# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

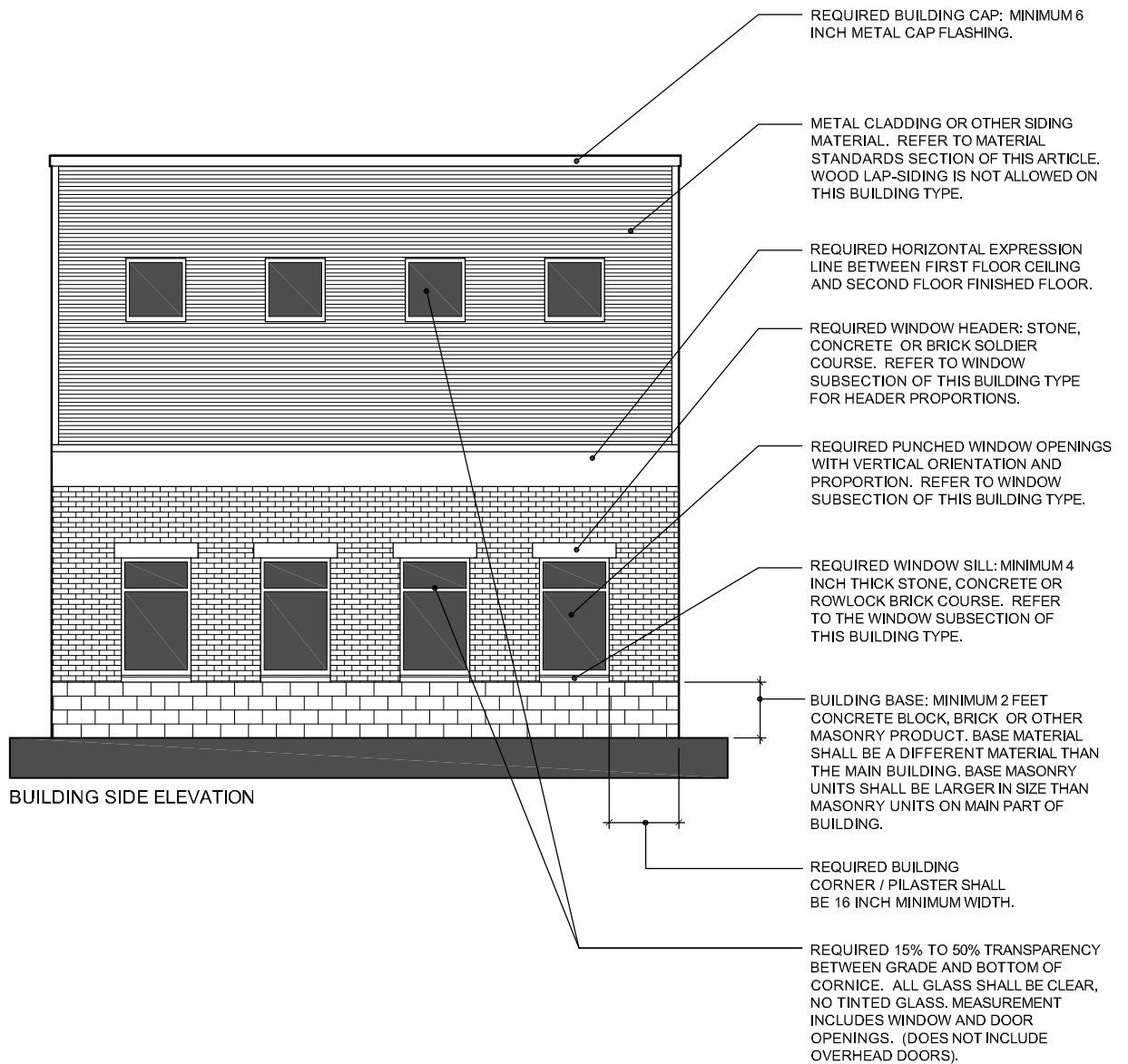
ILLUSTRATION 6.89 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER MASONRY INDUSTRIAL SHOP BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

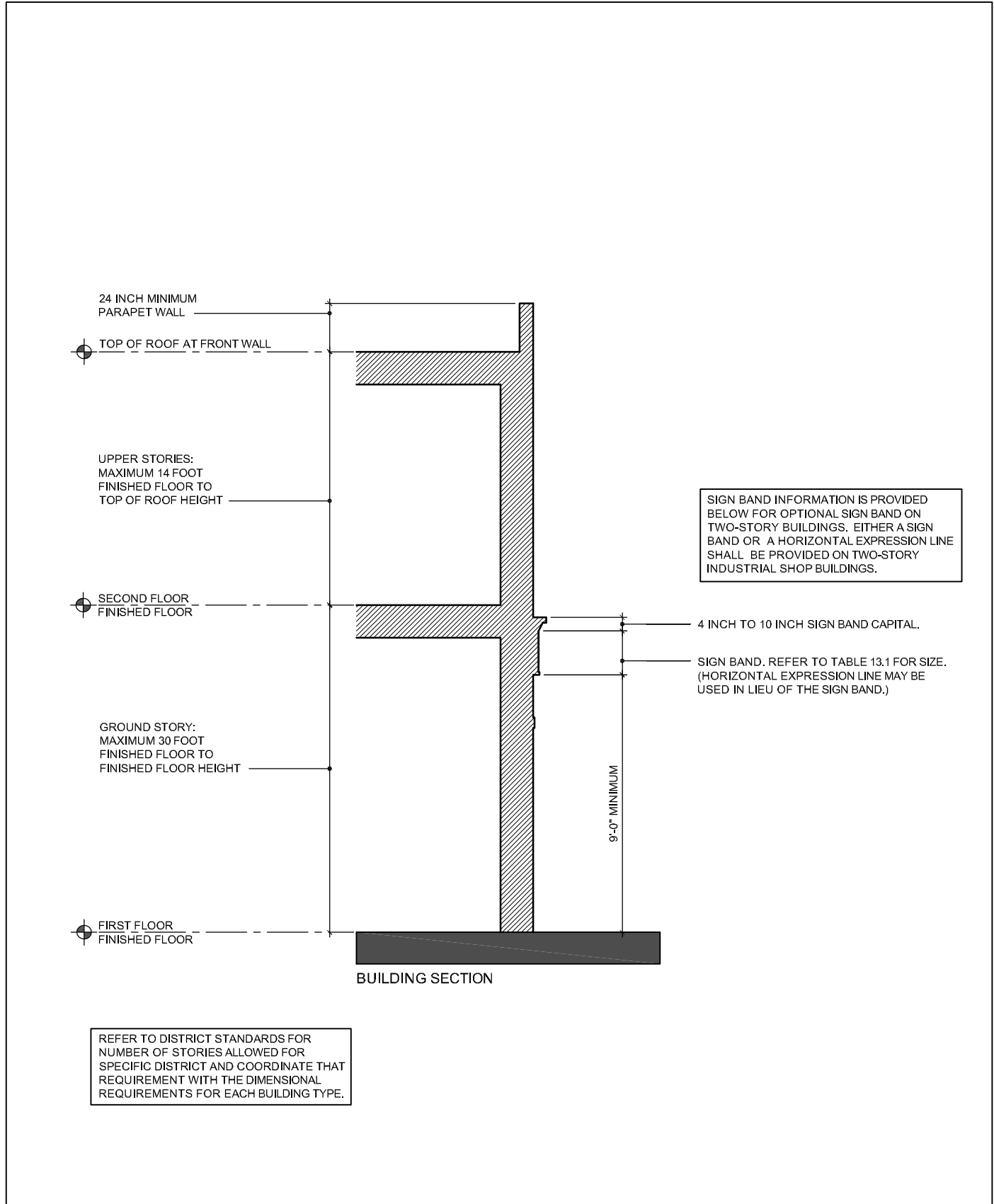
ILLUSTRATION 6.90 MINIMUM ARCHITECTURAL STANDARDS:  
SIDE ELEVATION AT CORNER TWO-STORY METAL-CLAD INDUSTRIAL SHOP BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

ILLUSTRATION 6.91 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



## ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

H. *Massing*. Refer to Images 6.225, 6.226 and 6.227. The Industrial Shop Building Type mass is composed of a rectangular box with building height, width and depth determined by number of stories, lot width, lot depth and lot coverage. A required flat roof with a twenty-four (24) inch high parapet wall per Illustration 6.91 further defines the massing of the building. The Industrial Shop Building Type is typically a one- or two-story building with a tall ground floor and an overall vertical appearance. This verticality is typically manifested in overall building proportions, details, and structural elements and is also represented in the vertically accentuated upper windows.



IMAGE 6.225 INDUSTRIAL SHOP TYPE MASSING



IMAGE 6.226 INDUSTRIAL SHOP TYPE MASSING



IMAGE 6.227 INDUSTRIAL SHOP TYPE MASSING

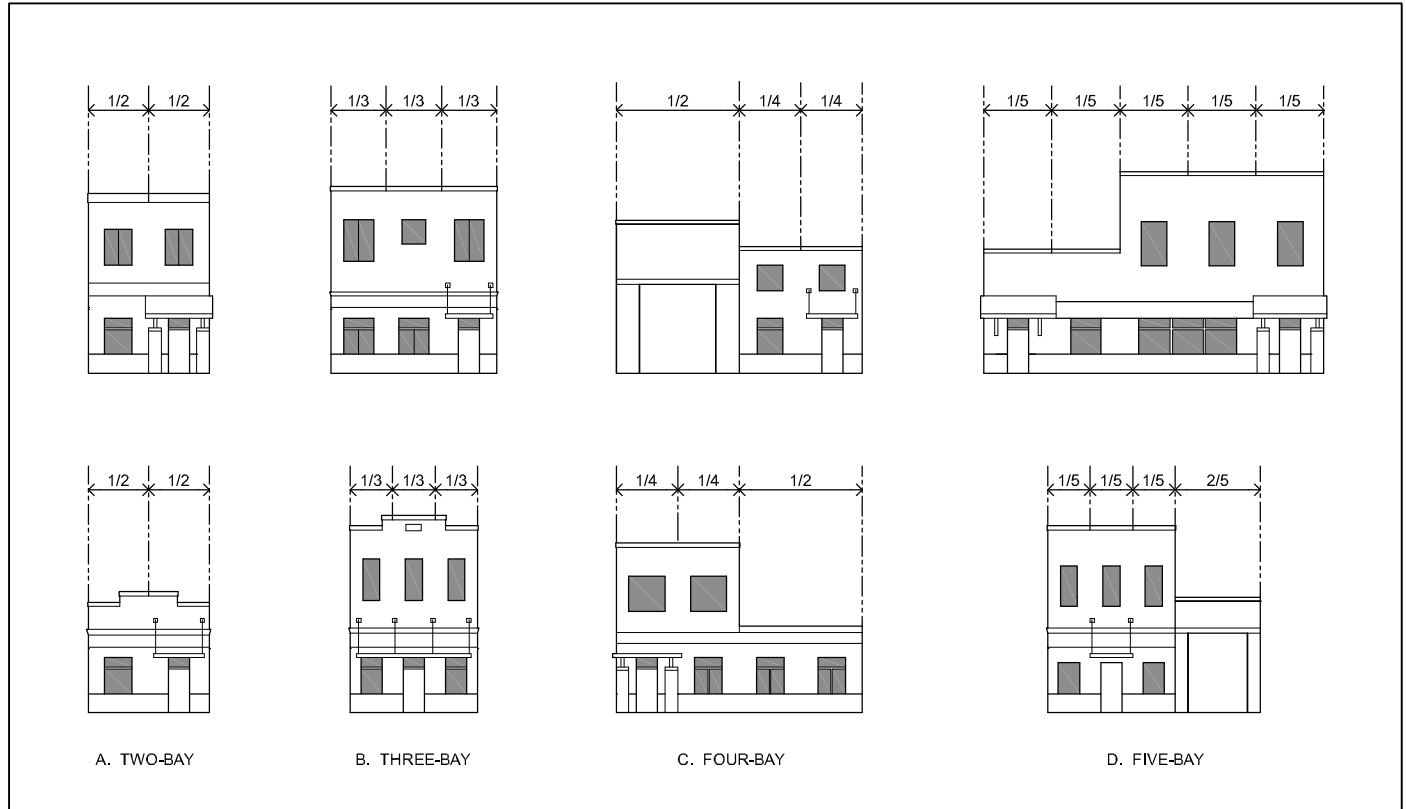


# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

I. *Composition.* Refer to Illustration 6.92. Industrial Shop Building Types are required to be divided into a series of bays in order to maintain a vertical building proportion and to properly space upper floor windows. Typically, the Industrial Shop Type will have a two- or three-bay composition with the ground floor expressed as a single storefront. These compositions are then attached to create a series of building types, which in turn form a streetscape. While it is common for these buildings to have a two- or three-bay composition, larger buildings on larger lots may have four- or five-bay (or more) compositions above the ground floor with varying storefront treatments. Determination of the number of bays will typically be based on the building length and how that length is divided to accentuate the vertical appearance. Bay spacing for two-bay through five-bay compositions are diagrammed in Illustration 6.92.

ILLUSTRATION 6.92  
FACADE COMPOSITION DIAGRAMS INDUSTRIAL SHOP BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

- J. *Windows.* Refer to Illustration 6.93 and Images 6.228, 6.229 and 6.230. Windows above the ground floor and on side elevations are typically vertical in proportion with the following attributes:
1. Standard windows are casement, fixed, industrial style or double hung type operation with a variety of divided light patterns as shown in Illustration 6.93.
  2. Window divisions, if provided, shall typically be vertical in proportion or square and be consistent throughout the entire building.
  3. Divided lights shall be true divided lights or be composed of grilles that are adhered to both sides of the glass with a spacer in between.
  4. Jack arches, stone, and precast lintels as well as articulated window hoods and trim are common over windows set in masonry walls with appropriate proportions described in Illustration 6.93.



IMAGE 6.228 INDUSTRIAL SHOP TYPE WINDOWS



IMAGE 6.229 INDUSTRIAL SHOP TYPE WINDOWS

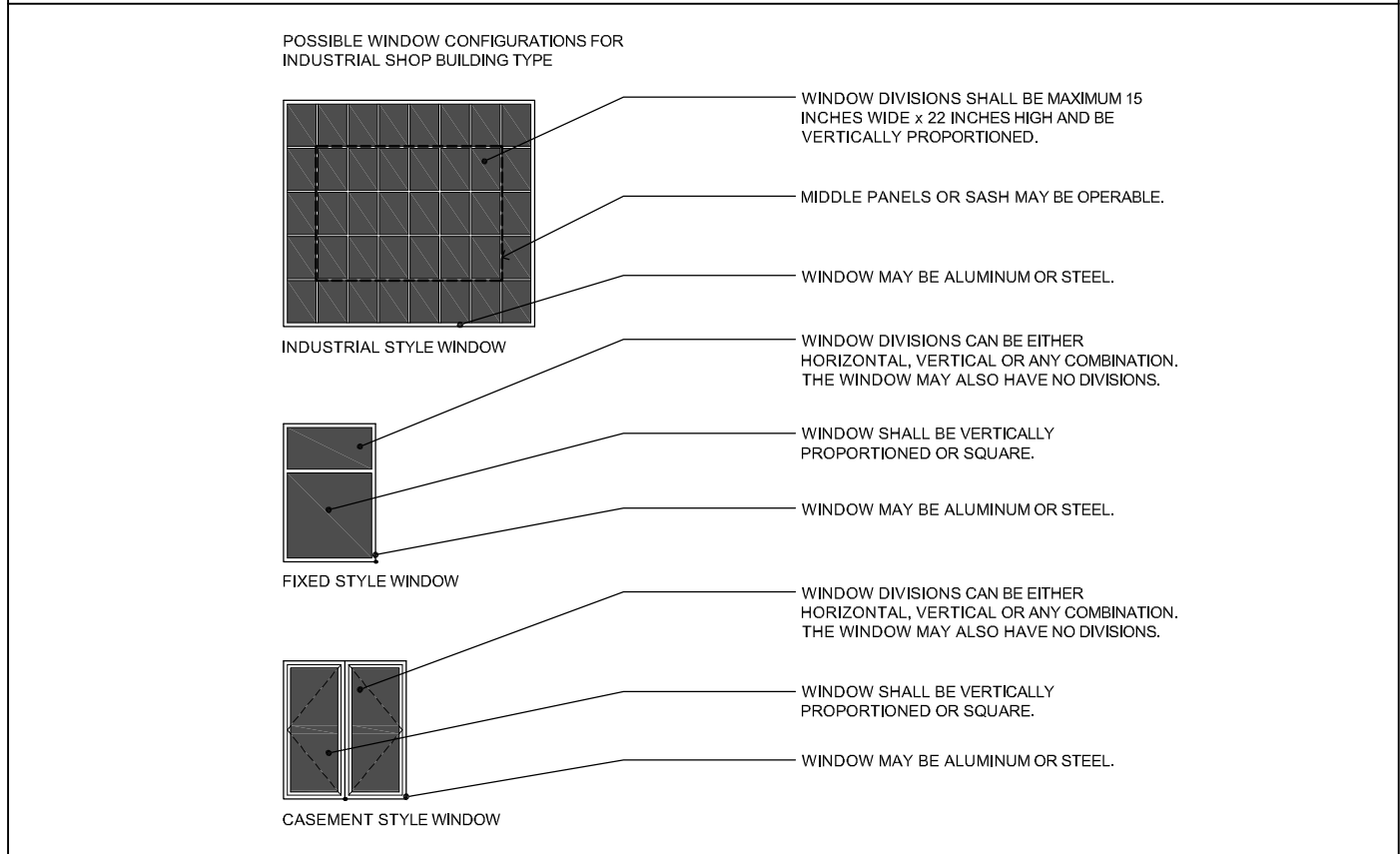
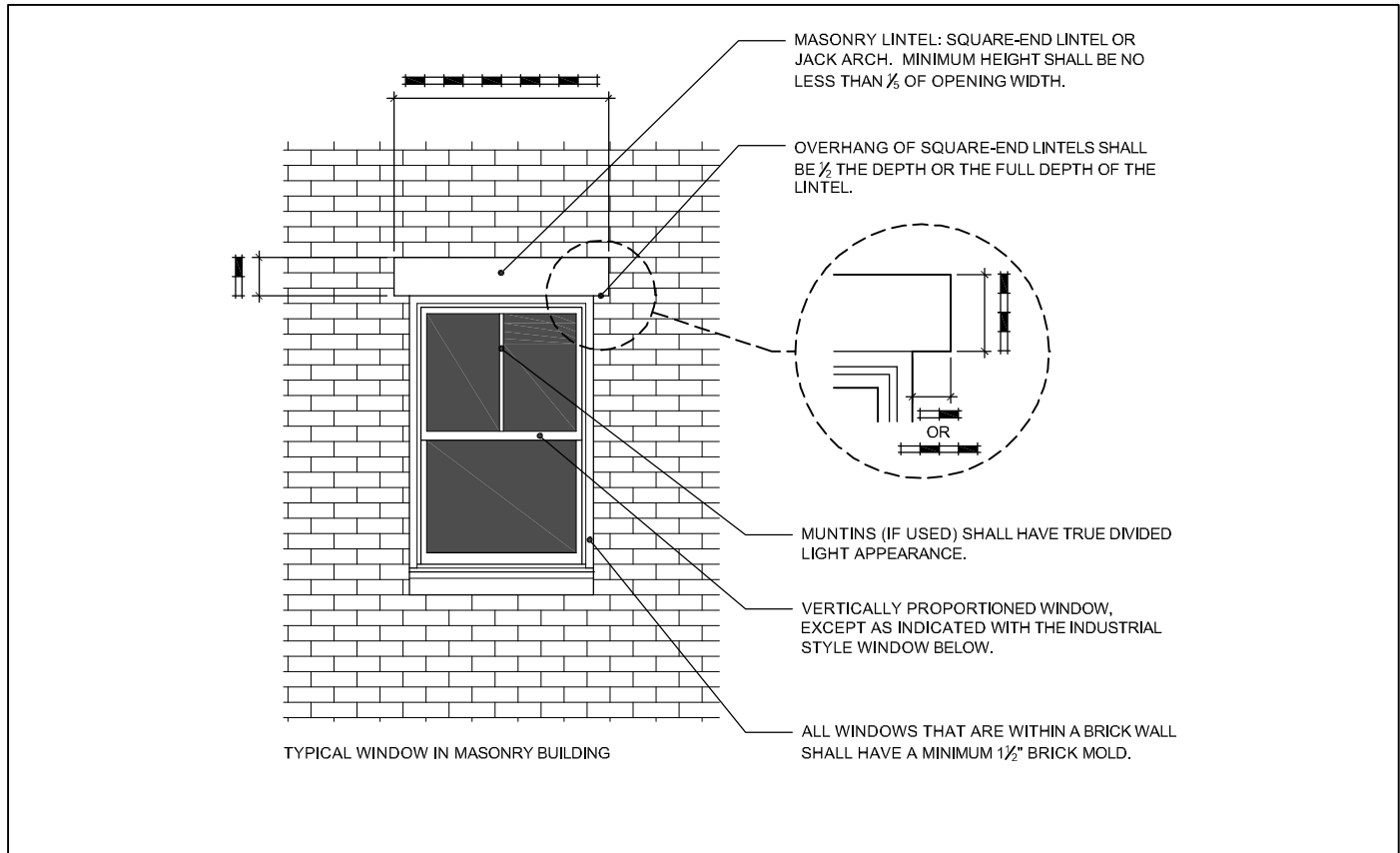


IMAGE 6.230 INDUSTRIAL SHOP TYPE WINDOWS

# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

ILLUSTRATION 6.93 WINDOW STANDARDS:  
INDUSTRIAL SHOP BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## INDUSTRIAL SHOP BUILDING TYPE

K. *Miscellaneous Details.* Industrial Shop Type Buildings typically have a variety of details that help to make them more pedestrian-scaled and proportioned. These details may include the following:

1. *Metal Canopies.* Refer to Images 6.231, 6.232, and 6.233 and Illustration 6.94. A metal canopy is an option for the Industrial Shop Building Type. Canopies are typically composed of simple shapes of structural steel or aluminum that is detailed as a flat horizontal plane that projects from the facade. The structural steel supports a metal deck that acts as the canopy covering. The canopy frame is supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. Refer to Article 13, Sign Standards for detailed information on metal canopies and their related signage. Refer to Illustration 6.94 for metal canopy locations on this Building Type.



IMAGE 6.231 INDUSTRIAL SHOP TYPE CANOPY

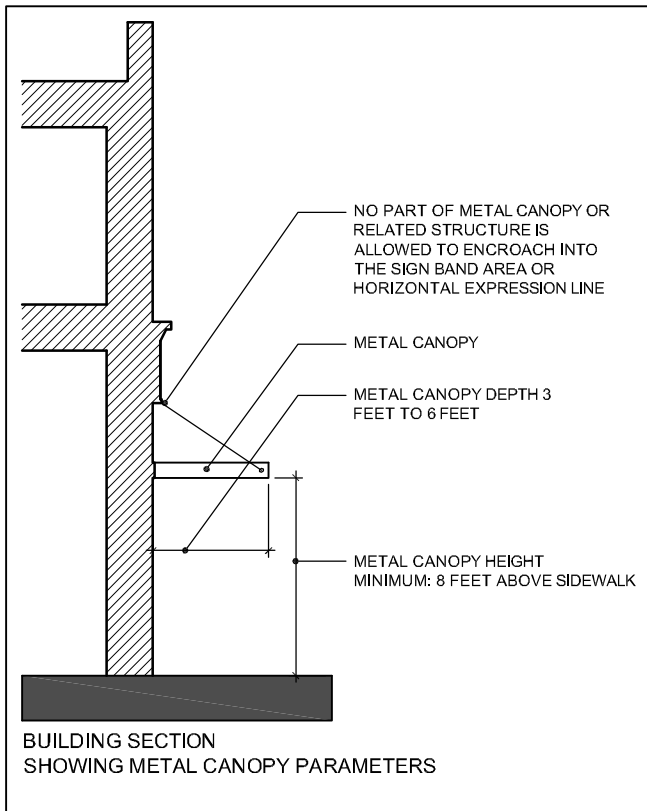


IMAGE 6.232 INDUSTRIAL SHOP TYPE CANOPY



IMAGE 6.233 INDUSTRIAL SHOP TYPE CANOPY

ILLUSTRATION 6.94 METAL CANOPY LOCATIONS



BUILDING SECTION  
SHOWING METAL CANOPY PARAMETERS

# ARTICLE 6 BUILDING TYPE STANDARDS

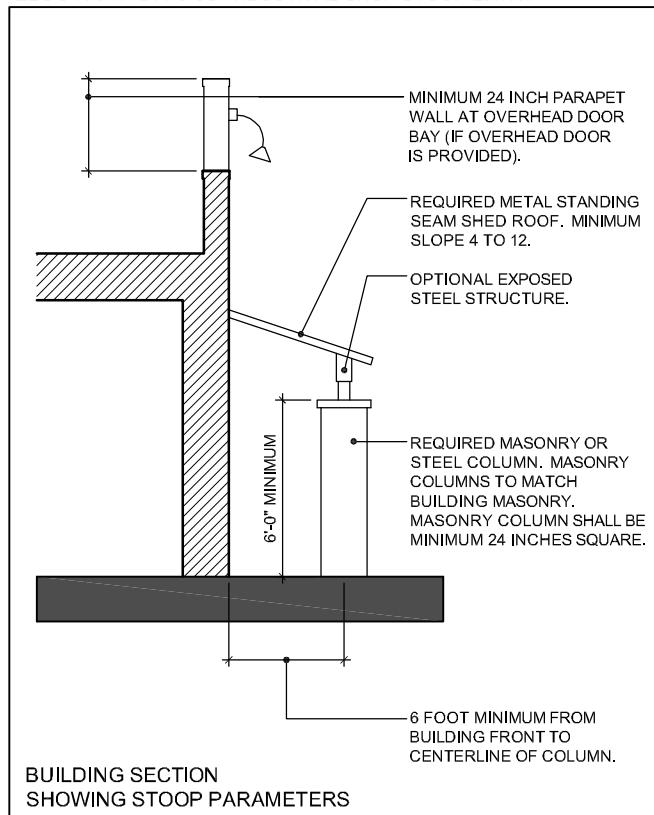
## INDUSTRIAL SHOP BUILDING TYPE



IMAGE 6.234 INDUSTRIAL SHOP TYPE ENTRY

2. *Balconies.* Upper-story balconies are allowed on the Industrial Shop Building Type. They may occur as simple cantilevered extensions from the upper floor or as a steel balcony supported with cables, turnbuckles or other structure that anchors to the building, terminating into an exposed plate detail at the building wall. These balconies shall be composed of simple shapes of structural steel to minimize their bulk. Balconies shall match the architectural detailing of the building.
3. *Industrial Shop Stoop Entry.* Refer to Image 6.234 and Illustration 6.95. This Industrial Shop stoop, while similar to the stoop private frontage, is an architectural element that is exclusive to this Building Type. It is typically a very simple composition of columns with a roof that protects the front entry from weather and allows for a pedestrian scaled interface between building and public realm.

ILLUSTRATION 6.95 INDUSTRIAL SHOP STOOP ENTRY



## ARTICLE 6 BUILDING TYPE STANDARDS INDUSTRIAL SHOP BUILDING TYPE

4. *Cornices.* Refer to Images 6.235, 6.236 and 6.237. The cornice is generally used as a device to articulate the parapet and give the building a 'top'. In Western Michigan towns, there is considerable variety in their design. The silhouette can be straight or eccentric to create a profile against the sky, ornamentation can be simple or elaborate, and the depth of the projections can be shallow or deep to modulate the shadow on the building face. Cornices are required on all Industrial Shop Building Types.



IMAGE 6.235 INDUSTRIAL SHOP TYPE CORNICE



IMAGE 6.236 INDUSTRIAL SHOP TYPE CORNICE



IMAGE 6.237 INDUSTRIAL SHOP TYPE CORNICE

## ARTICLE 6 BUILDING TYPE STANDARDS

### ACCESSORY DWELLING BUILDING TYPE

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IMAGE 6.238 ACCESSORY DWELLING UNIT TYPE

#### Section 6.12 Hudsonville

##### Accessory Dwelling Unit Building Type

- A. *History and Character.* Refer to Images 6.238. The Accessory Dwelling Unit Building Type, sometimes referred to as a carriage house or granny flat, is a Building Type that consists of a dwelling unit or home business on top of a detached garage. These building types have historically allowed homeowners to offset their mortgages by providing small rental apartments. These buildings also provide for a more diverse neighborhood by allowing people of varied income levels to live on the same lot and within the same block structure.
- B. *Essential Elements.* Essential elements are those items which are indicative of this Building Type and are required in order to fully execute this Type.
1. Two-story buildings with a residential or home business above a garage.
  2. Separate entrance to second floor unit.
  3. Simple vertical proportioned window and door compositions.
  4. Moderately pitched gable or hip roof.
- C. *Access Requirements.* Access to the Accessory Dwelling Unit Building Type shall meet the following requirements:
1. The main entrance to the second floor unit shall be accessed from the side yard setback, side street build-to-zone or rear yard setback.
  2. Where an alley is present, parking and services shall be accessed through the alley.

## ARTICLE 6 BUILDING TYPE STANDARDS

### ACCESSORY DWELLING BUILDING TYPE

D. *Gallery of Possibilities.* Refer to Images 6.239 through 6.241. These are character examples that are provided to demonstrate the intended character of each type and are for illustrative purposes only. They are not intended to be copied in the design of the building.



IMAGE 6.239 ACCESSORY DWELLING UNIT TYPE



IMAGE 6.240 ACCESSORY DWELLING UNIT TYPE



IMAGE 6.241 ACCESSORY DWELLING UNIT TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## ACCESSORY DWELLING BUILDING TYPE

E. *Site Disposition.* Refer to Illustration 6.96. Site disposition indicates how the building is placed on the site and how it shall relate to the primary structure. Accessory Dwelling Unit Building Types shall meet the following requirements:

1. *Street Frontage.*

- a. As Accessory Dwelling Unit Building Types are located in the rear of the lot, the building does not typically directly face streets or public right of ways, except on corner side properties, where they face the secondary street.
- b. At street-facing corner locations, the accessory dwelling unit shall match the build-to-line, build-to-zone, or side setback buildings of the primary building.
- c. For this building type, the front yard setback is considered to be the distance from the building to the right-of-way line of the primary street.
- d. This front yard setback shall be  $\frac{2}{3}$  of the overall depth of the lot, as measured from the front property line to the rear property line.

e. Accessory Dwelling Unit Building Types shall be a minimum of ten (10) feet from the rear of the primary structure.

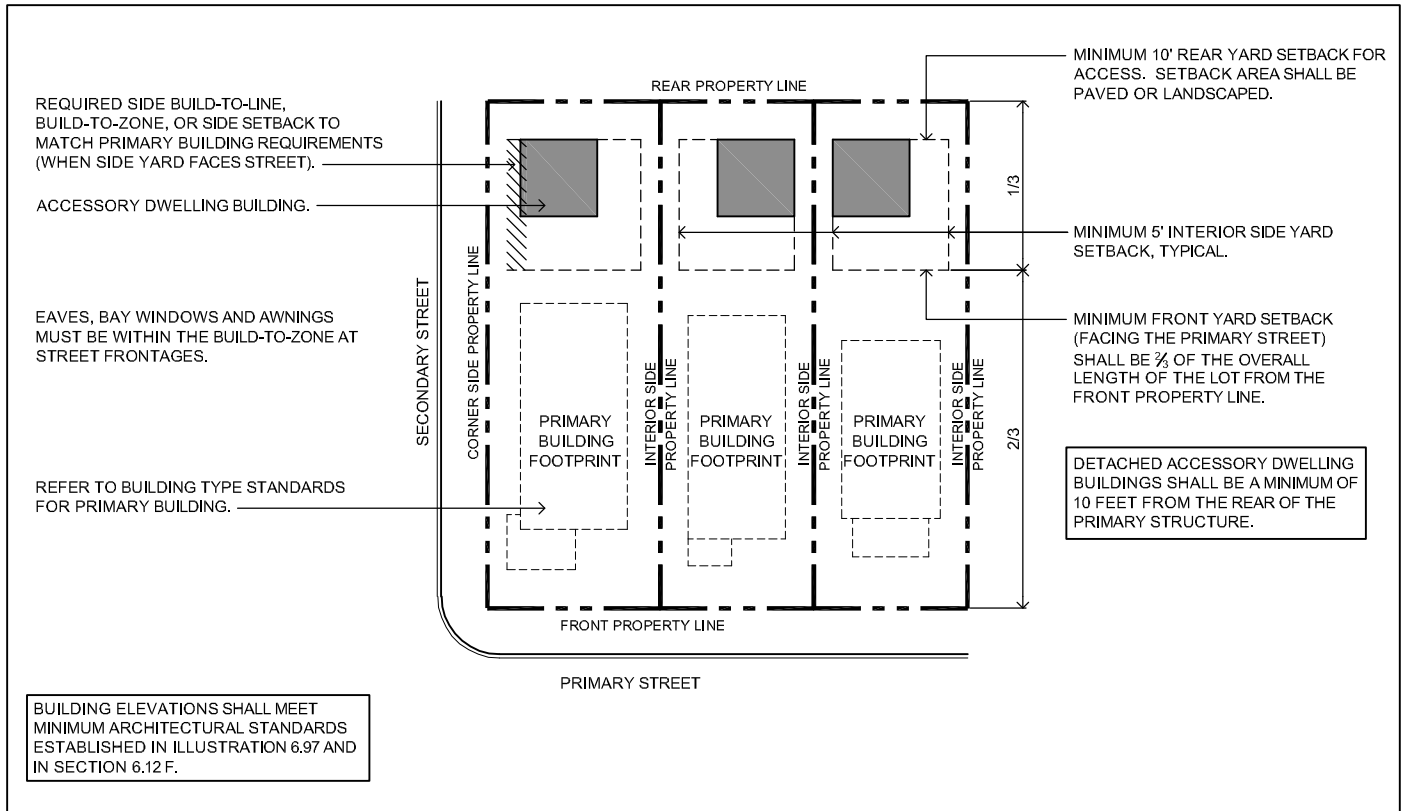
f. Areas surrounding the accessory dwelling unit building shall be landscaped with a grass lawn, with the exception of driveways to the garage and sidewalks to the second floor unit.

g. The lot width, lot area and building lot coverage for this Building Type corresponds to the primary building that it is associated with. Accessory Dwelling Unit Buildings shall have a primary building on the site, they are not allowed to be built without a primary building.

2. *Setbacks and Build-to-Zones.*

- a. Front: two-thirds ( $\frac{2}{3}$ ) of the overall length of the lot from the front of the property line.
- b. Rear: Minimum ten (10) foot setback.
- c. Interior Side: Minimum five (5) foot setback
- d. Cornerside: match primary structure.

ILLUSTRATION 6.96  
SITE DISPOSITION ACCESSORY DWELLING BUILDING TYPE



## ARTICLE 6 BUILDING TYPE STANDARDS

### ACCESSORY DWELLING BUILDING TYPE

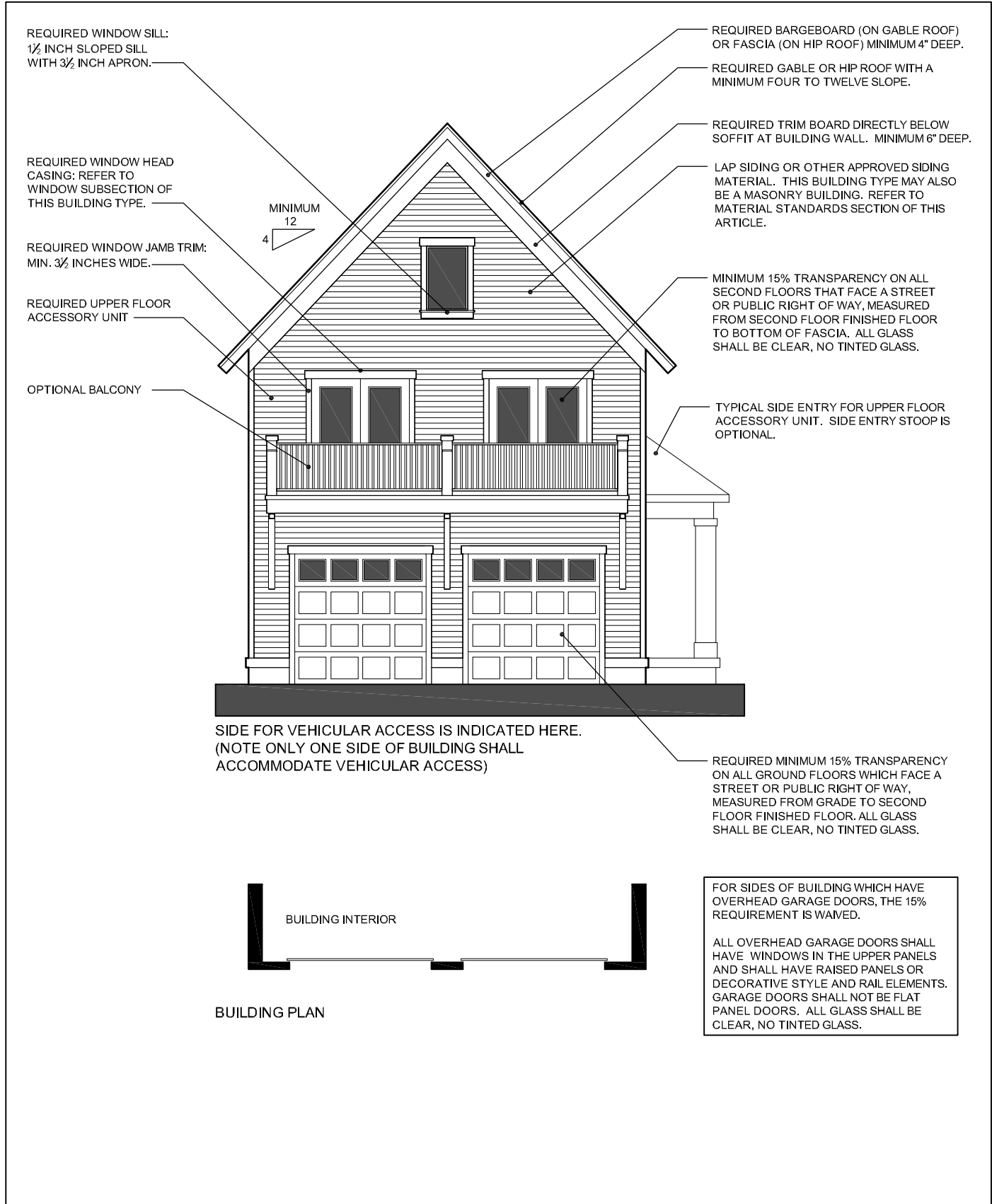
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- F. *Minimum Architectural Standards.* The following illustrated standards indicate minimum architectural requirements for the Accessory Dwelling Unit Building Type. This diagram illustrates required ranges for a series of elements associated with this Building Type. Additionally, these diagrams have some elements which are listed as optional elements, which are encouraged in order to further enhance the pedestrian-scale of the buildings.
1. *Elevations.* All elevations shall meet the requirements of Illustration 6.97.

# ARTICLE 6 BUILDING TYPE STANDARDS

## ACCESSORY DWELLING BUILDING TYPE

ILLUSTRATION 6.97 MINIMUM ARCHITECTURAL STANDARDS:  
ELEVATION ACCESSORY DWELLING BUILDING TYPE



# ARTICLE 6 BUILDING TYPE STANDARDS

## ACCESSORY DWELLING BUILDING TYPE

G. *Floor to Floor Numerical Heights.* Refer to Illustration 6.98. Building Heights addressed as part of this Article are measured from finished floor to finished floor.

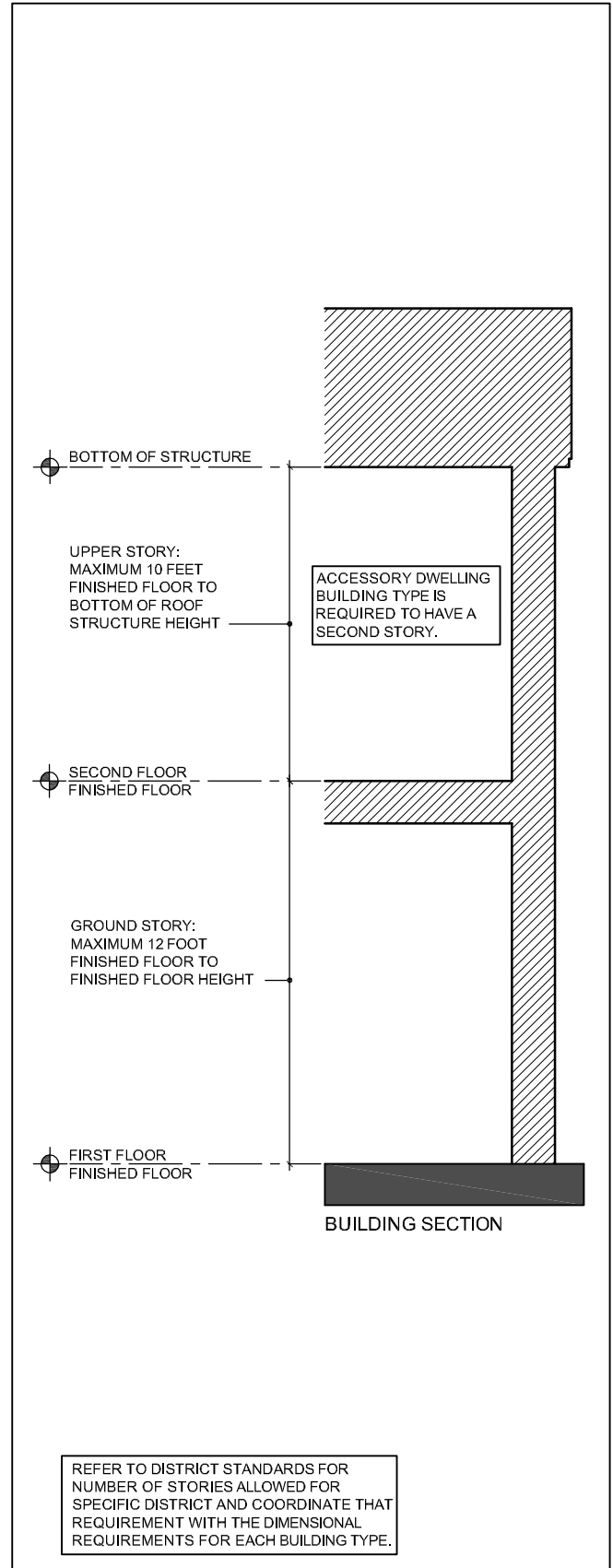
1. Floor to floor numerical height shall be measured from finished floor to finished floor. At the uppermost floor, measurement is from finished floor to bottom of roof structure.
2. Number of stories allowed within specific Districts are indicated Article 5. In cases where Illustration 6.98 indicates more or less floors for a building, the District Standards for number of stories will govern. The respective finished floor to finished floor heights indicated in this subsection are required to be paired with each allowable story in Article 5 to be properly utilized.
3. For this Building Type, a second story is required.

H. *Massing.* Refer to Image 6.242. The Accessory Dwelling Unit Building Type mass is composed of a rectangular or square box with building height, width and depth determined by the number of stories, lot width, lot depth and lot coverage. A required sloped roof further defines the mass of the building. Verticality is typically manifested in overall building proportions, details, and structural elements. The building massing shall be consistent with that of the primary building.

1. The second story unit shall be a maximum size of 750 square feet of habitable space.
2. The footprint of Accessory Dwelling Unit Building Types shall not exceed 50% of the primary buildings habitable floor area.

I. *Windows.* Windows are typically vertical in proportion and shall be consistent with the primary building windows. Refer to primary building standards.

ILLUSTRATION 6.98 MINIMUM ARCHITECTURAL STANDARDS:  
FLOOR TO FLOOR HEIGHTS AND VERTICAL DIMENSIONS



# ARTICLE 6 BUILDING TYPE STANDARDS

## BUILDING MATERIALS

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### Section 6.13 Building Material Standards

#### A. Wall Materials

1. *Building Lap Siding*: Lap-siding or clap-board siding shall be wood, fiber cement board siding or vinyl siding with the following requirements:
  - a.. Siding shall be oriented horizontally.
  - b. Siding shall have a lap or exposure within the range of four (4) to eight (8) inches.
  - c. Siding shall have 4” minimum corner trim boards at building corners.
  - d. Fiber cement board siding shall have an exposed smooth finish (no faux wood grains shall be exposed).
2. *Lap Siding Trim*: All trim on lap sided buildings, including window trim, door trim, horizontal expression lines and corner trim shall be similar to the material of the siding. Lap sided trim may include the following:
  - a. Fiber cement, painted. Smooth finish exposed.
  - b. Polyurethane, painted. Smooth finish exposed.
  - c. Cellular PVC, painted. Smooth finish exposed.
  - d. Wood, painted or stained opaque.
  - e. Vinyl trim when vinyl siding is used as the wall material.
  - f. Other materials as approved by the Zoning Administrator or Planning Commission.
3. *Masonry*: Masonry buildings shall use brick, real stone veneer, cultured stone veneer or other masonry products approved by the Zoning Administrator or Planning Commission.
  - a. Decorative Concrete Masonry Units (CMU) shall be allowed on the Industrial Shop Building Type only. Refer to Illustrations in Article 6.
  - b. Decorative Concrete Masonry Units (CMU) shall be allowed as a base material on the Live-Work and Rowhouse Building Types. Refer to Illustrations in Article 6.
4. *Masonry Trim and Decorative Elements*: All trim and decorative elements on masonry buildings, including window trim, door trim, and horizontal expression lines may include the following:
  - a. Limestone.
  - b. Terra-cotta.
  - c. Brick shapes.
  - d. Decorative brick coursing such as rowlock or soldier coursing.
  - e. Corbelled brick design.
  - f. Cast stone.
  - g. Precast concrete.
  - h. Fiber cement, painted. Smooth finish exposed.
  - i. Polyurethane, painted. Smooth finish exposed.
  - j. Cellular PVC, painted. Smooth finish exposed.
  - k. Wood, painted or stained opaque.
  - l. Other materials as approved by the Zoning

Administrator or Planning Commission.

5. *Insulated Metal Wall Panels*: Insulated metal wall panels, with a thin metal skin and a foam insulation interior core may be used as a wall cladding as follows:
  - a. By Right on Industrial Shop Building Type.
  - b. By Permit on upper levels of Mixed-Use Building Types.
  - c. By Permit on upper levels of Live-Work Building Types.
  - d. By Permit on upper levels of Rowhouse Building Types.
6. *Metal Wall Panels*: Non-insulated metal wall panels may be used as a wall cladding as follows:
  - a. By Right on Industrial Shop Building Type.
  - b. By Permit on upper levels Mixed-Use Building Type.
  - c. By Permit on upper levels of Live-Work Building Type.
  - d. By Permit on upper levels of Rowhouse Building Types.

#### B. Building Cornices.

1. *For cornices on masonry buildings*:
  - a. Limestone.
  - b. Terra-cotta.
  - c. Brick shapes
  - d. Decorative brick coursing.
  - e. Corbelled brick design.
  - f. Cast stone.
  - g. Precast concrete cap (4” minimum).
  - h. Polyurethane, painted. Smooth finish exposed.
  - i. Cellular PVC, painted. Smooth finish exposed.
  - j. Wood, painted or stained opaque.
  - k. Other materials as approved by the Zoning Administrator or Planning Commission.
2. *For cornices on lap-sided or masonry buildings*:
  - a. Fiber cement, painted. Smooth finish exposed.
  - b. Polyurethane, painted. Smooth finish exposed.
  - c. Cellular PVC, painted. Smooth finish exposed.
  - d. Wood, painted or stained opaque.
  - e. Other materials as approved by the Zoning Administrator or Planning Commission.

## ARTICLE 6 BUILDING TYPE STANDARDS

### BUILDING MATERIALS

#### C. *Windows.*

1. *Windows on all building types shall meet the following requirements:*
  - a. Energy efficient wood, aluminum-clad wood, or vinyl-clad wood window units.
  - b. Windows with divided lights shall have true divided light appearance with 3/8" minimum exterior muntins, interior muntins and internal divider between glass.
  - c. Divided lights are not required.
  - d. Windows shall be clear glass as defined in this Ordinance.
  - e. Vertical proportioned windows (vertical dimension greater than or equal to the horizontal dimension). Square proportioned windows are allowed.
  - f. On Industrial Shop Building Type, aluminum or steel windows may also be used.

#### D. *Metal-framed Storefronts (allowed on masonry Mixed Use and masonry Retail Building Types only):*

1. *Framing:* Framed display windows shall be constructed from pre-finished aluminum or steel.
  - a. Prefinished framing that is finished as clear or dark bronze anodized shall be allowed by right.
  - b. All other prefinished colors shall be approved by Zoning Administrator or Planning Commission by permit.
2. *Storefront Glass:* Main storefront or display area glass shall be clear as defined in this Ordinance.
3. *Transom Glass:* Transom glass (eight feet and above the first floor) shall be clear glass, decorative translucent glass or opaque glass. Opaque transom glass may use ceramic frit.

#### E. *Wood-framed Storefronts (allowed on brick or lap sided Mixed Use and Retail Building Types and on all Cottage Retail Building Types):*

1. *Framing:* Framed display windows shall be constructed from the following materials:
  - a. Wood that is painted, stained with an opaque stain or covered in a decorative metal such as copper.
  - a. Fiber-cement board or cellular PVC products, smooth finish exposed.
2. *Storefront Glass:* Main storefront or display area glass shall be clear as defined in this Ordinance.

3. *Transom Glass:* Transom glass (eight feet and above the first floor) shall be clear glass, decorative translucent glass or opaque glass. Opaque transom glass may use ceramic frit.
4. *Miscellaneous:* Doors and display windows may be trimmed with pilasters, fiber cement panels, dense polyurethane or cellular PVC trim, or composite millwork for built-up sections. Structural steel shapes may be expressed as columns. Fiber cement board and cellular PVC products shall be installed with smooth finish exposed.

#### F. *Exposed Exterior Ceilings:*

1. Exposed exterior ceilings (located at recessed doorways, arcades, etc.) shall be constructed with any of the following materials:
  - a. Wood beaded-board construction that is painted or stained with an opaque stain.
  - b. Plank and beam appearance made of fiber cement, painted or stained wood or cellular PVC. Fiber cement board and cellular PVC products shall be applied with smooth finish exposed.

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# ARTICLE 7

## PRIVATE FRONTAGE STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

### TABLE OF CONTENTS FOR ARTICLE 7

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Section 7.08	Forecourt Private Frontage
Section 7.09	Terrace or Lightwell Private Frontage
Section 7.10	Porch Lawn PrivateFrontage



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

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## Section 7.01 Purpose and Intent

- A. Private Frontage is the privately owned layer between the property line (right-of-way line) and the building façade (or building front). Private Frontages are allowed on specific Building Types according to the District that building (or parcel) is located in. Each Building Type is required to have a Private Frontage associated with it.

The purpose of the Private Frontage Standards referenced in this Article is to establish a pedestrian-scaled pattern of development consistent with the Hudsonville Downtown Master Plan by regulating the shape and form of the development pattern. Private Frontages assist in defining the Public Realm while allowing flexible articulation of the building front and its relation to the street.

Each section of Article 7 contains information about the variety of Private Frontage Types that are allowable. Refer to Article 5 (District Standards) and Article 6 (Building Type Standards) to determine Private Frontages that are applicable to Building Types and Districts.

- B. *Applicability to Existing Development.* Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.

## Section 7.02 Storefront Private Frontage

- A. *General Character.* A private frontage type wherein the façade is placed at the build-to-line or right-of-way line with the building entrance at sidewalk grade. This type is conventional for mixed-use and retail buildings and must be designed in such a way to promote an attractive and convenient shopping experience. The storefront typically has substantial glazing at the sidewalk level and is commonly equipped with awnings, which may overlap the sidewalk. Refer to Illustration 7.1 and Images 7.1 and 7.2 for Storefront Private Frontage character.
- B. *Site Disposition and Placement.* The Storefront Private Frontage Type shall be located between the building façade and front property line per Illustration 7.2



ILLUSTRATION 7.1



IMAGE 7.1



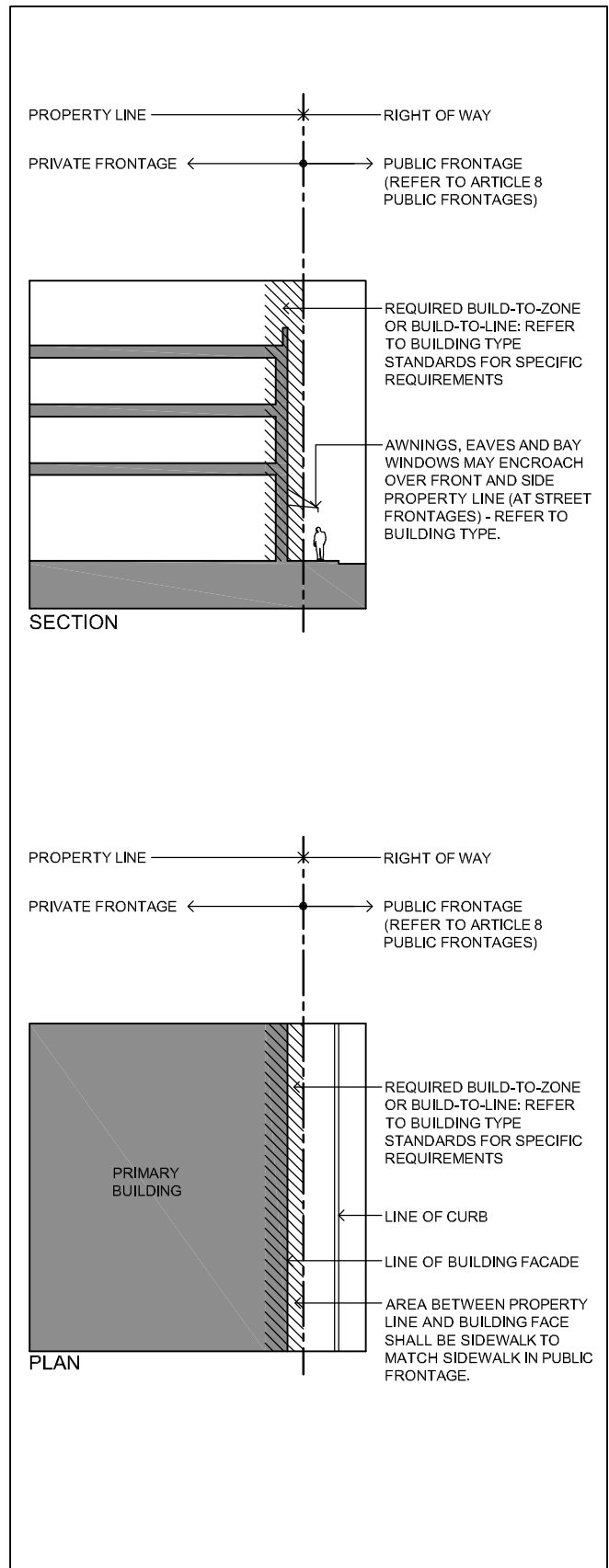
IMAGE 7.2

# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustrations 7.3 and 7.4. This Private Frontage Type is composed of a large display window and related components. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Storefront Private Frontage components are as follows:

1. Required sign band.
2. Optional transom above storefront.
3. Required entry door directly from and facing a street.
4. Required storefront base / bulkhead between glass and sidewalk grade.
5. Clear glass.
6. Wood or aluminum storefront.
7. Optional awning or canopy.

ILLUSTRATION 7.2  
STOREFRONT PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.3  
ELEVATION OF STOREFRONT PRIVATE FRONTAGE TYPE

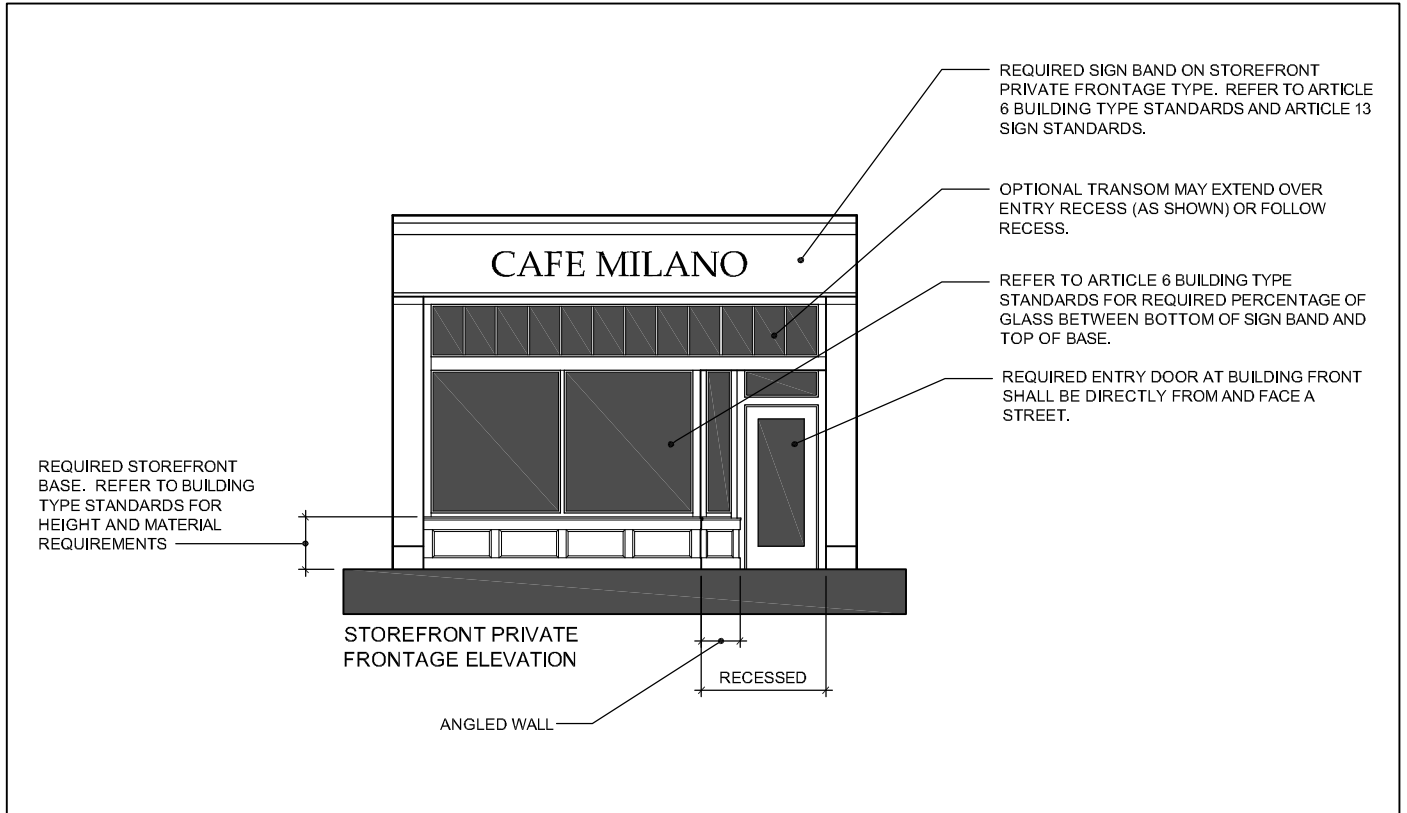
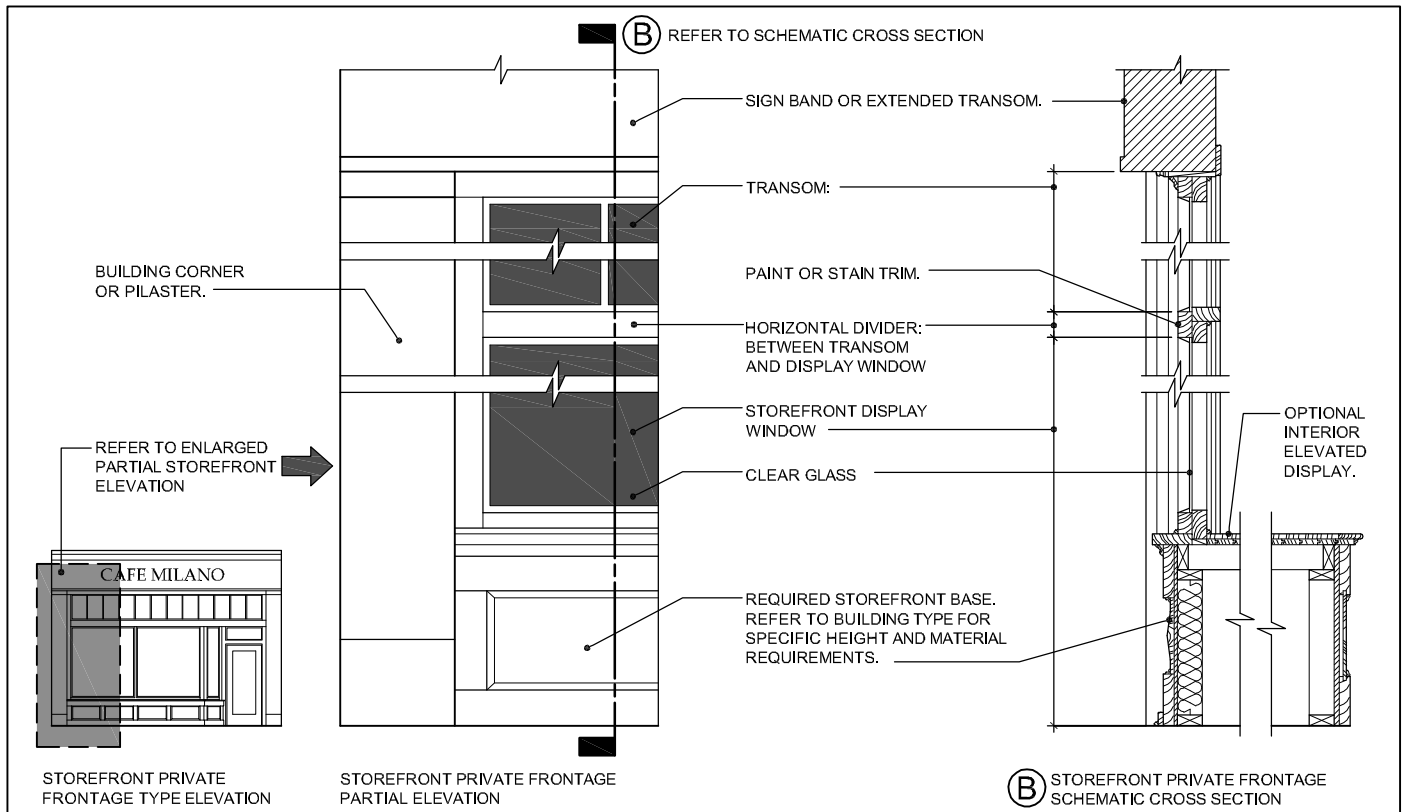


ILLUSTRATION 7.4  
DETAILS FOR STOREFRONT PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

## Section 7.03 Arcade Private Frontage

A. *General Character.* An arcade is the covered walkway created on the public sidewalk in front of a building by encroachment into the right-of-way of that building's upper stories and where those stories are supported on a series of arches and columns (arcade). The support of these upper stories may also be executed by a series of columns referred to as a colonnade. This frontage is appropriate on the Mixed-Use Building Type. This private frontage type must exist in conjunction with the Storefront Private Frontage. The arcade or colonnade supports habitable upper floor space that overlaps the public sidewalk and encroaches past the build-to-line, while the façade at the sidewalk (the storefront) remains at the build-to-line. This entire composition is considered an Arcade Private Frontage. Its arcade or colonnade is open to the public and accommodates lateral movement from storefront to storefront. This type is allowable for mixed-use buildings and must be designed in such a way to promote an attractive and convenient shopping experience. The storefront component of this frontage shall be consistent with the Storefront Private Frontage requirements indicated in Section 7.02. Refer to Illustration 7.5 and Images 7.3 and 7.4 for Arcade Private Frontage character.

B. *Site Disposition and Placement.* The Arcade Private Frontage Type encroaches into the right-of-way per Illustration 7.6 and requires a Special Use Permit.

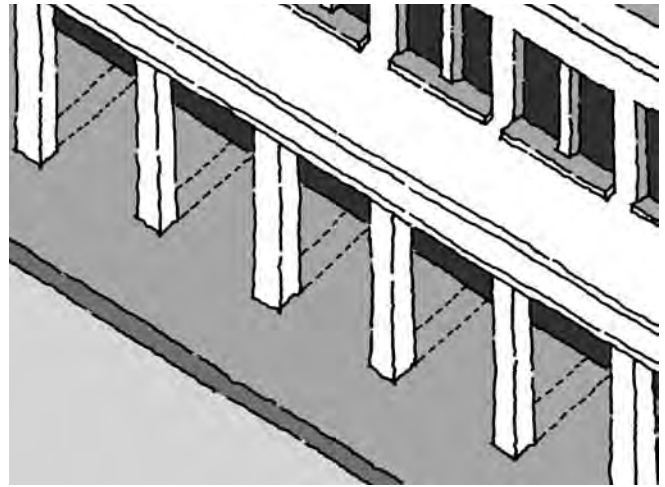


ILLUSTRATION 7.5 COLONNADE



IMAGE 7.3 ARCADE



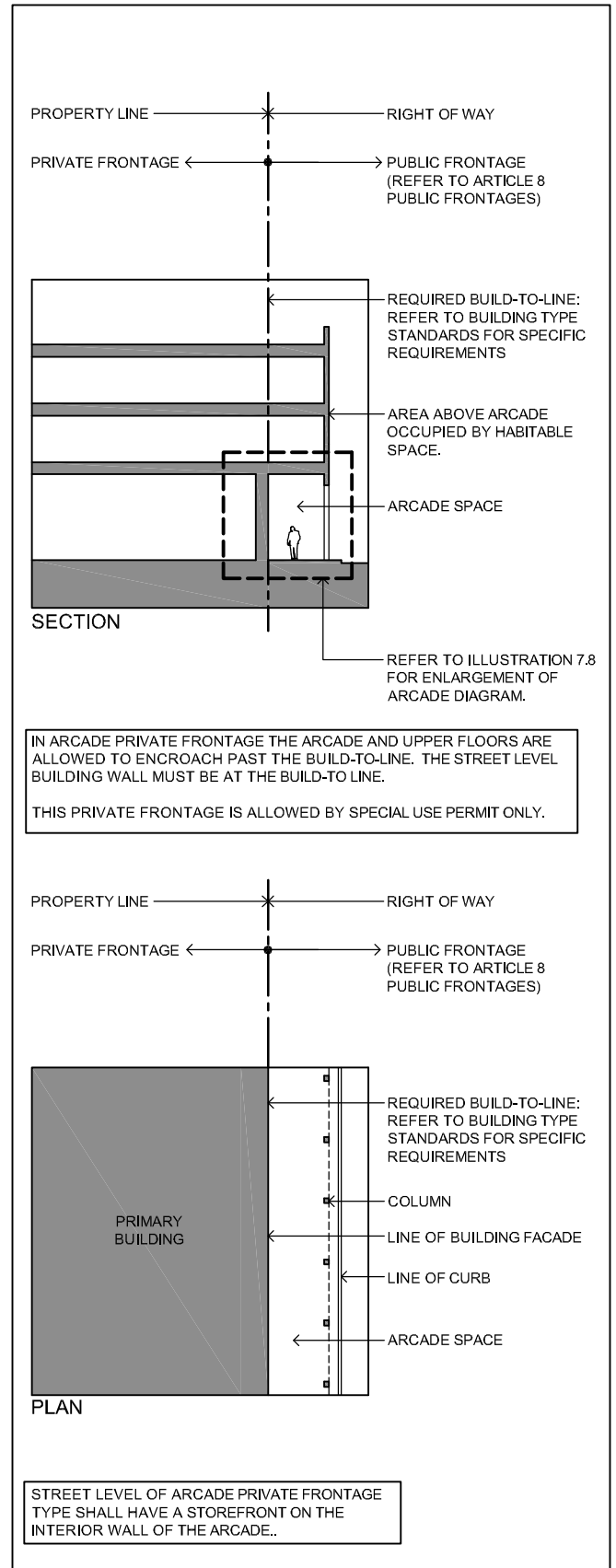
IMAGE 7.4 ARCADE

# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustrations 7.7 and 7.8. This Private Frontage Type is composed of a large display window (storefront) at the lower façade at the sidewalk along with an arcade or colonnade. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Arcade Private Frontage components are as follows:

1. Required colonnade with support columns spaced on center at eight (8) feet minimum and twelve (12) feet maximum.
2. The height and proportions of the colonnade / arcade shall be consistent with the proportions of the building to which it is attached.
3. Colonnades and arcades must have a clear width of ten (10) feet from the inside face of column to the building's first floor façade.
4. Colonnade and arcade construction shall have a clear height of ten (10) feet above the sidewalk.
5. Support columns shall be placed between two (2) feet and (4) feet from face of column to the face of curb. In order to insure that pedestrians walk adjacent to the retail storefronts, a sidewalk shall not run parallel on the outside of the arcade or colonnade.
6. Habitable space may extend over the colonnade, provided that right-of-way agreements have been entered into between the property owner and the City of Hudsonville. This agreement shall establish liability, maintenance, utilities and insurance responsibilities in a form acceptable to the City.
7. Arcade ceilings shall be designed with vaulted ceilings, coffers or exposed beams extruding at least six (6) inches below the ceiling grid and aligned with each column. Materials shall be consistent with building materials indicated in Section 6.13. Refer to Image 7.3.
8. A sign band is allowed on a building with an Arcade Private Frontage in one of the following locations:
  - a. A sign band may be installed on the outside face of the arcade provided that it is consistent with the requirements of the Building Type Standards in Article 6 and the Sign Standards in Article 13 and that the sign band is within the first story.
9. A ground floor projecting sign is allowed on a building with an Arcade Private Frontage in one of the following locations:
  - a. A blade sign may project from the façade under the covered area, consistent with requirements of the Building Type Standards in Article 6 and the Sign Standards in Article 13.
10. Potted landscaping may be provided between the face of the columns or piers and the face of the curb.

ILLUSTRATION 7.6  
ARCADE PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.7  
ELEVATION OF ARCADE PRIVATE FRONTAGE TYPE

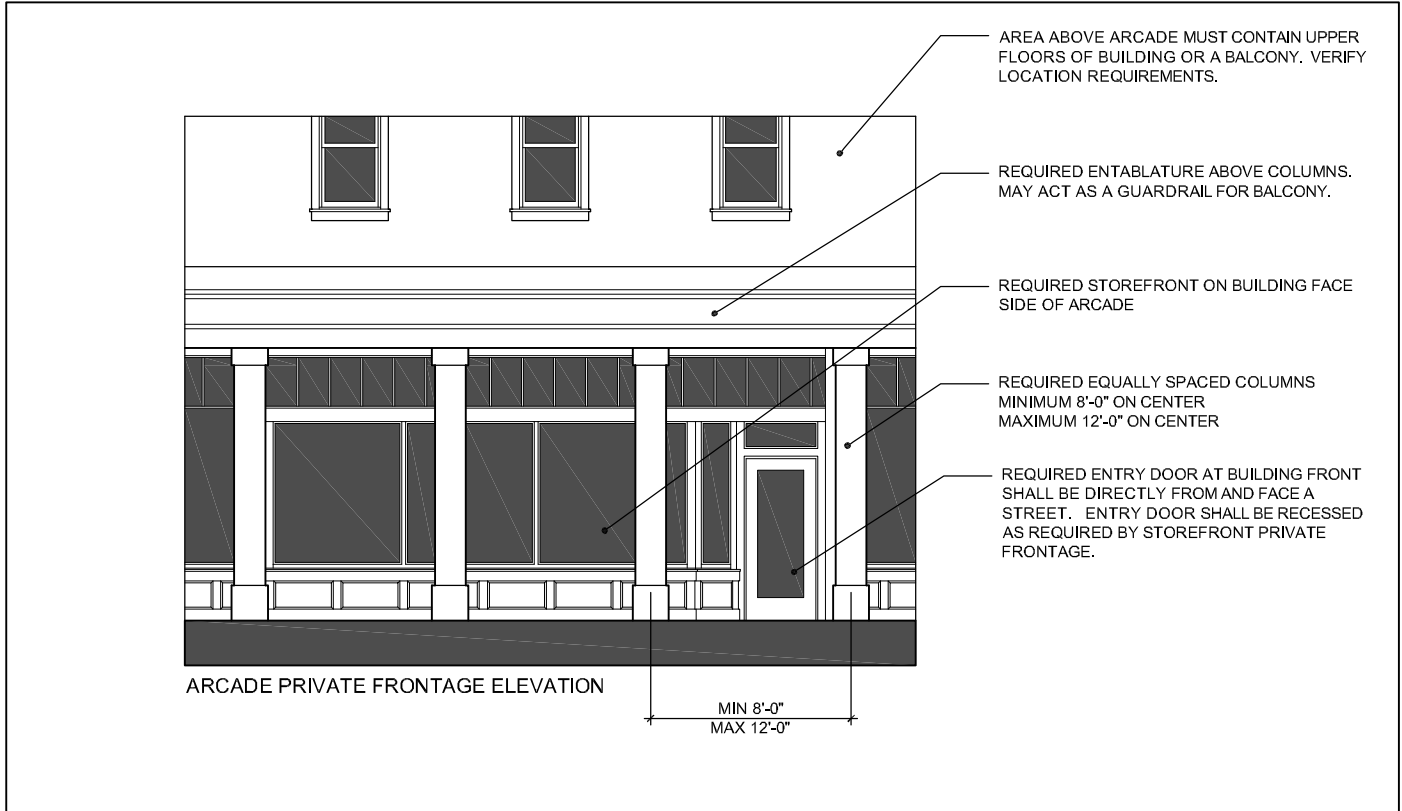
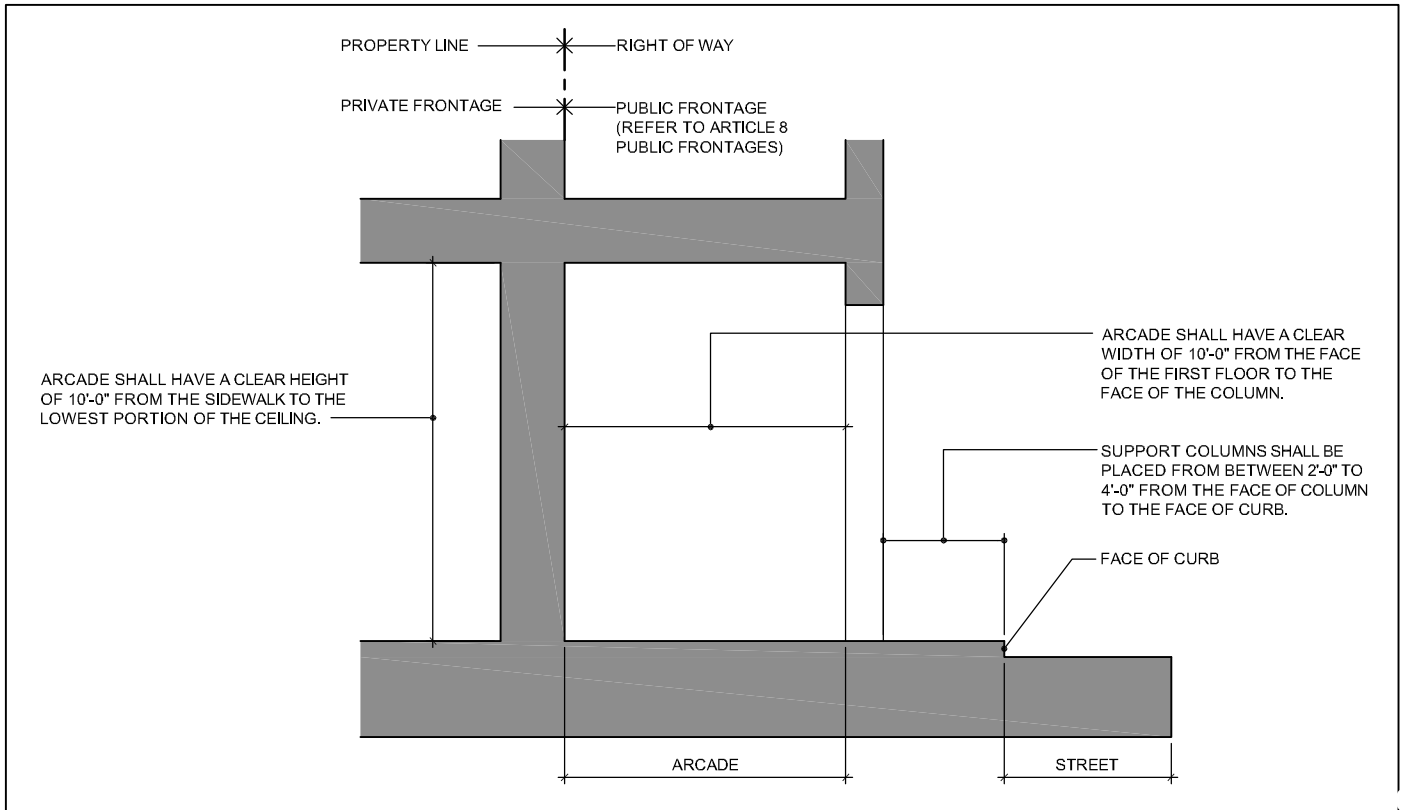


ILLUSTRATION 7.8  
DIMENSIONAL REQUIREMENTS OF ARCADE PRIVATE FRONTAGE



## Section 7.04 Balcony Private Frontage

A. *General Character.* A balcony is a storefront frontage with an open balcony above it. The face of this upper balcony aligns with the building façade. The façade at the sidewalk (the first floor façade) is required to be a storefront. This entire composition is considered a Balcony Private Frontage. This type is allowable for mixed-use buildings and must be designed in such a way to promote an attractive and convenient shopping experience. The storefront component of this frontage shall be consistent with the Storefront Private Frontage requirements indicated in Section 7.02. Refer to Illustration 7.9 and Images 7.5 and 7.6 for Balcony Private Frontage character.

B. *Site Disposition and Placement.* The Balcony Private Frontage Type is analogous to the building façade per Illustration 7.10.

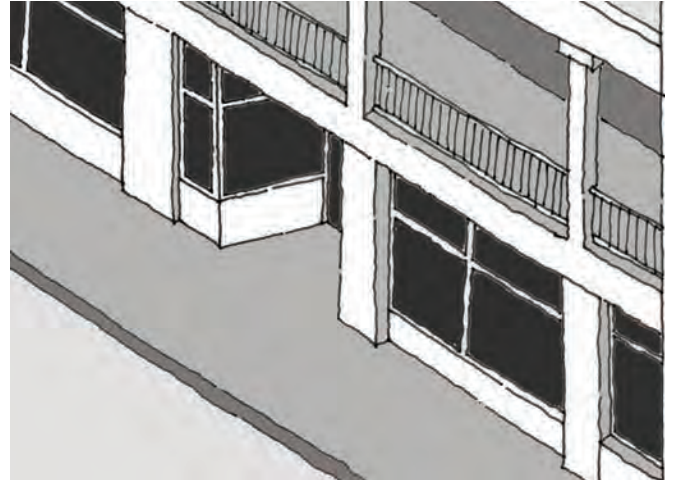


ILLUSTRATION 7.9



IMAGE 7.5



ILLUSTRATION 7.6

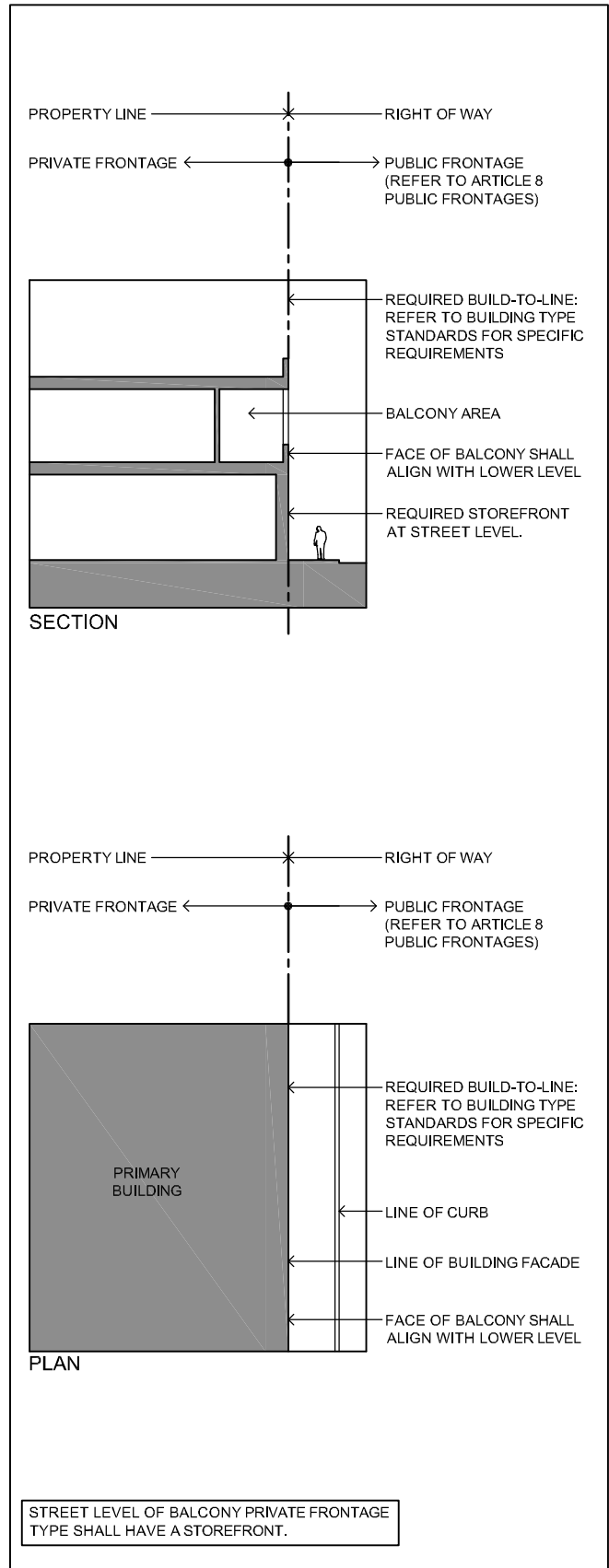


# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustration 7.11 and 7.12. This Private Frontage Type is composed of a large display window (storefront) at the lower façade at the sidewalk and setback upper floor(s) which contains an outdoor space above the first floor. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Balcony Private Frontage components are as follows:

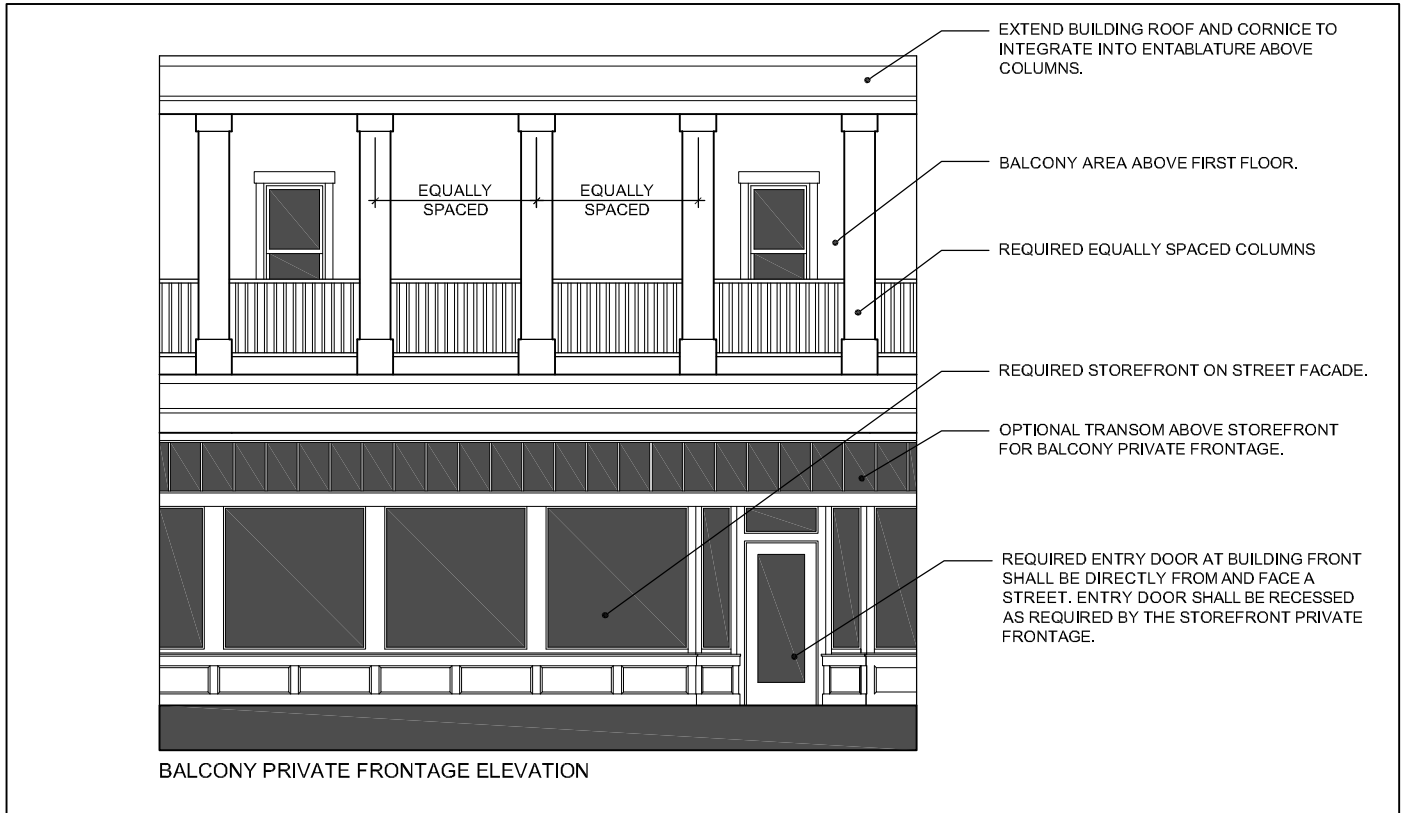
1. Upper balconies shall have support columns and a roof. The roof shall be an extension of the building roof and shall be built to the build-to-line. The support columns shall be equally spaced.
2. The height and proportions of the balcony shall be consistent with the proportions of the building to which it is attached.
3. Balconies must have a minimum clear depth of four (4) feet from the inside face of column to the building's upper floor walls.
4. Balcony ceilings shall have materials which are consistent with building materials.
5. A sign band is allowed on a building with a Balcony Private Frontage per the requirements of the Storefront Frontage.
6. Signs. Blade signs and sign bands shall be installed on the storefront per the requirements of Article 13. No signs may be installed at the balcony.

**ILLUSTRATION 7.10**  
**BALCONY PRIVATE FRONTAGE TYPE**



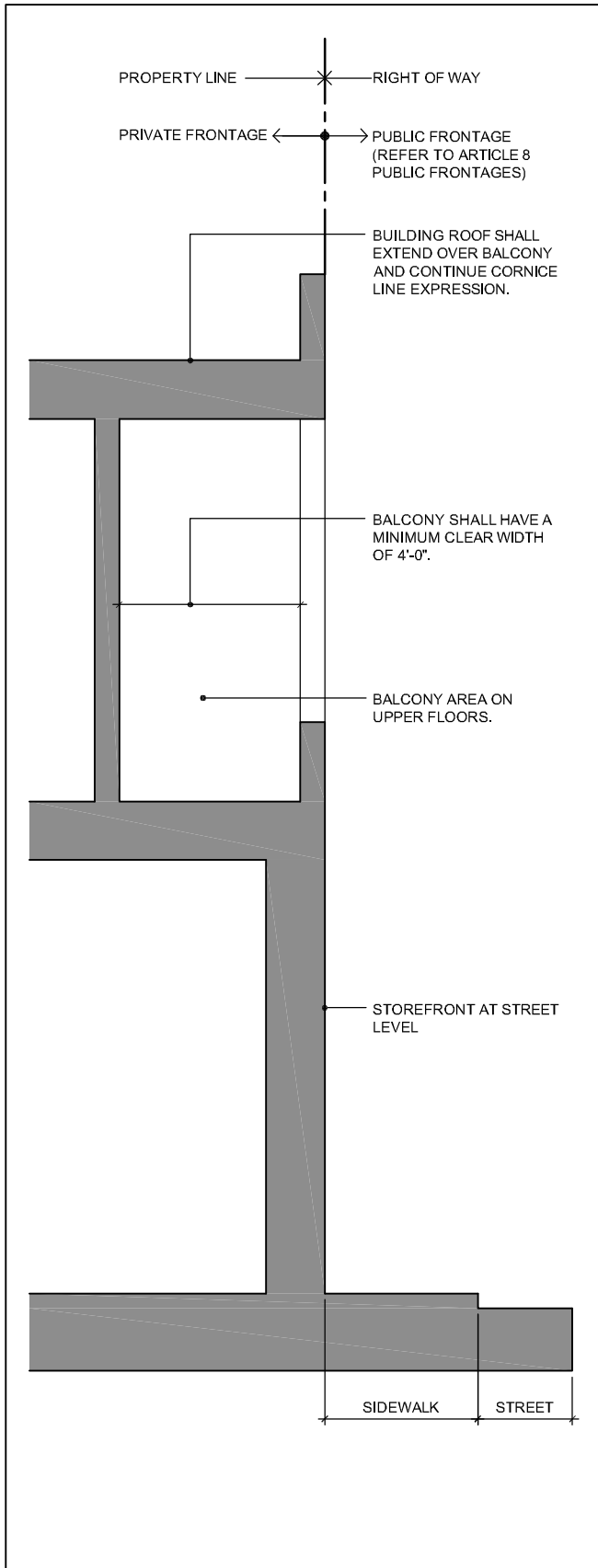
# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.11  
ELEVATION OF BALCONY PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.12  
DIMENSIONAL REQUIREMENTS OF BALCONY PRIVATE FRONTAGE



## Section 7.05 Shopfront Private Frontage

A. *General Character.* A private frontage type that is a hybrid of the Storefront Private Frontage and the Stoop Private Frontage. This private frontage has a smaller display window (with less required transparency) than the Storefront Private Frontage. The building entrance is from a stoop, rather than at grade. This type is typically found on buildings which have commercial uses on the street level and that are less urban intensive. Refer to Illustration 7.13 and Images 7.7 and 7.8 for Shopfront Private Frontage character.

B. *Site Disposition and Placement.* The Shopfront Private Frontage Type shall be located between the building façade and front property line per Illustration 7.14.

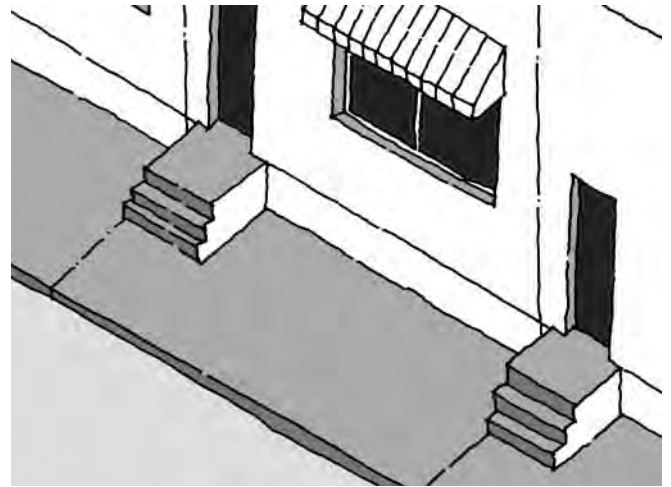


ILLUSTRATION 7.13



IMAGE 7.7



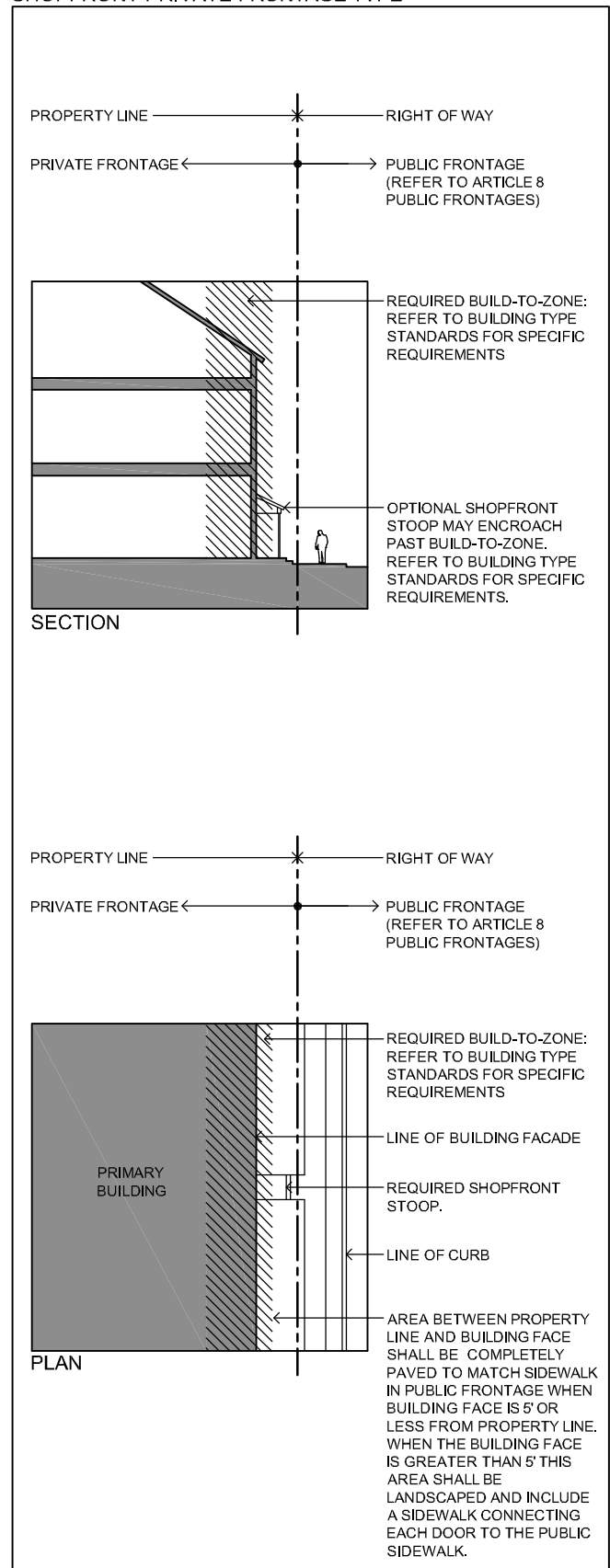
IMAGE 7.8

# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustration 7.15. This Private Frontage Type is composed of display window(s) (shopfront) at the sidewalk and related components. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Shopfront Private Frontage components are as follows:

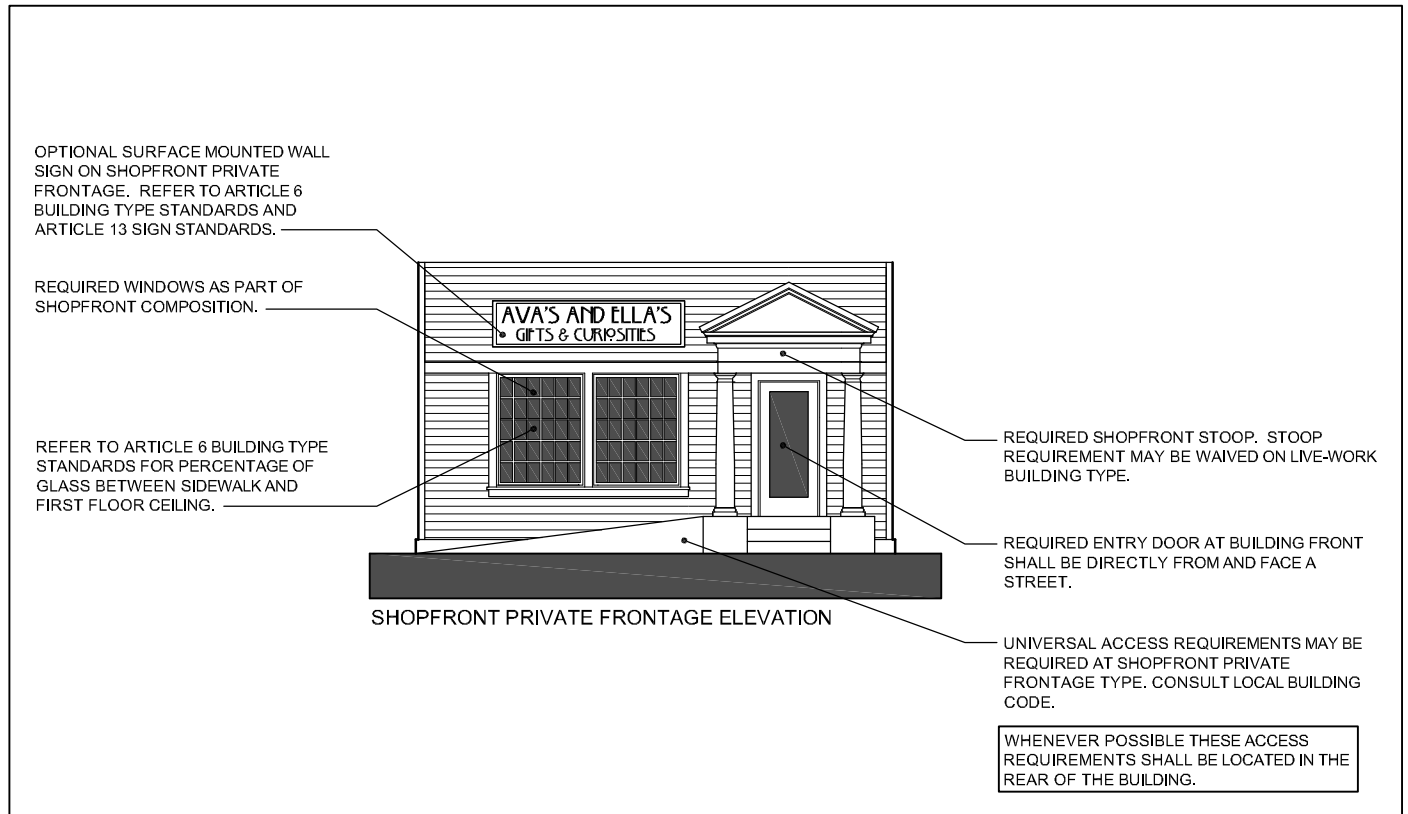
1. Required shopfront stoop. Stoop may be waived on Live-Work Building Type.
2. The proportions of the stoop shall be consistent with the proportions of the building to which it is attached.
3. Stoops shall have materials which are consistent with building materials.
4. An optional surface mounted wall sign may be provided on the Shopfront Private Frontage. Refer to Article 6 and Article 13 for size, material and location of sign.
5. Universal access requirements may be required at stoop. Consult Building Code.

ILLUSTRATION 7.14  
SHOPFRONT PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.15  
ELEVATION OF SHOPFRONT PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

## Section 7.06 Door Yard Private Frontage

A. *General Character.* A private frontage type that provides a zero-step (at grade) entry for a range of residential building types. This frontage can be incorporated into both zero lot line conditions and setback conditions within a build-to-zone. The frontage may have a vestibule that is incorporated into the building envelope that can provide a lobby, stairs, ramps and / or elevators on the interior of the building for access to raised first floors and upper levels. A covered entry or recessed door shall be used to provide a transition from the public realm into the private building, with the covered entry typically occurring on buildings with larger setbacks and the recessed door occurring at shallower setbacks and zero lot line conditions. Refer to Illustration 7.16 and Images 7.9 and 7.10 for Door Yard Private Frontage character.

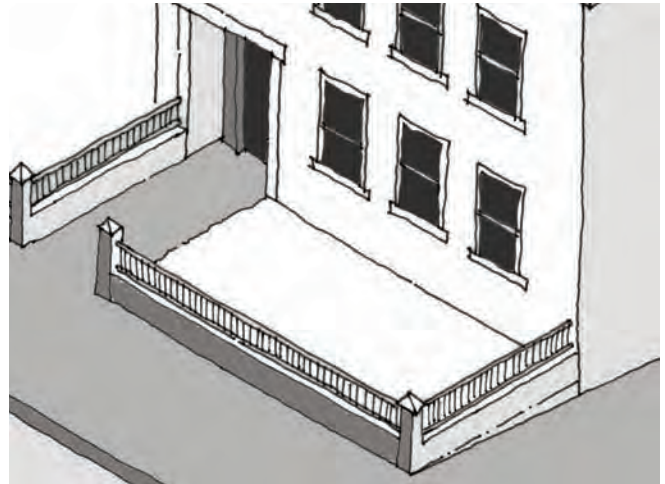


ILLUSTRATION 7.16

B. *Site Disposition and Placement.* The Door Yard Private Frontage Type shall be located between the building façade and front property line per Illustration 7.17.

C. *Frontage components.* Refer to Illustration 7.21 and 7.22. This Private Frontage Type is composed of several components which are essential to its proper articulation. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Door Yard Private Frontage components are as follows:

1. The front entry shall be at grade with vertical transitions occurring inside the building envelope.
2. The proportions of entry shall be consistent with the proportions of the building to which it is attached.
3. Door Yard Private Frontages shall either have a covered entry or recessed door. Entry articulation may include architectural detailing that accentuates the entry from the rest of the building façade.
4. Door Yard covered entries shall have materials which are consistent with building materials.
5. Windows are required on the first floor in conjunction with the door yard frontage. Percentage of transparency for the first floor is calibrated to Building Type and therefore Article 6 shall be consulted.

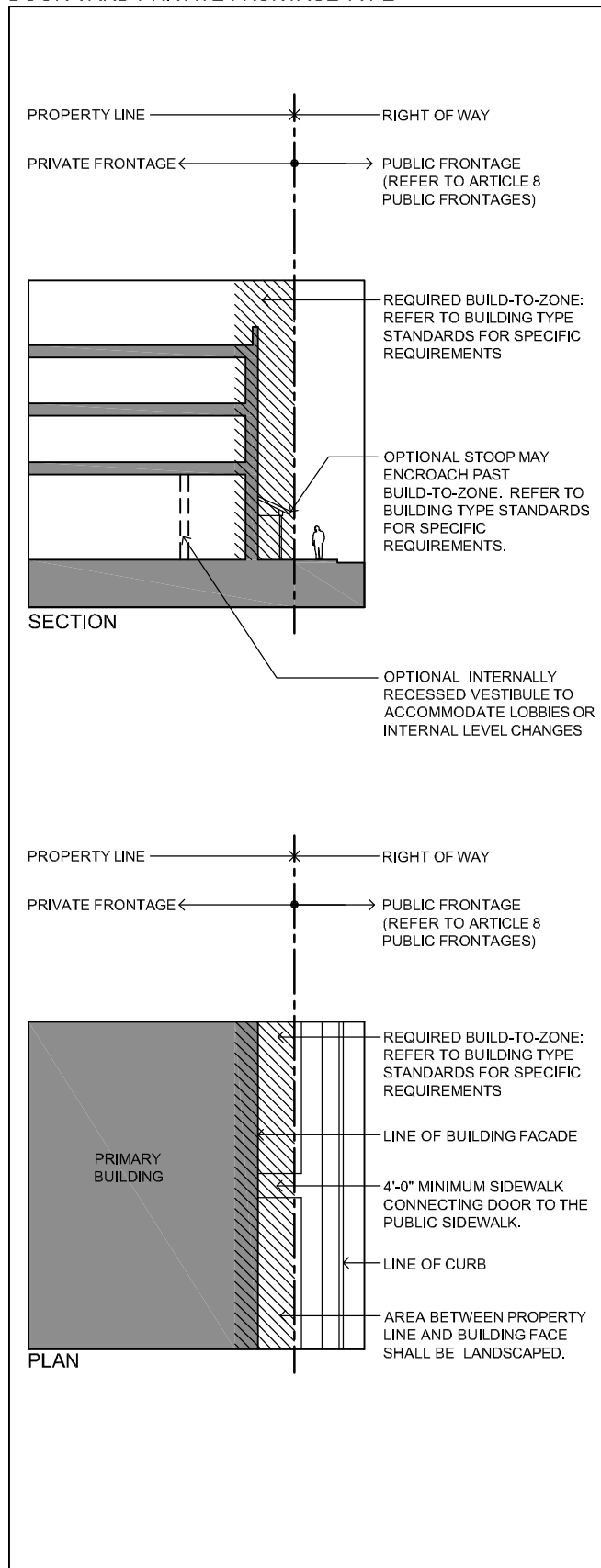


IMAGE 7.9

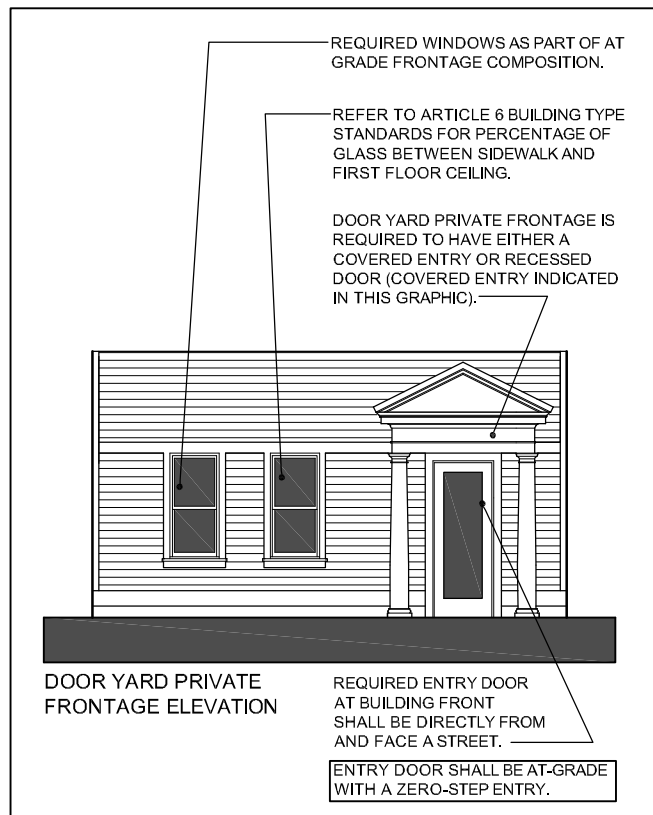


IMAGE 7.10

**ILLUSTRATION 7.17**  
DOOR YARD PRIVATE FRONTAGE TYPE



**ILLUSTRATION 7.18**  
ELEVATION OF DOOR YARD PRIVATE FRONTAGE TYPE





# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

## Section 7.07 Stoop Private Frontage

A. *General Character.* A private frontage type that is composed of a small staircase that leads to a slightly elevated exterior landing at the entrance of the building. This raised exterior landing is typically covered by a roof, which is consistent in mass, scale, design and materials to the building which it is attached. The elevation of the stoop is essential to achieve privacy for residential uses on the ground floor of the building. This type is typically found on buildings which have residential uses on the ground floor level. Refer to Illustration 7.19 and Image 7.11 and 7.12 for Stoop Private Frontage character.

B. *Site Disposition and Placement.* The Stoop Private Frontage Type shall be located between the building façade and front property line per Illustration 7.20.

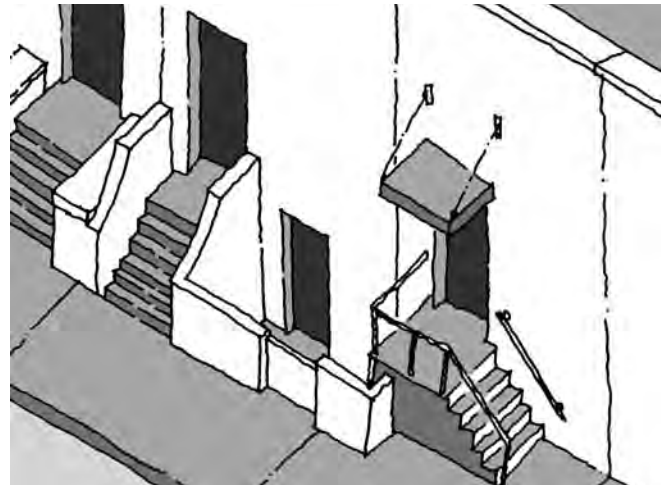


ILLUSTRATION 7.19



IMAGE 7.11



IMAGE 7.12

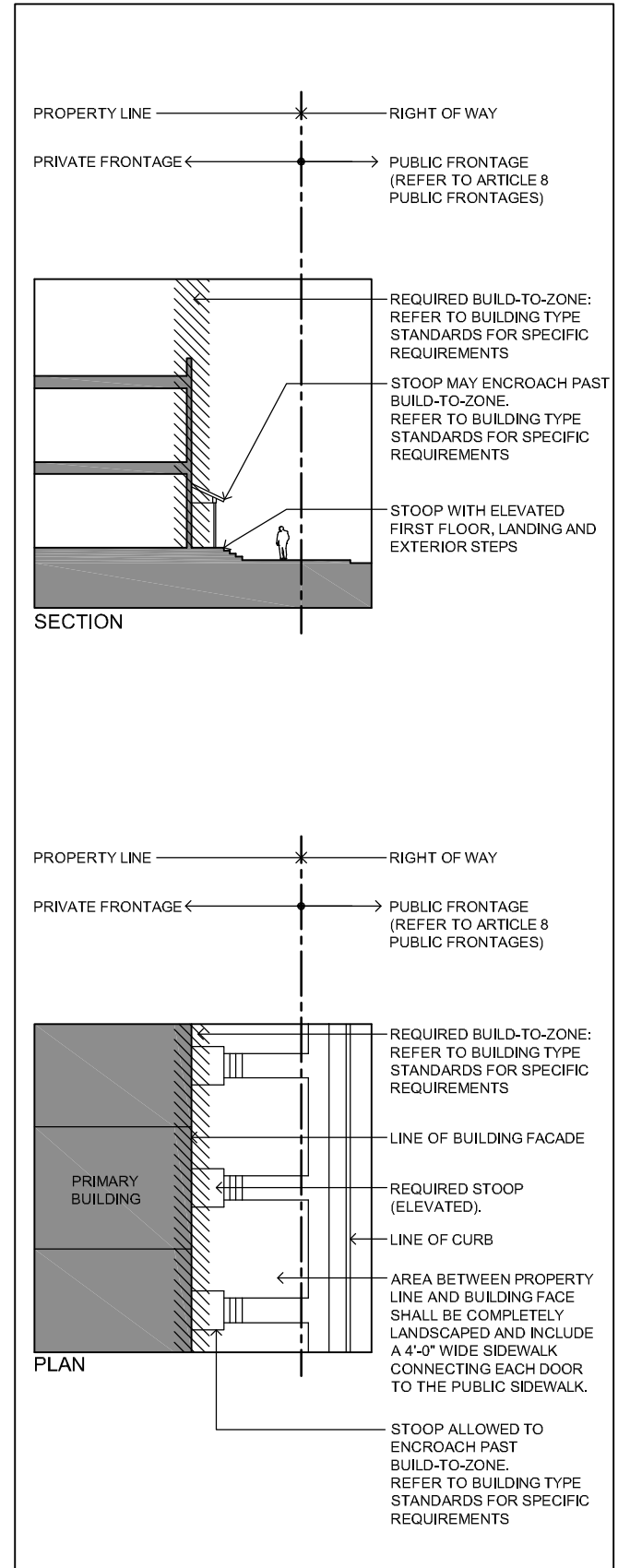
# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustrations 7.21 and 7.22.

This Private Frontage Type is composed of several components which are essential to its proper articulation. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Stoop Private Frontage components are as follows:

1. The raised exterior landing and stairway are required as part of this frontage.
2. The proportions of the stoop shall be consistent with the proportions of the building to which it is attached.
3. Stoops shall have materials which are consistent with building materials.
4. Stoops shall be at least four (4) feet in depth and width.
5. Stoops shall not exceed eight (8) feet in depth.
6. Stoops shall be raised at least one and one-half (1.5) feet above the sidewalk grade.
7. Stoops shall not be raised more than three (3) feet above the sidewalk grade.
8. Universal access requirements may be required at stoop. Consult Building Code.
9. Windows are required on the first floor in conjunction with the stoop frontage. Percentage of transparency for the first floor is calibrated to Building Type and therefore Article 6 shall be consulted.

ILLUSTRATION 7.20  
STOOP PRIVATE FRONTAGE TYPE



# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.21  
ELEVATION OF STOOP PRIVATE FRONTAGE TYPE

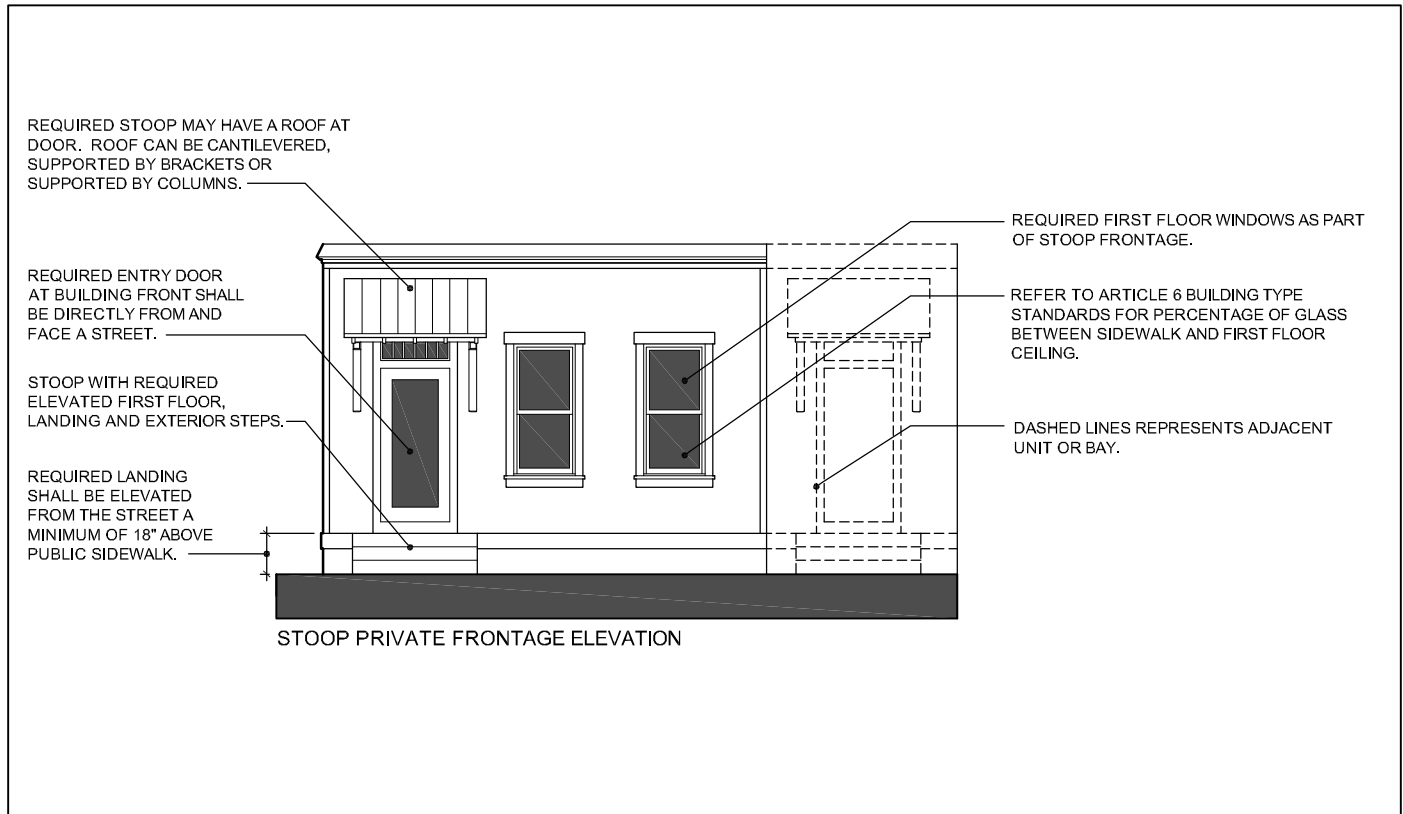
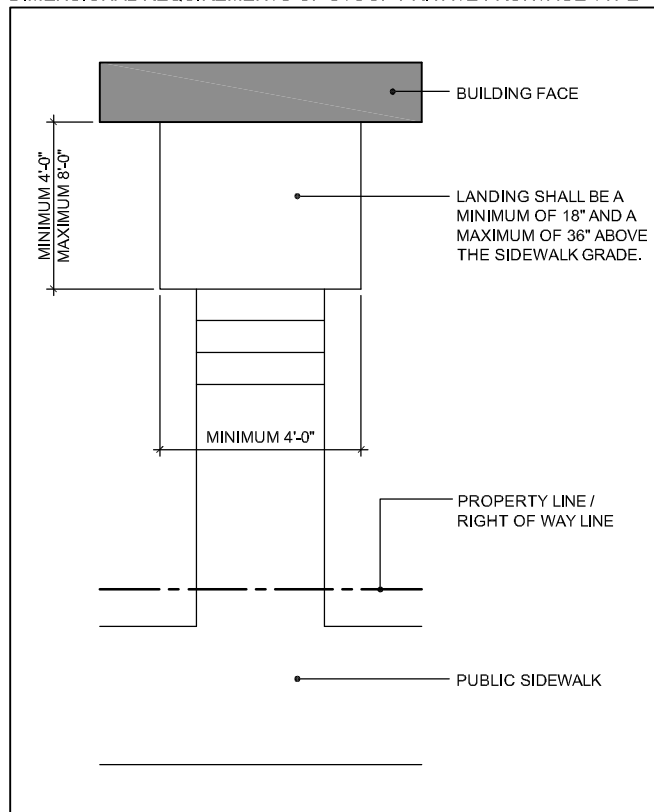


ILLUSTRATION 7.22  
DIMENSIONAL REQUIREMENTS OF STOOP PRIVATE FRONTAGE TYPE



## Section 7.08 Forecourt Private Frontage

A. *General Character.* A private frontage type that is composed of a recessed portion of the building façade along the public right-of-way. A forecourt is not covered by roof and must be at least ten (10) foot by ten (10) foot. The forecourt is suitable for gardens, hard-scape areas, outdoor seating and in some cases vehicular drop-off. A fence or wall at the front of the forecourt, with a pedestrian opening in all cases may be provided to define the space of the court. This frontage type should be used sparingly. This type is typically found on buildings which have residential uses on the street level. Refer to Illustration 7.23 and Images 7.13 and 7.14 for Forecourt Private Frontage character.

B. *Site Disposition and Placement.* The Forecourt Private Frontage Type shall be located between the building façade and front property line per Illustration 7.24.

C. *Frontage components.* Refer to Illustration 7.25. This Private Frontage Type is composed of several components which are essential to its proper articulation. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Forecourt Private Frontage components are as follows:

1. Forecourts shall be a minimum of ten (10) feet in depth and a maximum of thirty (30) feet in depth.
2. Forecourts shall be at least ten (10) feet in width and shall not exceed 50% of the total building frontage.
3. Forecourts may be raised up to three (3) feet above the sidewalk grade.
4. The rear wall of the forecourt (facing the public right-of-way) is not required to be within the build-to-zone.
5. Landscaping or paving within forecourts shall be as permitted by Article 9.

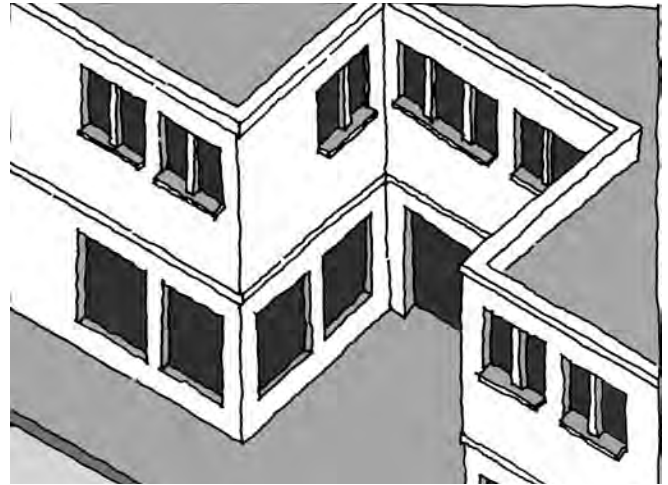


ILLUSTRATION 7.23



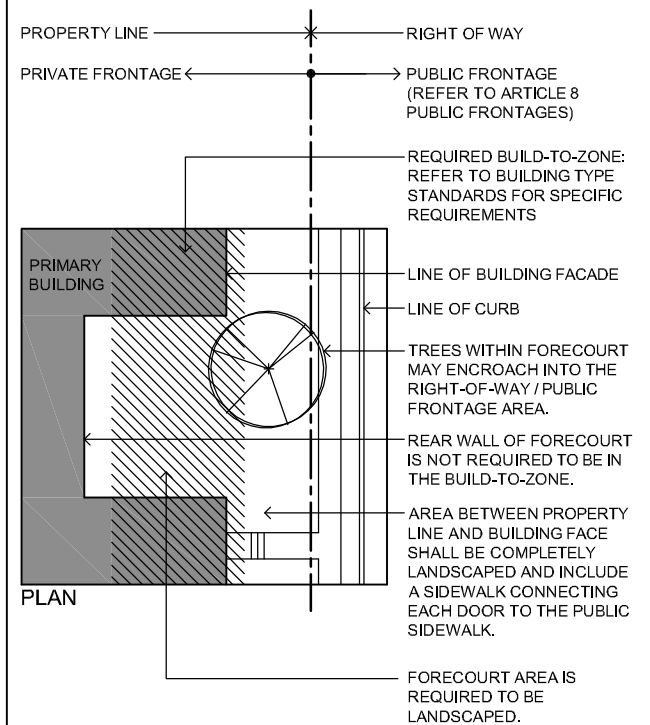
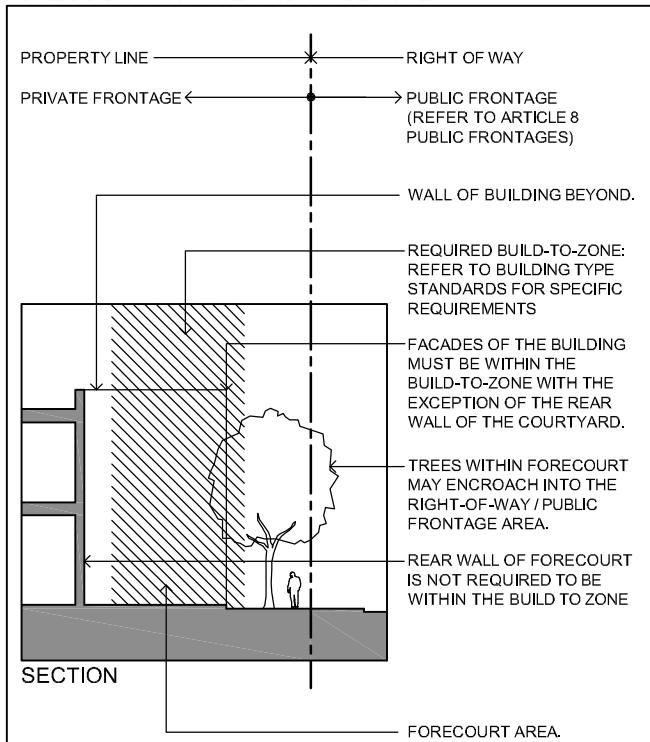
IMAGE 7.13



IMAGE 7.14

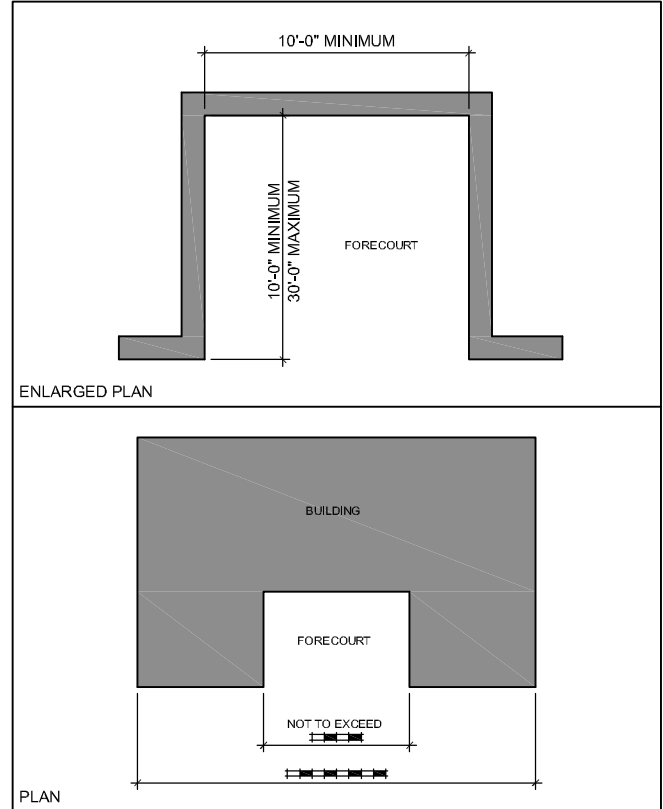
# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

**ILLUSTRATION 7.24**  
FORECOURT PRIVATE FRONTAGE TYPE



FORECOURT PRIVATE FRONTAGE TYPE SHALL BE ALLOCATED IN CONJUNCTION WITH OTHER FRONTAGE TYPES SPECIFICALLY IN REGARDS TO DIRECT BUILDING ACCESS.

**ILLUSTRATION 7.25**  
DIMENSIONAL REQUIREMENTS FORECOURT FRONTAGE TYPE



## Section 7.09 Terrace or Lightwell Private Frontage

A. *General Character.* A private frontage type that is composed of a setback façade with an elevated terrace and/or a sunken lightwell. This type buffers residential uses from the sidewalk and is sometimes referred to as a dooryard. This type is typically found on buildings which have residential uses on or below the street level. Refer to Illustration 7.26 and Images 7.15 and 7.16 for Terrace or Lightwell Private Frontage character.



ILLUSTRATION 7.26



IMAGE 7.15

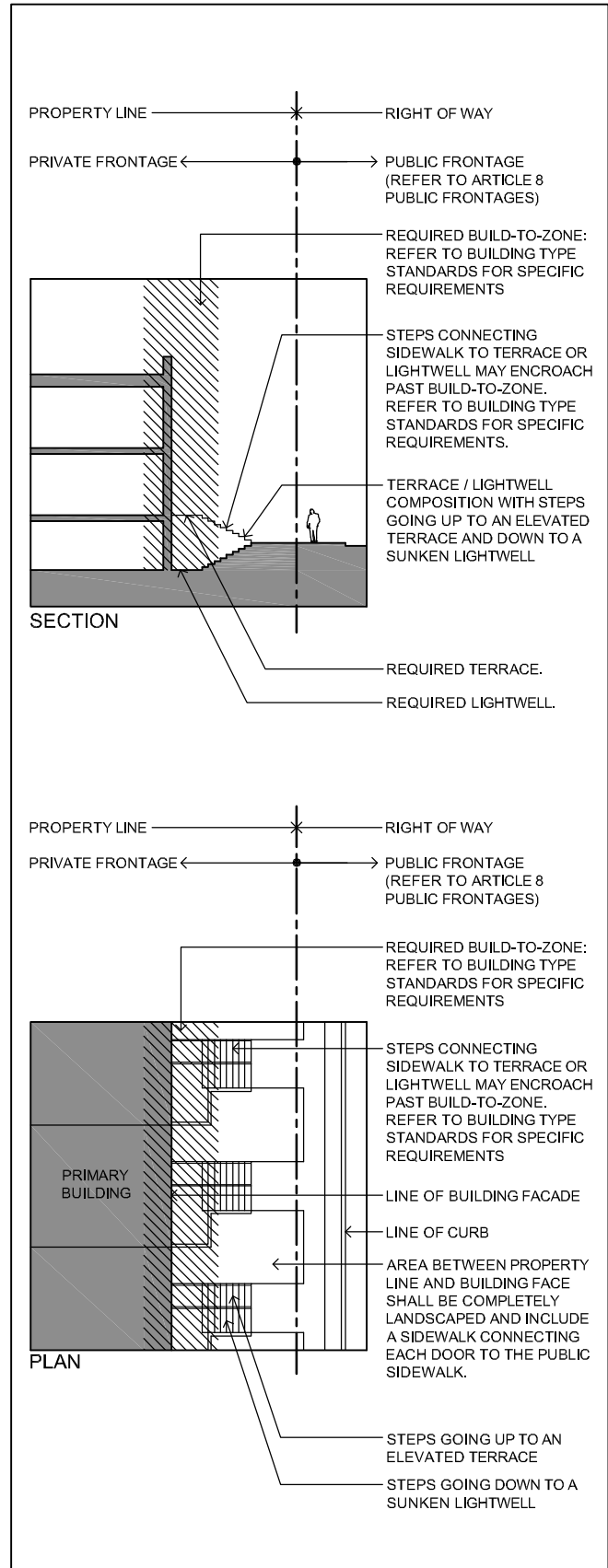


IMAGE 7.16

# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

B. *Site Disposition and Placement.* The Terrace or Lightwell Private Frontage Type shall be located between the building façade and front property line and is required to be built within a build-to-zone per Illustration 7.27.

**ILLUSTRATION 7.27**  
TERRACE / LIGHTWELL PRIVATE FRONTAGE TYPE



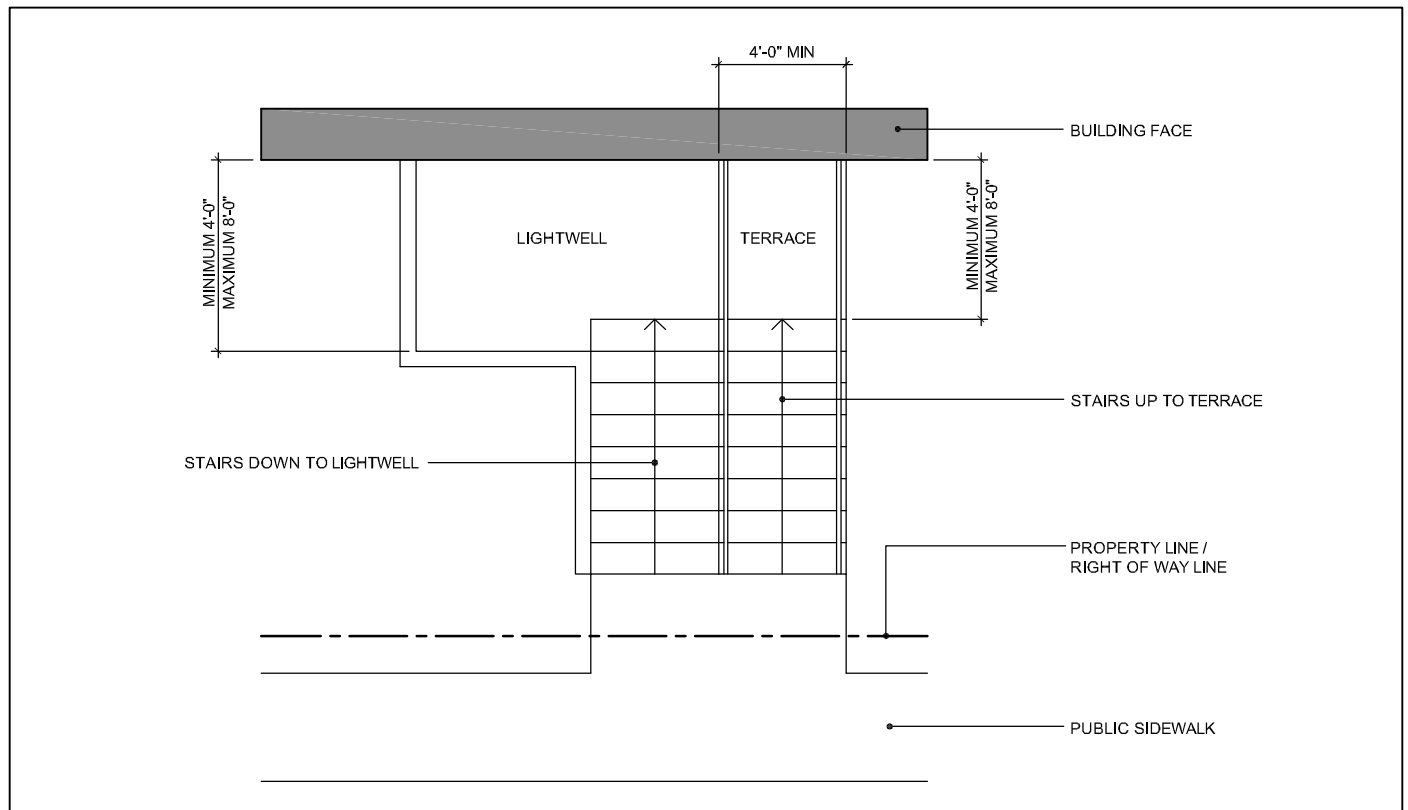
## ARTICLE 7 PRIVATE FRONTAGE STANDARDS

C. *Frontage components.* Refer to Illustration 7.28. This Private Frontage Type is composed of several components which are essential to its proper articulation. All components are calibrated to Building Type and therefore Article 6 shall be consulted for size, placement and properties of components. Additional Terrace or Lightwell Private Frontage components are as follows:

1. The elevated terrace portion of this frontage is required to be raised one and one-half (1.5) feet minimum above the sidewalk grade. This terrace is required as part of this frontage.
2. The sunken lightwell portion of this frontage is required to be three (3) feet minimum below the sidewalk grade. This lightwell is required as part of this frontage.
3. Terraces and lightwells shall have materials which are consistent with building materials.
4. Terraces shall be at least four (4) feet in depth and width.
5. Terraces shall not exceed eight (8) feet in depth.
6. Lightwells shall be at least four (4) feet in depth.
7. Lightwells shall not exceed eight (8) feet in depth.
8. Stoops shall be raised at least one and one-half (1.5) feet above the sidewalk grade.

9. Windows are required at the terrace (first floor) and within the sunken lightwell in conjunction with this frontage. Percentage of transparency for the terrace and lightwell shall meet the transparency requirements of the building type that the private frontage is applied to. Refer to Article 6 for building type transparency requirements.

ILLUSTRATION 7.28 DIMENSIONAL REQUIREMENTS OF TERRACE OR LIGHTWELL PRIVATE FRONTAGE TYPE





# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

## Section 7.10 Porch Lawn Private Frontage

A. *General Character.* A private frontage type which is composed of a setback building façade with a porch and a lawn between the façade and front property line. A porch is an open air covered structure attached to the building and forms a transitional element between the public realm and the private realm of the main building. Porches are frontage types typically associated with single-family homes. Refer to Illustration 7.29 and Images 7.17 and 7.18 for Porch Lawn Private Frontage character.

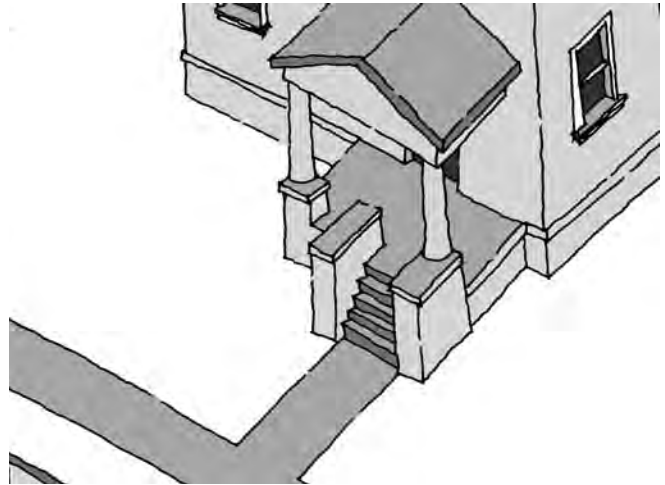


ILLUSTRATION 7.29

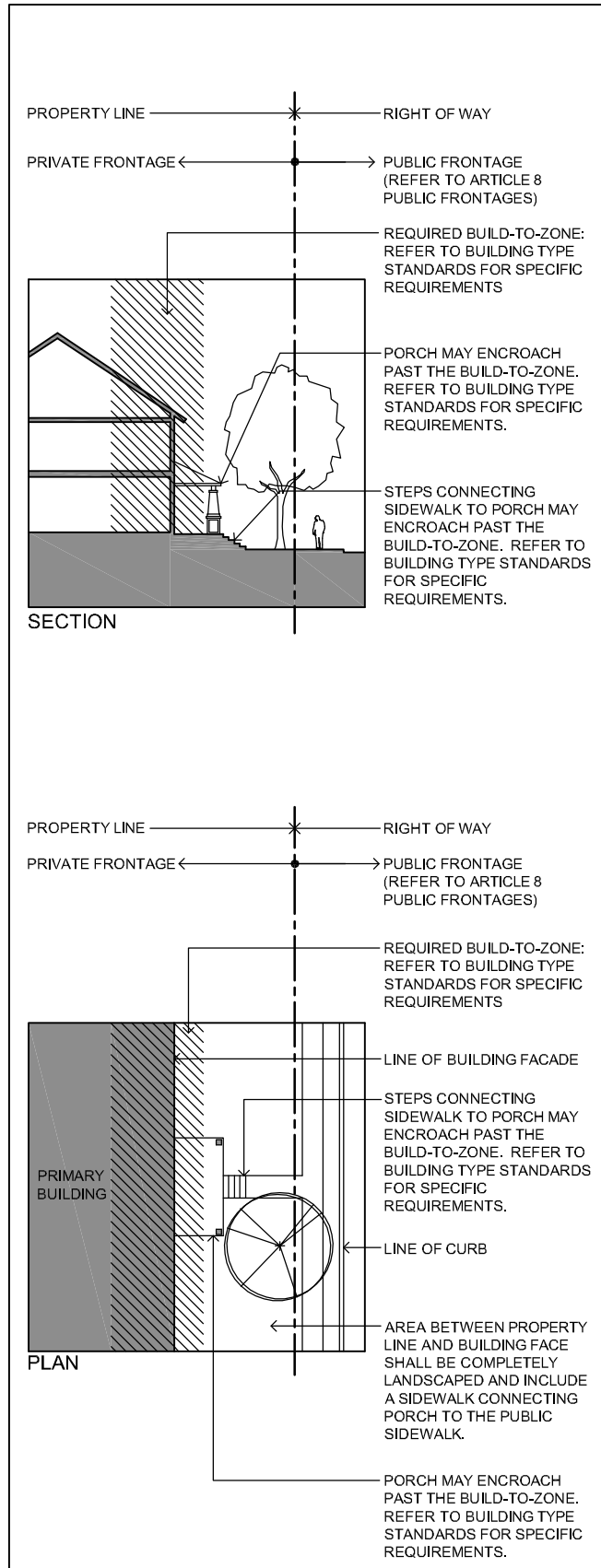


IMAGE 7.17



IMAGE 7.18

**ILLUSTRATION 7.30**  
**PORCH LAWN PRIVATE FRONTAGE TYPE**



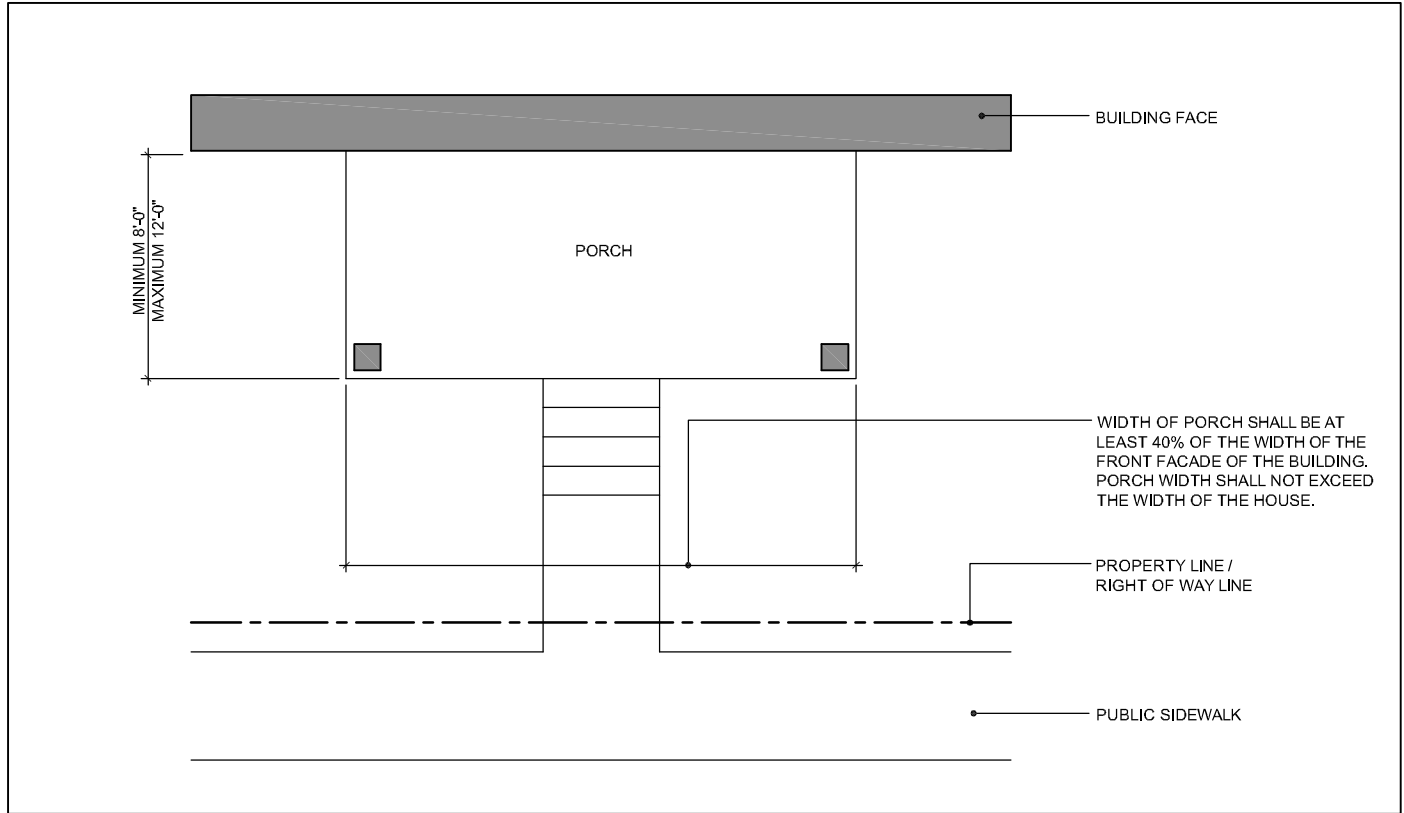
B. *Site Disposition and Placement.* The Porch Lawn Private Frontage Type shall be located between the building façade and front property line and is required to be built within a build-to-zone per Illustration 7.30.

C. *Frontage components.* Refer to Illustration 7.31. This Private Frontage Type is composed of several components which are essential to its proper articulation.

1. Porches shall be at least eight (8) feet in depth and shall not exceed twelve (12) feet in depth.
2. Porches may encroach past the front build-to-zone.
3. Porches shall be at least 40% of the front façade and may extend across 100% of the front façade.
4. Porches shall be raised one and one-half (1.5) feet minimum above the sidewalk grade.
5. Porches shall have materials which are consistent with building materials.
6. The proportions of the porch shall be consistent with the proportions of the building to which it is attached.
7. Low walls or fences may extend beyond the build-to-zone. Refer to Article 9 for fence and wall requirements.
8. The lawn shall be landscaped per Article 9.

# ARTICLE 7 PRIVATE FRONTAGE STANDARDS

ILLUSTRATION 7.31  
DIMENSIONAL REQUIREMENTS OF PORCH LAWN PRIVATE FRONTAGE TYPE



# ARTICLE 8

## PUBLIC FRONTAGE STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

### TABLE OF CONTENTS FOR ARTICLE 8

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Section 8.02	Public Frontage Reference
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Section 8.06	Parkway Street Public Frontage
Section 8.07	Road Public Frontage
Section 8.08	Highway Public Frontage

# ARTICLE 8 PUBLIC FRONTAGE STANDARDS

## Section 8.01 Purpose and Intent

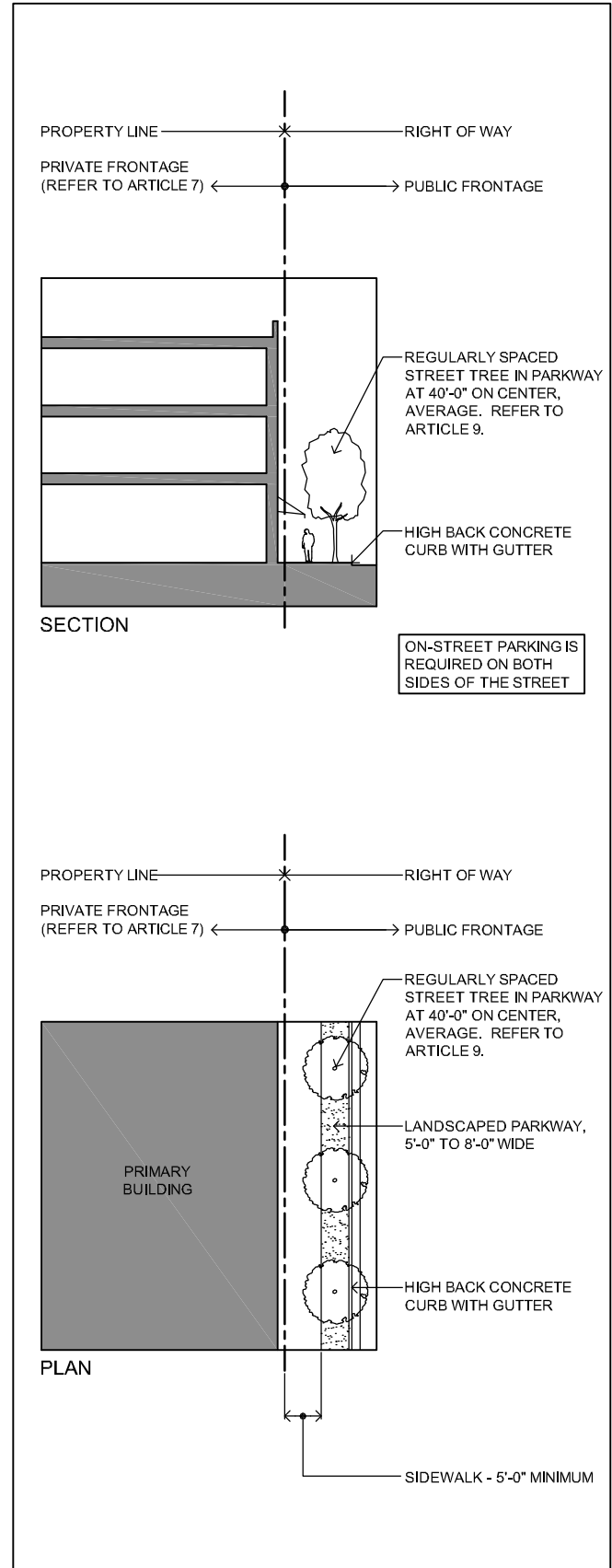
A Public Frontage is the publically owned area between the property line (right-of-way line) and the edge of the vehicular lanes (curb line). Public Frontages assist in defining the Public Realm as essential components, which when paired with Private Frontages define the space which is between the building and the street. Public Frontages include street trees, landscaping, parkways and sidewalks. For street tree types and landscaping that is permitted within each Public Frontage, refer to Article 9 of this Ordinance.

The purpose of the Public Frontage Standards referenced in this Article is to establish a pedestrian-scaled pattern of development consistent with the Hudsonville Downtown Master Plan by regulating the shape and form of the development pattern.

## Section 8.02 Public Frontage Reference

Article 8 contains information about the multiple Public Frontage Types that are allowed within certain Districts in the City of Hudsonville. Each section of Article 8 describes a specific Public Frontage Type. These Public Frontage Types are required for all development projects and should be coordinated with the Public Frontage Regulating Plan in Article 4, which will provide the required specific public frontage that is adjacent to the property. Since these public frontages are within the publically owned areas their construction should be coordinated with the City of Hudsonville.

ILLUSTRATION 8.1  
BOULEVARD PUBLIC FRONTAGE TYPE



## Section 8.03 Boulevard Public Frontage

A. *General Character.* A public frontage type that has vehicle and parking lanes on both sides of a center median. This frontage has a sidewalk separated from the street curbs by continuous landscaped parkways. The frontage consists of raised concrete curbs drained by a gutter and storm sewer system. Street trees are typically composed of a consistent species planted in regularly spaced formal rows at both the center median and the parkways. This type is typical for more intense areas of development such as downtown core districts and near downtown districts. Refer to Illustrations 8.1 and 8.2 and Image 8.1 for Boulevard Public Frontage character.

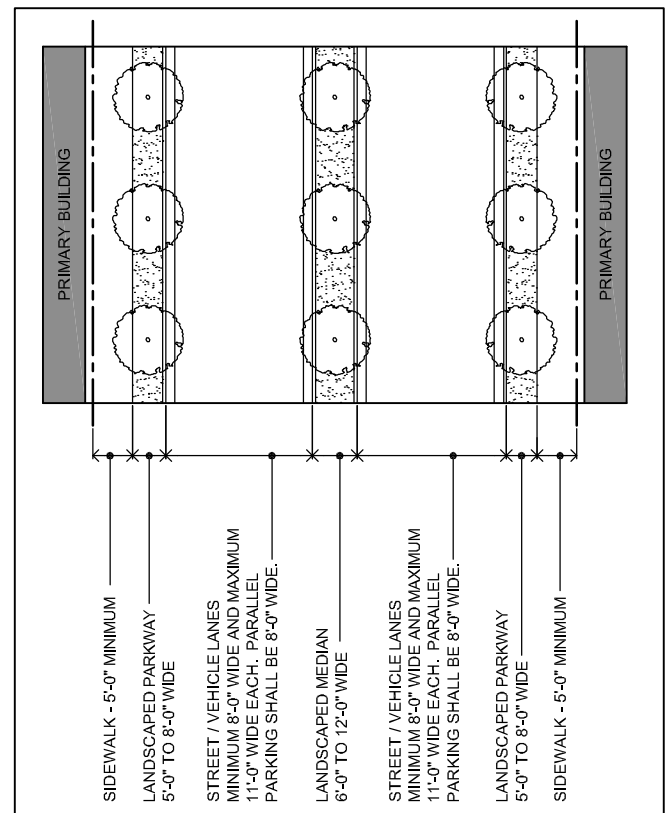


IMAGE 8.1

- B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:
1. Sidewalk constructed of concrete or pavers.
  2. Sidewalk shall extend from curb to property line in instances when the adjacent private frontage area is paved.
  3. Sidewalk shall extend from curb to within one (1) foot of the property line when the adjacent private frontage area is landscaped
  4. Raised curb and gutter constructed of concrete.
  5. Regularly spaced street trees. Refer to Article 9 for type of street trees allowed.
  6. Landscaped parkways and medians. Refer to Article 9 for type of landscaping allowed.
  7. Parking is required on both sides of the street of this public frontage.

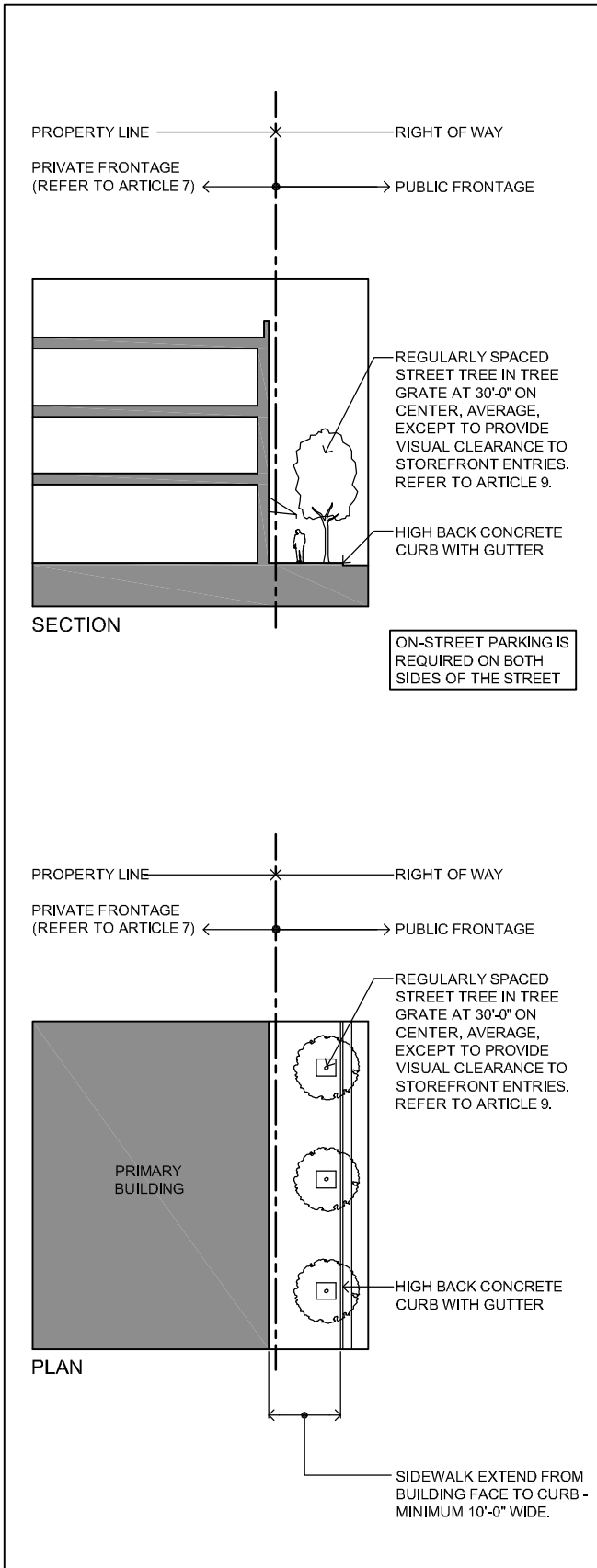
ILLUSTRATION 8.2

BOULEVARD PUBLIC FRONTAGE TYPE REFERENCE



# ARTICLE 8 PUBLIC FRONTAGE STANDARDS

**ILLUSTRATION 8.3**  
COMMERCIAL STREET PUBLIC FRONTAGE TYPE



## Section 8.04 Commercial Street Public Frontage

A. *General Character.* A public frontage type which has wide sidewalks on both sides separated from the vehicular lanes with individual tree wells with grates. The frontage consists of raised concrete curbs drained by a gutter and storm sewer system. Street trees are typically composed of a consistent species planted in regularly spaced formal rows. This type is typical for more intense areas of development such as downtown core districts and near downtown districts, particularly where mixed-use and commercial building types occur. Refer to Illustration 8.3 and Image 8.2 for Commercial Street Public Frontage character.

B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:

1. Sidewalk constructed of concrete or pavers.
2. Sidewalk shall extend from curb to building face.
3. Raised curb and gutter constructed of concrete.
4. Regularly spaced street trees. Refer to Article 9 for type of street trees allowed.
5. Trees planted in tree wells with grates.
6. Parking is required on both sides of the street of this public frontage.



IMAGE 8.2

## Section 8.05 Woonerf Public Frontage

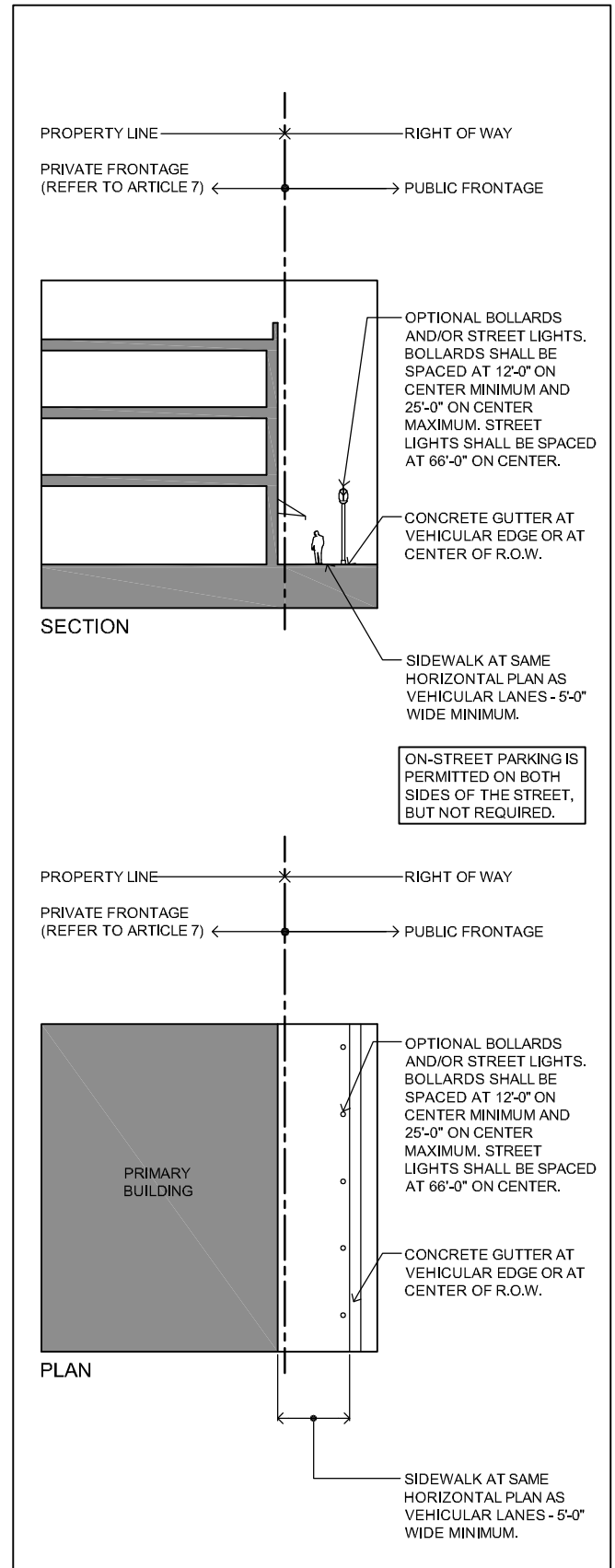
A. *General Character.* A public frontage type which consists of a public space that is defined from the face of the building to the face of the building directly across the street. There are no curbs present as the sidewalk transitions on the same horizontal plane as the vehicular lanes of the street. For storm water management, a concrete gutter may be used at the transition between the sidewalk and the street or a central valley gutter may be used at the center of the street. On street parking may be present on one or both sides of the street as determined by the right-of-way width. There are no street trees, although decorative bollards and/or street light fixtures may be utilized to define the pedestrian zone. This type is typical for more intense areas of development such as downtown core districts and near downtown districts, particularly where mixed-use and commercial building types occur. Refer to Illustration 8.4 and Image 8.3 for Woonerf Public Frontage character.

- B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:
1. Sidewalk constructed of concrete or pavers.
  2. Sidewalk shall extend from vehicular lane to building face.
  3. Vehicular lanes constructed as the same material as the sidewalk.
  4. Gutter constructed of concrete.
  5. Parking is permitted on both sides of the street of this public frontage, depending on right-of-way width.
  6. Decorative bollards may be used to define the pedestrian realm. Refer to Article 9.



IMAGE 8.3

ILLUSTRATION 8.4  
WOONERF PUBLIC FRONTAGE TYPE





# ARTICLE 8 PUBLIC FRONTAGE STANDARDS

## Section 8.06 Parkway Street Public Frontage

A. *General Character.* A public frontage type which has sidewalks on both sides separated from the vehicular lanes with continuous landscaped parkways. The frontage consists of raised concrete curbs drained by a gutter and storm sewer system. Street trees are typically composed of a multiple species planted in regularly spaced formal rows. This public frontage type is typical for less intense residential districts. Refer to Illustration 8.6 and Image 8.5 for Parkway Street Public Frontage character.

B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:

1. Sidewalk constructed of concrete.
2. Sidewalk shall extend from curb to property line in instances when the adjacent private frontage area is paved.
3. Sidewalk shall extend from curb to within one (1) foot of the property line when the adjacent private frontage area is landscaped
4. Raised curb and gutter constructed of concrete.
5. Regularly spaced street trees. Refer to Article 9 for type of street trees allowed.
6. Landscaped parkways. Refer to Article 9 for type of landscaping allowed.
7. Parking is permitted on both sides of the street of this public frontage.

ILLUSTRATION 8.5  
PARKWAY STREET PUBLIC FRONTAGE TYPE

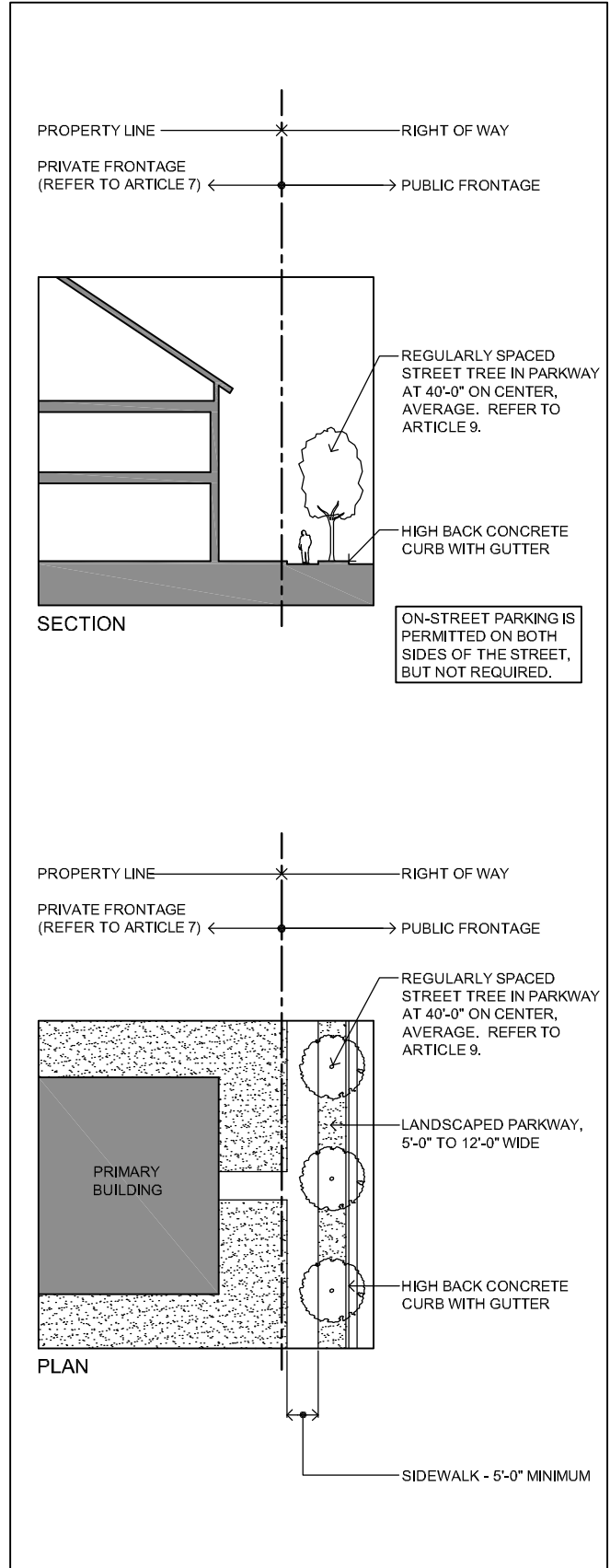
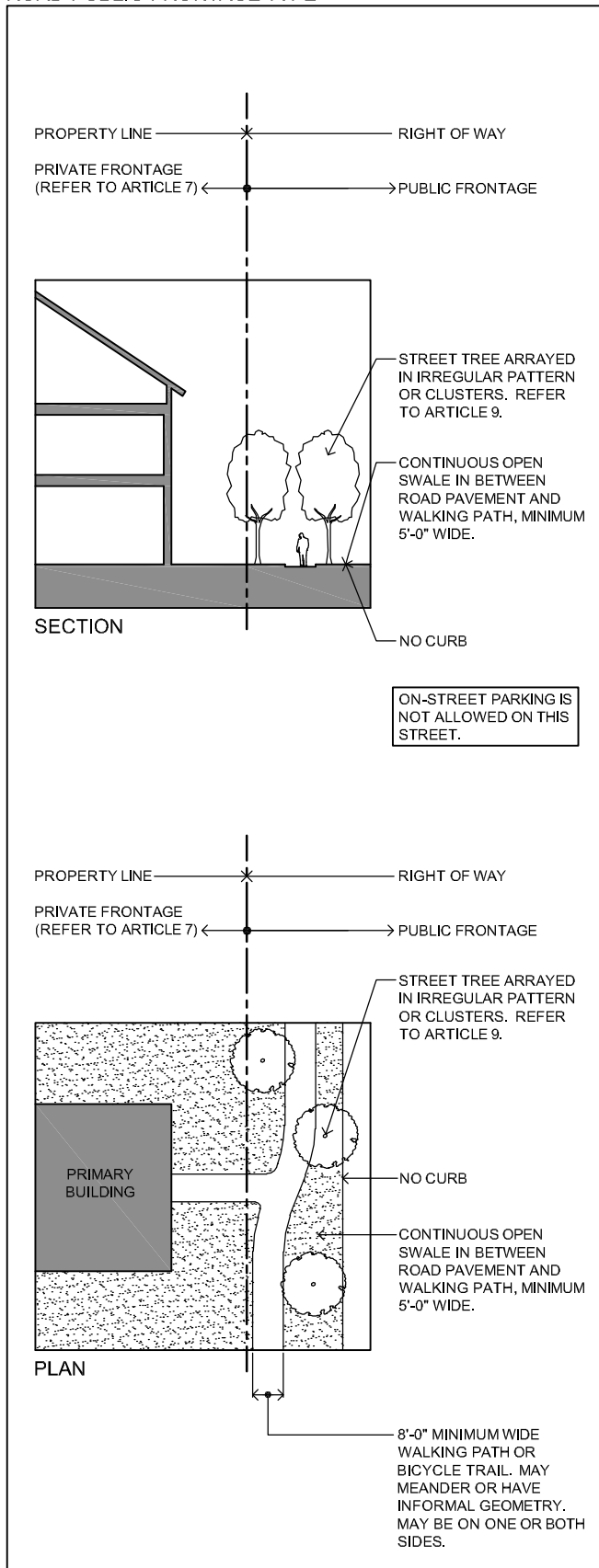


IMAGE 8.4

ILLUSTRATION 8.6  
ROAD PUBLIC FRONTAGE TYPE



**Section 8.07 Road Public Frontage**

A. *General Character.* A public frontage type which has walking paths or bicycle trails on one or both sides which may meander or have informal geometry depending on site conditions. These paths or trails are separated from the vehicular lanes with a continuous open swale which manages storm water through percolation. There is no curb present on this frontage. Street trees are typically composed of a multiple species planted in irregular patterns or clusters. This type is used in less intense Districts. Refer to Illustration 8.7 and Image 8.6 for Road Public Frontage character.

B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:

1. Path or bike trail constructed of pervious material, concrete or asphalt.
2. Path or bike trail shall remain at least one (1) foot from the property line.
3. No curb and gutter.
4. Open swales that are landscaped. Refer to Article 9 for landscaping.
5. Irregularly spaced street trees. Refer to Article 9 for type of street trees allowed.
6. Parking is not allowed on the street of this public frontage.



IMAGE 8.5

# ARTICLE 8 PUBLIC FRONTAGE STANDARDS

## Section 8.08 Highway Public Frontage

A. *General Character.* A public frontage type which has walking paths or bicycle trails on one or both sides which may meander or have informal geometry depending on site conditions. These paths or trails are separated from the vehicular lanes with a continuous open swale which manages storm water through percolation. There is no curb present on this frontage. Landscaping consists of the natural condition or multiple species of street trees arrayed in irregular patterns or naturalistic clusters. This type is always used in less intense Districts. Refer to Illustration 8.8 and Image 8.7 for Highway Public Frontage character.

B. *Frontage components.* This Public Frontage Type is composed of the following required attributes:

1. Path or bike trail constructed of pervious material, concrete or asphalt.
2. Path or bike trail shall remain at least one (1) foot from the property line.
3. No curb and gutter.
4. Open swales that are landscaped. Refer to Article 9 for landscaping.
5. Irregularly arrayed or naturalistic clustered street trees. Refer to Article 9 for type of street trees allowed.
6. Parking is not allowed on the street of this public frontage.

ILLUSTRATION 8.7  
HIGHWAY PUBLIC FRONTAGE TYPE

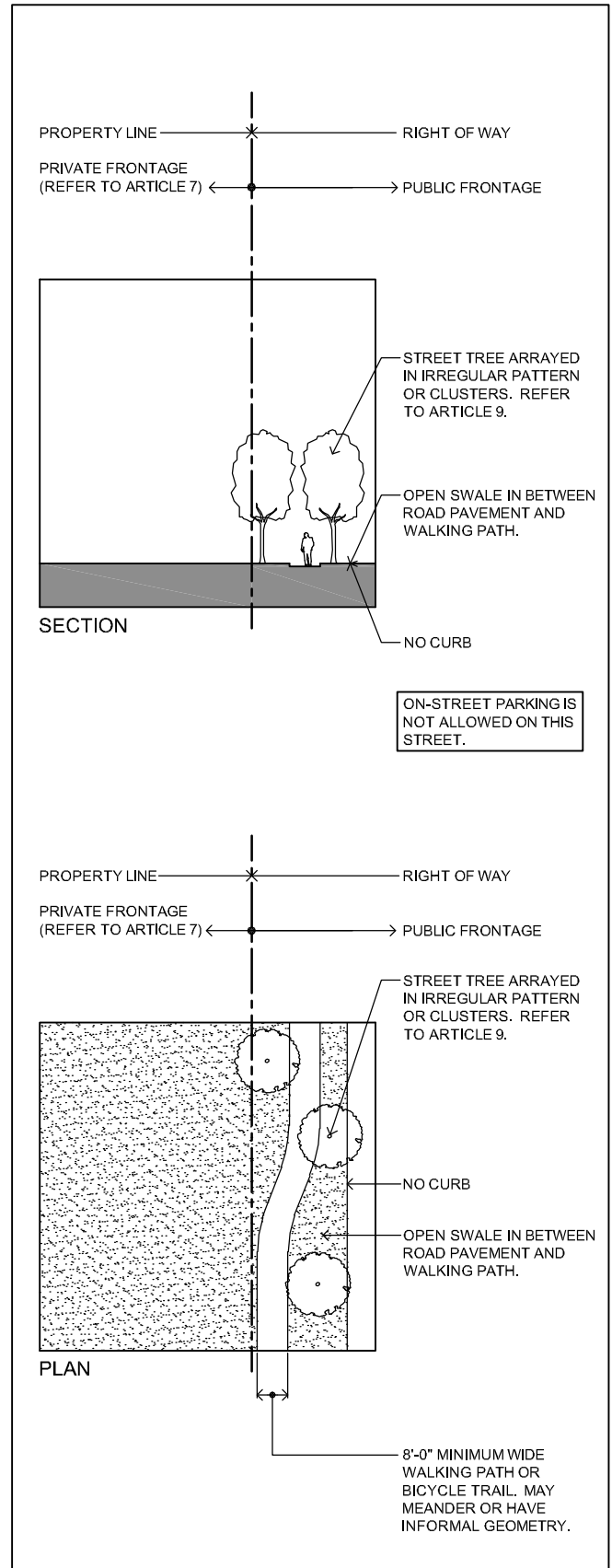


IMAGE 8.6

# ARTICLE 9

## LANDSCAPE COMPONENTS AND STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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## Section 9.01 Purpose and Intent

The purpose of this Article is to promote and protect the public health, safety and general welfare by preserving and improving the environmental conditions created by the built environment through the use of vegetative landscape, walls, fences, and other components. This Article is intended to achieve compatibility between abutting and adjacent elements and uses, while supporting the goals of the Downtown Hudsonville Master Plan and the pedestrian-oriented nature of the public realm. The landscape standards of this Article are further intended to:

- A. Promote the public health, safety and general welfare by reducing:
  1. noise,
  2. air and visual pollutants,
  3. carbon emissions,
  4. air temperature, and
  5. light glare
- B. Improve air quality;
- C. Prevent soil erosion and increase water retention;
- D. Improve the appearance of off-street parking and vehicular use areas;
- E. Improve the appearance of specific property abutting public rights-of-way;
- F. Improve the aesthetics and safety of pedestrian sidewalks, both within paved areas and along public rights-of-way;
- G. Aid in the definition of public open spaces;
- H. Provide landscape screens and buffering in required locations;
- I. Protect residential privacy; and
- J. Maintain a regional native landscape character.

## Section 9.02 Applicability and Implementation

- A. *General.* The Landscape Components and Standards of this Article shall apply to all development in the City of Hudsonville Downtown. Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.
- B. *Landscape Components and Standards are relative to District.* Refer to the Regulating Plans (Article 4) and District Standards (Article 5) to determine the project location and District.

- C. Quantity and placement of street trees and landscaping within the public realm is addressed in Public Frontage Standards (Article 8). The specific types of landscape materials for Public Frontages are indicated in this Article.
- D. Type and design parameters for public open space are addressed in Public Open Space Standards (Article 11). The specific types of landscape materials for Public Open Space are indicated in this Article.
- E. *Use of Article 9, Landscape Components and Standards.* This Article is divided into three distinct elements as follows:
  1. Sections 9.01 through 9.06 consist of procedural items and general landscape requirements.
  2. Sections 9.07 through 9.15 consist of Landscape Components which describe the different components that may be utilized as part of a landscape plan.
  3. Sections 9.16 and 9.17 consist of Landscape Standards which describe requirements of elements which are required as part of specific conditions. These Landscape Standards typically contain one or more of the Landscape Components which when assembled together create the requirements of the Standards.

## Section 9.03 Landscape and Streetscape Plan Submittals

A landscape and streetscape plan shall be submitted as part of plan approval. The final plan shall include, but not necessarily be limited to, the following:

- A. *Existing Vegetation.* Location, size, general type and quality of existing vegetation, including specimen trees.
- B. *Removal or Preservation.* Identification of existing trees and other landscape elements to be removed or preserved.
- C. *Existing Overhead Power Lines.* Location of all overhead power lines within one-hundred (100) feet of proposed trees.
- D. *Existing Components.* Location and type of existing walls, fences, and other components that are to remain.
- E. *Protection.* Methods and details for protecting existing vegetation during construction.
- F. *Proposed Vegetation.* Location, size, spacing, and species of proposed plant material, including plant lists showing the required and proposed quantities.
  1. Berms. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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- G. *Proposed Components.* Location and type of proposed walls, fences, and other components, including specifications and materials.
- H. *Proposed Standards.* Location and type of required landscape buffers and location and type of all required landscaping for parking lot or loading areas.
- I. *Minimum Compliance.*
  - 1. Calculations verifying the minimum landscaping required for the site under this Article. Required trees or plant materials shall not be double counted.
  - 2. Calculations verifying the minimum percentage of required landscape area(s).
- J. *Irrigation.* Description of irrigation methods for landscape areas.
- K. *Wetlands.* Delineation of wetlands, streams and other water bodies.
- L. *Maintenance.* Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the requirements of this Article.
- M. *Exception:* A landscape plan is not required for individual single-family or duplex (two-family) lots.

## Section 9.04 General Standards for Landscaping

- A. *Required Vegetation.* All areas not covered by buildings, parking areas, driveways, walkways, pedestrian plazas or other pedestrian-oriented impervious surfaces or water surfaces shall be planted with living vegetation, including canopy trees, shrubbery and ground covers.
  - 1. *Exception:* Gardens utilized on single-family and duplex (two-family) lots and in rear yard areas. Gardens utilized in locations other than single-family and duplex lots and in rear yard areas may be exempted by Special Use Permit.
  - 2. The Planning Commission may permit areas to be left in a natural state only in cases where such areas meet the intent of this Article, the Master Plan or where areas have a significant aesthetic or natural value.
  - 3. Existing vegetation may be credited towards the requirements of this Article provided that the vegetation is identified on the landscape plan, protected from harm during construction, located in an appropriate place, maintained in a healthy growing condition and is well-formed.
- B. *Stabilization.* All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches or other approved materials to prevent soil

erosion and allow rainwater infiltration.

- C. *Planting Beds.* Bark used as mulch shall be maintained at a minimum depth of two (2) inches. Planting beds shall be edged with plastic, metal, brick or stone in all Districts.
- D. *Timing of Planting.* All required plant material shall be planted prior to issuing a Building Certificate of Occupancy. In the event that the project is completed during a time of year when planting is impractical, a performance guarantee or surety acceptable to the City as described in Section 18.16.
- E. *Verification.* The Planning Commission may require verification that all approved landscaping is installed per approved plans. A professional landscaper may provide this verification to the satisfaction of the Planning commission.
- F. *Completion of Improvements.* Tree stakes, guy wires and tree wrap shall be removed after one (1) year unless landscaping instructions suggest otherwise.
- G. *Maintenance.*
  - 1. The property owner shall be responsible for the maintenance of all landscape areas, including vegetation in the public right-of-way.
  - 2. Landscape areas and plant materials required by this Article shall be kept free from refuse and debris.
  - 3. Plant materials, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved site plan.
  - 4. Plants shall be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
  - 5. Unhealthy, withered, severely pruned, diseased or dead plants shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.

## Section 9.05 Tree Protection Requirements

- A. *Existing Trees.* Site plans should preserve existing trees greater than four (4) inches in caliper when ever feasible. Relocation of existing trees within the site is also encouraged.
- B. *Exemption.* Trees that are determined by City or an authorized agent to be dead or dying; a nuisance or threat to an existing structure, underground utility or to public health, safety or welfare; or removal is required by the City or authorized agent within public rights-of-way shall be exempt from the requirements of this Section.

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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C. *Tree Protection Zone.* Trees that shall be retained on a lot or development site shall be located within an area referred to as a “Tree Protection Zone,” which shall include the area occupied by the critical root zone.

1. Trees shall be retained on the site based on the quality of natural resources and tree condition, with the following locations considered as priority areas in the establishment of a Tree Protection Zone:
  - a. Areas containing specimen trees and their associated critical root zones;
  - b. Hillsides with slopes of twenty (20) percent or greater;
  - c. Areas designated as public open space;
  - d. Areas required to act as a buffer;
  - e. Scenic corridors, gateways, and views; and
  - f. Riparian buffers, wetlands or natural drainage courses.
2. The area below the drip line of an existing tree to be saved should remain undisturbed. The drip line is an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.  
*Exception:* Paving for sidewalks, drives and parking /loading areas may be within the drip line, provided that adequate drainage is provided.
3. A tree protection fence shall be installed around existing trees to be saved during construction, to limit disturbance.
4. Tree protection fencing, notes and details shall be shown on the site plan.
5. Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their projected size at maturity.

D. *Replacement Trees.* Should any tree that is designated for preservation, included as part of minimum required landscaping, or included as a required landscape buffer be damaged, removed or die, the owner shall replace the tree with one (1) tree of equivalent species or with a tree that shall obtain the same height, spread and growth characteristics. The replacement tree shall be a minimum of two and one-half (2½) inches caliper for deciduous trees and a minimum of five (5) feet tall for coniferous trees.

## Section 9.06 Tree and Plant Species

A. *Recommended tree and plant species.* As identified in Section 9.01, one of the intentions of the Article is the maintenance of a regional-native-landscape character. This is important because of the unique natural landscape quality that is found in the Hudsonville area. A landscape

composition that occurs no where else in the region or even in the Midwest.

This importance stems from preserving a declining supply of native plants, which so many animals, birds, and insects depend upon for their survival. These species have adapted with a symbiotic relationship that goes back several thousand years. In many cases exotic (non-native) species, do not provide the proper opportunities for food, shelter, and nesting. If native vegetation is lost, the preservation of Hudsonville's fauna is put at risk.

This use of regional-native-landscape character shall be balanced with the requirements of the Hudsonville Downtown Master Plan and the urban character specifically envisioned for the downtown. The formal nature of landscape within the Urban Mixed Use Districts (HUD-7, HUD-6 and HUD-5) may necessitate the incorporation of non-native vegetation in the public realms of these districts, specifically in regards to the more formal nature of the public spaces of these Districts. This necessity must be balanced with regional and native landscape in the non-public areas of these districts. Whenever possible, regional and native landscape shall be used if it achieves the formal requirements of these Districts and does not detract from the requirements of the public and private frontages associated with the public realm.

For the above reasons, each component of the landscape is defined more specifically in this Article in the following sections and should be utilized for specific guidance for component landscape standards in regards to regional and native plantings.

## Section 9.07 Landscape Component: CANOPY STREET TREES

Canopy street trees include large trees (over 35 feet tall) which are required along streets or other public ways. Canopy street trees aid in enhancing the pedestrian experience while also defining the public realm. Refer to Images 9.1, 9.2 and 9.3. Refer to Table 9.1 for canopy street tree types that are allowed in each District.

- A. *Plant materials.* All canopy street trees shall be hardy to the West Michigan Region, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- B. *Native Canopy Street Trees.* Fifty (50) percent of required canopy street trees shall be native species to the region.
- C. *Required locations.* Canopy street trees are required within all Public Frontage Types (refer to Article 8) and within rights-of-way that are adjacent to a street or other publically owned location.
- D. *Minimum sizes.* Canopy street trees are required to be a minimum of 2½ inch caliper at time of installation.
- E. *Understory Street Tree Substitution.* In instances where existing power lines occur the required canopy street trees may be substituted with understory trees. Refer to Section 9.09.
- F. *Required quantity and spacing within public realm.* Quantities of trees and / or spacing of trees is indicated in the Public Frontage Type (Article 8).
  - 1. In locations where project lot width or project frontages are less than required spacing, at least one canopy street tree is required, with final location determined by Zoning Administrator.
  - 2. In locations where no Public Frontage is indicated, canopy street tree spacing shall not be less than thirty (30) feet on center.
- G. *Landscape area requirements for canopy street trees.*
  - 1. *Tree Grate.* In areas where a tree grate or tree pit is required by either existing conditions or Public Frontage Requirements, the following items are required for tree installation:
    - a. Planting pit depth shall be three (3) feet minimum below the sidewalk pavement.
    - b. Where tree grates are provided, the tree grate shall be designed to ensure that enough water gets to the tree for irrigation.
    - c. Planting soil shall be a structural soil.



IMAGE 9.1



IMAGE 9.2



IMAGE 9.3



## ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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2. *Landscape Area in Parkways:* A landscape area for canopy trees shall be a minimum of two-hundred (200) square feet for each individual tree.
  - a. This minimum may be reduced to one-hundred (100) square feet if the landscape area is irrigated.
  
- H. *Requirements of proposed projects.* As part of any development project, the property owner is required to provide canopy street trees as part of the project. These trees shall be reviewed and approved by the Zoning Administrator and the Public Works Superintendant prior to installation.
  1. It shall be the property owner's responsibility to maintain the trees for one (1) year after substantial completion of the project.
  
- I. *Requirements of existing buildings and existing parcels.*
  1. Parcels where fifty percent (50%) or more of the existing building(s) or property is being remodeled or improved, as determined by the assessed value of the property and the value of the improvement:
    - a. The property owner is required to provide canopy street trees per this Section. These trees shall be reviewed and approved by the Zoning Administrator and the Public Works Superintendant prior to installation.
    - b. It shall be the property owner's responsibility to maintain the trees for one (1) year after substantial completion of the project, at which time the ongoing maintenance will be the responsibility of the City.
  2. Parcels where less than fifty percent (50%) of the existing building(s) or property is being remodeled as determined by the assessed value of the property and the value of the improvement:
    - a. The property owner is not required to provide canopy street trees per this Section.
    - b. If property owner decides to provide trees, the following shall apply:
      - i. Trees shall be reviewed and approved by the Zoning Administrator and the Public Works Superintendant prior to installation.
      - ii. The City will provide maintenance and care for these trees after installation.
  3. On parcels where no improvement is occurring, the property owner is not required to provide canopy street trees. If the property owner has a desire to plant canopy street trees, the following shall apply:
    - a. Trees shall be reviewed and approved by the Zoning Administrator and the Public Works Superintendant prior to installation.
    - b. The City will provide maintenance and care for these trees after installation.

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

**Table 9.1 LANDSCAPE COMPONENTS: Canopy Street Trees**

This table shows common types of canopy street tree shapes and their appropriateness within each District.

			Urban Mixed-Use Districts			
			HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District	
	Horticultural Name	Common Name				
Oval Canopy Shape	<i>Acer x freemanii</i>	Freeman Maple	■	■	■	
	<i>Acer pseudoplatanus</i>	Sycamore Maple	■	■	■	
	<i>Acer saccharum</i>	Sugar Maple**		■	■	
	<i>Carpinus betulus</i>	European Hornbeam	■	■	■	
	<i>Gleditsia triacanthos inermis</i>	Common Honeylocust**	■	■	■	
	<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree**		■	■	
	<i>Liriodendron tulipifera</i>	Tulip Tree**			■	
	<i>Ostrya virginiana</i>	American Hophornbeam**		■	■	
	<i>Prunus serotina</i>	Black Cherry**			■	
	<i>Quercus muehlenbergii</i>	Chinkapin Oak**			■	
	<i>Quercus shumardii</i>	Shumard Oak	■	■	■	
	<i>Tilia cordata</i>	Little-leaf Linden	■	■	■	
	<i>Tilia tomentosa</i>	Silver Linden			■	
Ball / Round Canopy Shape	<i>Acer buergeranum</i>	Trident Maple		■	■	
	<i>Acer platanoides</i>	Norway Maple	■	■	■	
	<i>Acer rubrum</i>	Red Maple**		■	■	
	<i>Aesculus hippocastanum</i>	Horse Chestnut			■	
	<i>Eucommia ulmoides</i>	Hardy Rubber Tree		■	■	
	<i>Juglans Nigra</i>	Black Walnut**			■	
	<i>Quercus bicolor</i>	Swamp White Oak**			■	
	<i>Quercus macorcarpa</i>	Bur Oak**	■	■	■	
	<i>Quercus rubra</i>	Red Oak**	■	■	■	
	<i>Quercus velutina</i>	Black Oak**			■	
		<i>Sophora japonica</i>	Scholar Tree	■	■	■
Pyramid Canopy Shape	<i>Corylus colurna</i>	Turkish Filbert	■	■	■	
	<i>Fagus grandifolia</i>	American Beech**			■	
	<i>Ginkgo biloba</i>	Ginkgo (MALE TREE ONLY)		■	■	
	<i>Liquidambar styraciflua</i>	Sweetgum			■	
	<i>Nyssa sylvatica</i>	Tupelo or Blackgum**			■	
	<i>Platanus x acerifolia</i>	London Planetree	■	■	■	
	<i>Pyrus calleryana</i>	Callery Pear		■	■	
	<i>Quercus alba</i>	White Oak**			■	
		<i>Tilia americana</i>	American Linden**			■
Umbrella Canopy Shape	<i>Castanea mollissima</i>	Chinese Chestnut			■	
	<i>Prunus sargentii</i>	Sargent Cherry			■	
	<i>Quercus ellipsoidalis</i>	Northern Pin Oak or Hill's Oak		■	■	
Vase Canopy Shape	<i>Celtis occidentalis</i>	Common Hackberry**		■	■	
	<i>Cladrastis ketukea</i>	American Yellowwood		■	■	
	<i>Phellodendron amurense</i>	Amur Corktree			■	
	ELM HYBRIDS:		ELM HYBRIDS:			
		<i>Ulmus x 'accolade'</i>	"Accolade" Elm	■	■	■
		<i>Ulmus x 'commendation'</i>	"Commendation" Elm	■	■	■
		<i>Ulmus x 'frontier'</i>	"Frontier" Elm	■	■	■
		<i>Ulmus x 'homestead'</i>	"Homestead" Elm	■	■	■
		<i>Ulmus x 'new horizon'</i>	"New Horizon"	■	■	■
		<i>Ulmus x 'triumph'</i>	"Triumph"	■	■	■
	ELM CULTIVARS:		ELM CULTIVARS:			
		<i>U. americana 'Jefferson'</i>	"Jefferson" American Elm	■	■	■
		<i>U. americana 'Princeton'</i>	"Princeton" American Elm	■	■	■
		<i>U. americana 'Valley Forge'</i>	"Valley Forge" Elm	■	■	■
	<i>Ulmus parvifolia</i>	Lacebark Elm / Chinese elm	■	■	■	
	<i>Zelkova serrata</i>	Japanese Zelkova	■	■	■	

■ Denotes that tree is allowed in District

\*\* Denotes that tree is native

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## Section 9.08 Landscape Component: CANOPY TREES

Canopy trees include large trees (over 35 feet tall) which may be planted as components of landscape buffers, within parking and loading areas, and within other landscape areas that have not been specifically addressed. For street canopy trees refer to Section 9.07. Refer to Images 9.4, 9.5 and 9.6. Refer to Table 9.2 for canopy tree types that are allowed.

- A. *Plant materials.* All canopy trees shall be hardy to the West Michigan Region, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- B. *Native Canopy Trees.* Sixty (60) percent of required canopy trees shall be native species to the region.
- C. *Required locations.* Canopy trees are required in parking and loading areas and as components of landscape buffers as indicated in the Landscape Standards of this Article.
- D. *Minimum sizes.* Canopy trees are required to be a minimum of 2½ inch caliper at time of installation.
- E. *Required quantity and spacing.* Quantity of trees and / or spacing of trees is indicated in the Landscape Standards of this Article for parking and loading areas (Section 9.17) and for landscape buffers (Section 9.18).
- F. *Landscape area requirements for canopy trees.*
  - 1. *Landscape Area:* A landscape area for canopy trees shall be a minimum of two-hundred (200) square feet for each individual tree. This requirement may be reduced to one-hundred (100) square feet in cases where an irrigation system is to be installed. An additional fifty (50) square feet of landscaped area shall be required for each additional canopy tree where grouped.



IMAGE 9.4



IMAGE 9.5



IMAGE 9.6

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

**Table 9.2 LANDSCAPE COMPONENTS: Canopy Trees**

This table shows common types of canopy tree shapes for use as buffers, within parking areas and within other landscape areas not specifically defined. These trees are appropriate in all Districts

	Horticultural Name	Common Name
Oval Canopy Shape	<i>Acer x freemanii</i>	Freeman Maple
	<i>Acer pseudoplatanus</i>	Sycamore Maple
	<i>Acer saccharum</i>	Sugar Maple**
	<i>Carpinus betulus</i>	European Hornbeam
	<i>Gleditsia triacanthos inermis</i>	Common Honeylocust**
	<i>Gymnocladus dioicus</i>	Kentucky Coffee Tree**
	<i>Liriodendron tulipifera</i>	Tulip Tree**
	<i>Ostrya virginiana</i>	American Hophornbeam**
	<i>Prunus serotina</i>	Black Cherry**
	<i>Quercus muehlenbergii</i>	Chinkapin Oak**
	<i>Quercus shumardii</i>	Shumard Oak
	<i>Tilia cordata</i>	Little-leaf Linden
<i>Tilia tomentosa</i>	Silver Linden	
Ball / Round Canopy Shape	<i>Acer buergeranum</i>	Trident Maple
	<i>Acer platanoides</i>	Norway Maple
	<i>Acer rubrum</i>	Red Maple**
	<i>Aesculus hippocastanum</i>	Horse Chestnut
	<i>Eucommia ulmoides</i>	Hardy Rubber Tree
	<i>Juglans Nigra</i>	Black Walnut**
	<i>Quercus bicolor</i>	Swamp White Oak**
	<i>Quercus macorcarpa</i>	Bur Oak**
	<i>Quercus rubra</i>	Red Oak**
	<i>Quercus velutina</i>	Black Oak**
	<i>Sophora japonica</i>	Scholar Tree
	Pyramid Canopy Shape	<i>Corylus colurna</i>
<i>Fagus grandifolia</i>		American Beech**
<i>Ginkgo biloba</i>		Ginkgo (MALE TREE ONLY)
<i>Liquidambar styraciflua</i>		Sweetgum
<i>Nyssa sylvatica</i>		Tupelo or Blackgum**
<i>Platanus x acerifolia</i>		London Planetree
<i>Pyrus calleryana</i>		Callery Pear
<i>Quercus alba</i>		White Oak**
<i>Tilia americana</i>		American Linden**
Umbrella Canopy Shape	<i>Betula Alleghaniensis</i>	Yellow Birch**
	<i>Betula Papyrifera</i>	Paper Birch**
	<i>Castanea mollissima</i>	Chinese Chestnut
	<i>Pinus Strobus</i>	Eastern White Pine**
	<i>Prunus sargentii</i>	Sargent Cherry
	<i>Quercus ellipsoidalis</i>	Northern Pin Oak or Hill's Oak
Vase Canopy Shape	<i>Celtis occidentalis</i>	Common Hackberry**
	<i>Cladrastis ketukea</i>	American Yellowwood
	<i>Phellodendron amurense</i>	Amur Corktree
	ELM HYBRIDS:	ELM HYBRIDS:
	<i>Ulmus x 'accolade'</i>	"Accolade" Elm
	<i>Ulmus x 'commendation'</i>	"Commendation" Elm
	<i>Ulmus x 'frontier'</i>	"Frontier" Elm
	<i>Ulmus x 'homestead'</i>	"Homestead" Elm
	<i>Ulmus x 'new horizon'</i>	"New Horizon"
	<i>Ulmus x 'triumph'</i>	"Triumph"
	ELM CULTIVARS:	ELM CULTIVARS:
	<i>U. americana 'Jefferson'</i>	"Jefferson" American Elm
	<i>U. americana 'Princeton'</i>	"Princeton" American Elm
	<i>U. americana 'Valley Forge'</i>	"Valley Forge" Elm
	<i>Ulmus parvifolia</i>	Lacebark Elm / Chinese elm
<i>Zelkova serrata</i>	Japanese Zelkova	

Canopy Street Trees are not part of this Table.  
 For Canopy Street Trees refer to Table 9.1.  
 \*\* Denotes that tree is native

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## Section 9.09 Landscape Component: UNDERSTORY STREET TREES

Understory street trees include medium trees (25 to 35 feet tall) and small trees (less than 25 feet tall) which may be planted along streets or other public ways. Refer to Images 9.7, 9.8 and 9.9. Refer to Table 9.3 for understory trees that are allowed in each District.

- A. *Plant materials.* All understory street trees shall be hardy to the West Michigan Region, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- B. *Native Understory Street Trees.* Sixty (60) percent of understory street trees shall be native species to the region.
- C. *Required locations.* Understory street trees may be substituted for not more than fifty percent (50%) of the required canopy street trees.
- D. *Minimum sizes.*
  - a. Medium understory trees are required to be a minimum of 2½” caliper at time of installation.
  - b. Small understory trees are required to be a minimum of 1½” caliper at time of installation.
- E. *Required quantity and spacing within public realm.* Quantity of trees and / or spacing of trees is indicated in the Public Frontage Type (Article 8).
- F. *Landscape area requirements for understory street trees.*
  - 1. *Tree Grate.* In areas where a tree grate is required by either existing conditions or Public Frontage Requirements, the following items are required for tree installation:
    - a. Planting pit depth shall be three (3) feet minimum below the sidewalk pavement.
    - b. Where tree grates are provided, the tree grate shall be designed to ensure that enough water gets to the tree for irrigation.
    - c. Planting soil shall be a structural soil.
- G. Understory street trees are not allowed in HUD 7 (Central Business District) and HUD 6 (Mixed-Use A District).

*Exception:* Understory street trees are allowed in HUD 7 and HUD 6 Districts at locations under overhead wires.
- H. Understory street trees shall be reviewed and approved by the Zoning Administrator and the Public Works Director prior to installation.



IMAGE 9.7



IMAGE 9.8



IMAGE 9.9

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

**Table 9.3 LANDSCAPE COMPONENTS: Understory Street Trees**

This table shows common types of understory street tree shapes and their appropriateness within each District.

Horticultural Name	Common Name	Urban Mixed-Use Districts		
		HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
<b>MEDIUM TREES (mature height: from 25 feet to 35 feet)</b>				
<i>Acer campestre</i>	Hedge Maple	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Acer miyabei</i>	Miyabe Maple	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Acer truncatum</i>	Shantung Maple or Painted Maple	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Amelanchier laevis</i>	Alleghany Serviceberry**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Cornus walteri</i>	Walter Dogwood	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Crataegus mollis</i>	Downy Hawthorne**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Fraxinus Quadrangulata</i>	Blue Ash**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Koelreuteria paniculata</i>	Golden Raintree	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Maackia amurensis</i>	Amura Maackia	<input type="checkbox"/>	<input type="checkbox"/>	■
<b>SMALL TREES (mature height: less than 25 feet)</b>				
<i>Cornus alternifolia</i>	Alternate Leaf Dogwood**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Carpinus caroliniana</i>	American Hornbeam**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Cercis canadensis</i>	Eastern Redbud**	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Malus spp.</i>	Crabapple	<input type="checkbox"/>	<input type="checkbox"/>	■
<i>Syringa reticulata</i>	Japanese Tree Lilac	<input type="checkbox"/>	<input type="checkbox"/>	■

■ Denotes that tree is allowed in District

\*\* Denotes that tree is native

□ Denotes that understory street tree may be substituted for required canopy street trees at overhead wire locations per the requirements of Section 9.09.

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## Section 9.10 Landscape Component: UNDERSTORY TREES

Understory trees include medium trees (25 to 35 feet tall) and small trees (less than 25 feet tall) which may be planted as components of landscape buffers, within parking and loading areas, as screening for parking and loading areas and within other landscape areas that have not been specifically addressed. For street understory trees refer to Article 9.09. Refer to Images 9.10, 9.11 and 9.12. Refer to Table 9.4 for understory trees that are allowed.

- A. *Plant materials.* All understory street trees shall be hardy to the West Michigan Region, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- B. *Native Understory Trees.* Sixty (60) percent of required understory trees shall be native species to the region.
- C. *Required locations.* Understory trees may be substituted for not more than fifty percent (50%) of the required canopy trees.
- D. *Minimum sizes.*
  - a. Medium understory trees are required to be a minimum of 2½” caliper at time of installation.
  - b. Small understory trees are required to be a minimum of 1½” caliper at time of installation.
- E. *Required quantity and spacing.* Quantity of trees and / or spacing of trees is indicated in the Landscape Standards of this Article for parking and loading areas (Section 9.17) and for landscape buffers (Section 9.18).
- F. *Landscape area requirements for understory street trees.*
  - 1. *Landscape Area:* A landscape area for understory trees shall be a minimum of one-hundred (100) square feet for each individual tree. This requirement may be reduced to twenty-five (25) square feet in cases where an irrigation system is to be installed. An additional ten (10) square feet of landscaped area shall be required for each additional understory tree where grouped.
- G. Understory street trees shall be reviewed and approved by the Zoning Administrator and the Public Works Superintendent prior to installation.



IMAGE 9.10



IMAGE 9.11



IMAGE 9.12

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS



IMAGE 9.13



IMAGE 9.14



IMAGE 9.15

**Table 9.4 LANDSCAPE COMPONENTS: Understory Trees**

This table shows common types of understory tree shapes for use as buffers, within parking areas and within other landscape areas not specifically defined. These trees are appropriate in all Districts.

Horticultural Name	Common Name
<b>MEDIUM TREES (mature height: from 25 feet to 35 feet)</b>	
<i>Acer campestre</i>	Hedge Maple
<i>Acer miyabei</i>	Miyabe Maple
<i>Acer truncatum</i>	Shantung Maple or Painted Maple
<i>Amelanchier laevis</i>	Alleghany Serviceberry**
<i>Cornus walteri</i>	Walter Dogwood
<i>Crataegus mollis</i>	Downy Hawthorne**
<i>Fraxinus Quadragulata</i>	Blue Ash**
<i>Koelreuteria paniculata</i>	Golden Raintree
<i>Maackia amurensis</i>	Amura Maackia
<b>SMALL TREES (mature height: less than 25 feet)</b>	
<i>Carpinus caroliniana</i>	American Hornbeam**
<i>Cercis canadensis</i>	Eastern Redbud**
<i>Cornus alternifolia</i>	Alternate Leaf Dogwood**
<i>Corylus americana</i>	Hazlenut**
<i>Dirca palustris</i>	Leatherwood**
<i>Euonymus obovata</i>	Creeping Strawberry Bush**
<i>Malus spp.</i>	Crabapple
<i>Prunus pumila</i>	Sand Cherry**
<i>Prunus Virginiana</i>	Choke Cherry**
<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Viburnum lentago</i>	Nannyberry**

Understory street trees are not part of this Table.

For Understory Street Trees refer to Table 9.3.

\*\* Denotes that tree is native

## Section 9.11 Landscape Component: SHRUBS and HEDGES

Shrubs and the hedges in which they can be arrayed in are important elements in the definition of public spaces in instances where screening may be required or where a hierarchy of public and semi-public space is established, particularly in parks or on lots with deeper build-to-lines or setback requirements. Shrubs are calibrated to District in Table 9.5 as recommended elements. Refer to Images 9.13, 9.14 and 9.15.

- A. *Plant materials.* All shrubs shall be hardy to the West Michigan Region, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.
- B. *Native Shrubs and Hedges.* Sixty (60) percent of required shrubs and hedges shall be native species to the region.
- C. *Required locations.* Shrubs and / or hedges may be required as screening components for parking and loading zones or as a component for landscape buffers. Refer to the Landscape Standards sections of this Article.
- D. *Minimum sizes.* Shrubs are required to be a minimum of two (2) feet in height at time of installation. Spreading shrubs are required to be a minimum of two (2) feet in width at the time of installation.



## ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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E. *Maintained Height and Opacity.* When shrubs and hedges are part of a required buffer they are required to be maintained at a maximum height to match required fence heights and to have eighty (80) percent minimum summer opacity within two years of planting.

F. Shrubs that are used in HUD 7 (Central Business District), HUD 6 (Mixed-Use A District) and HUD 5 (Town / Neighborhood Center A District) shall be arrayed in hedges in a sheared or manicured fashion and be maintained in this formal appearance. Refer to Images 9.16, 9.17 and 9.18.

### Section 9.12 Landscape Component: LAWN GRASSES

Lawn grasses shall meet the following requirements:

- A. Grasses may be plugged, sprigged, seeded or sodded. When complete sodding or seeding is not used, nursery grass seed shall be sown or mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- B. In areas susceptible to erosion, such as swales, rolled sod, erosion reducing net or suitable mulch shall be used and shall be staked where necessary for stabilization.



IMAGE 9.16



IMAGE 9.17



IMAGE 9.18

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

**Table 9.5 LANDSCAPE COMPONENTS: Shrubs**

This table shows common types of shrubs and their appropriateness within each District.

Horticultural Name	Common Name	Urban Mixed-Use Districts		
		HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
Aronia prunifolia	Chokeberry**			■
Barberis thunbergi 'Nana'	Crimson Pygmy Barberry	■	■	■
Buxus semper-virens	English Boxwood	■	■	■
Buxus microphylla japonica	Japanese Boxwood	■	■	■
Calycanthus floridus 'athens'	Sweetshrub**			■
Cornus ammomum	Silky Dogwood**			■
Cornus stolonifera	Red-Twigged Dogwood**			■
Cotoneaster salicifolia	Willowleaf cotoneaster	■	■	■
Hamamelis virginiana	Witch Hazel**			■
Ilex verticillata	Winterberry**			■
Juniperus chinensis 'sea green'	Sea Green Juniper	■	■	■
Juniperus chinensis 'san jose'	San Jose Juniper	■	■	■
Juniperus communis	Common Juniper**	■	■	■
Juniperus sabina 'broadmoor'	Broadmoor Juniper	■	■	■
Juniperus 'Procumbens Nana'	Japanese Garden Juniper	■	■	■
Ligustrum amurense	Amur Privet	■	■	■
Lindera bezoin	Spicebush**			■
Physocarpus opulifolius	Ninebark**			■
Rhus copalina v. latifolia	Prairie Flame Shining Sumac**			■
Rosa palustris	Swamp Rose**			■
Rubus alleghensis	Blackberry**			■
Rubus pubescens	Dwarf Raspberry**			■
Salix interior	Sandbar Willow**			■
Salix discolor	Pussy Willow**			■
Sambucus canadensis	Common Elder**		■	■
Sassafras albidum	Sassafras**			■
Skimmia japonica	Japanese Skimmia		■	■
Staphylea trifolia	American Bladdernut**			■
Taxus canadensis	Canada Yew**	■	■	■
Thuja occidentalis	American Arborvitae	■	■	■
Viburnum acerifolium	Mapleleaf Viburnum**		■	■
Viburnum dentatum 'arrowwood'	Arrowwood Viburnum**		■	■
Viburnum trilobum	High-bush Cranberry**			■

■ Denotes that tree is allowed in District  
 \*\* Denotes that tree is native

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## Section 9.13 Landscape Component: WALLS

Walls which are utilized as landscape components typically define spaces or screen incompatible activities. Refer to Images 9.19, 9.20 and 9.21.

- A. *Wall types.* Wall types which are included in this Section are as follows:
1. Decorative walls which define or create a hierarchy of public and semi-public spaces.
  2. Screen walls that screen the property from adjacent properties.
  3. Screen walls which screen parking lots, loading areas or mechanical installations.
  4. Waste receptacle enclosures are not part of this Section. Refer to Article 2 for waste receptacle enclosures.
- B. *Wall articulation.* All walls shall avoid a blank and monotonous appearance by using decorative patterns or architectural elements such as piers, pilasters or breaks in the wall.
- C. *Wall materials.* All walls shall be constructed using quality workmanship and made of permanent, durable, weather-resistant and easily maintainable materials.
1. Unpatterned or unpainted concrete or concrete block shall not be permitted.
  2. Integrally colored or decorative concrete block is permitted.
  3. Stained or painted wood or simulated wood products shall not be permitted for walls.
  4. Recommended materials for walls include brick or other masonry, stone or cultured stone, and patterned integrally-colored concrete.
- D. *Compatibility with surroundings.* The color, materials, finishes and forms of all walls shall be compatible with surrounding structures and context as determined by the Planning Commission.
- E. Walls may be constructed with openings that do not exceed twenty percent (20%) of the wall surface.
- F. *Clear Vision.* In order to prevent the obstruction of vision for pedestrians and/or motorists, no wall shall be erected or maintained in any clear vision area as defined in Section 2.11.
- G. *Right-of-Way.* Walls shall not be erected in any public right-of-way, without obtaining a Special Use Permit.
- H. *Maintenance.* Walls shall be maintained in good repair and in a safe and attractive condition, including, but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials.



IMAGE 9.19



IMAGE 9.20



IMAGE 9.21

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## I. Wall Measurement.

1. Height. Height of all walls shall be measured from finish grade at the lowest point within three (3) feet of the wall. The use of a berm to increase wall height shall be prohibited. Refer to Illustration 9.1.
2. Yards. The definitions of front, side and rear yards as described in the Definition section of this ordinance shall apply, with the following exceptions:
  - a. For the purpose of this Section, front, side and rear yards shall be as indicated in Illustration 9.2.
  - b. For the purpose of this Section, side yard requirements may apply to secondary street side of a corner lot provided that the wall commences at the rear of the primary structure and is set back a minimum of ten (10) feet from the corner side lot line. Refer to Illustration 9.3.
  - c. For the purpose of this Section, side yards of corner lots which face a secondary street shall be treated as front yards in instances where the requirements of item 9.13 I. 2b. above are not met

ILLUSTRATION 9.2  
WALL MEASUREMENT

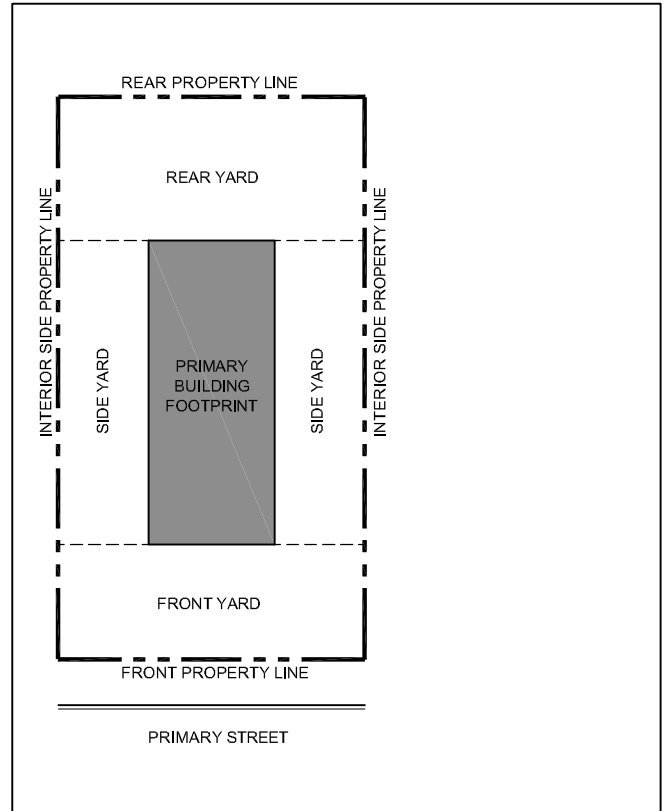


ILLUSTRATION 9.1  
WALL HEIGHT

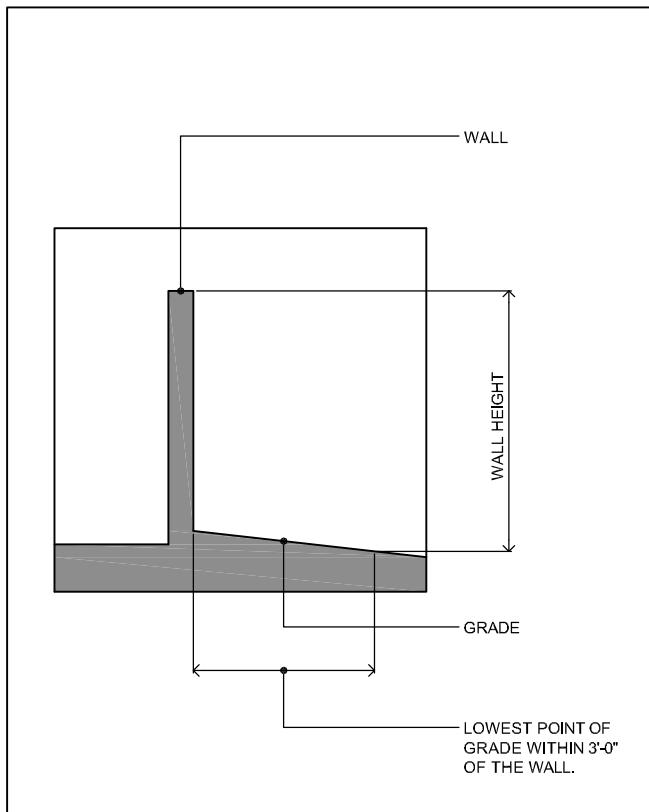
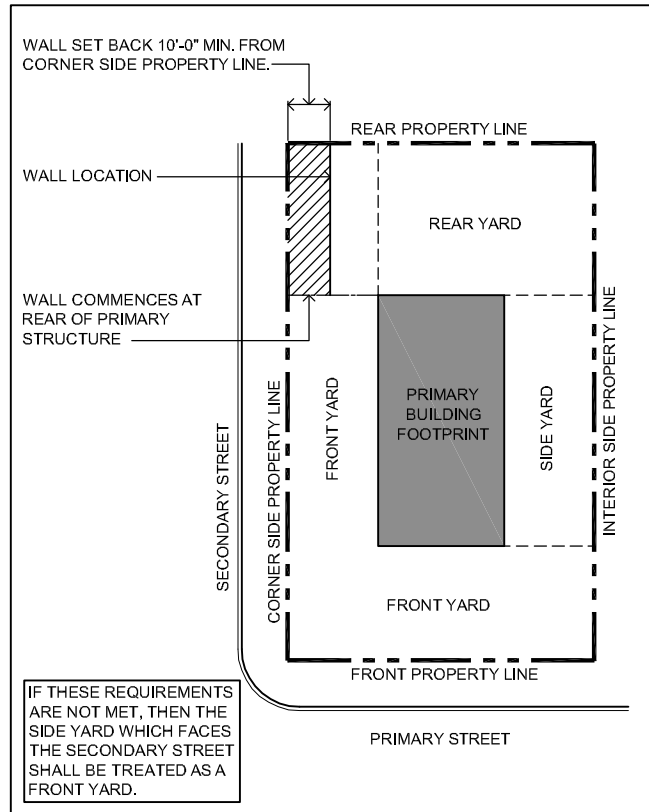


ILLUSTRATION 9.3  
WALL MEASUREMENT



# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

J. *Wall Height Requirements.* Refer to Table 9.6.

**Table 9.6 LANDSCAPE COMPONENTS: Wall Heights**  
 This table indicates wall height appropriateness within each District.

	Urban Mixed-Use Districts		
	HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
<b>Typical Wall</b>			
Front yard maximum height	4 feet	4 feet	4 feet
Side yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches
Rear yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches
<b>Parking Lot Screen Wall</b>			
Front yard height range	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum
Side yard height range	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum
Rear yard height range	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum	3 feet minimum - 4 feet maximum
<b>Retaining Wall</b>			
Front yard maximum height	Not permitted	Not permitted	Not permitted
Side yard maximum height	10 feet	10 feet	10 feet
Rear yard maximum height	10 feet	10 feet	10 feet

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS



IMAGE 9.22



IMAGE 9.23



IMAGE 9.24

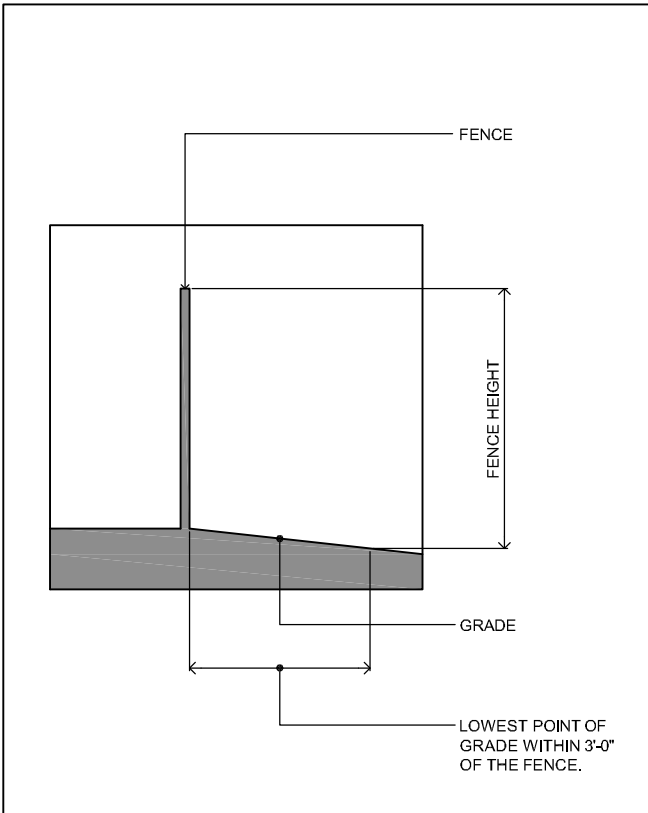
## Section 9.14 Landscape Component: FENCES

Fences which are utilized as landscape components typically define spaces or screen incompatible activities. Refer to Images 9.22, 9.23 and 9.24.

- A. *Fence types.* Fence types which are included in this Section are as follows:
  - 1. Open fences shall be considered chain link, wrought iron or other decorative metal fence as well as picket or board fence with spacing between the boards that is equivalent to the width of the board. Refer to Image 9.22.
  - 2. Opaque fences are constructed of solid materials that block the passage of light. Chain link fencing with slats are not considered opaque. Refer to Image 9.24
  
- B. *Fence materials.* All fences shall be constructed using quality workmanship and made of permanent, durable, weather-resistant and easily maintainable materials.
  - 1. Recommended materials for fences: ornamental metal, rot resistant wood, and / or vinyl.
  - 2. Wire or chain link fencing is not permitted adjacent or visible from public rights-of-way.
  
- C. *Fences in Front Yards of Urban Mixed Use Districts.*
  - 1. Any fence located in the front yard of HUD 7, HUD 6, and HUD 5 Districts shall consist of a decorative aluminum or wrought iron picket fence. *Exception:* Single-use residential developments or buildings in HUD 5 may use fences of any material allowed by this Ordinance.
  
- D. *Finished Side.* The finished side of a fence, if present, shall face outward toward abutting lots and rights-of-way.
  
- E. *Compatibility with surroundings.* The color, materials, finishes and forms of all fences shall be compatible with surrounding structures and context as determined by the Planning Commission or as determined by the Zoning Administrator when the fence is not part of a plan that needs to go to the Planning Commission.
  
- F. *Clear Vision.* In order to prevent the obstruction of vision for pedestrians and/or motorists, no fence shall be erected or maintained in any clear vision area as defined in Section 2.11.
  
- G. *Right-of-Way.* Fences shall not be erected in any public right-of-way.
  
- H. *Maintenance.* Fences shall be maintained in good repair and in safe and attractive condition, including, but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials.

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

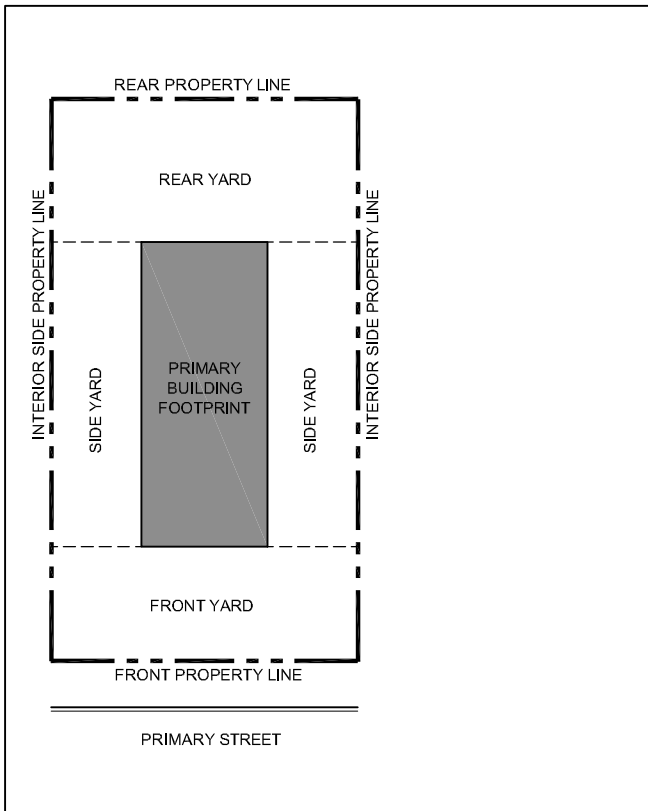
**ILLUSTRATION 9.4**  
FENCE HEIGHT



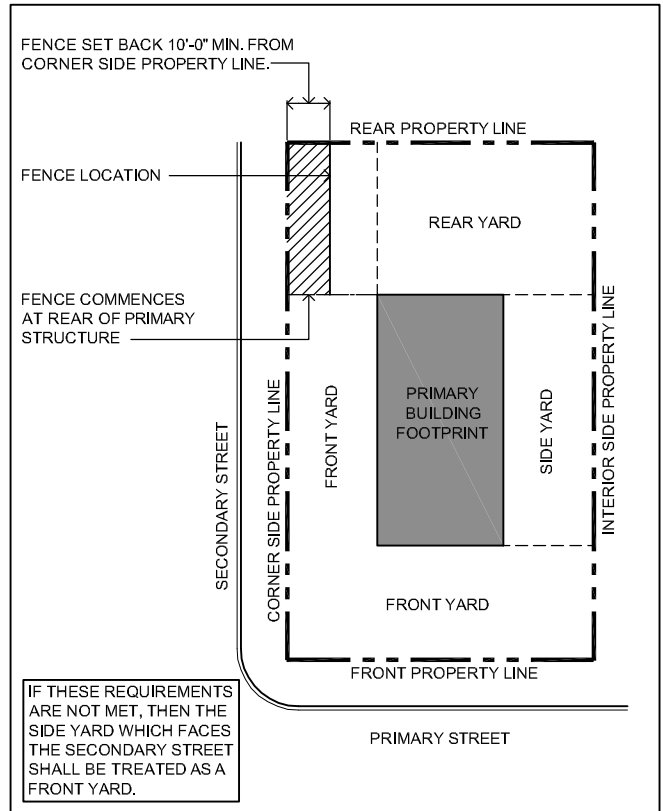
I. *Fence Measurement.*

1. Height. Height of all fences shall be measured from finish grade at the lowest point within three (3) feet of the fence. The use of a berm to increase fence height shall be prohibited. Refer to Illustration 9.4.
2. Yards. The definitions of front, side and rear yards as described in the Definition section of this ordinance shall apply, with the following exceptions:
  - a. For the purpose of this Section, front, side and rear yards shall be as indicated in Illustration 9.5.
  - b. For the purpose of this Section, side yard requirements may apply to secondary street side of a corner lot provided that the fence commences at the rear of the structure and is set back a minimum of ten (10) feet from the corner side lot line. Refer to Illustration 9.6.
  - c. For the purpose of this Section, side yards of corner lots which face a secondary street shall be treated as front yards in instances where the requirements of item 9.14 I. 2b. above are not met

**ILLUSTRATION 9.5**  
FENCE MEASUREMENT



**ILLUSTRATION 9.6**  
FENCE MEASUREMENT



# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

J. *Fence Height Requirements.* Refer to Table 9.7

## Section 9.15 Landscape Component: BERMS

- A. Berms are not allowed in the Urban Mixed Use Districts (HUD-7, HUD-6 or HUD 5), except at locations where these Districts abut a single-use residential district as indicated in Section 9.16.
- B. *Slope ratio.* Berms shall be constructed so as to maintain a side slope not to exceed a one-foot rise to a three-foot run ratio. Refer to Illustration 9.7.
- C. *Berm covering.* Berm areas not containing planting beds shall be covered with grass and be maintained in a healthy growing condition.
- D. *Plantings on berms.* When landscaping is to be planted on a berm, emphasis shall be on placing such materials on the side of the berm facing the less intense use.

ILLUSTRATION 9.7  
BERM SLOPE RATIO

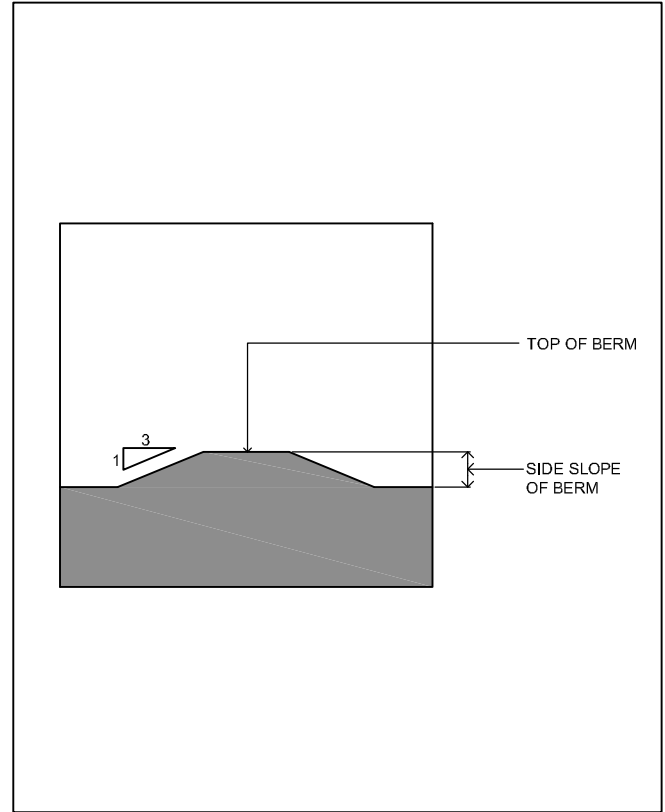


Table 9.7 LANDSCAPE COMPONENTS: Fence Heights

This table indicates fence height appropriateness within each District.

Fence Type	Urban Mixed-Use Districts		
	HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
Open Fence			
Front yard maximum height	Not permitted	36 inches	36 inches
Side yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches
Rear yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches
Opaque Fence			
Front yard maximum height	Not permitted	36 inches	36 inches
Side yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches
Rear yard maximum height	6 feet - 4 inches	6 feet - 4 inches	6 feet - 4 inches



# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

## Section 9.16 Landscape Component:

### ARBORS AND TRELLISES

Arbors and trellises are typically decorative elements within the landscape and sometimes act as thresholds at fence or wall openings. Refer to Images 9.25, 9.26 and 9.27. Arbors and trellises shall comply with the following standards:

- A. Arbors may be located in any side or rear yard provided they do not exceed (14) feet in height and comply with clear vision requirements. Arbors are not allowed in front yards.
  
- B. Trellises are permitted within the front yard provided they do not exceed four (4) feet in height, are placed a minimum of three (3) feet from front and side lot lines, and comply with clear vision area requirements. Trellises are permitted in the side and rear yards, provided they do not exceed six feet - 4 inches (6'-4") in height where located within five (5) feet of the side or rear lot lines.



IMAGE 9.25



IMAGE 9.26



IMAGE 9.37

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS



IMAGE 9.28 (Landscape buffer on parking lot side is obscured by wall)



IMAGE 9.29



IMAGE 9.30

## Section 9.17 Landscape Standards: PARKING LOTS and LOADING AREAS

- A. *Purpose.* This section defines minimum design standards for landscaping requirements for parking lots and loading areas, including the visual separation of parking lots from sidewalks and streets.
- B. *General Requirements.* All parking lots and loading areas shall comply with Article 12 of this Ordinance.
- C. *Minimum Screening Requirements:* All sides of a parking lot or loading area which abut a sidewalk, street or other public right-of-way shall be screened by one (1) of the following methods:
  - 1. *Screen Type 1: Screen Wall:* A screen wall that conforms to Section 9.13 with a two (2) foot minimum landscape buffer provided between the screen wall and the parking or loading area to accommodate the overhang of cars and to protect the wall. Refer to Image 9.28.
  - 2. *Screen Type 2: Screen Wall and Landscape Buffer:* A screen wall that conforms to Section 9.13 with a two (2) foot minimum landscape buffer provided between the screen wall and the parking or loading area to accommodate the overhang of cars and to protect the wall. Additionally this configuration shall also have a two (2) foot minimum landscape buffer between the screen wall and the sidewalk or public right-of-way. Landscape buffer between the wall and the sidewalk or public right-of-way shall include groundcover, ornamental grasses, annual or perennial flowers, shrubs, trees or a combination thereof. Refer to Image 9.29.
  - 3. *Screen Type 3: Fence.* A fence that conforms to Section 9.14. Fence is required to have a two (2) foot landscape buffer on the parking lot side of the fence to accommodate overhang of vehicles. Refer to Image 9.30.

## ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

4. *Screen Type 4: Fence with Landscape Buffer:* A fence that conforms to Section 9.14 and paired with a two (2) foot minimum landscape buffer between the sidewalk or public right-of-way. Landscape buffer shall include groundcover, ornamental grasses, annual or perennial flowers, shrubs, trees or a combination thereof. In addition to the aforementioned landscaped buffer, the fence is also required to have a two (2) foot landscape buffer on the parking lot side of the fence to accommodate overhang of vehicles. Refer to Image 9.31.
5. *Screen Type 5: Hedge:* A hedge that conforms to Section 9.11 and planted within a four (4) foot minimum depth landscape buffer. Refer to Image 9.32.
6. *Screen Type 6: Raised Planter:* A raised planter that is a minimum of two (2) feet wide and that meets the height and material requirements for walls as indicated in Section 9.13. Planter shall include groundcover, ornamental grasses, annual or perennial flowers, or shrubs. Refer to Image 9.33.
7. *Screen Type 7: Landscape Buffer:* A buffer that conforms to the Type D Landscape Buffer indicated in Section 9.18. For parking lot and loading zone screening, the width of the Type D Landscape Buffer may be reduced to six (6) feet.

D. *Review.* Screening methods listed in item 9.17 C shall be reviewed by the Planning Commission as part of the Landscape Plan submittals. The Planning Commission may require specific screening methods depending on condition and location of each project.

1. Exception: If screening methods listed in subsections 9.17 C are not part of a development project, then they shall be reviewed by the Zoning Administrator.

E. *Evaluation of landscape buffer screening effects.* Compliance with attainment of required screening effects or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

F. *Permitted time period to achieve required screen effects.* Where specific screening effects are required, all plant materials shall achieve the horizontal and vertical effects required of this ordinance within four years of initial installation.

G. *Changes in Grade.* At locations where parking lots or loading areas are more than three (3) feet below or above adjacent sidewalks or other public right-of-ways, a screen consistent with the requirements of this Section shall be required. If a retaining wall is utilized and exposed to the public right-of-way, it shall comply with 9.17C1, 9.17C2, 9.17C3, 9.17C4 and Section 9.15.

H. *Interior Landscape Requirements:* Landscape islands and canopy trees shall be located throughout the parking lot to shade expanses of parking and to contribute to an orderly circulation of vehicle and pedestrian traffic as follows:



IMAGE 9.31



IMAGE 9.32



IMAGE 9.33

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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1. Parking lots designed for a capacity of twenty (20) or fewer vehicles shall require no landscaping internal to the parking area.
2. Any parking lot designed for a capacity of twenty-one (21) vehicles or more shall provide interior landscape islands at regular intervals. The required landscape island(s) area shall be a minimum of twelve (12) square feet per parking space.
3. Any parking lot designed for a capacity of twenty-one (21) vehicles or more shall provide a minimum of one (1) canopy tree per every ten (10) parking spaces or fraction thereof over twenty spaces.
4. Landscape islands which contain canopy trees must be a minimum of one-hundred-sixty (160) square feet and a minimum of nine (9) feet wide. All other landscape areas shall not be less than twenty (20) square feet.
5. In instances where it is not possible to allocate the required landscape area for canopy trees (i.e. – proximity to overhead lines or underground utilities), the Planning Commission may approve the substitution of understory trees or other landscape types.
6. *Landscape corners.* Landscaped corners of parking areas may be counted toward the required area of landscape islands.
7. *Pedestrian pathways.* If a pedestrian pathway is included as a component of a landscape island, the island shall be a minimum of eleven (11) feet wide. The pathway shall be minimum five (5) feet wide.
8. All landscape areas which abut a parking lot or are internal to the parking lot shall be protected by continuous concrete curbing, except as allowed in Article 15, Sustainability Standards.
9. Areas required by this subsection shall be measured from face of curb to face of curb.

## Section 9.18 Landscape Standards: LANDSCAPE BUFFERS

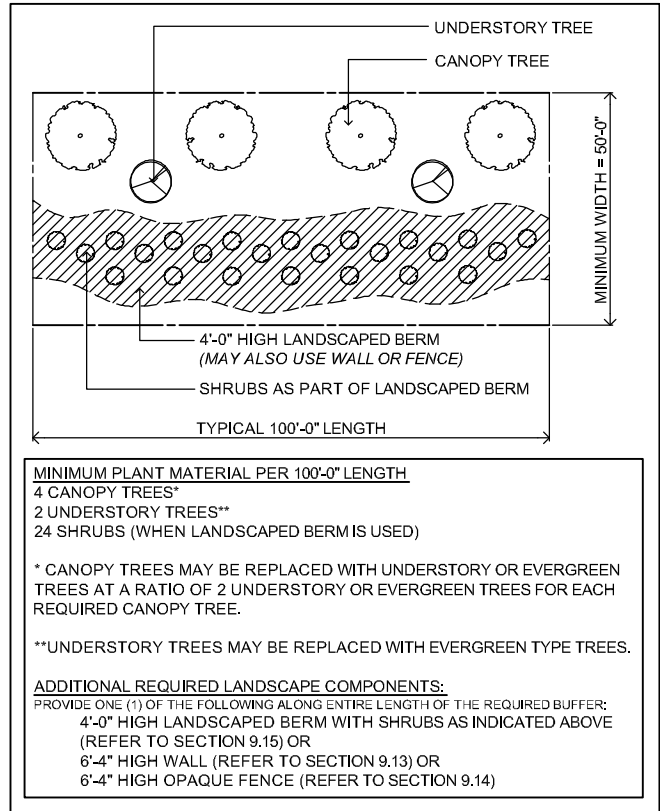
- A. *Purpose.* This section defines minimum design standards for landscaping requirements between non-residential activities or other intense activities that would impact an existing residential use with glare, noise or other nuisance or where the impact of incompatible uses or proportionally different structures cannot be mitigated through building design or urban design features. Landscape buffers shall be located in rear or side yards and are required as follows:
  1. Where a residential use is abutting a parking lot, non-residential driveway or a drive-through facility.
  2. Where a public open space or park is abutting a parking lot, non-residential driveway or a drive-through facility.
  3. In locations where intense activities would impact abutting properties as required by the Zoning Administrator or Planning Commission.
  4. Between abutting Districts as required by Section 9.18.
  5. Landscape Buffers shall not be used between HUD-7, HUD-6 or HUD-5 Districts.
- B. *Location.* The landscape buffer shall be located within the subject property along the rear and/or side property line(s) and shall extend the entire length of the property line that is abutting the incompatible use or proportionally different structure.
- C. *General Standards for Landscape Buffers:* The following minimum standards shall apply to the landscape buffer.
  1. Required plantings shall be arranged in a manner that provides the maximum possible visual separation between adjacent land uses and activities, including massing of shrubs in rows or groups as needed to achieve the maximum screening effect.
  2. Canopy trees shall be any tree allowed by Table 9.2.
  3. Understory trees shall be any tree allowed by Table 9.4.
  4. Shrubs shall be any planting allowed by Table 9.5.
  5. The Zoning Administrator may determine that additional landscaping is required in the landscape buffer to ensure that any adverse impacts of the more intense use or activity are appropriately mitigated.
- D. *Minimum Landscape Buffer Requirements:* The following four-tier screening classification system is intended to provide for graduated levels of landscape buffers to be used in a variety of land-use transition situations. The screening types have been calibrated to correlate with the degree of incompatibility between uses and activities. The screening types are defined in order of magnitude of

# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

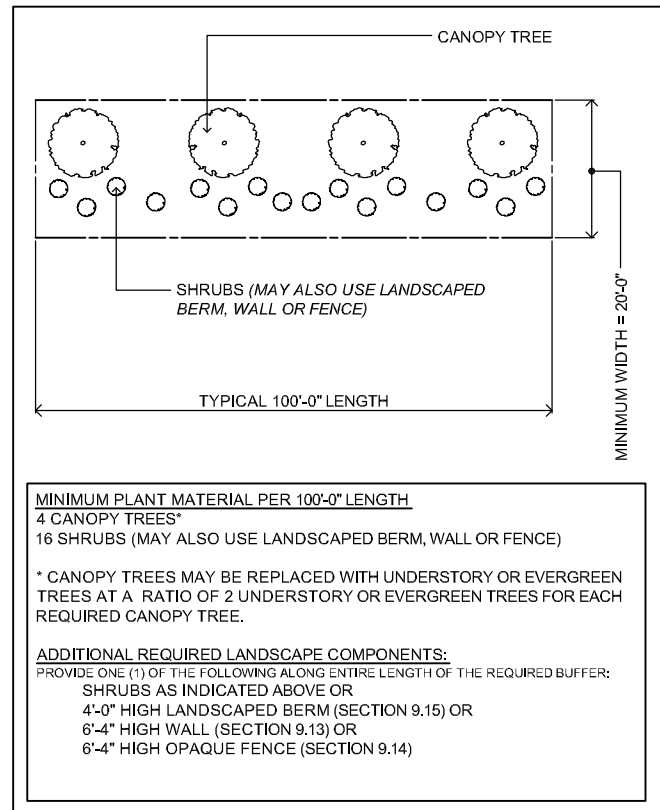
screening effect, with Type A requiring the most screening and Type D requiring the least.

1. *Type A Landscape Buffer:*
  - a. *Dimensional Requirements:* Minimum width shall be fifty (50) feet.
  - b. *Required Screen Effects:* Required screen effect shall be to exclude all visual contact between two adjacent uses or parcels, mitigate noise impacts and to create a strong impression of spatial separation.
  - c. *Required Screen Materials -* Refer to Illustration 9.8
2. *Type B Landscape Buffer:*
  - a. *Dimensional Requirements:* Minimum width shall be twenty (20) feet.
  - b. *Required screen effects:* Required screen effect shall be to minimize noise and provide visual privacy where activity centers are located next to residential uses.
  - c. *Required Screen Materials –* Refer to Illustration 9.9
3. *Type C Landscape Buffer:*
  - a. *Dimensional Requirements:* Minimum width shall be twenty (20) feet.
  - b. *Required screen effects:* Required screen effect shall be to reduce the impacts of more intensive or higher density developments on single-family residential Districts.
  - c. *Required Screen Materials –* Refer to Illustration 9.10

**ILLUSTRATION 9.8**  
TYPE A LANDSCAPE BUFFER

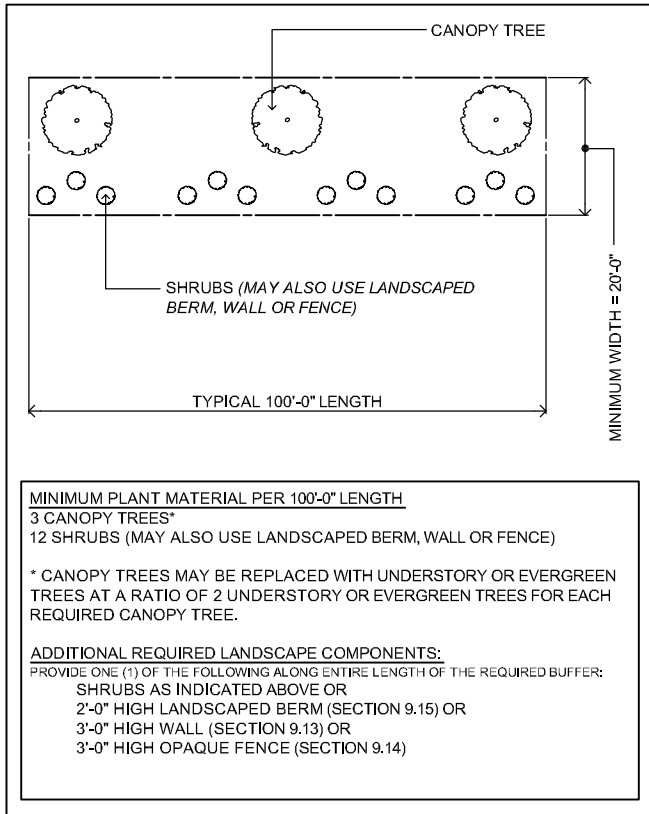


**ILLUSTRATION 9.9**  
TYPE B LANDSCAPE BUFFER



# ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

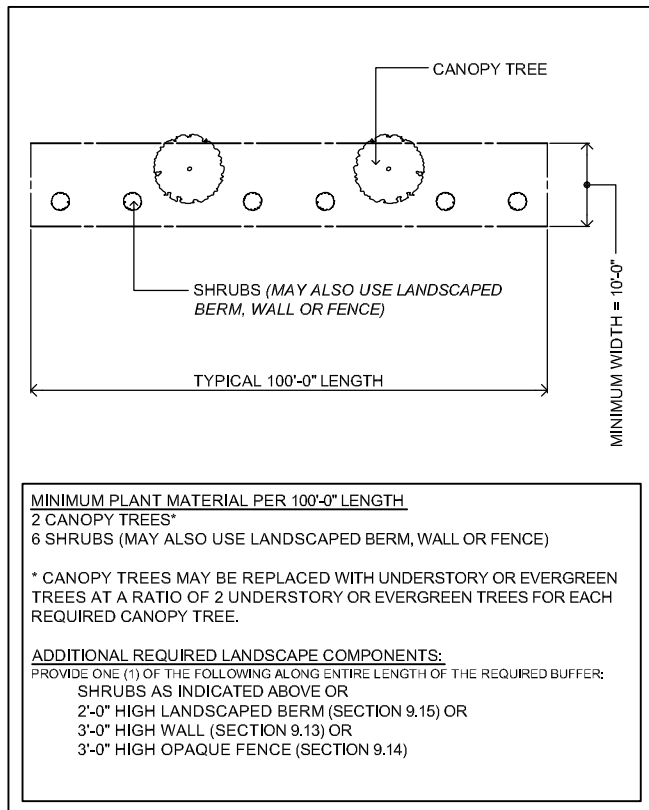
**ILLUSTRATION 9.10**  
TYPE C LANDSCAPE BUFFER



**Table 9.8 LANDSCAPE STANDARDS: Landscape Buffers**  
This table indicates required landscape buffers between Districts

	Subject District (District in which project is located)		
	HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
HUD 7 Central Business District	---	---	D
HUD 6 Mixed-Use A District	---	---	D
HUD 5 Town / Neighborhood Center A District	---	---	---
Abutting District (District of abutting parcel or property)			
Existing Single-Use Residential Zones (R-1, R-2, R-3, R-4)	D	D	D
Existing MHP (Mobile Home Park)	C	C	C
Existing CBD (Central Business District Zones)	---	---	D
Existing LC (Light Commercial)	D	D	D
Existing HC (Highway Commercial)	D	D	D
Existing FCR (Fairgrounds Commercial Recreation)	C	C	C
Existing PF (Public facilities)	D	D	D
Existing I-1 (Industrial)	A	A	A
Existing I-2 (Industrial)	A	A	A

**ILLUSTRATION 9.11**  
TYPE D LANDSCAPE BUFFER



4. *Type D Landscape Buffer:*

- a. *Dimensional Requirements:* Minimum width shall be ten (10) feet.
- b. *Required screen effects:* Required screen effect shall be to accomplish physical separation without substantial visual separation.
- c. *Required Screen Materials* – Refer to Illustration 9.11

E. *Minimum Landscape Buffer Locations:* The type of landscape buffer (type A, B, C or D) as referenced in Section 9.18 D is required between abutting land uses shall be as indicated in Table 9.8. To determine the required screen, identify the column containing the District of the proposed project (subject zone) and read down that column to the row labeled with the District in which the abutting parcel is located within. The cell at the intersection of the subject zone row and the appropriate abutting zone column will contain a letter indicating the landscape buffer required.

## ARTICLE 9 LANDSCAPE COMPONENTS AND STANDARDS

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- F. *Evaluation of landscape buffer screening effects.* Compliance with attainment of required screening effects or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.
- G. *Permitted time period to achieve required screen effects.* Where specific screening effects are required, all plant materials shall achieve the horizontal and vertical effects required of this ordinance within four years of initial installation.
- H. *Phasing for landscape screens.* If a project is constructed in phases, the landscape screen may also be constructed in phases. The Planning Commission shall determine the extent of the landscaping required in each phase, based on the following:
1. Adjacent land uses and activities.
  2. Distance between land uses and activities.
  3. Operational characteristics, both off-site and on-site.
  4. Building heights.
  5. Physical characteristics of the site.
  6. Percentage of total development which each phase represents.
- I. *Landscape screening waiver.*
1. *Factors in considering a waiver.* If inspection of the site reveals that adequate landscaping screens already exist on premises, or site-specific qualities minimize the need for landscaping requirements in specific areas, the Planning Commission may waive in whole or in part any landscape requirement contained in this Article. The following factors shall be evaluated by the Planning Commission in making any waiver of landscaping requirements:
    - a. Topographic variations.
    - b. Existence of natural vegetation.
    - c. Existing and proposed building placement.
    - d. Adjacent land uses.
    - e. Existence of floodplain or other non-developable areas.
    - f. Recommendation of zoning administrator.
    - g. Meeting the intent of this Article.
  2. *Planning Commission obligation.* The Planning Commission shall not be obligated to make any waiver of landscaping requirements.

# ARTICLE 10

## NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 10 NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

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## Section 10.01 Purpose and Intent

- A. *Nonconformities Permitted.* It is recognized that there exists within Districts, certain lots, buildings, structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit nonconforming lots, buildings, structures, and uses to continue until they are removed.
- B. *No Expansion of Nonconformities.* Nonconforming lots, buildings, structures, and uses are hereby declared to be incompatible with the Districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited in the District, except as may be provided for in this Ordinance.
- C. *Construction Prior to Effective Date of this Ordinance.* Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance, or an amendment thereto, and upon which actual building construction has been diligently conducted.
- D. *Acquisition of Nonconformities.* The City Commission may acquire, through purchase or condemnation, private nonconforming lots, buildings, and structures, and may remove such buildings and structures.

## Section 10.02 Nonconforming Lots of Record

- A. *Permitted.* Where an existing lot of record does not meet the minimum requirements for lot area or lot width in this Ordinance, the lot of record may be used for any purposes permitted in the District. District Standards relating to lot area and lot width for this specific lot shall be reduced in proportion to the lot's area or width relative to the requirements of this Ordinance as interpreted by the City Zoning Administrator.

This Zoning Administrator interpretation is only related to lot area and /or lot width. Building Type Standards, Public and Private Frontage Standards, Landscape Standards, Use Standards, Parking Standards, Sign Standards and all other related standards for this specific lot shall adhere to the requirements of this Ordinance.

- B. *Contiguous Nonconforming Lots in Common Ownership.*
  1. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence prior to the effective date of

this Ordinance, or as amendment thereto, shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

- a. Are in common ownership;
  - b. Have continuous frontage and / or a continuous lot line; and
  - c. Individually do not meet the lot width or lot area requirements of this Ordinance.
2. Parcels meeting these requirements shall be combined into a lot or lots complying as nearly as possible with the lot width and lot area requirements of this Ordinance. No portion of that parcel shall be used or divided in a manner that diminishes compliance with lot width and area requirements of this Ordinance.

## Section 10.03 Nonconforming Buildings or Structures

- A. *Continuation of Nonconforming Buildings or Structures.* Where a lawful building or structure exists prior to the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance, that building or structure may be continued so long as it remains otherwise lawful.
- B. *Structural Changes to Nonconforming Buildings or Structures.* A nonconforming building shall not be structurally changed in any way which will serve to lengthen the longevity of the nonconforming portion of the building, unless such structural changes are in conformance with this Article and are approved by the Planning Commission.
- C. *Expansion of Nonconforming Buildings or Structures.*
  1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except as noted in subsections C.2, C.3, C.4 and C.5 below.
  2. For the purposes of considering exceptions for nonconforming buildings or structures, they shall be placed into one of the following classifications:
    - a. Class 1 includes nonconforming buildings or structures which have a minimum setback that is equal to the District build-to zone standards or setback requirements.
    - b. Class 2 includes nonconforming buildings or structures which have a minimum setback that is greater than the District build-to-zone standards or setback requirements.
    - c. Class 3 includes nonconforming buildings or structures which have a minimum setback that is less than the District build-to-zone standards or setback requirements.

# ARTICLE 10 NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

ILLUSTRATION 10.1  
CLASS 1 NONCONFORMING BUILDING

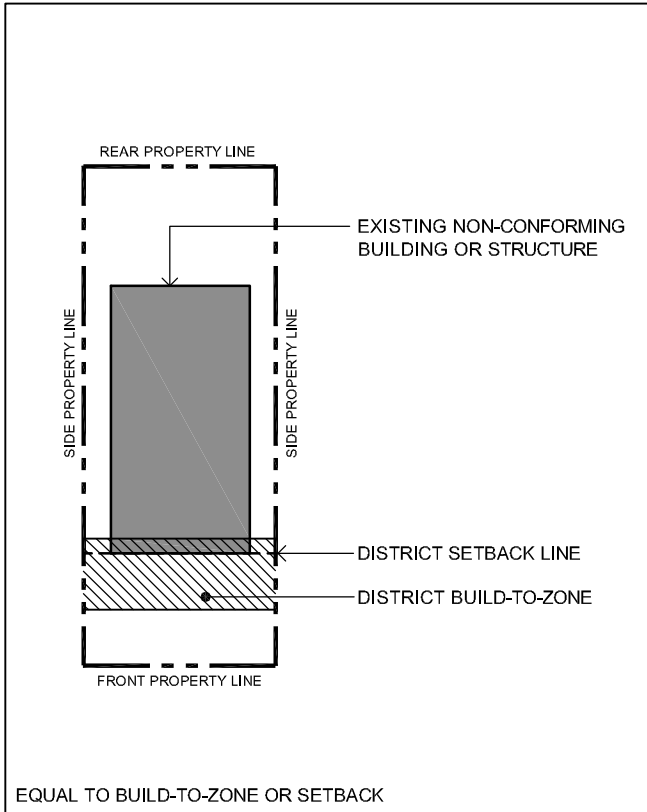


ILLUSTRATION 10.2  
CLASS 2 NONCONFORMING BUILDING

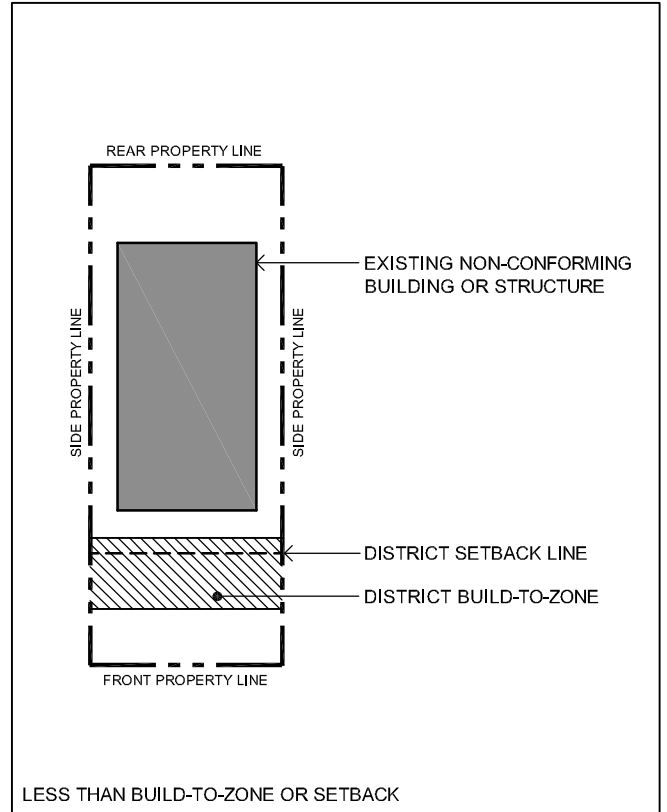
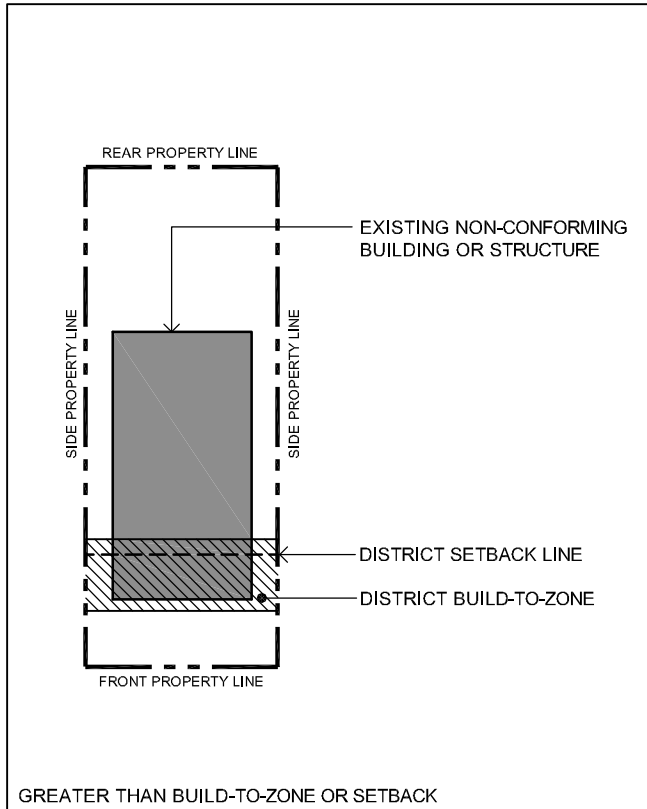


ILLUSTRATION 10.3  
CLASS 3 NONCONFORMING BUILDING



# ARTICLE 10 NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

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3. A class 1 nonconforming building shall not be limited in its expansion as long as the expansion is in conformance with all other requirements of this Ordinance, with the exception that the building line which is nonconforming may be extended as long as it does not violate any other setback lines or encroach closer than ten (10) feet to any lot line.
4. A class 2 nonconforming building shall not be limited in its expansion as long as the expansion is in conformance with all other requirements of this Ordinance, with the exception that the building line which is nonconforming may be extended as long as it does not violate any other setback lines or encroach closer than ten (10) feet to any lot line.
5. A class 3 nonconforming building shall not be allowed to expand, except by Planning Commission approval. The Planning Commission shall consider the following factors in making any decision regarding the expansion of a class 3 nonconforming building:
  - a. Safety (pedestrian and auto),
  - b. Aesthetics,
  - c. Adequate light and air,
  - d. Parking,
  - e. The Master Plan recommendations, visions and goals,
  - f. The degree to which both the expansion and the existing nonconformity negatively impact the public realm and pedestrian scale of the city, and
  - g. The seriousness of the existing nonconformity and the degree to which the expansion might contribute to the longevity of an undesirable or unsafe situation.

#### D. *Repairs.*

1. Any lawful nonconforming buildings or structures may be repaired or reinforced during their life to correct deterioration, depreciation, and wear, provided that such repair does not exceed the state equalized valuation of the building, unless the subject building is changed by such repair to a conforming building.
2. If a nonconforming building, structure, or portion thereof, containing a nonconforming use, becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the building inspector to be unsafe or unlawful by reason of physical condition, it shall not hereafter be restored, repaired, or rebuilt except in conformity with all regulations of the District in which it is located.

#### E. *Reconstruction or Movement.*

1. Should a nonconforming building or structure be destroyed to an extent of more than fifty (50) percent of its replacement cost, using estimates from at least two (2) contractors in the business of undertaking such work, it shall be reconstructed only in conformance with the provisions of this Ordinance.
2. Should a nonconforming building or structure be destroyed to an amount equal to or less than fifty (50) percent of its estimated replacement cost, it may be reconstructed in its previously nonconforming location.
3. Reconstructed nonconforming buildings or structures shall maintain a height, area and mass that is consistent with the original building or structure.
4. Should a nonconforming building or structure be moved, whether that move is within the existing lot or to a different lot, it shall be moved to a location that complies with the requirements of this Ordinance.

F. *Alterations and Improvements.* Nothing in this ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk or use of the building except as provided in this Article.

G. *Prior Construction Approval.* In cases where the City has approved a site plan for a building(s) which subsequently becomes nonconforming because of changes in the Zoning Ordinance, the City shall retain the right to prohibit construction of such building(s) in cases where on-premises construction of the building(s) has not been initiated. Construction shall consist of construction of the building foundation or erection of other building materials. Grading of the site shall not be considered construction of the building(s).

H. *Elimination of Nonconforming Buildings by the City.* The City Commission may acquire properties on which nonconforming buildings are located by condemnation or other legal means, and may remove such buildings.

#### **Section 10.04 Nonconforming Building Elements**

A. *Alterations and/or Replacements.* Renovations of buildings that require alteration or replacement of elements of the facade, in terms of lighting, doors, windows and/or wall treatment shall meet the requirements of Table 1.1.

# ARTICLE 10 NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

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## Section 10.05 Nonconforming Uses

- A. *Enlargement or Increase of Nonconforming Use.* No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied prior to the effective date of this Ordinance, or an amendment thereto, except as may be permitted by the Zoning Board of Appeals (ZBA) in determining that the proposed enlargement, increase, or greater area shall:
1. Not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
  2. Comply with all parking standards for the Use and District;
  3. Comply with any reasonable conditions imposed by the ZBA that are necessary to insure that the proposed enlargement, increase, or greater area shall not prove detrimental to adjacent properties, the neighborhood, or the community; and
  4. Not be larger than twenty-five (25) percent of the original nonconforming area.
- B. *Extension within a Building.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any land outside the building.
- C. *Reversion to a Nonconforming Use.* If a building containing a nonconforming use has a change in occupancy to a use permitted in the District in which it is located, occupancy shall not revert to a nonconforming use.
- D. *Discontinuance or Abandonment of a Nonconforming Use.* If a nonconforming use is abandoned for any reason for a period of more than twelve (12) calendar months, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if the use has ceased and two (2) or more of the following conditions exist that demonstrate intent on the part of the property owner to abandon the nonconforming use:
1. One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
  2. The property, buildings or and grounds are unsafe or unsanitary;
  3. Cessation of business operations;
  4. Receipt of a written declaration by the property owner;
  5. Signs or other indications of the existence of the nonconforming use have been removed;
  6. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;

7. Failure to maintain current licenses, certificates, registrations or other appropriate documentation for the use; or
8. Other actions, which in the opinion of the City Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

E. *Extensions of Nonconforming Uses.* Upon request, the City Zoning Administrator may approve an administrative extension of up to an additional six (6) calendar months where a property owner can demonstrate a good faith effort to sell or lease the premises to another, similar use prior to determining abandonment. Requested extensions beyond the six (6) months must be approved by the Zoning Board of Appeals.

F. *Illegal Nonconforming Uses.* Those alleged nonconforming uses, which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this or the previous ordinances.

G. *Change to Other Nonconforming Use.* A nonconforming use may be changed to another nonconforming use provided the Zoning Board of Appeals makes all of the following determinations:

1. The proposed use shall be as compatible as, or more compatible with, the surrounding neighborhood than the previous nonconforming use.
2. The proposed nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by this Article.
3. That appropriate conditions of approval and safeguards are provided that insure compliance with the intent and purpose of this Ordinance.
4. That traffic (car and truck), noise, odors, and noxious emissions are not detrimental to adjacent properties, the neighborhood, or the community.

H. *Elimination of Nonconforming Uses by the City.* The City Commission may acquire properties on which nonconforming uses are located by condemnation or other legal means, and may remove such uses or buildings.

## Section 10.06 Nonconforming Site Elements

- A. *Purpose.* This Section permits improvements and minor modifications to a nonconforming lot, building, structure or use under an Administrative Departure that

# ARTICLE 10 NONCONFORMING LOTS, BUILDINGS, STRUCTURES AND USES

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does not require a site plan to meet all of the site improvement standards of this Ordinance. The intent is to allow gradual compliance with site-related standards for sites that pre-date requirements for landscaping, paving, and other non-safety site-related items.

B. *Special Use Permit and Site Plan Review Standards.* Improvements or expansions may be permitted by the Planning Commission during Special Land Use or through Site Plan Review without a complete upgrade of all site elements under the following conditions. The City may require a performance guarantee or surety acceptable to the City to ensure that all improvements required in this Section shall be made in accordance with the approved plan.

1. The applicant shall provide reasonable site improvements to the overall site in relation to the scale and construction cost of the building improvements or expansion.
2. The applicant shall address safety-related site issues for the overall site.
3. The improvements or minor expansion shall not increase noncompliance with site requirements.
4. The applicant shall upgrade the overall site landscaping consistent with Article 9.
5. Driveways that do not conform to the access management requirements of this Ordinance shall be eliminated, provided that minimum reasonable access shall be maintained.

C. *Nonconforming Parking Areas.* Parking areas that are nonconforming by reason of required number of spaces, landscaping, setback, lighting or other requirements of this Ordinance, shall not be eligible for an Administrative Departure and must fully comply with parking requirements of this Ordinance if either of the following conditions occur:

1. Where a parking area is expanded by an area that is fifty (50) percent or more of the original nonconforming area.
2. Where seventy (70) percent or more of the surface area of the parking area is reconstructed (existing pavement removed and replaced).

D. *Nonconforming Landscaping.*

1. Sites that are nonconforming for landscaping standards by reason of required area, materials, setback, or other requirements of this Ordinance, shall not be eligible for an Administrative Departure and must fully comply with the landscaping requirements of this Ordinance if either of the following occur:
  - a. The size of the nonconforming site is expanded

by an area that is fifty (50) percent or more of the original nonconforming area.

- b. Fifty (50) percent or more of the surface area of the landscape area is reconstructed (existing materials and ground cover removed and replaced), only the reconstructed portion of the landscape area is required to be brought into compliance with this Ordinance.
2. Nothing in this Subsection shall be construed to require the removal of vegetation that was preserved as part of the original construction of the landscaped area.
3. In all instances, required screening walls for waste receptacles, fencing of outdoor storage or screening from adjacent residential uses shall be provided.

E. *Nonconforming Lighting.* Sites that are nonconforming for lighting by reason of fixture type or height, coverage, or other requirement of this Ordinance, shall not be eligible for an Administrative Departure and must fully comply with lighting requirements of this Ordinance if either of the following occur:

1. Where the size of the nonconforming site covered by existing lighting is expanded by an area that is fifty (50) percent or more of the original nonconforming area.
2. Where seventy (70) percent or more of the existing light poles and/or fixtures are replaced by new poles, bases, or fixtures.

## Section 10.07 Nonconforming Signs

Refer to Article 13 for regulations pertaining to nonconforming signs.

## Section 10.08 Nonconforming Towers

Refer to Article 17 for regulations pertaining to nonconforming communication towers.

# ARTICLE 11

## PUBLIC OPEN SPACE STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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Section 11.05	Public Open Space Standards: Green
Section 11.06	Public Open Space Standards: Park
Section 11.07	Public Open Space Standards: Playground
Section 11.08	Public Open Space Standards: Pocket Park

# ARTICLE 11 PUBLIC OPEN SPACE STANDARDS



IMAGE 11.1

## Section 11.01 Purpose and Intent

The purpose of the Public Open Space Standards referenced in this Article is to establish a pedestrian-scaled pattern of development consistent with the Hudsonville Downtown Master Plan by regulating the shape and form of the development pattern and its wide diversity of components. Public Open Space regulation assists in the creation of a coherent public realm while also providing civic space for use in a wide variety of applications and uses. In this Ordinance Public Open Spaces are calibrated by District so that a hierarchy of development patterns can occur, which will provide variety and flexibility to both the citizens of Hudsonville and the project developers. In specific cases Public Open Spaces are indicated on the Regulating Plans found in Article 4 of this Ordinance. In these cases, the locations of the Public Open Space Types have been established through public input during the creation of the master plan. In cases where the Public Open Spaces have not been specifically located within the Regulating Plans they may be incorporated into the development of the property as part of the incentives listed in Article 5 of this Ordinance or as a developer initiated option in order to provide an amenity to the development.

## Section 11.02 General Standards for Public Open Space

- A. *Applicability.* Any permanent public open space created in conjunction with a development project shall accommodate pedestrian activity and both rest and recreational opportunities by the public. The open space shall be considered an integral part of the development.
- B. *Standards.* The following minimum standards shall apply to all public open space:
  1. *Location.* Public open space shall be readily

accessible to and visible from the street, and connected to a public sidewalk.

- a. A minimum of twenty five (25) percent of the perimeter of the public open space shall abut a street.
  - b. No part of the grade of the public open space shall be more than three (3) feet above or below the adjacent sidewalk level.
  - c. The public open space must be designed in accordance with the Americans with Disabilities Act (ADA) accessibility requirements.
2. *Configuration.* The urban open space shall be compact, contiguous and serve as a focal point of the development.
    - a. The public open space should, whenever practical, be located to receive natural light, facing south, east or west.
  3. *Easement.* A public easement shall be provided to the City if a development project is given additional building height based on the provision of public open space on the project site.
  4. *Seating Areas.* Seating areas may be incorporated into the public open space with low walls, ledges or planters or as park benches. Refer to Image 11.1.
  5. All required trees shall meet the minimum size standards from Article 9 of this Ordinance.
  6. Public Open Space sizes are indicated as minimum and maximum for each type. These Public Open Space types may be approved as a smaller size by Special Use Permit.
- C. *Exclusions.* The following areas shall not be counted as public open space:
    1. Private yards, forecourts, courtyards, individual lots or easements less than the minimum size required by this Article;
    2. Driveways, parking areas and required landscape islands;
    3. Stormwater management areas;
    4. Land covered by structures not designated for active recreational uses.
  - D. *Ownership and Maintenance.* Public open space areas shall be maintained as permanent open space. Examples include but are not limited to: common ownership by a homeowners association or deed-restricted private ownership. All methods utilizing private ownership shall be in a form approved by the City of Hudsonville, which shall review the documents to ensure perpetual maintenance and preservation of the site. Contact information of the responsible person for the open space shall be provided as part of project application.

## Section 11.03 Public Open Space Standards: PLAZA

- A. *Applicability.* A plaza is an open space available for civic purposes, unstructured recreation and commercial activities. A plaza shall be spatially defined by building frontages. Refer to Images 11.2 and 11.3 and Illustration 11.1.
- B. *Standards.* The following minimum standards shall apply to plazas:
1. The maximum size of a plaza shall be one-half (1/2) acre.
  2. Plazas shall be located at the intersection of streets or other public rights-of-way.
  3. Plazas may be surrounded by public streets, sidewalks and / or other public rights-of-way.
- C. *Landscape.* Plazas shall be landscaped as follows:
1. Landscape shall consist primarily of pavement.
  2. Trees are optional and if provided shall be formally arranged.
  3. Specific landscaping is referenced in Article 9.

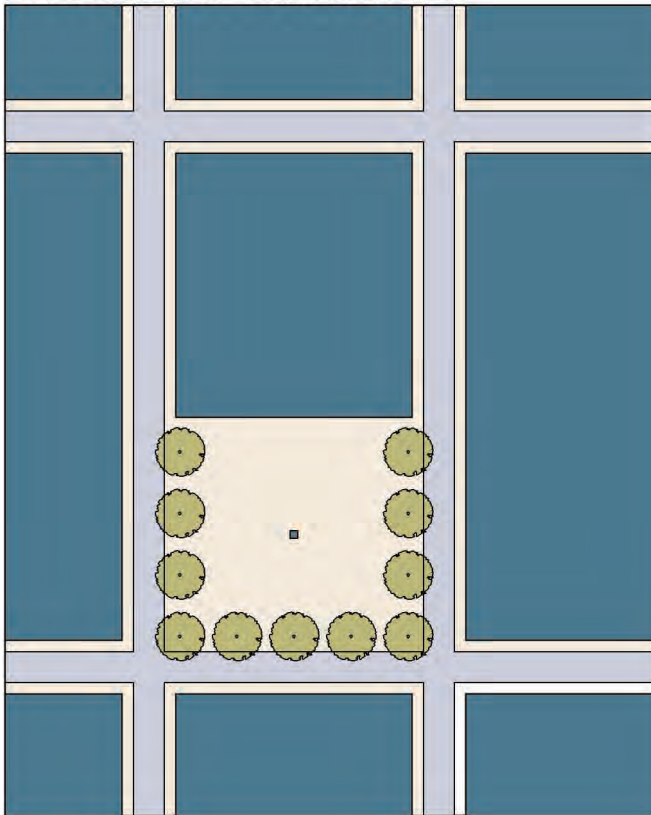


IMAGE 11.2



IMAGE 11.3

ILLUSTRATION 11.1  
PUBLIC OPEN SPACE STANDARDS: PLAZA





# ARTICLE 11 PUBLIC OPEN SPACE STANDARDS



IMAGE 11.4

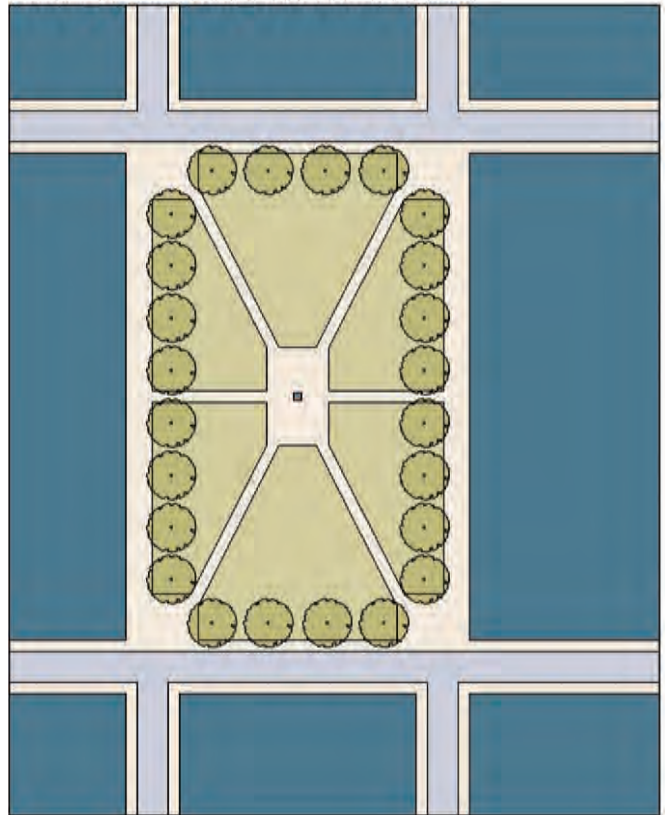


IMAGE 11.5

## Section 11.04 Public Open Space Standards: SQUARE

- A. *Applicability.* A square is an open space available for civic purposes and unstructured recreation. A square shall be spatially defined by building frontages. Refer to Images 11.4 and 11.5 and Illustration 11.2.
- B. *Standards.* The following minimum standards shall apply to squares:
1. The minimum size of a square shall be one-quarter (1/4) acre and the maximum size shall be three (3) acres.
  2. Squares shall be located at the intersection of streets or other public rights-of-way.
- C. *Landscape.* Squares shall be landscaped as follows:
1. Landscape shall consist of paths, lawns, perennials and / or trees formally arranged.
  2. Specific landscaping is referenced in Article 9.

ILLUSTRATION 11.2  
PUBLIC OPEN SPACE STANDARDS: SQUARE



## Section 11.05 Public Open Space Standards: GREEN

- A. *Applicability.* A green is an open space available for unstructured recreation. A green shall be spatially defined by landscaping rather than building frontages. Refer to Images 11.6 and 11.7 and Illustration 11.3.
- B. *Standards.* The following minimum standards shall apply to greens:
1. The minimum size of a green shall be one-half (1/2) acre and the maximum size shall be eight (8) acres.
  2. Greens shall be surrounded by public or private streets.
- C. *Landscape.* Greens shall be landscaped as follows:
1. Landscape may consist of lawns, perennials and / or trees, naturalistically and informally arranged.
  2. Specific landscaping is referenced in Article 9.



IMAGE 11.6



IMAGE 11.7

ILLUSTRATION 11.3  
PUBLIC OPEN SPACE STANDARDS: GREEN



# ARTICLE 11 PUBLIC OPEN SPACE STANDARDS



IMAGE 11.8

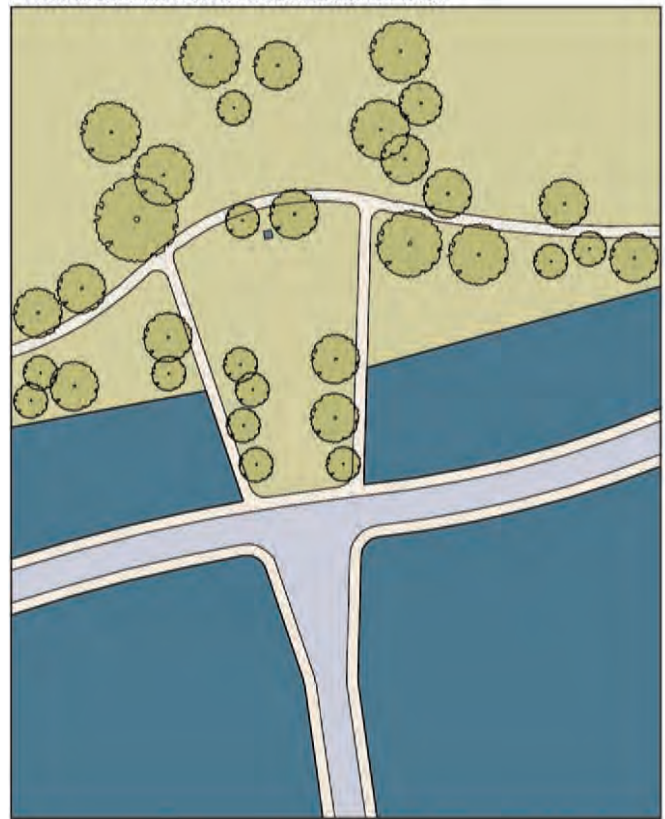


IMAGE 11.9

## Section 11.06 Public Open Space Standards: PARK

- A. *Applicability.* A park is a natural preserve available for unstructured or structured recreation. A park may be independent of surrounding building frontages. Refer to Images 11.8 and 11.9 and Illustration 11.4.
- B. *Standards.* The following minimum standards shall apply to parks:
1. The minimum size of a park shall be eight (8) acres.
  2. Parks may be lineal, following trajectories of natural corridors.
- C. *Landscape.* Parks shall be landscaped as follows:
1. Landscape may consist of paths and trails, meadows, waterbodies, woodlands and / or open shelters all naturalistically and informally arranged.
  2. Specific landscaping is referenced in Article 9.

ILLUSTRATION 11.4  
PUBLIC OPEN SPACE STANDARDS: PARK



**Section 11.07 Public Open Space Standards: PLAYGROUND**

- A. *Applicability.* A playground is an open space designed and equipped for the recreation of children. Playgrounds shall be interspersed within residential areas and may be placed within a block. Refer to Images 11.10 and 11.11 and Illustration 11.5.
- B. *Standards.* The following minimum standards shall apply to playgrounds:
  - 1. There is no minimum or maximum size for playgrounds.
  - 2. Playgrounds may be included within parks and greens.
- C. *Landscape.* Playgrounds shall be landscaped as follows:
  - 1. If a playground is located within a park or green, then landscaping shall be consistent with those Public Open Space Types.
  - 2. If playgrounds are located independently, then landscape shall consist of paths, lawns, perennials and trees.
  - 3. Specific landscaping is referenced in Article 9.

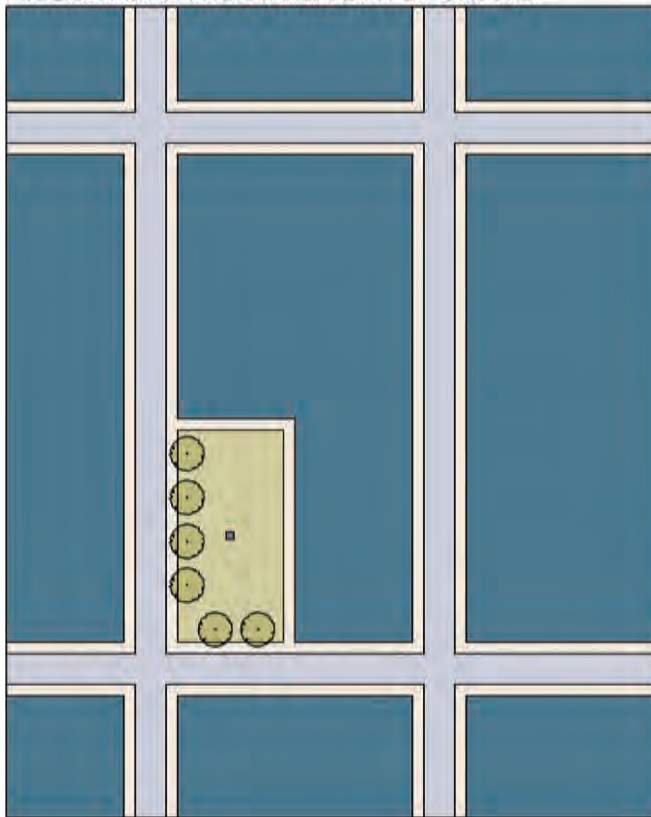


IMAGE 11.10



IMAGE 11.11

**ILLUSTRATION 11.5  
PUBLIC OPEN SPACE STANDARDS: PLAYGROUND**



# ARTICLE 11 PUBLIC OPEN SPACE STANDARDS



IMAGE 11.12

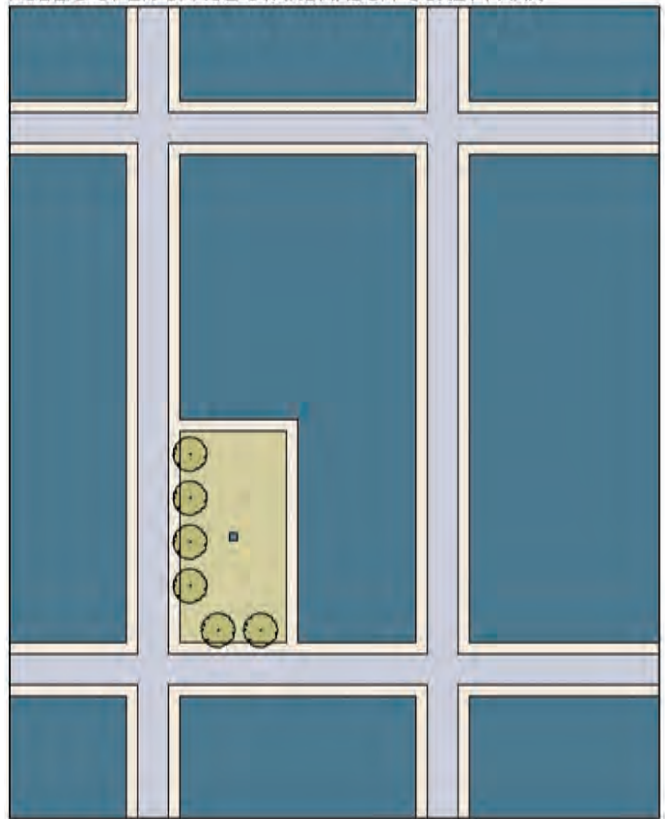


IMAGE 11.13

## Section 11.08 Public Open Space Standards: POCKET PARK

- A. *Applicability.* A pocket park is an open space that is similar to a playground, except that it is designed for use by adults. Pocket parks shall be interspersed within residential areas and may be placed within a block, and may be substituted anywhere a playground is required. Refer to Images 11.12 and 11.13 and Illustration 11.6.
- B. *Standards.* The following minimum standards shall apply to pocket parks:
  - 1. There is no minimum or maximum size for pocket parks.
- C. *Landscape.* Pocket parks shall be landscaped as follows:
  - 1. Landscape shall consist of paths, lawns, perennials and trees formally arranged.
  - 2. Pocket parks may include benches, lighting, trash receptacles, and more elaborate landscaping than other Public Open Space.
  - 3. Pocket parks landscape may include the use of public art.
  - 4. Pocket parks may be fenced and may include an open shelter.
  - 5. Specific landscaping is referenced in Article 9.

ILLUSTRATION 11.6  
PUBLIC OPEN SPACE STANDARDS: POCKET PARK



# ARTICLE 12

## OFF-STREET PARKING AND LOADING STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

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## Section 12.01 Purpose and Intent

The purpose of the Off-street Parking and Loading Standards referenced in this Article is to support the development of a balanced transportation system which promotes efficient use of transportation resources while also supporting the goals of the Downtown Hudsonville Master Plan in regards to the pedestrian-oriented nature of the public realm. It is recognized as part of this Article that the creation of a vibrant city requires the need to balance modes of transportation while also providing adequate parking for commerce. This Article specifically permits and regulates off-street parking and the off-street loading and unloading of motor vehicles for the use of occupants, employees, and patrons of buildings erected, altered or extended after the effective date of this ordinance in all Districts.

Off-street parking and loading spaces are calibrated to Use (refer to Article 3) relative to District (refer to Article 5). Off-street parking and loading spaces for each Use shall be provided in accordance with the standards established in this Article in order to:

- A. Encourage appropriate redevelopment and reinvestment within established areas,
- B. Provide adequate parking for commerce while balancing the need for a walkable public realm,
- C. Manage traffic congestion in the streets and provide alternatives for on-street parking,
- D. Minimize any detrimental effects of off-street parking areas on adjacent lands,
- E. Improve the visual aesthetics of parking areas,
- F. Ensure the proper and uniform development of parking areas throughout the City,
- G. Prevent the establishment of excessive amounts of off-street parking,
- H. Reduce the need for parking by promoting the use of walking, mass transit, bicycles, and other alternative modes of transportation.

## Section 12.02 Applicability

- A. *General.* The off-street parking and loading standards of this Article shall apply to all new development and redevelopment in the City. Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.
- B. *Change in Use or Function.*
  1. Whenever the use of a building or lot changes to a use with different off-street parking requirements as identified in the Parking Tables at the end of this Article, parking facilities shall be provided as required by this Article for the new use.

2. If any building or structure is enlarged through the addition of dwelling units, increase in floor area, increase in seating capacity, or by other means, additional off-street parking shall be provided to bring the site into compliance.
3. Any area once designated as required off-street parking shall not be changed to any other use until equal facilities meeting the standards of this Article are provided elsewhere, or the parking requirements of the site have changed as determined by the Zoning Administrator.

## Section 12.03 Implementation of Parking Standards

- A. *Determination of Number of Off-Street Parking Spaces per Building Use or Function.* Refer to the Use Standards (Article 3) for determination of Building Use or Function. Upon establishing the Building Use, refer to the Parking Tables in this Article which indicate the number of off-street parking spaces required per a specific unit of measurement for each of the general and/or specific uses established in Article 3. These parking requirements are similar for each of the Districts in Hudsonville, with the exception of the HUD 7 Central Business District, which has its own requirements as indicated in the Parking Tables. Refer to Tables 12.1, 12.2, 12.3 and 12.4.
- B. It is recognized that when a building contains a mix of uses or when a parking area services a group of mixed-use buildings that the requirements of the Parking Tables of this Article may create an excessive amount of required parking. Therefore, all mixed-use buildings or mixed-use projects shall utilize the Mixed-Use Coefficients established in Section 12.17 of this Article. In order to calculate mixed-use parking requirements, the required parking as determined from the Parking Tables shall be totaled and then divided by the appropriate Mixed-Use Coefficient.

## Section 12.04 General Standards for Off-Street Parking and Loading Areas

The following standards apply to off-street surface parking and loading areas.

- A. *Location of Off-Street Parking and Loading Areas.*
  1. All off-street parking areas shall be provided on the same lot as the use that they serve. However, parking may be allowed on another lot when there are practical difficulties in the location of the parking area or if public safety, public convenience or the creation of a pedestrian oriented public realm is better served by another location.
  2. In instances where required parking is not on the same lot, it shall be provided no further than three-hundred (300) feet from the nearest point of the building to the nearest point of the parking facility along public rights of way.
    - a. The Planning Commission may permit parking

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

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up to a maximum distance of five-hundred (500) feet from the nearest point of the building to the nearest point of the parking facility along public rights of way in any of the Urban Mixed-Use Districts (HUD-7, HUD-6 and HUD-5) if the subject use requires off-street parking in excess of 200 or more spaces.

3. Off-street parking may be owned, leased or shared by the owner of the building with another building owner upon providing evidence of agreements or easements to the Zoning Administrator.
  4. Off-street parking locations are calibrated to Districts and shall be located as indicated in Article 5, District Standards.
- B. *Use of Off-Street Parking and Loading Areas.*
1. All vehicular parking areas and loading areas required by this Article shall be used only for those designated purposes. Any other use of these areas is prohibited.
  2. The use of required parking areas and loading areas for the storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance, is prohibited, unless specifically approved by the Planning Commission with a Special Use Permit.
  3. The storage of semi-trailers on required parking areas and loading areas shall be prohibited.
  4. The use of required parking areas and loading areas for the storage or parking of vehicles unrelated to the business for which the parking is intended shall be prohibited.
  5. The parking of any vehicle on-premises in other than a paved parking area approved for such parking by the Planning Commission shall be prohibited.
  6. The parking of any vehicle on any lawn or landscaped area shall be prohibited. The Planning Commission may require any person or business responsible for converting lawn or landscaped areas to parking, without having received prior Planning Commission approval, to restore such areas to their original state.
  7. During construction activities, parking shall be provided on-premises for all construction vehicles and employees.

C. *Maximum amount of parking.* In order to minimize excessive areas of pavement, which result in adverse aesthetic impacts, degradation of the public realm and contribution to high rates of storm water run-off, no parking lot shall exceed the required number of parking spaces by more than thirty percent (30%), except as approved by the Zoning Administrator. In granting additional spaces, the Zoning Administrator shall determine that the parking is needed, based on documented evidence of actual use and demand provided by the applicant. All storm water run-off created as a result of any additional parking area (more than the 30% allowed) shall be completely retained on site to meet the City's minimum rainfall standard.

D. *Requirements of Large Parking Lots (200 or more parking spaces).*

1. Large off-street parking lots shall be designed to simulate a grid pattern through the placement of landscape islands, buildings, and drive aisles.
2. Large off-street parking lots shall include primary drive aisles that are designed to appear as an extension of the public street network, extending the full length of the main building elevations.
3. Utility placement on sites with large parking lots shall be configured to allow for future new buildings on the site.

## Section 12.05 Design, Construction and Maintenance for Off-Street Parking and Loading Areas.

A. *Surface Requirements.*

1. All off-street parking areas shall be surfaced with a material that will provide a durable, smooth and paved surface, such as asphalt, concrete, brick or pavers.
2. Off-street parking areas may be paved with pervious asphalt or pervious concrete. Refer to Article 14 of this Ordinance.
3. Drive approaches and alleys shall be surfaced with asphalt, concrete, brick, pavers, pervious asphalt or pervious concrete.
4. Surfacing materials shall be maintained in a smooth, well-graded condition.

B. *Grading Requirements.*

1. All parking areas shall be graded and provided with adequate drainage facilities as approved by the City Engineer.
2. The use and design of pervious paving materials shall be approved by the City Engineer.

C. *Surface Striping.* All parking spaces, aisles and loading zones shall be striped or marked using a durable exterior paint. Such striping or other required demarcation shall



# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

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be maintained permanently in a condition such that easy interpretation of markings by intended users is possible.

- D. *Defined Areas.* Off-street parking areas of three (3) or more spaces and off-street loading areas shall include painted lines, curbs, vehicle stops or other similar identifiers to delineate parking and loading areas.
- E. *Lighting Requirements.* All parking lot or outdoor display lighting shall be designed, located and / or shielded to prevent spillover onto other properties, and shall be arranged to prohibit adverse effects on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be twenty (20) feet for any fixture located within one-hundred-fifty (150) feet of a residential district or use and a maximum height of forty (40) feet for all other locations. Refer to Article 2 for general outdoor lighting requirements.
- F. *Landscaping and Streetscape Elements.* New or redeveloped off-street parking and loading areas shall comply with the standards of Article 9.
- G. *Construction of Parking Lots and Loading Areas*
  - 1. Construction of a required parking lot and/or loading area must begin within six (6) months of receipt of a building permit; otherwise the building permit shall expire and be of no effect. The parking lot and/or loading area shall be completed and a Building Certificate of Occupancy issued within twelve (12) months of receipt of a building permit. The Zoning Administrator may grant one (1) extension for up to an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner or responsible person.
  - 2. In the case of phased development, off-street parking and loading areas shall only be provided for the portions of the development for which a site plan has been approved.
- H. *Maintenance of Parking Lots and Loading Areas*
  - 1. All parking areas shall be maintained free of dust, trash, weeds and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good repair and safe condition at all times.
  - 2. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
  - 3. All off-street parking and loading areas required by this Article shall be maintained free of accumulated snow or standing water that prevents full use and

occupancy of the areas.

## Section 12.06 Barrier-Free Parking and Design Requirements

- A. *Number Required.* In accordance with Table 12.1, within each parking lot signed or marked barrier-free spaces shall be provided at a convenient location. Refer to Table 12.1.
- B. *Barrier-free Design Standards.* The following barrier-free design standards shall be used:
  - 1. Barrier-free parking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  - 2. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet, and a width of not less than four (4) feet, shall be provided.

## Section 12.07 Requirements for On-premises Loading and Unloading

- A. *Number Required.* On-premises space for standing, loading, unloading vehicles for commercial, institutional and industrial uses shall be provided In accordance with Table 12.2. Refer to Table 12.2.
- B. *General Loading and Unloading Requirements.*
  - 1. Loading and unloading spaces shall not use any portion of any public right-of-way.
  - 2. Maneuvering space for trucks using the loading spaces shall be provided on-premises, and shall not necessitate the use of public right-of-way.
  - 3. Loading and unloading spaces shall be a minimum of twelve (12) feet in width, sixty (60) feet in length, and have clearance of at least fourteen (14) feet in height.
  - 4. If truck wells are to be used, a protective railing or wall shall be provided along the sides of the well.
  - 5. Loading and unloading spaces or wells which are located within the front yard, or on any building side facing and directly visible to a public street shall be screened with a Type B screen as provided in Article 9 of this Ordinance.
  - 6. Required loading and unloading spaces shall not be included in calculations for parking spaces needed to meet general parking requirements.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**Table 12.1 BARRIER FREE SPACE REQUIREMENTS**

TOTAL PARKING SPACES IN LOT	REQUIRED BARRIER FREE SPACES
1 to 25 Parking Spaces	1 barrier free parking space
26 to 50 Parking Spaces	2 barrier free parking spaces
51 to 75 Parking Spaces	3 barrier free parking spaces
76 to 100 Parking Spaces	4 barrier free parking spaces
101 to 150 Parking Spaces	5 barrier free parking spaces
151 to 200 Parking Spaces	6 barrier free parking spaces
201 to 300 Parking Spaces	7 barrier free parking spaces
301 to 400 Parking Spaces	8 barrier free parking spaces
401 to 500 Parking Spaces	9 barrier free parking spaces
501 to 1,000 Parking Spaces	2% of total parking spaces
Over 1,000 Parking Spaces	20 barrier free parking spaces + 1 for each 100 parking spaces over 1,000

**Table 12.2 LOADING AND UNLOADING SPACE REQUIREMENTS**

GROSS FLOOR AREA (in square feet)	REQUIRED LOADING / UNLOADING SPACES
0 to 3,999 square feet	None
4,000 to 19,999 square feet	1 space
20,000 to 99,999 square feet	1 space + 1 space for each 20,000 square feet in excess of 20,000 square feet OR 1 space for every overhead loading door, whichever is greater.
100,000 to 500,000 square feet	5 spaces + 1 space for each 40,000 square feet in excess of 100,000 square feet OR 1 space for every overhead loading door, whichever is greater.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

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## Section 12.08 Access for Off-Street Parking and Loading Areas

- A. All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- B. All off-street parking and loading areas shall be provided with adequate, paved, access drives and aisles, or other vehicle maneuvering areas.
- C. Except for single-family and two-family dwellings off-street parking areas with three (3) or more spaces shall be configured so that a vehicle may enter and leave a parking space without moving another vehicle.
- D. Where a parking area abuts an alley, access to the parking area shall be obtained from the alley. Where a parking area does not abut an alley, and abuts two (2) or more streets, access to the parking area shall be from the street with the lower traffic volumes. An Administrative Departure may be granted if, due to the particular situation of the parcel, this requirement cannot be satisfied.
- E. Adequate ingress and egress to the parking area shall be provided by clearly defined driveways in accordance with accepted access management principles.
- F. Access to an off-street parking area that serves a nonresidential use shall not be permitted across lots that are residential only in use.

## Section 12.09 Stacking Space Requirements

- A. *Number of spaces required.*
  - 1. Drive-through banks shall have four (4) spaces per window.
  - 2. Drive-through restaurants shall have ten (10) spaces.
  - 3. Drive-through dry-cleaning establishments shall have two (2) spaces.
  - 4. Fully automatic car wash establishments shall have sixteen (16) spaces per bay (non-stop drive mechanism).
  - 5. Semi-automatic car wash establishments shall have twenty (20) spaces per bay (employee controlled drive).
  - 6. Self-serve car wash establishments shall have three (3) spaces per bay.
  - 7. Quick oil-change and repair companies shall have two (2) spaces per bay.
- B. *Stacking space dimensions.* Separate, outdoor stacking spaces shall each be 25 feet in length and a minimum of nine feet in width.

- C. *Stacking space restrictions.* Required stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

## Section 12.10 Parking Dimensional Requirements

All off-street parking spaces and aisles shall be designed to the following minimum standards.

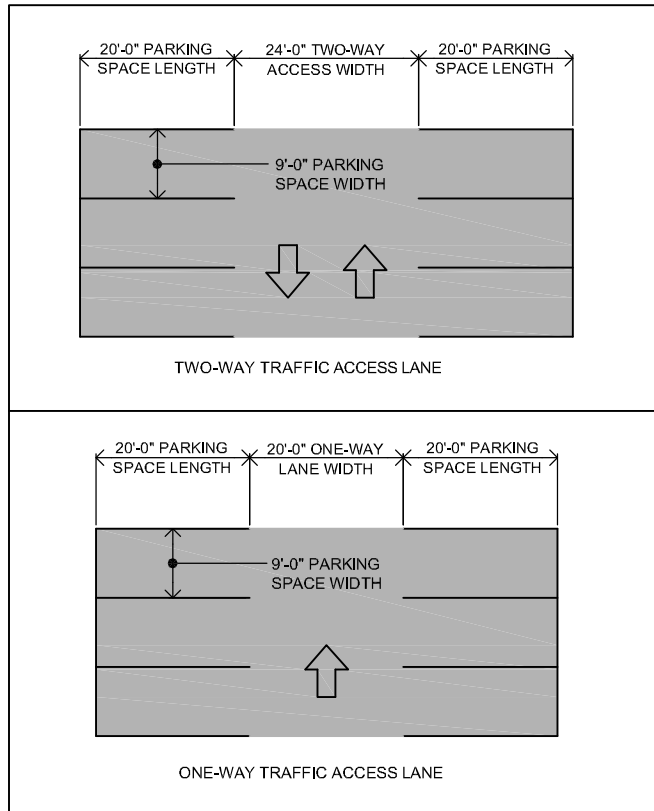
- A. *Minimum dimensional requirements for 90 degree parking.* These requirements are for all parking patterns that are 75 degrees to 90 degrees. Refer to Illustration 12.1.
- B. *Minimum dimensional requirements for 60 degree parking.* These requirements are for all parking patterns that are 55 degrees to 74 degrees. Refer to Illustration 12.2.
- C. *Minimum dimensional requirements for 45 degree parking.* These requirements are for all parking patterns that are 30 degrees to 54 degrees. Refer to Illustration 12.3.
- D. *Minimum dimensional requirements for parallel parking.* Refer to Illustration 12.4.

## Section 12.11 Deferred Parking

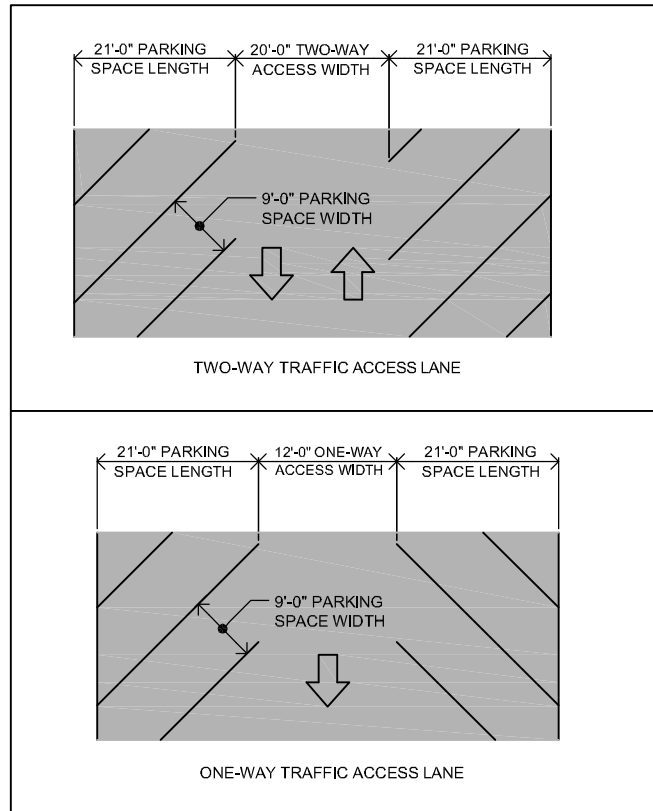
- A. *Intent.* The intent of this section is to ensure that sufficient area exists on each lot to meet the parking requirements contained in Section 12.16 and Table 12.6, while allowing the Planning Commission the authority to defer the construction of a portion of this required parking where it can be demonstrated by applicants seeking deferral that a lower number of parking spaces would be adequate. This section is intended to provide equity in parking requirements, reduce runoff and parking area, and to improve potential for adaptive reuse of buildings.
- B. *Planning Commission authority.* The Planning Commission shall have the authority to defer construction of the required number of parking spaces for any use, subject to the regulations contained in this section.
- C. *Responsibility of applicant seeking deferral.* It shall be the responsibility of the owner, or representative of the entity seeking deferral, to demonstrate to the planning commission that their use requires less parking spaces than that required in Section 12.16 and Table 12.6.
- D. *Maximum deferral.* Any deferment of required parking spaces shall not result in an amount of parking of less than 0.5 spaces per one-thousand (1,000) square feet of building gross floor area.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

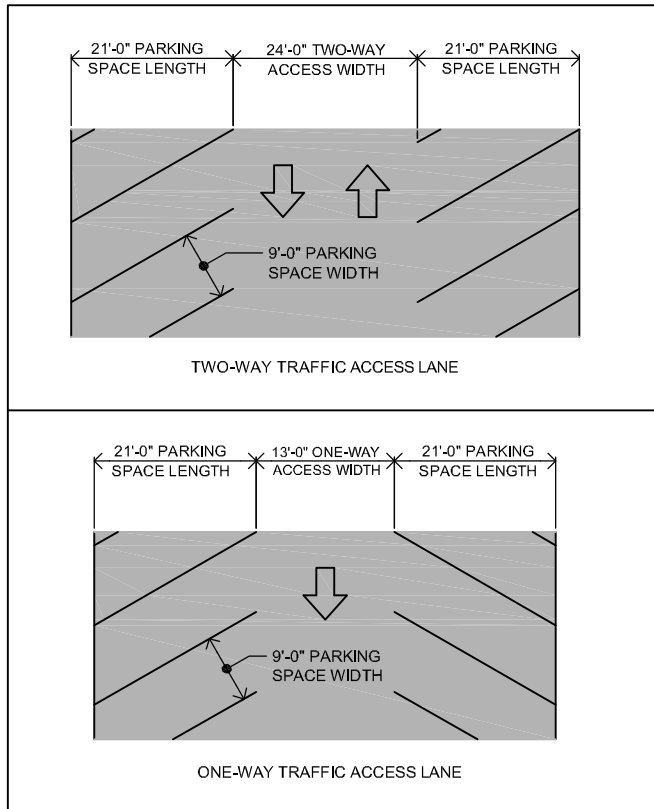
**ILLUSTRATION 12.1** MINIMUM DIMENSIONAL REQUIREMENTS FOR 90° PARKING PATTERN



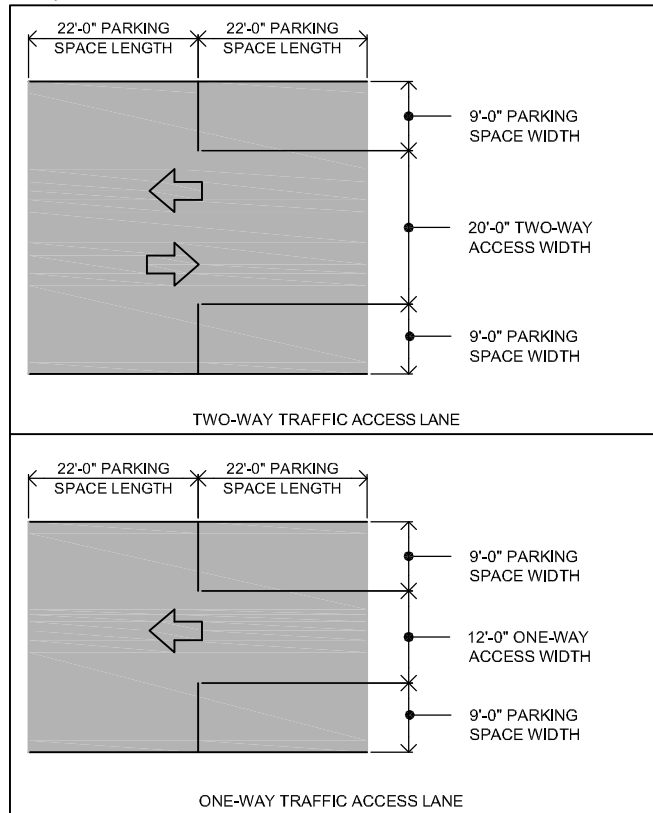
**ILLUSTRATION 12.3** MINIMUM DIMENSIONAL REQUIREMENTS FOR 45° PARKING PATTERN



**ILLUSTRATION 12.2** MINIMUM DIMENSIONAL REQUIREMENTS FOR 60° PARKING PATTERN



**ILLUSTRATION 12.4** MINIMUM DIMENSIONAL REQUIREMENTS FOR PARALLEL PARKING PATTERN



# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

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- E. *Site plan requirements.* The site plan shall include the parking design for both the parking spaces proposed for construction and those spaces for which deferment is sought.
- F. The design for the parking area for which deferment is sought shall be in harmony with the parking area proposed for construction, and shall not include areas required for parking setbacks, required landscape areas; or land otherwise not suitable for parking due to environmental or physical conditions.
- G. *Revocation of deferral.* The Planning Commission shall have the right, upon observation of regular parking deficiency at any industrial business for which a parking deferral was granted, to require that a part or all of the deferred parking area be constructed. Such parking shall be constructed within six months of being served notice by the Zoning Administrator.

## Section 12.12 Minimum Parking Space Requirements

- A. *Floor Area.* In tables where parking requirements are based on square feet as the unit of measurement, the gross floor area of the building shall be used. Gross leasable area may be substituted for gross floor area in cases where gross leasable area is more readily available.
- B. *Occupancy.* In tables where parking requirements are based on occupants as a unit of measurement, the number of occupants shall be determined by the maximum occupant capacity of the building code for the specific use.
- C. *Employees.* In tables where parking requirements are based on employees as the unit of measurement, the maximum number of employees likely to be on premises at any one time shall be used.
- D. *Bench Seating.* In calculating bench seating for places of assembly, two (2) feet shall be the equivalent of one (1) seat.
- E. *Un-striped Spaces.* In those cases where the Planning Commission determines that striping of spaces would not be appropriate, three-hundred (300) square feet of parking area shall be provided for each required parking space.
- F. *Fractions.* In calculating the required amount of parking spaces, any fraction of 0.5 or greater shall be rounded up, and any fraction of less than 0.5 shall be rounded down.

- G. *Unlisted Requirements.* The Zoning Administrator shall make a determination as to the proper classification of a parking standard not listed for a particular use based on the standards of the closest comparable use.

## Section 12.13 Minimum Parking Space Requirements: Residential and Lodging

Refer to Table 12.3 for minimum parking space requirements for residential and lodging uses.

## Section 12.14 Minimum Parking Space Requirements: Commercial and Retail

Refer to Table 12.4 for minimum parking space requirements for commercial and retail uses.

## Section 12.15 Minimum Parking Space Requirements: Service, Office, Public, Civic and Institutional

Refer to Table 12.5 for minimum parking space requirements for service, office, public, civic and institutional uses.

## Section 12.16 Minimum Parking Space Requirements: Industrial and Manufacturing

Refer to Table 12.6 for minimum parking space requirements for industrial and manufacturing uses.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**Table 12.3 PARKING REQUIREMENTS: Residential and Lodging**

		DISTRICTS (refer to Articles 4 and 5)	
Use Category	Specific Use	HUD 7 Central Business District	ALL OTHER DISTRICTS
		Number of Off-Street Parking Spaces / Unit of Measurement	Number of Off-Street Parking Spaces / Unit of Measurement
<b>RESIDENTIAL</b>			
Household Living	Single- and Two-Family Units	2.0 spaces / dwelling unit	2.0 spaces / dwelling unit
	Multiple-Family Units (one bedroom units)	1.5 spaces / dwelling unit	1.5 spaces / dwelling unit
	Multiple-Family Units (two or more bedroom units)	2.0 spaces / dwelling unit	2.0 spaces / dwelling unit
	Dwelling: Mobile Home	2.0 spaces / unit or site	2.0 spaces / unit or site
	Accessory Dwelling Unit	1.0 space / dwelling unit	1.0 space / dwelling unit
Group Living	Nursing / Convelescent Home	1.0 space / each 3 beds or 2 rooms (whichever is greater)	1.0 space / each 3 beds or 2 rooms (whichever is greater)
	Rooming / Boarding House	1.0 space / room	1.0 space / room
	Senior Independent Units	1.5 spaces / unit	1.5 spaces / unit
	Senior Interim-care Units	1.0 space / each 2 beds + 1.0 space / employee, based on the maximum number of employees on the premises at one time	1.0 space / each 2 beds + 1.0 space / employee, based on the maximum number of employees on the premises at one time
	All Other Group Living	1.0 space / each 2 beds + 1.0 space / employee, based on the maximum number of employees on the premises at one time	1.0 space / each 2 beds + 1.0 space / employee, based on the maximum number of employees on the premises at one time
<b>LODGING</b>			
Hospitality	Lodging: Extended Stay	1.0 space / room + 8 spaces / 1,000 square feet of restaurant, banquet or conference area	1.2 spaces / room + 10 spaces / 1,000 square feet of restaurant, banquet or conference area
	Lodging: Short term (Hotel - no room limit)	1.0 space / room + 8 spaces / 1,000 square feet of restaurant, banquet or conference area	1.2 spaces / room + 10 spaces / 1,000 square feet of restaurant, banquet or conference area
	Lodging: Short term (Inn - up to 12 rooms)	1.0 space / room + 8 spaces / 1,000 square feet of restaurant, banquet or conference area	1.0 space / room + 10 spaces / 1,000 square feet of restaurant, banquet or conference area
	Lodging: Short term (Bed & Breakfast up to 5 rooms)	1.0 space / room + 2.0 spaces for inkeepers	1.0 space / room + 2.0 spaces for inkeepers
	All Other Lodging	1.0 space / room	1.2 spaces / room

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**Table 12.4 PARKING REQUIREMENTS: Commercial and Retail**

Use Category	Specific Use	DISTRICTS (refer to Articles 4 and 5)	
		HUD 7 Central Business District Number of Off-Street Parking Spaces / Unit of Measurement	ALL OTHER DISTRICTS Number of Off-Street Parking Spaces / Unit of Measurement
Retail Sales	Appliance Stores	3.5 spaces / 1000 S.F. of gross floor area. Minimum of 4 spaces will be required.	4.0 spaces / 1000 S.F. of gross floor area. Minimum of 6 spaces will be required.
	Convenience Stores	3.5 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	4.0 spaces / 1000 square feet of gross floor area. Minimum of 6 spaces will be required.
	Discount Stores	4.0 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	5.0 spaces / 1000 square feet of gross floor area. Minimum of 6 spaces will be required.
	Furniture and Carpet Stores	1.0 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	1.5 spaces / 1000 square feet of gross floor area. Minimum of 6 spaces will be required.
	Hardware, Paint and Home Improvement Stores	2.5 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	3.0 spaces / 1000 square feet of gross floor area. Minimum of 6 spaces will be required.
	Shopping Centers	3.5 spaces / 1000 square feet of gross leasable floor area + 1.5 spaces / 1,000 square feet of indoor common area.	4.0 spaces / 1000 square feet of gross leasable floor area + 2.0 spaces / 1,000 square feet of indoor common area.
	Video Rental Stores	3.5 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	4.0 spaces / 1000 square feet of gross floor area. Minimum of 6 spaces will be required.
	Retail Sales - General, not listed above	3.5 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.	4.0 spaces / 1000 square feet of gross floor area. Minimum of 4 spaces will be required.
Entertainment and Recreation	Arcade and Gaming	4.5 spaces per 1000 square feet	6.0 spaces per 1000 square feet. A minimum of 4 spaces will be required
	Bar, Dance Club or Tavern	3.0 spaces per 1000 square feet	4.0 spaces per 1000 square feet
	Batting Cage Facilities	3.0 spaces / cage	3.0 spaces / cage
	Bowling Center	4.5 spaces / lane	5.0 spaces / lane
	Conference Rooms, Exhibit Halls and Convention Centers	1.0 space / every 2 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.	1.0 space / every 2 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.
	Golf Driving Ranges	1.5 spaces / tee	1.5 spaces / tee
	Golf Courses (miniature)	1.5 spaces / each hole	1.5 spaces / each hole
	Golf Courses (par 3)	3.0 spaces / each hole	3.0 spaces / each hole
	Golf Courses	5.0 spaces / each hole	5.0 spaces / each hole
	Health Fitness Centers	5.0 spaces / 1,000 square feet of gross floor area.	5.0 spaces / 1,000 square feet of gross floor area.
	Movie Theaters / Cinemas	1.0 spaces / each 4 seats + 4.0 spaces / screen.	1.0 spaces / each 4 seats + 4.0 spaces / screen.
	Raquetball and Tennis Centers	1.0 spaces / 1000 square feet of gross floor area OR 6.0 spaces / court, whichever is greater.	1.0 spaces / 1000 square feet of gross floor area OR 6.0 spaces / court, whichever is greater.
	Public Recreation Centers	5.0 spaces / 1000 square feet of gross floor area.	5.0 spaces / 1000 square feet of gross floor area.
Roller or Ice Skating Rinks	5.0 spaces / 1000 square feet of gross floor area.	6.0 spaces / 1000 square feet of gross floor area.	
Social, Private or Service Club and Lodges	1.0 space / each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.	1.0 space / each 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.	
Hospitality	Restaurants (sit-down, no drive-through, limited take-out)	1.0 space / 3.0 occupants + 1.0 space / each employee, based on the maximum number of employees on premises at one time.	1.0 space / 3.0 occupants + 1.0 space / each employee, based on the maximum number of employees on premises at one time.
	Restaurants that serve mostly take out (with 6 or less booths or tables)	4.0 spaces + 1.0 space / each employee, based on the maximum number of employees on premises at one time.	6.0 spaces + 1.0 space / each employee, based on the maximum number of employees on premises at one time.
	Restaurants that serve fast food (no drive-through window)	5.0 spaces / 1000 square feet of gross floor area.	7.0 spaces / 1000 square feet of gross floor area.
	Restaurants that serve fast food and have a drive-through window and indoor seating	15.0 spaces / 1000 square feet of gross floor area + 3.0 spaces designated for drive-through (short term waiting) + 5.0 spaces for truck and bus parking.	15.0 spaces / 1000 square feet of gross floor area + 3.0 spaces designated for drive-through (short term waiting) + 5.0 spaces for truck and bus parking.
	Restaurants that serve fast food and have a drive-through window, but no indoor seating	12 spaces	15 spaces
Auto-oriented Uses	Auto Service Stations	3.0 spaces / each service bay + 1.0 space / each employee (based on the maximum number of employees on the premises at one time) + 4.0 spaces / 1000 square feet of any space devoted to the sales of convenience goods. A minimum of 4.0 spaces shall be required for sales of convenience goods.	3.0 spaces / each service bay + 1.0 space / each employee (based on the maximum number of employees on the premises at one time) + 4.0 spaces / 1000 square feet of any space devoted to the sales of convenience goods. A minimum of 4.0 spaces shall be required for sales of convenience goods.
	Car Wash	1.0 space / each employee, based on the maximum number of employees to be on the premises at one time. A minimum of 4.0 spaces shall be required.	1.0 space / each employee, based on the maximum number of employees to be on the premises at one time. A minimum of 4.0 spaces shall be required.
	Motor Vehicle Dealerships	1.0 space / 5000 square feet of outdoor sales area + 1.0 space / sales desk or office + 3.0 spaces / each service bay.	1.0 space / 5000 square feet of outdoor sales area + 1.0 space / sales desk or office + 3.0 spaces / each service bay.
	Recreational Vehicle and Boat Dealerships	1.0 space / 800 square feet of gross floor area + 2.0 spaces / each service bay. A minimum of 6 spaces shall be required.	1.0 space / 800 square feet of gross floor area + 2.0 spaces / each service bay. A minimum of 6 spaces shall be required.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**Table 12.5 PARKING REQUIREMENTS: Services, Office and Public / Civic / Institutional**

		DISTRICTS (refer to Articles 4 and 5)	
Use Category	Specific Use	HUD 7 Central Business District	ALL OTHER DISTRICTS
		Number of Off-Street Parking Spaces / Unit of Measurement	Number of Off-Street Parking Spaces / Unit of Measurement
<b>SERVICES</b>			
Personal Services	Barber Shop, Beauty Salon, Nail Salon, Tanning Salon	2.0 spaces / each barber or beautician's chair or station.	3.0 spaces / each barber or beautician's chair or station.
	Coin-operated Laundry	1.0 space / 4 washing machines.	1.0 space / 3 washing machines.
	Commercial Photography	2.0 spaces / 1000 square feet of gross floor area.	2.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.
	Dry Cleaners	2.0 spaces / 1000 square feet of gross floor area.	2.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.
	Funeral Home, Mortuary	1.0 space / 50 square feet of parlor and chapel areas.	1.0 space / 50 square feet of parlor and chapel areas.
	Landscape/Nursery products	2.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.	2.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.
	Massage, Licensed Therapeutic	2.0 spaces / each station	3.0 spaces / each station
	Studio (dance, karate, yoga)	1.0 space / each 3 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.	1.0 space / each 2 persons allowed within the maximum occupancy load as established by the appropriate fire, health or building code.
	Tattoo Shop, Piercing Service	1.5 spaces / each station	2.0 spaces / each station
	Veterinarian (kennel and / or grooming)	2.0 spaces / 1000 square feet of gross floor area.	2.0 spaces / 1000 square feet of gross floor area.
	Veterinarian (not involved in kennel or grooming)	3.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.	3.0 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.
Services - General, not listed above	2.5 spaces / 1000 square feet of gross floor area	3.0 spaces / 1000 square feet of gross floor area	
<b>OFFICE</b>			
Office Uses	Bank, Credit Union or Savings and Loan	4.0 spaces / 1000 square feet of gross floor area + 2.0 spaces / each non-drive-through automatic teller.	6.0 spaces / 1000 square feet of gross floor area + 2.0 spaces / each non-drive-through automatic teller.
	General or Professional Offices	2.5 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.	3.0 spaces / 1000 square feet of gross floor area. A minimum of 6 spaces shall be required.
	Medical or Dental Clinics or Offices	3.5 spaces / 1000 square feet of gross floor area. A maximum of 4 spaces shall be required.	4.0 spaces / 1000 square feet of gross floor area. A maximum of 6 spaces shall be required.
	Real Estate Office	3.5 spaces / 1000 square feet of gross floor area. A minimum of 4 spaces shall be required.	4.0 spaces / 1000 square feet of gross floor area. A minimum of 6 spaces shall be required.
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>			
Educational Uses	Elementary, Junior High and Middle Schools	2.0 spaces / classroom + 1.0 space / each 3 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.	2.0 spaces / classroom + 1.0 space / each 3 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
	High Schools	8.0 spaces / classroom OR 1.0 space / each 4 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity, whichever is greater.	8.0 spaces / classroom OR 1.0 space / each 4 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity, whichever is greater.
Government and Institutional Uses	Auditoriums (non-school), Stadiums, and Sports Arenas	1.0 space / each 3 seats or 6 feet of bleacher seating.	1.0 space / each 3 seats or 6 feet of bleacher seating.
	Child Care Center	1.0 space / every 8 children of licensed capacity + 1.0 space / each employee. A minimum of 3 employee spaces shall be required.	1.0 space / every 8 children of licensed capacity + 1.0 space / each employee. A minimum of 3 employee spaces shall be required.
	Churches and Religious Institutions	1.0 space / each 3 seats or 6 feet of pews in the main place of assembly.	1.0 space / each 3 seats or 6 feet of pews in the main place of assembly.
	Community Center	3.0 spaces / 1000 square feet of gross floor area.	3.0 spaces / 1000 square feet of gross floor area.
	Government Offices	4.0 spaces / 1000 square feet of gross floor area.	4.0 spaces / 1000 square feet of gross floor area.
	Hospital (excluding areas for outpatient care)	2.5 spaces / licensed bed	2.5 spaces / licensed bed
	Outpatient-care stations and Medical Laboratory Collection	2.0 spaces per exam room / station or procedure / operating room + 1.0 space / laboratory or recovery room	2.0 spaces per exam room / station or procedure / operating room + 1.0 space / laboratory or recovery room



# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**Table 12.6 PARKING REQUIREMENTS: Industrial and Manufacturing**

Use Category	Specific Use	DISTRICTS (refer to Articles 4 and 5)	
		HUD 7 Central Business District Number of Off-Street Parking Spaces / Unit of Measurement	ALL OTHER DISTRICTS Number of Off-Street Parking Spaces / Unit of Measurement
Industrial and Manufacturing	Assembly, Manufacturing, Production and other Industrial Uses	1.5 spaces / 1000 square feet of gross floor area OR 1.0 space / employee, based on the maximum number of employees to be on the premises at one time, whichever is greater. For an option for deferred parking refer to Section 12.11.	1.5 spaces / 1000 square feet of gross floor area OR 1.0 space / employee, based on the maximum number of employees to be on the premises at one time, whichever is greater. For an option for deferred parking refer to Section 12.11.
	Commercial Laundry	1.5 spaces / 1000 square feet of gross floor area OR 1.0 space / employee, based on the maximum number of employees to be on the premises at one time, whichever is greater. For an option for deferred parking refer to Section 12.11.	1.5 spaces / 1000 square feet of gross floor area OR 1.0 space / employee, based on the maximum number of employees to be on the premises at one time, whichever is greater. For an option for deferred parking refer to Section 12.11.
	Contractor, Building Trades and Service Companies doing repair, electrical, plumbing, heating, etc	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.
	Heavy Truck or Equipment Sales	1.0 space / 1000 square feet of gross floor area + 2.0 spaces / each service bay. A minimum of 6 spaces shall be required.	1.0 space / 1000 square feet of gross floor area + 2.0 spaces / each service bay. A minimum of 6 spaces shall be required.
	Medical Laboratory Processing and Research Facilities	2.0 spaces / employee based on the maximum number of employees to be on the premises at one time	2.0 spaces / employee based on the maximum number of employees to be on the premises at one time
	Self-storage Facility	6.0 spaces	6.0 spaces
	Tool and Die Shop	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.
	Truck or Equipment Rental	1.0 space / 1000 square feet of gross floor area + 2.0 spaces / each service bay.	1.0 space / 1000 square feet of gross floor area + 2.0 spaces / each service bay.
	Printing, Publishing and Associated Industries	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.	2.0 spaces / 1,000 square feet of gross floor area. A minimum of 5 spaces shall be required.
	Warehousing, Storage and Wholesaling activities	1.5 spaces / 1000 square feet of gross floor area. A minimum of 5 spaces shall be required.	1.5 spaces / 1000 square feet of gross floor area. A minimum of 5 spaces shall be required.

## Section 12.17 Mixed-Use / Shared Parking Coefficients

- A. When a mix of uses integrated into a building or site creates a requirement for an excessive amount of parking, the required number of parking spaces shall be reduced by the appropriate mixed-use coefficient from Illustration 12.5.
- B. To calculate mixed-use parking requirements, the required parking for each use, per the minimum parking space requirement tables in this Article, shall be totaled and then divided by the appropriate mixed-use coefficient. This will yield an adjusted required parking value that shall be used as the new required number of spaces.
- C. This mixed-use coefficient shall be applied to all mixed-use projects.
- D. Refer to Illustration 12.5 for mixed-use / shared parking coefficients. Illustration 12.5 also includes an example of how to apply mixed-use coefficients.

# ARTICLE 12 OFF-STREET PARKING AND LOADING STANDARDS

**ILLUSTRATION 12.5**  
MIXED-USE / SHARED PARKING COEFFICIENTS

		USE / FUNCTION							
		RESIDENTIAL	LODGING	COMMERCIAL / RETAIL	SERVICES	OFFICE	PUBLIC / INSTITUTIONAL	INDUSTRIAL	
USE / FUNCTION	RESIDENTIAL	1.0	1.1	1.2	1.2	1.4	1.4	1.2	
	LODGING	1.1	1.0	1.3	1.3	1.7	1.7	1.3	
	COMMERCIAL / RETAIL	1.2	1.3	1.0	1.0	1.2	1.2	1.0	
	SERVICES	1.2	1.3	1.0	1.0	1.2	1.2	1.0	
	OFFICE	1.4	1.7	1.2	1.2	1.0	1.0	1.2	
	PUBLIC / INSTITUTIONAL	1.4	1.7	1.2	1.2	1.0	1.0	1.2	
	INDUSTRIAL	1.2	1.3	1.0	1.0	1.2	1.2	1.0	

**EXAMPLE OF HOW TO APPLY MIXED-USE / SHARED PARKING COEFFICIENTS**

EQUATION:  

$$\text{TOTAL ADJUSTED REQUIRED PARKING} = \frac{\text{REQUIRED PARKING}_{\text{use}} + \text{REQUIRED PARKING}_{\text{use}}}{\text{APPROPRIATE MIXED-USE PARKING COEFFICIENT}}$$

EXAMPLE:  
 A mixed-use building with professional offices on the second floor and retail space on the lower floor is required to have 27 parking spaces per the minimum parking space requirement tables in this Article.

$$\text{TOTAL ADJUSTED REQUIRED PARKING} = \frac{\text{REQUIRED PARKING}_{\text{office}} + \text{REQUIRED PARKING}_{\text{retail}}}{1.2}$$

$$\text{TOTAL ADJUSTED REQUIRED PARKING} = \frac{12 + 15}{1.2} = \frac{27}{1.2} = 22.5 = 23 \text{ PARKING SPACES}$$

THEREFORE, IN THIS EXAMPLE, THE MIXED-USE / SHARED PARKING COEFFICIENTS WOULD NET 23 REQUIRED PARKING SPACES IN LIEU OF THE 27 THAT WOULD BE REQUIRED IF THE USES WERE CONSIDERED INDEPENDENTLY.

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# ARTICLE 13

## SIGN STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 13 SIGN STANDARDS

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## Section 13.01 Purpose

For definitions pertaining to this article refer to sign in Article 21.

The purpose of the standards in this section is not uniformity, but elimination of those elements that result in a cluttered and unattractive physical environment, while promoting the pedestrian experience. The standards provide basic parameters for creative signs that may be as varied and different as the businesses that they represent. These standards are intended to balance public and private interests and to promote a safe, well-maintained, vibrant and attractive City. While these standards allow for a variety of sign types and sizes, they do not necessarily ensure every property owner or business owner's desired level of visibility. It is not the intent of this article to regulate the message displayed on any sign or the content. The objectives of this article are to:

- A. *General.* Ensure that signs are located, designed, constructed, installed and maintained in a way that protects life, health, morals, property and public welfare in the City of Hudsonville;
- B. *Public Safety.* Protect public safety by prohibiting signs that:
  1. Are structurally unsafe or poorly maintained;
  2. Cause unsafe traffic conditions through distraction of motorists by keeping their focus from the road and increasing traffic accidents;
  3. Create confusion with traffic signs or hinder vision; and
  4. Impede safe movement of pedestrians or safe ingress and egress from buildings or sites.
- C. *Pedestrian Experience.* Promote signs that enhance pedestrian way finding and are located, designed, constructed, and installed at a pedestrian orientation within Districts which are at a pedestrian-oriented scale;
- D. *Protect Aesthetic Quality of City.* Prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views; and preventing intrusion of commercial messages into non-commercial buildings and Districts;
- E. *Ease of Identifying Business Locations.* Ensure that signs are properly placed, scaled and in appropriate quantity so that both pedestrians and motorists can see, and consequently, safely and efficiently access their desired business locations, while preventing signs from dominating the appearance of the area;
- F. *Preserve Property Values.* Protect property values by prohibiting signs that are poorly maintained, improperly placed or in an excessive amount;
- G. *Free Speech.* Ensure that the constitutionality guaranteed right of free speech is protected and to allow signs as a means of communication;

## Section 13.02 Applicability

- A. *Compliance with this Article.* The regulations of this Article apply to all signs. It shall hereafter be unlawful for any person to erect, construct, install, place, re-build, modify, or maintain a sign or allow a sign to remain on property in the City of Hudsonville except in compliance with this Article.
- B. *Standards for All Signs.* All signs shall be designed, constructed, installed, placed, located and maintained only in accordance with all applicable standards, procedures and regulations in and referred to by this Article.
- C. *Applicability to Existing Development.* Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.

## Section 13.03 Administration

- A. *Enforcement.* This section shall be administered and enforced by the Zoning Administrator as provided in Article 18 of this Ordinance.
- B. *Permit Required.* It shall be unlawful for any person to erect, construct, install, place, re-build, structurely modify, or maintain a sign unless a permit has been obtained from the Zoning Administrator and a permit fee paid in accordance with the schedule adopted by resolution of the City Commission.
- C. *Application.* Applications for sign permits shall be made upon forms provided by the Zoning Administrator for this purpose and shall contain the following information:
  1. Name, address and telephone number of the applicant;
  2. District in which the sign is located;
  3. Building Type on which the sign is located;
  4. Scaled architectural elevation at 1/8" = 1'-0" minimum scale showing the position, size, dimensions, content, material, method of construction and other pertinent information regarding the sign(s), including specifications as required;
  5. The scaled architectural elevation at 1/8" = 1'-0" minimum scale shall also provide pertinent dimensions of the building walls that the signs are located on.
  6. Two copies of above information shall be included with the application;
  7. Name, address and telephone number of the sign erector.
  8. Include existing sign information, including size, material, location and photographs where applicable.
- D. *Compliance Inspection.* All signs shall be inspected at the original location. The sign erector shall notify the Zoning Administrator upon completion of the installation. If the sign is found to be in compliance with this Article, the Zoning Administrator shall include in the permanent zoning file the date of approval, together with a photograph of the completed sign.

- E. *Periodic Inspections.* The Zoning Administrator shall cause existing signs to be inspected on a periodic basis as deemed necessary to determine continuation of compliance with this Article.
- F. *Removal of Signs.*
  - 1. Should any sign be found to be not in accordance with the standards of this Article, the erector and/or owner shall be required to modify or repair the sign to meet the standards of this Article within fourteen (14) days of the notice. Failure to comply within fourteen (14) days of the notice shall result in an order to remove the sign within ten (10) days from the time of the notification in writing.
  - 2. Signs that are found to be in violation with the standards of this Article shall be removed or repaired immediately at the owner's expense.
    - a. If the owner or sign erector of the sign cannot be reached, the City retains the right to remove or repair the sign at the owner's expense.
    - b. The City shall have the right to remove improperly placed portable or temporary signs which are placed in a public right-of-way or on utility posts at any time.
    - c. Any and all costs incurred by the City in the removal or repair of signs under the provisions of this Article shall constitute a lien against the property upon which the nuisance existed, which costs will be collected as ad valorem taxes.
- 3. No sign or supporting mechanism shall extend beyond any lot lines of the property on which it is located, unless specifically indicated in other sections of this Article.
- D. *Proximity to Electrical Conductors.* No sign shall be erected so that any part, including cables, guys, etc., will be within six (6) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- E. *Responsibility of Compliance.* The owner of any property on which a sign is placed and the person maintaining said sign are equally responsible for the condition of the sign and the area in the vicinity thereof.
- F. *Erector's Imprint.* All signs must carry the identification of the sign erector in clearly legible letters. If a sign is re-hung or re-erected, this identification must be added to the sign, if it was not previously on the sign.

## Section 13.04 General Construction of Signs

- A. *Material Requirements.* All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the Michigan Building Code and requirements of this Article.
- B. *Material Integrity.* All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use. All bolts, cables, and other parts of such signs shall be kept painted and free from corrosion.
- C. *Sign and Support Location.*
  - 1. No sign or supporting mechanism shall be placed on or intrude over any publicly owned property, street right-of-way, or proposed street right-of-way, unless permitted in other sections of this Article, refer to Section 13.09A.
  - 2. No sign or supporting mechanism shall be located closer than ten feet to a street right-of-way line, unless specifically indicated in other sections of this Article.

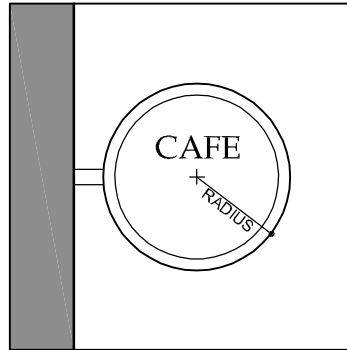
# ARTICLE 13 SIGN STANDARDS

ILLUSTRATION 13.1 SIGN MEASUREMENT:  
SQUARE AND RECTANGLE SHAPE SIGN



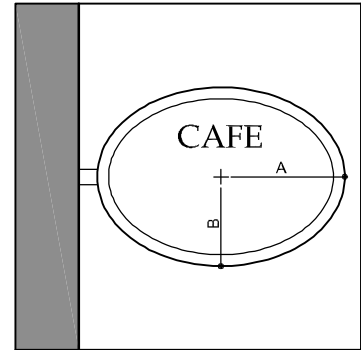
AREA = WIDTH x HEIGHT

ILLUSTRATION 13.2 SIGN MEASUREMENT:  
CIRCLE SHAPE SIGN



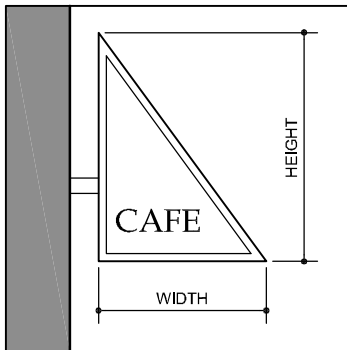
AREA = 3.14 x RADIUS<sup>2</sup>

ILLUSTRATION 13.3 SIGN MEASUREMENT:  
ELLIPSE SHAPE SIGN



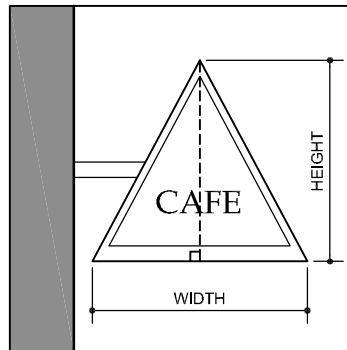
AREA = 3.14 x A x B

ILLUSTRATION 13.4 SIGN MEASUREMENT:  
RIGHT TRIANGLE SHAPE SIGN



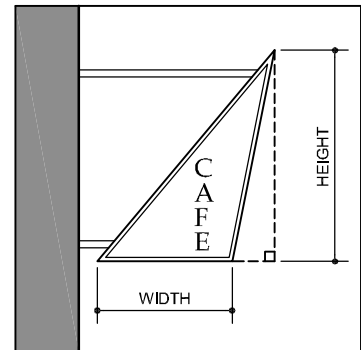
AREA = (HEIGHT x WIDTH) / 2

ILLUSTRATION 13.5 SIGN MEASUREMENT:  
TRIANGLE SHAPE SIGN



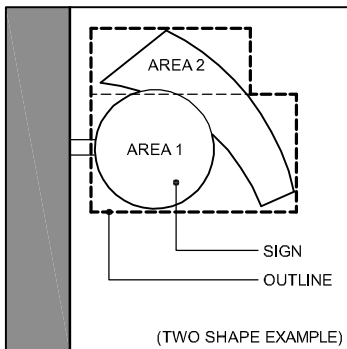
AREA = (HEIGHT x WIDTH) / 2

ILLUSTRATION 13.6 SIGN MEASUREMENT:  
NON-RIGHT TRIANGLE SHAPE SIGN



AREA = (HEIGHT x WIDTH) / 2

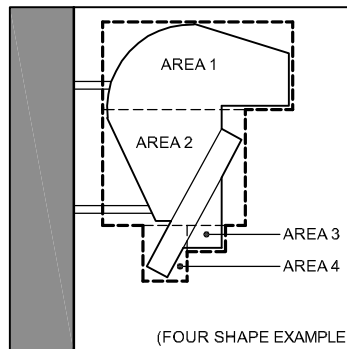
ILLUSTRATION 13.7 SIGN MEASUREMENT:  
IRREGULAR SHAPE SIGN



(TWO SHAPE EXAMPLE)

AREA = COMBINED AREA(S) OF SIX (6) OR FEWER SHAPES THAT ARE FORMED BY STRAIGHT LINES AT RIGHT ANGLES TO EACH OTHER

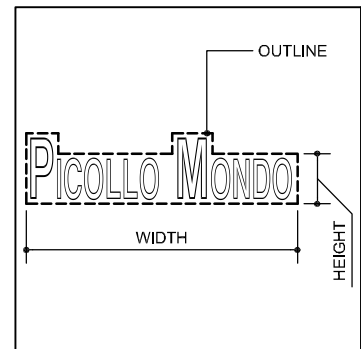
ILLUSTRATION 13.8 SIGN MEASUREMENT:  
IRREGULAR SHAPE SIGN



(FOUR SHAPE EXAMPLE)

AREA = COMBINED AREA(S) OF SIX (6) OR FEWER SHAPES THAT ARE FORMED BY STRAIGHT LINES AT RIGHT ANGLES TO EACH OTHER

ILLUSTRATION 13.9 SIGN MEASUREMENT:  
INDIVIDUAL LETTER SIGN



AREA = AREA OF THE OUTLINE OF THE SHAPE CREATED BY STRAIGHT LINES DRAWN AT RIGHT ANGLES AROUND THE LETTERS.

## Section 13.05 Measurement of Signs

- A. *Geometric Shape.* The area of a geometrically shaped sign shall be measured as the area within a single, continuous perimeter composed of any straight line or geometric shape which encloses the sign message. Refer to Illustrations 13.1 through 13.6.
- B. *Irregular Shape, Figurative or Silhouette Sign.* In the case of an irregularly shaped, figurative or silhouette sign or a sign with letters and symbols directly affixed to or painted on a wall, the total area of the sign is the combined area(s) within the perimeter created by not more than six (6) shapes that are formed by straight lines at right angles which enclose the sign message. Refer to Illustrations 13.7 and 13.8.
- C. *Individual Letter Signs.* The area shall be measured by drawing straight lines at right angles around the individual letters and then determining the area of the shape that is created by these lines. Refer to Illustration 13.9
- D. *Multiple Faces.* The area of a sign with more than one face, including projecting signs and sandwich board signs, shall be measured as follows:
  1. When any two (2) faces that form a “V” in plan or section have an angle of fifteen (15) degrees or more at the “V”, the area shall include both faces.
  2. When any two (2) faces that form a “V” in plan or section have an angle of less than fifteen (15) degrees at the “V”, the area shall include the larger of the two faces or one (1) face if the faces are the same size.

## Section 13.06 Sign Sizes and Number of Signs Allowed

- A. *Sign Size and Quantity.* of signs allowed for a project or building are regulated per District and Building Type. Article 13 indicates sizes and quantities of specific sign types in Sections 13.11, 13.12 and 13.13 and in Tables 13.1 and 13.2.
- B. *Maximum Sign Size Allowed.* Table 13.1 (located at the end of this Article) indicates the maximum sign sizes per Building Type and/or District. Sizes indicated are per individual Sign Type with the intent that individual buildings and/or projects are allowed to have each of the Sign Types allowed for that Building Type and District.
- C. *Number of Signs Allowed.* Table 13.2 (located at the end of this Article) indicates the quantity of each individual Sign Type allowed for Building Type and District. When taken in conjunction with Table 13.1, this table will aid the user in defining how many of each sign and the size of that specific sign.
- D. *Individual Sign Type Standards.* Refer to Sections 13.11, 13.12 and 13.13.

## Section 13.07 Nonconforming Signs

- A. *Intent.* It is the intent of this Article to encourage eventual elimination of signs that, as a result of the adoption of this ordinance, become nonconforming.
- B. *Continuance.* A nonconforming sign may be continued, and shall be maintained in good condition, but shall not be:
  1. Replaced by another nonconforming sign;  
*Exception:* If building façade is non-conforming and the sign is improved or re-established, the sign may remain in its nonconforming state.
  2. Structurally altered so as to prolong the life of the sign or change its configuration;
  3. Expanded in any way;
- C. *Changing out Faces of Nonconforming Signs.* A nonconforming sign may be continued when the inserts on the face of the sign are replaced.

## Section 13.08 Exempt Signs

- A. The following signs or identifiers are specifically exempt from the provisions of this Article, provided that they are not located in the public right-of-way, do not conflict with pedestrian, vehicular or bicycle traffic and site lines or are otherwise in conflict with the provisions of this Article. Sign permits are not required for the following:
  1. *Address.* Address numbers with a numerical height no greater than twelve (12) inches.
  2. *City-Approved Special Events.* The sponsors and participants of special events operating under special events permits issued by the City may erect temporary signs and banners that meet the following requirements:
    - a. Temporary special event signs and banners may remain in place for the duration of the event. These signs and banners may be installed two (2) days prior to the event and must be removed within two (2) after the event is over.
    - b. The quantity of temporary special event signs and banners is not limited but the total square feet of all special event signs and banners shall not exceed thirty-two (32) square feet per event.
  3. *Flags of Any Nation, State, City, or Educational Institution or On-premise Business.* The maximum height of any flagpole is thirty (30) feet measured from the average surrounding grade. A maximum of three (3) flags are permitted on one lot, including one (1) business flag. A business flag includes an open flag or any non-governmental flag drawing attention to the business.
    - a. A business flag shall not exceed thirty-two (32) square feet per one lot.
  4. *Holiday decorations for nationally recognized holidays.* Holiday decorations shall be removed within fifteen (15) days of the holiday.



# ARTICLE 13 SIGN STANDARDS

5. *Building Names.* Integral signs including names of buildings and dates of erection not exceeding twelve (12) square feet.
6. *Temporary Interior Window Signs.* Temporary interior window signs taped or otherwise affixed to a window in such a manner to be easily removed provided that the area of all signs does not exceed ten (10) percent of the area of the window glass.
7. *Interior Window Signs-Credit Card.* Interior window signs for credit card insignias that are one (1) square foot or less.
8. *Interior Window Signs-Logos.* Interior window signs for product logos that have a relationship to the business that are six (6) square feet or less.
9. *Murals.* Murals as works of art that do not contain a commercial message, do not identify or advertise a product, service or business and do not demonstrate any relationship to the business. The mural can not project from the building wall. Refer to Image 13.1 for an example of murals as works of art. Murals are required to receive a Special Use Permit from the Planning Commission.
10. *Political Signs.* Political signs shall not be placed in the public right-of-way. Political signs shall be spaced at least twenty (20) feet apart. Political signs may be placed up to two (2) months prior to the election and must be removed within five (5) days after the

election ends. Political sign sizes shall be as indicated in Table 13.1 at the end of this Article.

11. *Traffic, Street and Parking Signs.* Traffic control signs and signals including regulatory and directional traffic control, street signs and parking signs erected by a public agency.
12. *Sandwich Board Signs.* Sandwich board signs that comply with the requirements of subsection 13.12.C.1 of this Article.
13. *Historical Plaques and Memorials.* Historical plaques and memorials may be placed without a permit to erect.
14. *Residential Events.* Events such as birthdays, anniversaries, births, garage sales and holidays.

### Section 13.09 Prohibited Signs

The following signs shall be prohibited in all Districts:

- A. *Signs in the Right-Of-Way.* No sign, except those established and maintained by the city, county, state or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement. This regulation includes railroad right-of-ways.
  1. Signs in the right-of-way that are excepted shall be located in the Mixed-Use Districts and are subject to review and are as follows:
    - a. Temporary sandwich board signs.
    - b. Any approved projecting signs that are attached to buildings.
- B. *Signs in Clear Vision Areas.* No sign shall be located within, project into or overhang any clear-vision area as defined by this Ordinance.
- C. *Signs Involving Off-premises Businesses or Properties.*
  1. No signs containing off-premise advertising, with the exception of billboards which are reviewed under the special use permit process, shall be permitted.
  2. No sign advertising sale or lease of off-premises buildings or land shall be permitted.
- D. *Signs for Discontinued Businesses.* No sign for, or related to, a discontinued business shall be permitted once any other business or use is initiated on the same premises.
- E. *Vehicle Signs.* No car, van, truck, semi-trailer, or similar vehicle, with or without a valid license plate, may be used for the purpose of creating additional freestanding sign space.
- F. *Flashing Signs.* The use of flashing signs shall be prohibited.
- G. *Revolving Signs.* The use of revolving signs shall be prohibited.
- H. *Streamers.* The use of streamers shall be prohibited.
- I. *Signs on Rooftops.* No sign shall be painted on any rooftop.



IMAGE 13.1

## Section 13.10 Sign Illumination

All sign illumination is required to meet the following standards:

A. *Externally Illuminated Signs:* Refer to Images 13.2 through 13.4.

1. Lighting shall be carefully located, aimed and shielded so that light is directed only onto the sign.
2. Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices solely at the sign.
3. Exposed bulbs are prohibited, except where historic style or gooseneck type fixtures are used for face-lit signs.
4. Signs shall not create glare or unduly illuminate the surrounding area.
5. Sign illumination that could distract motorist or create other safety concerns shall be prohibited.
6. Sign illumination shall be shielded and directed away from all residential property and Residential Districts.
7. Wiring to fixture shall not be exposed on the face of the building or other adjacent surfaces.
8. Externally illuminated signs are not allowed in residential districts.



IMAGE 13.2



IMAGE 13.3



IMAGE 13.4

## ARTICLE 13 SIGN STANDARDS



IMAGE 13.5



IMAGE 13.6



IMAGE 13.7

B. *Internally Illuminated Signs*: Refer to Images 13.5 through 13.7.

1. Signs may be illuminated only by a steady and stationary light source using approved electrical devices solely within the sign.
2. Signs shall not create a glare or unduly illuminate the surrounding area.
3. Sign illumination that could distract motorists or create other safety concerns shall be prohibited.
4. Sign illumination shall be directed away from all residential property and Residential Districts.
5. Wiring to fixture shall not be exposed on the face of the building or other adjacent surfaces.
6. Internally illuminated signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
7. Internally illuminated signs shall be constructed in any of the following methods:
  - a. *Halo-Style Internal Illumination*: This form of internal illumination directs light to the wall behind the sign that results in a halo of light around the opaque lettering or logo. Refer to Image 13.6.
  - b. *Stencil-Cut Internal Illumination*: This form restricts the illuminated portions of the sign to the lettering or logo. The remaining face of the sign is opaque. Refer to Image 13.5.
  - c. *Channel-Letters Internal Illumination*: This style of sign is comprised of individual letters and symbols, each with its own internal illumination. Refer to Image 13.7.
  - d. *Push-Through Graphics and Text*: A mix between stencil-cut and channel-letters, which has an opaque background like a stencil-cut, but has raised lettering or images that act similarly to channel-letters.
  - e. *Illumination*. Internally illuminated sign cabinets shall meet zoning ordinance illumination standards.
8. Internally illuminated signs are not allowed in residential districts.

C. *Neon signs*. Refer to Images 13.8 through 13.10.

1. *Neon Tube Signs*. Neon tube signs shall consist of custom neon tubes bent to form letters or images independent of a separate structure other than the required fastening of the neon tube. Neon tube signs are typically more pedestrian oriented than other illuminated sign types.
2. *Neon Channel Signs*. Neon channel signs shall meet the requirements of Section 13.10 B.
3. Neon signs are not allowed in residential districts.



IMAGE 13.8



IMAGE 13.9



IMAGE 13.10

# ARTICLE 13 SIGN STANDARDS

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## Section 13.11 Building Mounted Sign Standards

Building mounted signs are signs that are attached directly to the building. Building mounted signs relate directly to building scale and massing, façade transparency, private frontage and level of pedestrian presence. These sign types contribute to both the building and to the streetscape and aid in creating a sense of place, particularly for locations in the Urban Mixed Use Districts.

### A. PROJECTING SIGNS

1. *Blade Sign Standards:* Refer to Images 13.11 through 13.16.
  - a. Blade signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Display surfaces may be made of wood, metal, plastic, composite materials, or other approved durable surfaces.
  - c. Letters, logos, symbols or designs may be engraved, painted, surface mounted or mounted above the surface made of similar materials allowed for display surface.
  - d. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
2. *Figurative Sign Standards:* Refer to Images 13.17 through 13.19.
  - a. Figurative signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Display surfaces may be made of wood, metal, plastic, composite materials, or other approved durable surfaces.
  - c. Letters, logos, symbols or designs may be engraved, painted, surface mounted or mounted above the surface made of similar materials allowed for display surface.
  - d. Three dimensional letters, symbols, and/or ornamental figures made of wood, metal, composite surfaces or other approved durable surfaces may be used to create the figurative sign.
  - e. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.



IMAGE 13.11



IMAGE 13.14



IMAGE 13.12



IMAGE 13.15



IMAGE 13.13



IMAGE 13.16

## ARTICLE 13 SIGN STANDARDS



IMAGE 13.17



IMAGE 13.18



Image 13.19

3. *Banner Sign Standards:* Refer to Image 13.20.
  - a. Banner signs shall only be permitted above the finish floor line of the second floor.
  - b. Banner signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - c. Banners may be made of canvas, nylon or other approved durable materials.
  - d. Banner color combinations should be simple with lettering color and background color contrasting for legibility. Subtle bands of color or designs are appropriate, while more complex patterns or textures should not be used.
  - e. Letters, logos, symbols or designs may be painted or applied on the banner to form the message.
  - f. Banners shall not be constructed from materials that are remnants or manufactured for a different purpose.
4. *Projecting Sign Illumination.*
  - a. Projecting signs may be externally illuminated with lighting only in the form of historic style, gooseneck style fixtures, or other approved lights, directed at signage.
  - b. Projecting signs shall not be internally illuminated.
  - c. Projecting signs may be neon tube signs.
  - d. Projecting signs are not required to be illuminated.

5. *Projecting Sign Proportion and Scale.* Refer to Illustrations 13.10 & 13.11.
  - a. Vertically oriented projecting signs (signs that have a larger vertical dimension and a shorter horizontal dimension) shall be slender in appearance, with a proportion of at least 2:1, height to width and a maximum of 4:1, height to width. Refer to Illustration 13.10.
  - b. Horizontally oriented projecting signs (signs that have a larger horizontal dimension and a shorter vertical dimension) shall be rectangular or square in appearance, with a proportion of no more than 4:1, width to height. Refer to Illustration 13.11.
6. *Projecting Sign Size.* Projecting signs shall not exceed the sizes indicated in Table 13.1.
7. *Projecting Sign Location.*
  - a. Projecting signs shall be located perpendicular to the building wall and may be installed in any of the following locations:
    - i. At the front elevation (the elevation facing the primary street).
    - ii. At the side elevations at corners (the elevation facing either a secondary street or other public-right-of way).
8. *Projecting Sign Quantity.* The number of projecting signs allowed per building shall not exceed the quantities indicated in Table 13.2

ILLUSTRATION 13.10 GROUND FLOOR  
VERTICALLY ORIENTED PROJECTING SIGN

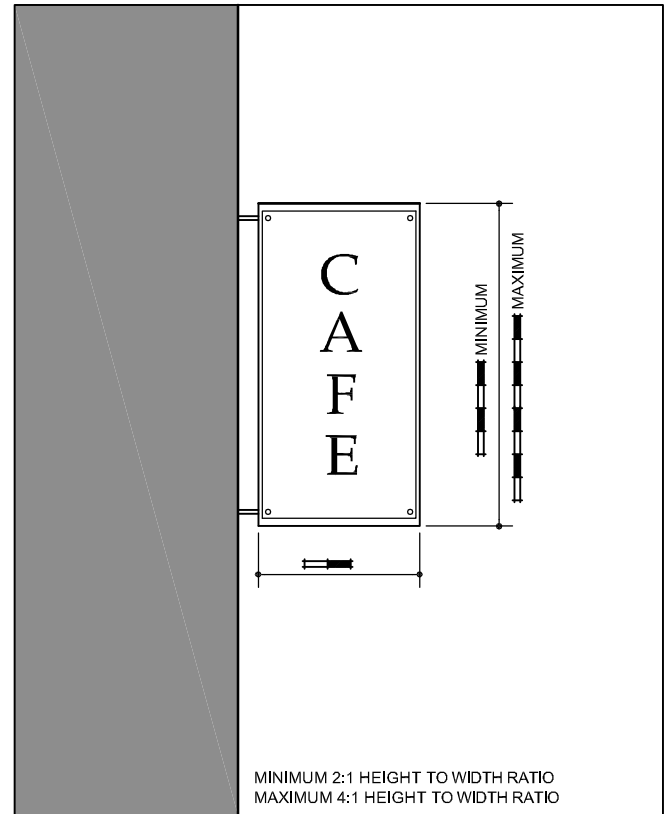


ILLUSTRATION 13.11 GROUND FLOOR  
HORIZONTALLY ORIENTED PROJECTING SIGN





# ARTICLE 13 SIGN STANDARDS

## B. AWNING AND CANOPY SIGNS

1. *Awning Sign Standards:* Refer to Images 13.21 through 13.26.
  - a. Awning signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Awnings shall be made of canvas, nylon or other approved durable material. Plastic awnings are not allowed.
  - c. Awning color combinations should be simple with lettering color and background color contrasting for legibility. Subtle bands of color are appropriate for awnings and canopies, while more complex patterns or textures should not be used.
  - d. Letters, logos, symbols or designs may be painted or applied on the awning valance and/or the sloped surface.
  - e. Awning signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
2. *Canopy Sign Standards:* Refer to Images 13.27 through 13.29.
  - a. Canopy signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - i. Canopy signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

- ii. Canopies shall be constructed of simple shapes of steel, aluminum or other metals that are compatible with the character of the building and shall be supported by metal supports that are in proportion with the metal canopy.
  - iii. Letters, logos, symbols or designs on canopies may be surface mounted or mounted above the surface in materials consistent with the canopy. Letters, logos, symbols or designs shall be applied to the canopy fascia (front vertical surface) or directly above the fascia.
3. *Awning and Canopy Sign Illumination.*
    - a. Awning and canopy signs shall not be internally illuminated.
    - b. Awning and canopy signs may be externally illuminated per the requirements of Section 13.10. A.
  4. *Awning Sign Size, Proportion and Scale.* Awning signs may be applied to the sloped surface of the awning, to the valance of the awning or to both the sloped surface and the valance of the awning as indicated by Illustrations 13.12 and 13.13.
  5. *Canopy Sign Size, Proportion and Scale.* Canopy signs may be applied to the canopy fascia (front vertical surface) or directly above the fascia as indicated by Illustration 13.14.
  6. *Awning Sign Location.*
    - a. Awning signs shall be located on awnings.
    - b. Awnings are allowed to be installed in the following locations only:
      - i. Above windows, storefronts and doors on the first floor level at the front elevation (the elevation facing the primary street).
      - ii. Above windows, storefronts and doors on the first floor level at side elevations at corners (the elevation facing either a secondary street or other public-right-of way).
  7. *Canopy Sign Location.*
    - a. Canopy signs shall be located on canopies.
    - b. Canopies are allowed to be installed in the following locations only:
      - i. Above windows, storefronts and doors on the first floor level at the front elevation (the elevation facing the primary street).
      - ii. Above windows, storefronts and doors on the first floor level at side elevations at corners (the elevation facing either a secondary street or other public-right-of way).



Image 13.20



IMAGE 13.21



Image 13.24



Image 13.22



Image 13.25



Image 13.23



Image 13.26

## ARTICLE 13 SIGN STANDARDS



Image 13.27



Image 13.28



Image 13.29

8. *Awning and Canopy Sign Quantity.* The number of awning or canopy signs allowed per building shall not exceed the quantities indicated in Table 13.2

### C. SIGN BANDS

1. *Sign Band Standards.* Refer to Images 13.30 through 13.35 and Illustrations 13.15 and 13.16.
  - a. Sign bands shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - c. Horizontal display surface (the horizontal band on the building) may be made of wood, composite materials, or other approved durable surfaces.
  - d. Letters, logos, symbols or designs may be engraved, painted, or surface mounted on the display surface. These letters, logos, symbols or designs shall be made of materials compatible with the display surface.
2. *Sign Band Illumination.*
  - a. Sign bands may be externally illuminated per the requirements of Section 13.10. A.
  - b. Sign bands shall not be internally illuminated.
  - c. Sign bands shall not be illuminated with neon illumination.
  - d. Sign bands are not required to be illuminated.
3. *Sign Band Proportion and Scale.* Sign band signage shall fit within the sign band display surface on the façade of the building. Sign band signage shall not encroach beyond the sign band display surface. Refer to Illustrations 13.15 and 13.16.
4. *Sign Band Size.* Sign bands shall not exceed the sizes indicated in Table 13.1. The sizes indicated for sign band size in Table 13.1 indicate the sign band display surface size.
5. *Sign Band Location.* Sign bands are allowed to be installed in the following locations only:
  - a. At the horizontal band above storefronts on the first floor level at the front elevation (the elevation facing the primary street).
6. *Sign Band Quantity.* The number of sign bands allowed per building shall not exceed the quantities indicated in Table 13.2

ILLUSTRATION 13.12  
AWNING SIGN AT VALANCE

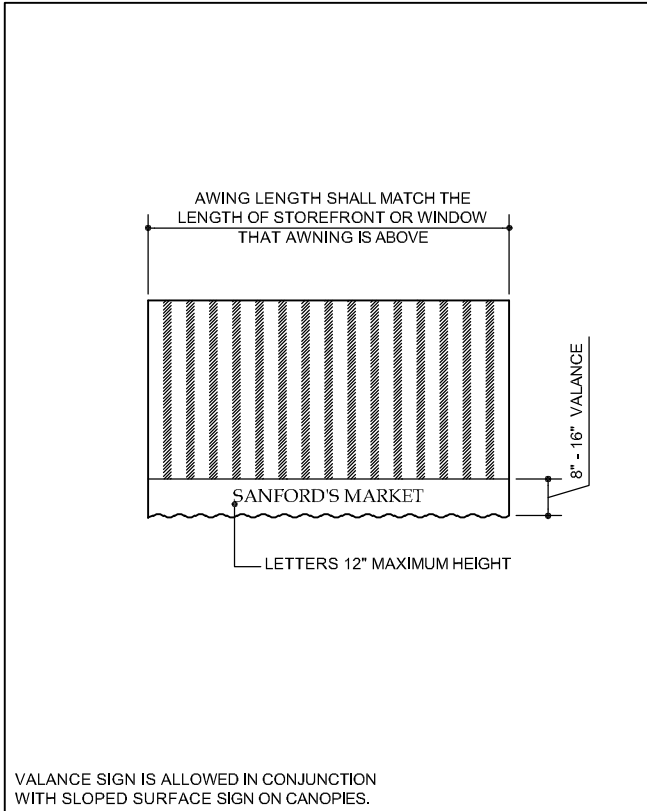


ILLUSTRATION 13.13  
AWNING SIGN ON SLOPED SURFACE

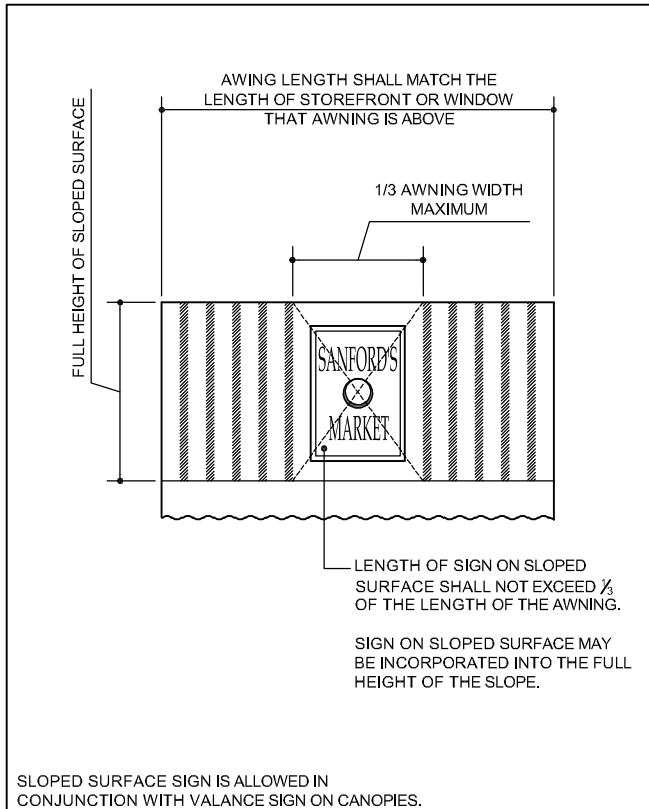
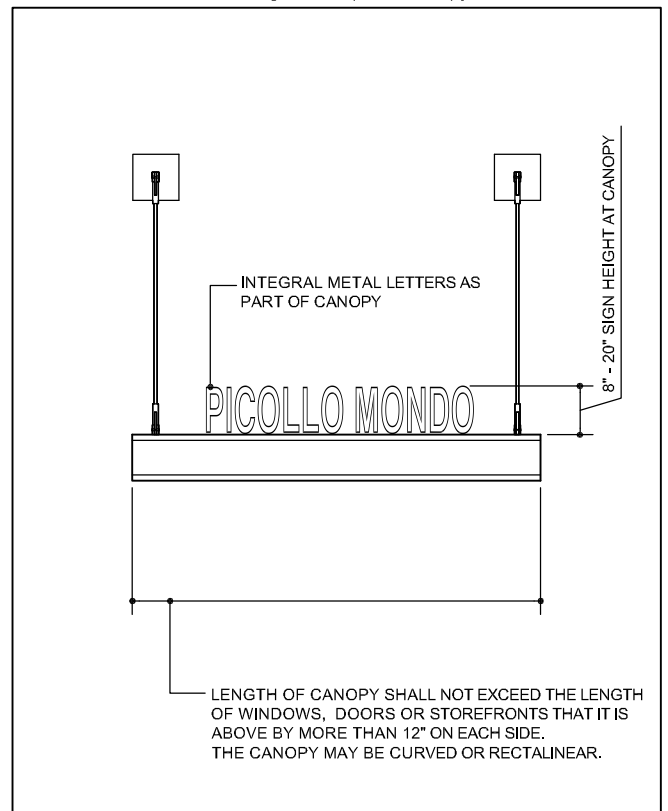


ILLUSTRATION 13.14  
CANOPY SIGN with letters integrated as part of canopy



# ARTICLE 13 SIGN STANDARDS



Image 13.30



Image 13.33



Image 13.31



Image 13.34



Image 13.32



Image 13.35

ILLUSTRATION 13.15  
SIGN BAND ELEVATION

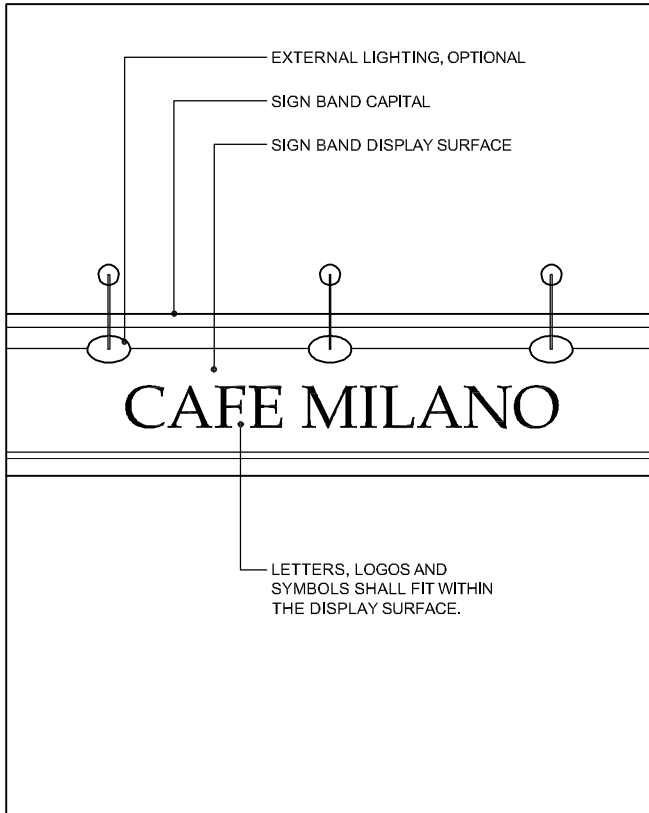


ILLUSTRATION 13.16  
SIGN BAND PROFILE

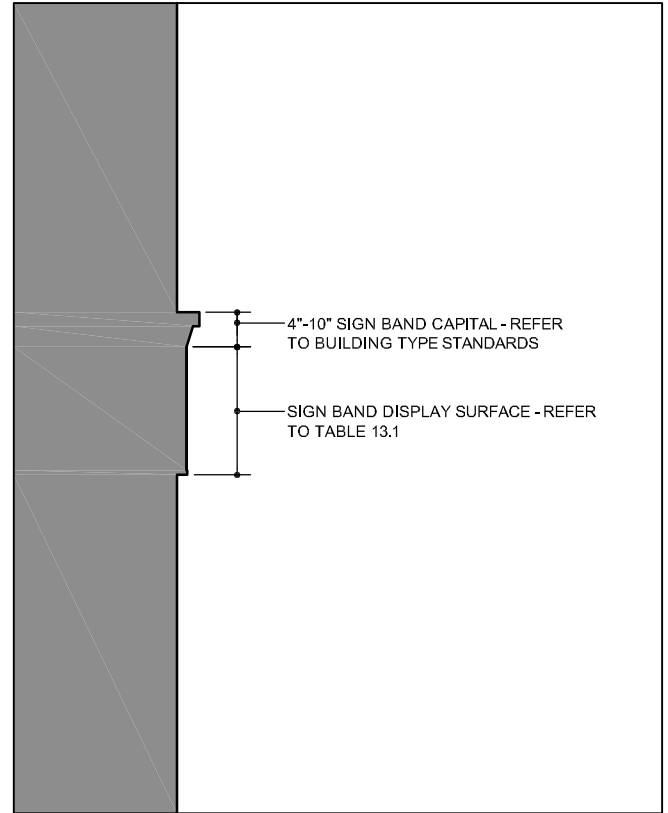
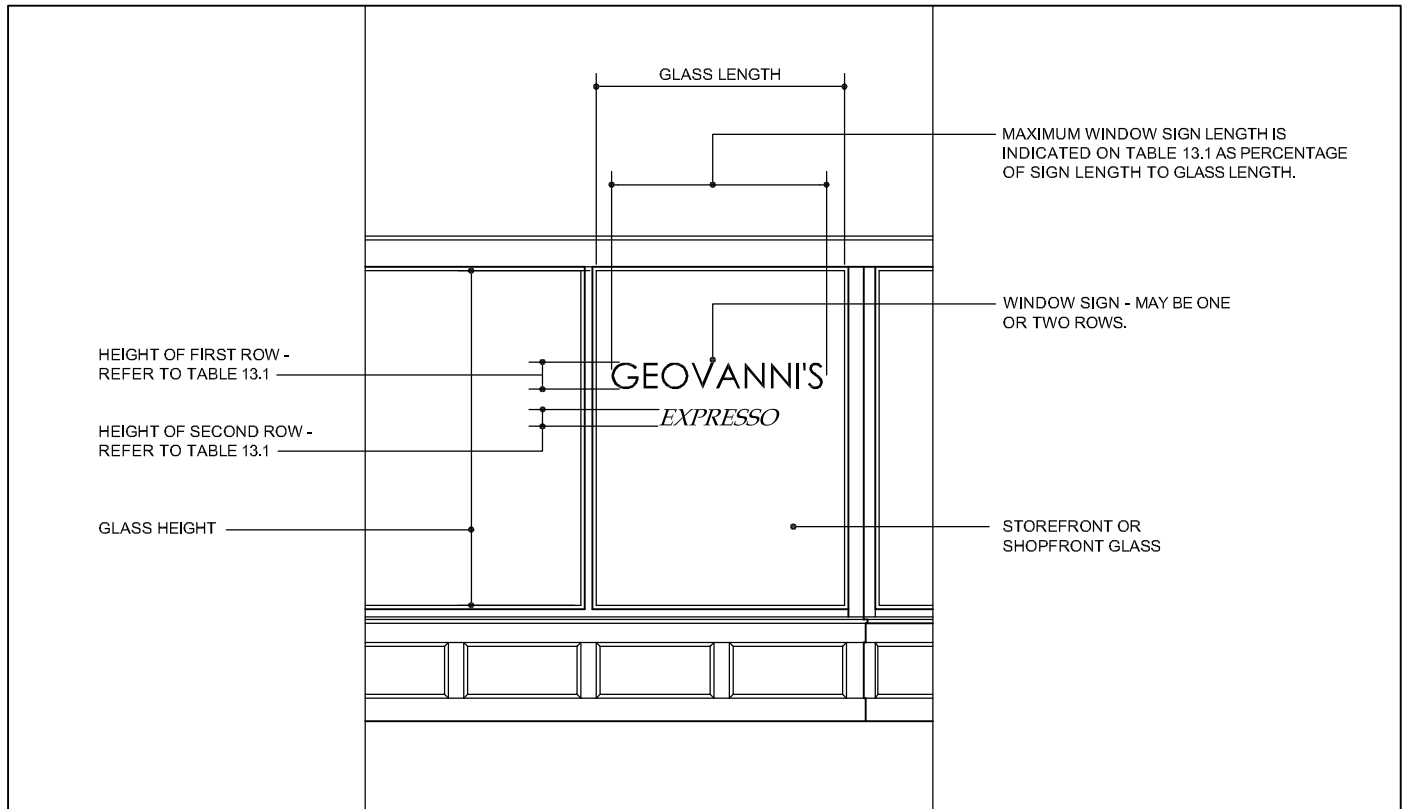


ILLUSTRATION 13.17:  
WINDOW SIGNS ON STOREFRONT OR SHOPFRONT GLASS



# ARTICLE 13 SIGN STANDARDS



Image 13.36



Image 13.37



Image 13.38

## D. WINDOW SIGNS

1. *Surface Applied Window Sign Standards:* Refer to Images 13.36 through 13.38.
  - a. Paint or vinyl letters, logos, symbols or designs applied directly to either the interior or the exterior of the window glass.
  - b. Vinyl or similar applications shall be executed so that they match the visual characteristics of paint applications.
  - c. Surface applied window signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - c. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - d. Surface Applied Window Sign Size, Proportion and Scale. Surface applied window signs shall meet the requirements of Illustration 13.17. Refer to Illustration 13.17.
  - e. *Surface Applied Window Sign Location.* Surface applied window signs are allowed to be placed in the following locations:
    - i. Surface applied window signs may be placed in windows of any Retail, Commercial or Service Use on the first floor level at the front elevation (the elevation facing the primary street).
    - ii. Surface applied window signs may be placed in windows of any Retail, Commercial or Service Use on the first floor level at side elevations at corners (the elevation facing either a secondary street or other public-right-of way).
  - f. *Surface Applied Window Sign Quantity.* The number of window signs allowed per building shall not exceed the quantities indicated in Table 13.2.
  - g. Surface applied window signs shall not be illuminated.

2. *Neon Window Sign Standards:* Refer to Images 13.8 through 13.10.
  - a. Neon window signs shall be custom neon tubes per 13.10 C.2.
  - b. Neon window signs shall not be constructed of channel neon.
  - c. Neon window signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - d. *Neon Window Sign Size, Proportion and Scale.* Neon window signs shall meet the requirements of Table 13.1
  - e. *Neon Window Sign Location.* Neon window signs are allowed to be placed on the inside surface of windows in the following locations:
    - i. On the first floor level and upper floor levels at the front elevation (the elevation facing the primary street) for all non-residential uses.
    - ii. On the first floor level and upper floor levels at side elevations at corners (the elevation facing either a secondary street or other public-right-of way) for all non-residential uses.
  - h. *Neon Window Sign Quantity.* The number of neon window signs allowed per building shall not exceed the quantities indicated in Table 13.2.



Image 13.39

E. WALL SIGNS

1. *Painted Wall Signs:* Refer to Images 13.39 and 13.40.
  - a. Painted Wall Signs are signs that are painted directly on a secondary exterior building wall and contain a commercial message, identify or advertise a product, service or business and have a relationship to the business contained within the building.
  - b. Painted wall signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - c. *Painted Wall Sign Location.* Painted wall signs shall meet the following location requirements:
    - i. Painted wall signs shall not extend above cornice line or above roof area.
    - ii. Painted wall signs are not allowed on the front of the building (the elevation facing the primary street).
    - iii. Painted wall signs shall be painted on masonry, stucco, concrete, concrete block (CMU) or other smooth surface walls.
    - iv. Painted signs on not allowed on lap sided walls.



Image 13.40



## ARTICLE 13 SIGN STANDARDS



Image 13.41



Image 13.42



Image 13.43

- d. Painted Wall Signs Size. Painted wall signs shall meet the requirements of Table 13.1.
  - e. Painted Wall Signs Quantity. The number of painted wall signs allowed per building shall not exceed the quantities indicated in Table 13.2.
  - f. Painted wall signs may be externally illuminated per the requirements of 13.10. A.
  - g. Painted wall signs require a Special Use Permit from the Planning Commission.
2. *Surface-mounted Wall Signs:* Refer to Images 13.41 through 13.43.
- a. Surface-mounted wall signs are signs mounted directly on a secondary exterior building wall and contain a commercial message, identify or advertise a product, service or business and have a relationship to the business contained within the building.
  - b. Surface-mounted wall signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - c. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - d. *Surface-mounted Wall Sign Location.* Surface-mounted wall signs shall meet the following location requirements:
    - i. Surface-mounted wall signs shall not extend above cornice line or above roof area.
    - ii. Surface-mounted wall signs are not allowed on the front of the building (the elevation facing the primary street).

*Exceptions:* Surface-mounted wall signs may be installed on the front of the building in any of the following conditions:

      - a. Industrial Shop Building Type in any District.
      - b. Mixed-Use Building Type in any Mixed-Use District for buildings with a single tenant over 25,000 total square feet, per Special Use Permit.
      - c. Buildings within the Highway Commercial (HUD HC) District
    - iii. Surface-mounted wall signs shall not project more than 12" from the building wall.
    - iv. Surface-mounted wall signs shall not extend beyond the ends of the wall to which the sign is attached.
  - e. *Surface-mounted Wall Sign Size.* Surface-mounted wall signs shall meet the requirements of Table 13.1.

- f. *Surface-mounted Wall Signs Quantity.* The number of surface-mounted wall signs allowed per building shall not exceed the quantities indicated in Table 13.2.
- g. Surface-mounted wall signs may be externally or internally illuminated per the requirements of Section 13.10.

F. MARQUEE SIGNS

- 1. *Marquee Sign Standards:* Refer to Images 13.44 and 13.45.
  - a. Marquee signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building’s massing, scale and character.
  - b. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - c. Marquee signs may be internally illuminated per the requirements of Section 13.10. B. and have a combination of exposed decorative bulbs and/or tube neon.
  - d. *Marquee Sign Location.* Marquee signs are allowed only on Mixed-Use Building Types or Retail Building Types, with a cinema or theater use, in HUD 7, HUD 6 or HUD 5 Districts.
  - e. *Marquee Sign Size.* Marquee signs shall meet the requirements of Table 13.1.
  - f. *Marquee Sign Quantity.* The number of marquee signs allowed per building shall not exceed the quantities indicated in Table 13.2.



Image 13.44

G. ROOF SIGNS

- 1. *Roof Sign Standards:* Roof signs shall meet the following requirements
  - a. Roof signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building’s massing, scale and character.
  - b. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - c. Supporting framework for roof signs shall not be visible from the ground.
  - d. *Roof Sign Location.* Roof signs must be above the cornice line or roof area and may not be attached to building walls.
  - e. *Roof Sign Size.* Roof signs shall not exceed a height of two (2) feet and shall meet the requirements of Table 13.1.
  - f. *Roof Sign Quantity.* The number of roof signs allowed per building shall not exceed the quantities indicated in Table 13.2.
  - g. Roof signs may be illuminated per the requirements of Section 13.10 by Special Use Permit.



Image 13.45

# ARTICLE 13 SIGN STANDARDS

## Section 13.12 Free Standing Sign Standards

Free standing signs are signs that are not attached to a building, but rather mounted independently on a pole(s) or on the ground within the premises of the site.

### A. GROUND-MOUNTED SIGNS

1. *Ground-mounted Sign Standards:* Refer to Images 13.46 and 13.47.
  - a. Ground-mounted signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Sign must be mounted on a permanent concrete foundation.
  - c. Sign must be set back from the property line(s) a minimum of ten (10) feet.
  - d. Sign shall not be located in a clear vision area. Refer to section 2.11 for clear vision areas.
  - e. Sign must not exceed six (6) feet in height, measured from the surrounding grade. Refer to Illustration 13.18.
  - f. Display surfaces may be made of wood, metal, masonry, composite materials, or other approved durable surfaces.
  - g. Letters, logos, symbols or designs may be engraved, painted, surface mounted or mounted above the display surface. These elements shall be made of wood, metal, composite materials or other approved durable surfaces.
  - h. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
  - i. Ground-mounted signs shall be allowed only within the following Districts:
    - i. Highway Commercial District (HUD HC)
    - ii. Heavy Commercial / Light Industrial (HUD IND 1)
    - iii. Industrial & Manufacturing (HUD IND 2)
    - iv. Educational, Religious or Municipal Uses in any District
    - v. Town Neighborhood Center A District. (HUD 5) by special use permit.
    - vi. Mixed-Use A District. (HUD 6) by special use permit.
  - j. *Ground Mounted Sign Size.* Ground mounted signs shall meet the requirements of Table 13.1 and Table 13.3.
  - k. *Ground Mounted Sign Quantity.* The number of ground mounted signs allowed per parcel shall not exceed the quantities indicated in Table 13.2.



Image 13.46



Image 13.47

ILLUSTRATION 13.18  
GROUND MOUNTED SIGN

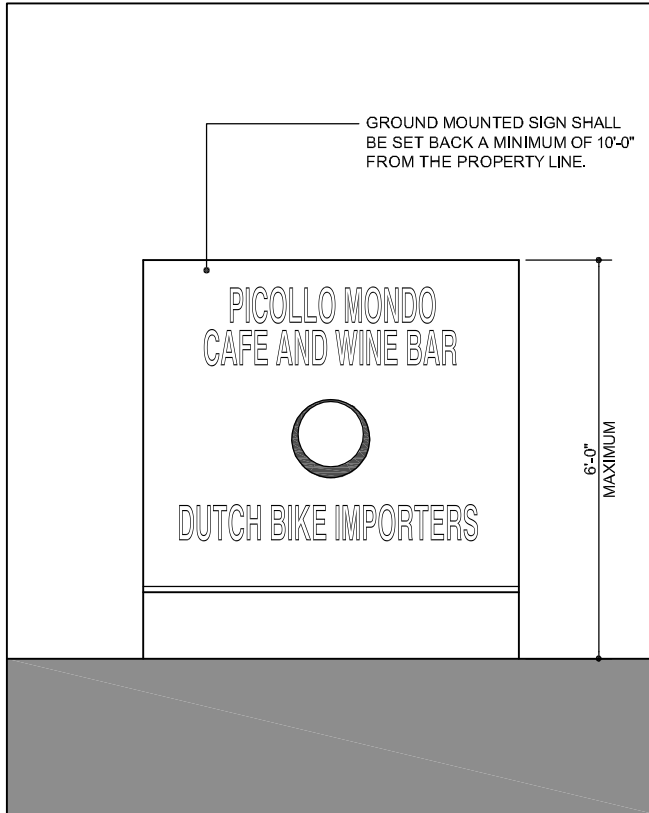
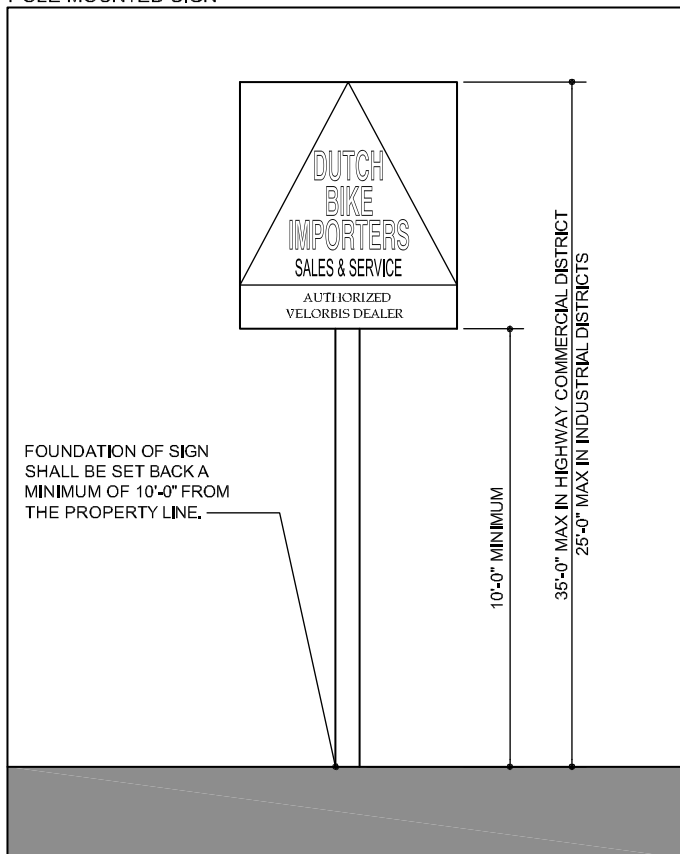


ILLUSTRATION 13.19  
POLE MOUNTED SIGN



2. *Ground-mounted Sign Illumination.*

- a. Ground-mounted signs may be externally or internally illuminated per the requirements of Section 13.10
- b. Ground-mounted signs are not required to be illuminated.

B. POLE-MOUNTED SIGNS

1. *Pole-mounted Sign Standards*

- a. Pole-mounted signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
- b. Sign must be mounted on a permanent concrete foundation.
- c. Foundation of sign must be set back from the property line(s) a minimum of ten (10) feet.
- d. Sign shall not be located in a clear vision area.
- e. Display surfaces may be made of wood, metal, plastic, composite materials, or other approved durable surfaces.
- f. Letters, logos, symbols or designs may be engraved, painted, surface mounted or mounted above the display surface. These elements shall be made of wood, metal, composite materials or other approved durable surfaces.
- g. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- h. Pole-mounted signs shall be allowed only within the following Districts:
  - i. Highway Commercial District (HUD HC)
  - ii. Heavy Commercial / Light Industrial District (HUD IND 1)
  - iii. Industrial and Manufacturing District (HUD IND 2)
- i. Sign must be supported by a pole or poles and the bottom of the sign must be ten (10) feet minimum above the adjacent grade and the top of the sign must not exceed the following, refer to Illustration 13.19:
  - i. Thirty-five (35) feet in Highway Commercial District (HUD HC)
  - ii. Twenty-five (25) feet in Heavy Commercial / Light Industrial (HUD IND 1)
  - iii. Twenty-five (25) feet in Industrial and Manufacturing District (HUD IND 2)
- j. *Pole-mounted Sign Size.* Pole-mounted signs shall meet the requirements of Table 13.1.
- l. *Pole-Mounted Sign Quantity.* The number of pole-mounted signs allowed per parcel shall not exceed the quantities indicated in Table 13.2.

2. *Pole-mounted Sign Illumination.*

- a. Pole-mounted signs may be externally or internally illuminated per the requirements of Section 13.10
- b. Pole-mounted signs are not required to be illuminated.

# ARTICLE 13 SIGN STANDARDS

## C. PORTABLE SIGNS

1. *Sandwich Board Sign Standards:* Refer to Images 13.48 through 13.50. Sandwich board signs are not required to have a sign permit, provided that they meet the following requirements:
  - a. Sandwich board signs shall be designed to be compatible with the character of the building and building materials in order to promote a unified design which compliments the building's massing, scale and character.
  - b. Sandwich board signs are allowed only for Retail and Commercial Uses.
  - c. Sandwich board signs may be temporarily placed in the furnishing zone of public frontage within the right-of-way, but must be immediately in front of the business. One sign per business. Refer to Illustration 13.20.
  - d. Sandwich board signs may not be in front of other businesses.
  - e. Must be stored indoors after hours of operation.
  - f. Display surfaces may be made of wood, metal, plastic, composite materials, or other approved durable surfaces.



Image 13.48



Image 13.49



Image 13.50

ILLUSTRATION 13.20  
PLAN VIEW: SANDWICH BOARD IN FURNISHING ZONE

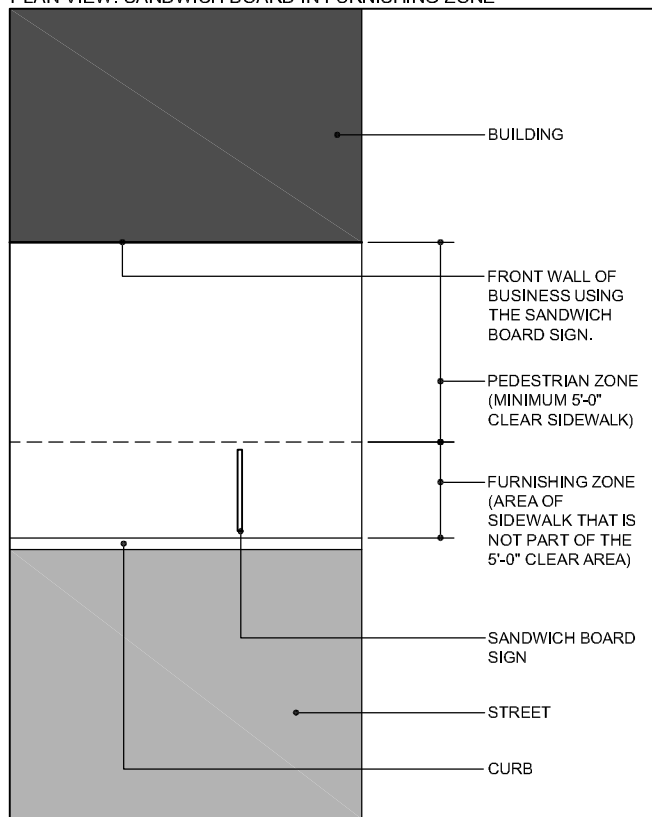


TABLE 13.1 SIGN STANDARDS: Size and Relevance to Building Type and District

			Urban Mixed-Use Districts		
Sign Type	Specific Sign	Building Type	HUD 7	HUD 6	HUD 5
			Central Business District	Mixed-Use A District	Town / Neighborhood Center A District
			Maximum sign size		
Building Mounted Signs	Projecting Signs	Mixed-Use Type	8 square feet	8 square feet	8 square feet
		Retail Type	8 square feet	8 square feet	8 square feet
		Cottage Retail Type	---	8 square feet	8 square feet
		Live-Work Type	---	8 square feet	8 square feet
		Apartment Type	---	8 square feet	8 square feet
		Industrial Shop Type	---	8 square feet	8 square feet
	Awning and Canopy Signs (Note that signs are allowed on both the valence and the sloped surface of the awning per illustrations 13.12 and 13.13)	Mixed-Use Type	Refer to 13.11B	Refer to 13.11B	Refer to 13.11B
		Retail Type	Refer to 13.11B	Refer to 13.11B	Refer to 13.11B
		Cottage Retail Type	---	Refer to 13.11B	Refer to 13.11B
		Apartment Type	---	Refer to 13.11B	Refer to 13.11B
		Industrial Shop	---	Refer to 13.11B	Refer to 13.11B
	Sign Bands (Size indicated is for the sign band display surface on the building wall)	Mixed-Use Type	32" to 38" high	32" to 38" high	32" to 38" high
		Retail Type	32" to 38" high	32" to 38" high	32" to 38" high
		Cottage Retail Type	---	24" to 36" high	24" to 36" high
		Industrial Shop Type	---	24" to 36" high	24" to 36" high
	Window Signs - Surface Applied  (Surface applied window signs allowed in conjunction with Retail, Commercial or Service Use within indicated Building Type)  Height and width maximums are per window pane  Refer to Illustration 13.17	Mixed-Use Type	12" high first row 9" high second row 90% of glass length	12" high first row 9" high second row 90% of glass length	12" high first row 9" high second row 90% of glass length
		Retail Type	12" high first row 9" high second row 90% of glass length	12" high first row 9" high second row 90% of glass length	12" high first row 9" high second row 90% of glass length
		Cottage Retail Type	---	10" high first row 7" high second row 90% of glass length	10" high first row 7" high second row 90% of glass length
		Live-Work Type	---	10" high first row 7" high second row 80% of glass length	10" high first row 7" high second row 80% of glass length
		Industrial Shop Type	---	12" high first row 9" high second row 90% of glass length	12" high first row 9" high second row 90% of glass length
	Window Signs - Neon  (Neon window signs allowed in conjunction with all non-residential uses within indicated Building Type)	Mixed-Use Ground Floor	2 SF / window pane	2 SF / window pane	2 SF / window pane
		Mixed-Use Upper Floor(s)	2 SF / floor	2 SF / floor	2 SF / floor
		Retail Type	2 SF / window pane	2 SF / window pane	2 SF / window pane
		Cottage Retail Ground Floor	---	2 SF / window pane	2 SF / window pane
		Cottage Retail Upper Floor	---	2 SF / floor	2 SF / floor
		Industrial Shop Ground Floor	---	2 SF / window pane	2 SF / window pane
	Wall Signs - Painted Signs (All sizes indicated are per each first story wall area facing a public R.O.W. with maximum 150 SF on any one building face)	Mixed-Use Type	15% of wall area	15% of wall area	15% of wall area
Retail Type		15% of wall area	15% of wall area	15% of wall area	
Cottage Retail Type		---	15% of wall area	15% of wall area	
Industrial Shop Type		---	15% of wall area	15% of wall area	
Wall Signs - Surface Mounted Signs (All sizes indicated are per each first story wall area facing a public R.O.W. with maximum 150 SF on any one building face)	Mixed-Use Type	15% of wall area	15% of wall area	15% of wall area	
	Retail Type	15% of wall area	15% of wall area	15% of wall area	
	Cottage Retail Type	---	15% of wall area	15% of wall area	
	Industrial Shop Type	---	15% of wall area	15% of wall area	
Marquee Signs (Cinema or theater use only)	Mixed-Use Type	1.5 SF / 1.0 linear foot of wall facing primary street	1.5 SF / 1.0 linear foot of wall facing primary street	1.5 SF / 1.0 linear foot of wall facing primary street	
	Retail Type	1.5 SF / 1.0 linear foot of wall facing primary street	1.5 SF / 1.0 linear foot of wall facing primary street	1.5 SF / 1.0 linear foot of wall facing primary street	
Roof Signs (Maximum 2 feet high)	Mixed-Use Type	30 square feet	30 square feet	30 square feet	
	Retail Type	30 square feet	30 square feet	30 square feet	
	Industrial Shop Type	---	30 square feet	30 square feet	
Free Standing Signs	Ground-Mounted Signs	Cottage Retail Type	---	Refer to Table 13.3	Refer to Table 13.3
		Industrial Shop Type	---	Refer to Table 13.3	Refer to Table 13.3
		Integrated Complexes	---	Refer to Table 13.3	Refer to Table 13.3
		Mobile Home Parks	---	---	---
		Single-family Subdivisions	---	Refer to Table 13.3	Refer to Table 13.3
	Pole-Mounted Signs	Not Applicable	Prohibited	Prohibited	Prohibited
	Portable Signs - Sandwich Board Signs	Not Applicable	12 square feet / side	12 square feet / side	12 square feet / side
	Portable Signs - Wheeled Signs	Not Applicable	32 square feet / side	32 square feet / side	32 square feet / side
	Portable Signs - Residential Real Estate Signs	Not Applicable	6 square feet	6 square feet	6 square feet
	Portable Signs - Commercial Real Estate Signs	Not Applicable	20 square feet	20 square feet	20 square feet
Portable Signs - Construction Signs	Not Applicable	32 square feet	32 square feet	32 square feet	
Miscellaneous Signs	Changeable Message Signs	Not Applicable	Prohibited	32 square feet	32 square feet
	Billboard Signs	Not Applicable	Prohibited	Prohibited	Prohibited

--- Indicates Building Type is not allowed in designated District  
 Prohibited indicates that the sign type is not allowed for Building Type in specified District (even though Building Type is allowed within the designated District)  
 Signs are not allowed on Building Types not listed for that specific Sign Type.

# ARTICLE 13 SIGN STANDARDS

**TABLE 13.2 SIGN STANDARDS: Sign Quantity and Combinations**

			Urban Mixed-Use Districts		
Sign Type	Specific Sign	Building Type	HUD 7	HUD 6	HUD 5
			Central Business District	Mixed-Use A District	Town / Neighborhood Center A District
Sign quantity per unit of measurement					
Building Mounted Signs	Projecting Signs	Mixed-Use Type	1 per tenant	1 per tenant	1 per tenant
		Retail Type	1 per tenant	1 per tenant	1 per tenant
		Cottage Retail Type	---	1 per tenant	1 per tenant
		Live-Work Type	---	1 per tenant	1 per tenant
		Apartment Type	---	1 per building	1 per building
		Industrial Shop	---	1 per tenant	1 per tenant
	Awning and Canopy Signs (For awning signs the quantity indicated may include a sign on both the sloped surface and valance of the canopy per Section 13.11 B.)	Mixed-Use Type	1 / canopy or awning	1 / canopy or awning	1 / canopy or awning
		Retail Type	1 / canopy or awning	1 / canopy or awning	1 / canopy or awning
		Cottage Retail Type	---	1 / canopy or awning	1 / canopy or awning
		Apartment Type	---	1 / canopy or awning	1 / canopy or awning
		Industrial Shop	---	1 / canopy or awning	1 / canopy or awning
		Industrial Shop	---	1 / canopy or awning	1 / canopy or awning
	Sign Bands	Mixed-Use Type	1 per building	1 per building	1 per building
		Retail Type	1 per building	1 per building	1 per building
		Cottage Retail Type	---	1 per building	1 per building
		Industrial Shop	---	1 per building	1 per building
	Window Signs - Surface Applied (Surface applied window signs allowed in conjunction with Retail, Commercial or Service Use within indicated Building Type)	Mixed-Use Type	1 per window pane	1 per window pane	1 per window pane
		Retail Type	1 per window pane	1 per window pane	1 per window pane
		Cottage Retail Type	---	1 per window pane	1 per window pane
		Live-Work Type	---	1 per window pane	1 per window pane
		Industrial Shop Type	---	1 per window pane	1 per window pane
	Window Signs - Neon (Neon window signs allowed in conjunction with all non-residential uses within indicated Building Type)	Mixed-Use Ground Floor	1 per window pane	1 per window pane	1 per window pane
		Mixed-Use Upper Floor(s)	1 per floor	1 per floor	1 per floor
		Retail Type	1 per window pane	1 per window pane	1 per window pane
		Cottage Retail Ground Floor	---	1 per window pane	1 per window pane
		Cottage Retail Upper Floor	---	1 per floor	1 per floor
		Industrial Shop Ground Floor	---	1 per window pane	1 per window pane
	Wall Signs - Painted Signs (per wall requirements represent secondary walls facing right-of-ways only - refer to Section 13.11 E)	Mixed-Use Type	1 per use	1 per use	1 per use
		Retail Type	1 per use	1 per use	1 per use
		Cottage Retail Type	---	1 per use	1 per use
Industrial Shop Type		---	1 per use	1 per use	
Wall Signs - Surface Mounted Signs (per wall requirements represent secondary walls facing right-of-ways only - refer to Section 13.11 E)	Mixed-Use Type	1 per use	1 per use	1 per use	
	Retail Type	---	1 per use	1 per use	
	Cottage Retail Type	---	1 per use	1 per use	
	Industrial Shop Type	---	1 per use	1 per use	
Marquee Signs (Cinema or theater use only)	Mixed Use Type	1 per building	1 per building	1 per building	
	Retail Type	1 per building	1 per building	1 per building	
Roof Signs	Mixed Use Type	1 per building	1 per building	1 per building	
	Retail Type	1 per building	1 per building	1 per building	
	Industrial Shop Type	---	1 per building	1 per building	
Free Standing Signs	Ground-Mounted Signs	Not Applicable	Prohibited	1 per business	
	Pole-Mounted Signs	Not Applicable	Prohibited	Prohibited	
	Portable Signs - Sandwich Board Signs	Not Applicable	1 per business	1 per business	
	Portable Signs - Wheeled Signs	Not Applicable	1 per parcel *	1 per parcel *	
	Portable Signs - Residential Real Estate Signs	Not Applicable	1 per tenant space	1 per tenant space	
	Portable Signs - Commercial Real Estate Signs	Not Applicable	1 per tenant space	1 per tenant space	
	Portable Signs - Construction Signs	Not Applicable	1 per parcel *	1 per parcel *	
Miscellaneous Signs	Changeable Message Signs	Not Applicable	Prohibited	1 per parcel *	
	Billboard Signs	Not Applicable	Prohibited	Prohibited	

--- Indicates Building Type is not allowed in designated District

Prohibited indicates sign types which are not allowed, while the Building Type is allowed within the designated District, Signs are not allowed on Building Types not listed for that specific Sign Type.

\* In instances where a parcel has been condominiumized, the entire condominium shall count as one parcel for the purposes of sign quantities indicated in Table 13.2.

Table 13.2 indicates the quantity of signs per Sign Type, Building Type and District. Quantities indicated on Table 13.2 are per individual Sign Type with the intent that individual buildings and / or projects are allowed to have each of the Sign Types indicated in conjunction with other signs indicated. Buildings and / or projects are not required to have all signs indicated, although at least one sign as indicated in Table 13.2 is required. Refer to Building Type Standards, Article 6 for required signs for specific Building Types.

**TABLE 13.3 SIGN STANDARDS: Ground-Mounted Sign Size**

<b>MAXIMUM GROUND-MOUNTED SIGN SIZE FOR TWO (2) AND THREE (3) LANE THROUGHFARES</b>			
Speed limit of Primary Street	Linear Frontage of lot facing primary street is less than 100 feet	Linear Frontage of lot facing primary street is between 100 feet and 250 feet	Linear Frontage of lot facing primary street is 250 feet or greater
15 to 25 MPH	15 square feet	25 square feet	40 square feet
30 to 40 MPH	35 square feet	45 square feet	60 square feet
45 to 55 MPH	75 square feet	85 square feet	100 square feet

<b>MAXIMUM GROUND-MOUNTED SIGN SIZE FOR EXPRESSWAYS</b>			
Speed limit of Primary Street	Linear Frontage of lot facing primary street is less than 100 feet	Linear Frontage of lot facing primary street is between 100 feet and 250 feet	Linear Frontage of lot facing primary street is 250 feet or greater
55+ MPH	140 square feet	160 square feet	200 square feet

<b>MAXIMUM GROUND-MOUNTED SIGN SIZE FOR FOUR (4) LANE THOROUGHFARES WITHOUT MEDIANS</b>			
Speed limit of Primary Street	Linear Frontage of lot facing primary street is less than 100 feet	Linear Frontage of lot facing primary street is between 100 feet and 250 feet	Linear Frontage of lot facing primary street is 250 feet or greater
15 to 25 MPH	20 square feet	30 square feet	40 square feet
30 to 40 MPH	50 square feet	60 square feet	70 square feet
45 to 55 MPH	110 square feet	120 square feet	130 square feet

<b>MAXIMUM GROUND-MOUNTED SIGN SIZE FOR FOUR (4) LANE THOROUGHFARES WITH MEDIANS AND ALL FIVE (5) AND SIX (6) LANE THOROUGHFARES</b>			
Speed limit of Primary Street	Linear Frontage of lot facing primary street is less than 100 feet	Linear Frontage of lot facing primary street is between 100 feet and 250 feet	Linear Frontage of lot facing primary street is 250 feet or greater
15 to 25 MPH	20 square feet	30 square feet	40 square feet
30 to 40 MPH	50 square feet	60 square feet	70 square feet
45 to 55 MPH	110 square feet	120 square feet	130 square feet

- g. Letters, logos, symbols or designs must be painted or applied to the display surface.
- h. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.
- i. *Sandwich Board Sign Size.* Sandwich board sign shall meet the requirements of Table 13.1.
- j. *Sandwich Board Sign Quantity.* The number sandwich board signs allowed per building shall not exceed the quantities indicated in Table 13.2.
- k. Sandwich board signs shall not be illuminated.

2. *Wheeled Signs*

- a. Wheeled signs are those signs which are temporary in nature with wheeled chassis that are portable and delivered to a site for specific purposes during a defined time frame. These purposes may include sales, announcements or other temporary events.
- b. Wheeled signs may be installed only pursuant to a permit granted by the Zoning Administrator. A fee, as established by the City Commission from time to time, shall be required before a permit may be issued.



## ARTICLE 13 SIGN STANDARDS

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- c. Duration of sign installation shall be determined by the Zoning Administrator and/or City Planning Commission during application procedure, but may not be used for more than fourteen (14) consecutive days and may not be used for more than sixty (60) days out on any calendar year on a specific lot. Expiration date shall be affixed to the sign facing the street side. This method of expiration shall use a tag provided by the Zoning Administrator or his or her designee.
  - d. Wheeled signs shall be anchored in a safe and secure manner. The anchoring method shall be one which reasonably protects against the sign being blown down or away, or by any other natural element being forced from its intended location. Anchoring shall be achieved by anchoring the sign to the ground or other permanent and stable structure. Anchoring of signs by tying weighted objects such as cinder blocks or tires shall be prohibited.
  - e. Wheeled signs shall be placed outside of the Right-of-Way on private property. Wheeled signs are not allowed within Public Frontages or within parking lots.
  - f. Wheeled signs may have changeable individual letters applied over plastic panels within a sheet metal box enclosure. Sign may be made of other approved materials.
  - g. Wheeled signs shall not exceed thirty-two (32) square feet per side. Refer to Table 13.1.
  - h. Wheeled signs may be internally illuminated. Flashing lights on wheeled signs shall be prohibited.
  - i. Wheeled signs are not required to be illuminated.
  - j. Illumination must be contained within the sign.
  - k. Electric chords for portable signs which are proposed to cross any sidewalk or parking aisle shall not be permitted without approval of Zoning Administrator.
  - l. Wheeled signs shall not obstruct view of motorists.
  - m. If a wheeled sign is placed with a public Right of Way in violation of this Ordinance, the City may impound such sign.
  - n. *Noncompliance violation.* Any violation of the provisions of this Section of the Ordinance shall be considered a violation of this Ordinance and subject to any of the penalties stated in Section 18.
3. *Residential Real Estate Signs*
- a. *Model signs.* One (1) on-premise sign is allowed per street frontage to direct the public to a model home or unit, not exceeding six (6) square feet.
  - b. *Open house signs.* One (1) on-premise sign per street frontage is permitted for the purposes of directing the public to a residential dwelling unit that is for sale and open for the public to view. Sign size shall not exceed six (6) square feet. Sign shall be removed within one-hour of closing.
  - c. *Sale or lease sign, street level dwelling unit.* One (1) on-premise sign per street frontage is permitted for the purpose of directing the public to the residential unit that is for sale or lease. Sign size shall not exceed six (6) square feet. Sign shall be located in the yard or be affixed to the building face and located in relation to the unit for sale or lease in instances where no yard is available.
  - d. *Sale or lease sign, upper level dwelling unit.* One (1) on-premise sign per street frontage is permitted for the purpose of directing the public to the residential unit that is for sale or lease. Sign size shall not exceed six (6) square feet. Sign shall be affixed to the building face and located in relation to the unit for sale or lease.
  - e. Residential real estate signs shall not be located in the public right-of-way.
  - f. A permit is not required for all residential real estate signs as identified within this section.
4. *Commercial Real Estate Signs*
- a. One (1) on-premise sign is allowed per street frontage.
  - b. Real estate signs directing the public to the property for sale or lease shall not be located in the public right-of-way.
  - c. Signs shall not exceed twenty (20) square feet in area and shall not exceed eight (8) feet in height.
5. *Construction Signs*
- a. Construction signs may contain the name of the project and the names and addresses of the contractors, architects, sponsors, engineers, developers and / or lender.
  - b. The sign may only be erected after a building permit for the project is obtained and shall be removed within thirty (30) days of the project completion, based on issuance of an occupancy permit.
  - c. One (1) on-premise sign is allowed per street frontage.
  - d. Signs shall not exceed thirty-two (32) square feet in area and shall not exceed eight (8) feet in height.

**Section 13.13 Miscellaneous Sign Standards****A. Changeable message sign standards**

1. Scrolling or travelling of a message on to and/or off of the display shall be allowed; provided the message is coming from one (1) direction only.
2. If non-scrolling, the display of the sign shall remain stationary and not change for a minimum of eight (8) seconds, with one (1) second to change message.
3. The methods of change shall be limited to instantaneous, roll, splice, unveil, zoom or fade as interpreted by the Zoning Administrator.
4. The display shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light or blinking or chasing lights; the display shall not bounce, rotate, spin, twist or other similar movements.
5. Signs shall not operate at a brightness level greater than the manufacturer's recommended levels, in order to prevent glare.
6. Maximum brightness levels for dynamic display signs shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. To obtain a sign permit, certification must be provided to the City demonstrating that the sign has been pre-set to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be required by the City to ensure brightness levels are maintained at all times.
7. Sign permit applications shall also include a copy of the manufacturer's specifications on luminosity and a certification from the owner or operator of the sign stating that the sign shall be operated in accordance with City Codes.
8. Changeable message signs shall only be permitted when designed as part of a sign containing permanent sign copy.
9. Refer to Table 13.1 for District compatibility.
10. Changeable message signs are allowed only for the following uses:
  - a. Governmental Uses.
  - b. Religious Uses.
  - c. Other Uses by Special Use Permit.

**B. Billboard Standards**

1. Billboards shall only be permitted if approved by a Special Use Permit.
2. Billboards shall only be permitted in the Industrial and Manufacturing District (HUD IND 2)
3. Billboards shall not be located closer than one mile (5,280 feet) from another billboard on the same side of the right-of-way. This spacing standard shall be applicable regardless of what governmental juris-

diction other billboards may be located in.

4. Billboards shall only be permitted along the I-196 freeway and shall be setback a minimum of 15 feet from the I-196 freeway right-of-way, but not greater than fifty (50) feet.
5. Billboards shall not be located closer than four-hundred (400) feet from residential districts.
6. Billboards shall not be located closer than thirty (30) feet from any building.
7. Billboards shall not be located closer than one-hundred (100) feet from any other freestanding sign.
8. Billboards shall not be erected above any building.
9. Billboards shall use only one pole for support.
10. Billboards shall be limited in size to three-hundred (300) square feet and shall not exceed thirty-five (35) feet in height.
11. All billboards shall be finished on both sides, but sign content shall only be permitted on the side of the billboard that faces oncoming traffic in the closest lane of traffic.
12. Billboards shall not be internally illuminated.
13. Billboard displays using moving parts shall be prohibited.
14. The billboard sign shall be maintained by the owner of the sign. The maintenance of the grounds surrounding the billboard may be maintained by either the owner of the sign or the property owner; however, the City reserves the right to hold both parties jointly or severally responsible for such maintenance.

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# ARTICLE 14

## ENVIRONMENTAL AND SUSTAINABILITY STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 14 ENVIRONMENTAL AND SUSTAINABILITY STANDARDS

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## Section 14.01 Purpose and Intent

The purpose of this Article is to promote and protect the public health, safety and general welfare by preserving and improving the environmental conditions created by the built environment and to accomplish the following:

- A. *Quality of Life*. Protect and enhance property values and quality of life through the enhancement of the appearance and visual quality of the environment;
- B. Establish development patterns which are consistent with the City of Hudsonville Downtown Master Plan, while providing environmental protection standards which reinforce that development pattern and protect the natural assets of the community;
- C. *Stormwater Impact*. Reduce stormwater impacts and costs associated with the movement of earth, expansion of impervious surface areas and removal of vegetation, including flooding and erosion;
- D. *Air and Water Quality*. Create a healthy environment for people and wildlife by improving air and water quality;
- E. *Sustainable Development*. To promote sustainable development patterns;
- F. *Alternative Energy*. To encourage the use of alternative energy options while maintaining the public health, safety, general welfare and character of the City of Hudsonville.

## Section 14.02 Site Grading and Steep Slope Requirements

- A. *Grading*. The general site topography and any natural landforms unique to the property shall, whenever feasible, be maintained and made part of the development. Proper grading and elevation relationships to adjacent properties shall be maintained. All necessary grading shall complement natural landforms. Due to existing conditions and the character of the Hudsonville downtown, natural landforms are not anticipated in the Urban Mixed-Use Districts (HUD 7, HUD 6 and HUD 5) as these Districts are not typically defined by natural landscapes.
- B. *Slopes*. Cut and fill slopes shall be minimized. Unstable slopes or slopes subject to erosion shall be protected. Slopes shall be re-vegetated using low-maintenance techniques.
- C. *Steep Slopes*. Steep slopes are slopes of twenty (20) percent or greater. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes. Areas containing existing steep slopes shall be included as open space and not be a part of a building site.

Exception: The Planning Commission may grant a special use permit in order to allow grading or removal within steep slopes and / or to allow steep

slopes to be included as part of the building site in instances where site constraints create practical difficulties in maintaining slopes in their natural state or in instances where the Planning Commission determines that encroachment into steep slopes will have minimal negative impact on the site.

- D. *Clustered Development*. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
- E. *Stormwater*. Stormwater runoff that could result from major changes in topography shall be minimized.
- F. *Phased Construction*. Large tracts shall be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to seasonal runoff.

## Section 14.03 Wetlands, Streams and Water Bodies Requirements.

- A. *Wetlands, Streams and Water Bodies*.
  1. Grading, removal of vegetative cover and new structures shall be in compliance with Ottawa County Drain Commission standards and easements..
  2. In residential plats or site condominiums, wetlands shall be located in required open space rather than on residential lots, unless the Zoning Administrator determines that such location can not be reasonably achieved.

## Section 14.04 Sustainable Development and LEED-ND

The LEED for Neighborhood Development (LEED-ND) Rating System integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

More information can be found at [www.usgbc.org](http://www.usgbc.org).

It is the intent of this ordinance to promote sustainable development patterns but to not require them. As such, density and height bonuses may be allowed by the Planning Commission for projects which employ a commitment to LEED for Neighborhood Development certification. Refer to Article 5 for additional information regarding density and height bonuses and other related incentives.

LEED-ND is a developer driven process within the City of Hudsonville. The developer, during the early stages of project planning, shall determine if the proposed project location meets the prerequisite requirements established as part of the LEED-ND rating system as not all locations are anticipated to meet these prerequisites.

# ARTICLE 14 ENVIRONMENTAL AND SUSTAINABILITY STANDARDS

## Section 14.05 Stormwater Management

For definitions pertaining to this section refer to Stormwater Management in Article 21.

Comprehensive stormwater management is a critical component to improving land development and environmental conditions, although many land development regulations require site by site stormwater treatment and controls. These segregated systems may ultimately lead to inefficient stormwater management and ineffective treatment options, as well as a compromised development pattern. Consolidated and context sensitive stormwater management systems can lead to a better development pattern by locating systems away from areas that should be more intensely developed and instead, locating them where they can be established as neighborhood amenities with improved stormwater quality and maintenance. In instances where stormwater management facilities can not be located away from intensely developed areas (HUD 7, HUD 6 and HUD 5 Districts), context sensitive solutions shall be implemented in order to reinforce the urban context and form.

This Section addresses stormwater management as both a comprehensive and a context sensitive system with the intent of balancing environmental requirements and development conditions. All stormwater management systems shall meet the following requirements:

- A. Approved storm water management techniques for development shall be properly maintained by the property owner or subsequent property owners.
- B. Any modification to the storm water management system shall be approved by the Zoning Administrator prior to modification or reconstruction.
- C. Post-construction run-off shall not exceed pre-construction run-off.
- D. The following stormwater system components shall be utilized to achieve storm water management and control. Refer to Table 14.1.
  - 1. Other Methods. A landowner may develop an alternative storm water management approach, which will in effect meet the same requirements as presented above.
- E. *Applicability to Existing Development.* Refer to Table 1.1 Applicability Matrix for application of this Article to existing development.

**Table 14.1 STORMWATER MANAGEMENT**

This table provides common methods for on-site of stormwater management to minimize post-developmental increases in stormwater runoff. Methods are calibrated to Districts.

Management System	Specific Component	Urban Mixed-Use Districts		
		HUD 7 Central Business District	HUD 6 Mixed-Use A District	HUD 5 Town / Neighborhood Center A District
Hard Surface Treatment	Permeable Concrete	■	■	■
	Permeable Asphalt	■	■	■
	Cast or Pressed Concrete Paver Block	■	■	■
	Stone or Masonry Paving Blocks	■	■	■
	Grassed Cellular Concrete			■
	Green Roof	■	■	■
Rainwater Reuse	Reuse - Irrigation	■	■	■
	Reuse - Greywater	■	■	■
Linear Infiltration	Drainage Ditch			
	Vegetative Swale (Bioswale)			
	Vegetative and Stone Swale			■
	Vegetative Stormwater Planters	■	■	■
Area Infiltration	Rain Garden		❖	❖
	Retention Basin		■	■
	Detention Basin		■	■
	Underground Storage	■	■	■

■ Denotes that component is allowed in District  
 ❖ Denotes that component is allowed in parking lots only within this District

# ARTICLE 14 ENVIRONMENTAL AND SUSTAINABILITY STANDARDS

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## Section 14.06 Solar Energy

- A. *Purpose and Intent.* The purpose of this Section is to establish base guidelines to promote the use of solar energy systems in order to reduce the consumption of fossil fuels.
- B. *Applicability.* This Section applies to all solar energy systems proposed to be installed after the effective date of this Ordinance. A solar energy system may not be installed until a building permit has been issued.
- C. *Where Permitted.* Solar energy systems are permitted.
- D. *Placement.* Solar energy systems shall meet the following placement requirements:
1. The placement of any solar energy system shall be affixed so as not to adversely affect the pleasure and enjoyment of nearby residential uses.
  2. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or public rights-of-way.
  3. Solar energy systems shall not be located on fronts of residential building types.
  4. Whenever possible solar energy systems shall be placed on building roofs in lieu of building walls.
  5. Ground-mounted solar energy systems are not allowed, all systems shall be building-mounted.
  6. Wall-mounted solar energy systems shall not interfere with architectural details or window openings.
  7. Roof-mounted solar energy systems may be mounted on the primary or accessory building.
- E. *Connection to Power Grid.* Any and all of the energy generated by solar energy systems may be transferred directly into the utility grid. Any connections shall comply with all other applicable City ordinances and policies and all applicable State or Federal laws.

# ARTICLE 15

## PLANNED UNIT DEVELOPMENTS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

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## Section 15.01 Description and Purpose

A. *Rationale.* The use, area, height, bulk, placement, building type standards and frontage standards that are required by the district regulations of this Ordinance are primarily applicable to the usual situation of one principal use or building on a lot. This traditional zoning approach, with its rigid controls has now been recognized as being inappropriate for the development of many medium- and large-scale projects.

This traditional approach, in many instances, actually serves the interest of public health, safety, and welfare less than an approach which allows more flexibility and innovation in design. Article 15 allows for the establishment of Planned Unit Developments (PUD) in order to promote this more flexible and innovative design.

B. *Purpose.*

1. It is the purpose of this section to provide developers and the city with a zoning process intended for the following purposes:
  - a. To promote flexibility and creativity in land use planning and design;
  - b. To encourage the use of land in accordance with its character and adaptability;
  - c. To promote the conservation of natural features and resources;
  - d. To promote development substantially consistent with that of the underlying zoning district and the master plan;
  - e. To promote and ensure greater compatibility of design and use between neighboring properties;
  - f. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the city; and
  - g. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities.
2. It is expressly not the intent of this section to use planned unit development principally as means of circumventing the ordinance with respect to underlying zoning district regulations.

C. *Planned Unit Development classification.* For the purpose of the application and approval process, one of the following classifications shall be used for all PUD projects. These classifications are only pertinent to the submittal and approval process.

1. *Minor Planned Unit Development.* Minor Planned Unit

Development is any PUD that contains a single use and single site. The minor PUD is exempted from Section 15.07 Preliminary Development Plan / Submission and Section 15.08 Planning Commission Review of Preliminary Development. The minor PUD is required to comply with all other requirements of this Article.

2. *Major Planned Unit Development.* Major Planned Unit Development is any PUD that does not meet the requirements of the minor PUD. The major PUD is required to comply with all the requirements of this Article.

## Section 15.02 Establishment of a Planned Unit Development District

- A. *Establishment by special use permit.* A planned unit development shall be established by special use permit as provided in Article 17 of this ordinance. Rezoning is not required.
- B. *Review by planning commission.* The planning commission shall have the responsibility to review and approve all planned unit development applications.
- C. *Eligibility in all zoning districts.* A landowner may seek approval for a PUD in any zoning district subject to meeting the regulations contained in this section.
- D. *Continuing applicability of approved planned unit development regulations.* The location of all uses, buildings, and all mixtures thereof, all setbacks, and all other information or regulations regarding uses of properties as shown on the PUD site plan, or submitted in textual form therewith, once approved, shall represent the zoning regulations for the PUD site and shall have the full force of the zoning ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof, and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this section. A parcel of land that has been approved as a PUD shall not thereafter be developed or used except in accordance with the approved site plan, plat, or other regulations approved as part of the PUD approval.

## Section 15.03 Permitted Uses

- A. Uses permitted within a planned unit development include the following:
  1. All uses permitted by right in the zoning district for which the PUD is proposed;
  2. All uses permitted by special use permit in the zoning district for which the PUD is proposed, subject to approval by the planning commission in

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

accordance with the regulations contained in Article 17 of this Ordinance;

3. Other uses subject to approval by the planning commission.
- B. The planning commission shall make a determination of what other uses may be permitted based on the following criteria:
1. Degree to which proposed uses are consistent with the master plan designation and underlying zoning district (Those uses permitted by right in the underlying zoning district should be predominate among the proposed PUD uses.);
  2. Compatibility of uses proposed for the PUD;
  3. Compatibility of the PUD with surrounding development; and
  4. Assessment of need for the proposed uses.

## Section 15.04 General Regulations

- A. *Applicable regulations.* All buildings and uses proposed for a planned unit development shall meet the zoning regulations for the zoning district in which it is located, unless alternative uses or standards are specifically included in the planned unit development plan and are approved, subject to the regulations in this section of the ordinance.
- B. *Construction.* Until the requirements of this section are met, no construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued on a lot or parcel for which a PUD classification is being sought.
- C. *Performance guarantee.* The planning commission at their option may require a performance bond, letter of credit, or similar security measure to ensure completion of the public improvement portions of the proposed PUD plan.
- D. *Consistency with master plan.* All proposed PUD's shall be consistent with the intent of the City of Hudsonville Master Plan, as amended, for the site proposed.
- E. *Compliance with other statutes and ordinances.* All planned unit developments which involve the subdivision and platting of land shall, if applicable, comply with all state and local statutes and ordinances governing the subdivision of land, to include Michigan Acts 288 of 1967, as amended, Act 59 of 1978, as amended, and Chapter 21 "Subdivisions" of the City of Hudsonville Code of Ordinances.

## Section 15.05 Development Regulations

### A. *Minimum size.*

1. Residential and commercial PUD's in all districts, except Urban Mixed Use and CBD Districts, shall be at least five (5) acres.
2. Commercial PUD's in Urban Mixed Use and CBD Districts shall have no minimum size.
3. Industrial PUD's in all industrial districts shall have at least twenty (20) acres.

B. *Public access.* Each dwelling unit or other permitted use shall have access to a public street, either directly or indirectly via a private-approach street, pedestrian way, court, or other area dedicated by common easement guaranteeing access. Permitted uses are not necessarily required to front on a dedicated road.

C. *Streets.* The planned unit development shall contain sufficient road improvements to provide vehicular access to all areas of the site. All roads shall be constructed to city standard for either public or private streets. Where a site involves land needed for a planned or platted future public road, such road shall be proposed as a public road.

D. *Definite benefit.* The planned unit development must result in a definite benefit to residents of the City of Hudsonville, and the PUD's users, which would not be present without a PUD and which would not be available under the existing, underlying zoning classification.

### E. *Open space.*

1. Planned unit developments shall provide a minimum of twenty-five (25) percent of the gross area of the PUD as permanent open space. Building setback areas may be counted as open space. Roads, circulation aisles, and parking lot areas may not be counted as open space. Areas to be maintained as permanent open space and their percentage of the total PUD site shall be designated on the site plan or PUD agreement.
2. In relation to the location of dwelling units and natural features, open space areas shall be conveniently and equitably located throughout the PUD.
3. Open space areas shall have minimum dimensions which, in the planning commission's opinion, are usable for the functions intended and will be maintainable.
4. The planning commission may require that natural amenities, including ravines, wooded areas, unique wildlife habitats, ponds, streams and similar features, be retained as part of the permanent open-space system.

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

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F. *Maintenance.* All privately owned, common open spaces shall conform to their intended purpose and remain as shown in the planned unit development plan. Deed restrictions and/or covenants shall govern the maintenance of privately owned common space. Required maintenance standards and/or maintenance activities shall be included in the deed restrictions and/or covenants. The deed restrictions and/or covenants shall provide for the City of Hudsonville to assess private property owners with an interest in common open space for the cost of maintenance in the event that inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present, as well as future, property owners.

G. *Unified control.* All land included for the purpose of development within a planned unit development shall be under the unified control of the applicant (an individual, partnership, corporation, or group of individuals, partnerships, or corporations). Additionally, the applicant must provide legal documentation evidencing the same to the City of Hudsonville.

H. *Residential density.* The planning commission shall not be obligated to approve residential densities higher than those permitted for the zoning district in which the PUD is proposed. However, they may approve higher densities if it can be demonstrated that the proposed development can be achieved in a compatible manner with the surrounding development, and the following density maximums are not exceeded for any one (1) acre within the PUD site:

1. Four and one-half (4.5) units per acre in any R-1 District;
2. Six (6) units per acre in the R-2 District;
3. Seven (7) units per acre in the R-3 District; and
4. Ten (10) units per acre in the R-4 District.

I. *Uniformity of architecture and design.* The planned unit development proposal, as a whole, shall have a consistent and compatible appearance with regard to facades, general appearance, theme, landscaping, lighting, and signage.

J. *Project phasing.*

1. If the proposed development is to be constructed in phases, a narrative description of that phase process that describes all work to be done in each phase shall be submitted, together with the PUD site plan. A map showing the area to be included in each phase shall also be provided.
2. A phase shall not be dependent upon subsequent

phases for safe and convenient vehicular and pedestrian access, adequate utility services, or open spaces and recreation facilities.

3. So that serious overloading of utility services, community facilities, or roads will not result, the planning commission may require that development be phased so that such development will generally balance the expenditures required by the public agencies to properly service the PUD development.
4. The planning commission may require that the required percentage of open space for the entire PUD be initially maintained through each phase of the PUD. The planning commission may allow redistribution of that open space upon completion of subsequent phases, as long as the required percentage of open space is maintained upon completion of all phases of the PUD.
5. Development shall occur in accordance with the phasing schedule submitted as a part of the approved preliminary development plan. Individual elements of the plan may be executed earlier than dates provided; however, the sequence of development may not be modified without prior written agreement of both parties. In the event the project applicant fails to complete any element of the plan consistent with the schedule, the city may rescind approval of any or all of the undeveloped planned elements included in the phasing schedule.

K. *Compliance with general regulations.* The planned unit development shall meet all applicable general regulations of this ordinance contained in Article 2.

## Section 15.06 Pre-application Conference

A. *Pre-application conference required.* Prior to submitting a planned unit development application, the applicant shall be required to attend a pre-application conference with the Zoning Administrator. This conference may also be attended by the planning director and any consultants representing either the city or the applicant.

The purpose of this conference is for the applicant to inform the city of the concept of the proposed development and for the city to inform the applicant regarding land development policies, procedures, standards, and requirements of the city and other agencies in terms of the proposed development.

B. *Statements made at conference not legally binding.* Statements made at the pre-application conference shall not be legally binding commitments.

C. *Information required for conference.* The applicant shall

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

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present the following information at the pre-application conference:

1. Legal documentation evidencing unified control of the land upon which the planned unit development is proposed;
2. A legal description of the subject property;
3. The total number of acres to be included in the project;
4. The estimated number of acres to be occupied and/or devoted to or by each type of use;
5. The relative locations of the different uses in the proposed planned unit development;
6. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
7. Estimated density for residential developments;
8. The estimated amount of acres or percent of land to be preserved as open space or recreation space;
9. The location and estimated number of acres of natural resources and natural features proposed to be preserved, lost and/or replaced;
10. The location and estimated number of acres of wetlands and land within the 100-year floodplain;
11. The known deviations from the ordinance regulations being sought; and
12. A statement of why approval for a planned unit development is being sought, and the definite benefit to the City of Hudsonville and the eventual PUD occupants, which would not occur under the current zoning districts and regulations.

## **Section 15.07 Preliminary Development Plan and Submission Requirements**

Following the pre-application conference, the applicant shall submit sixteen (16) copies of a preliminary development plan, along with fee, to the Zoning Administrator. This submittal is required for only major planned unit developments. The preliminary development plan shall contain the following information:

- A. The name, address, and phone number of firm or individual who prepared the plan, owner of the property and applicant (if other than the owner);
- B. The name of the proposed development;
- C. The common description of property and complete legal description;
- D. The dimensions of all property boundaries and total acreage of the property;
- E. The existing zoning and land use of the proposed site and all adjacent properties;

- F. A map showing proposed land use and a statement indicating the definite benefit of the proposed PUD to the City of Hudsonville and the eventual PUD occupants, which would not occur under the current zoning districts and regulations;
- G. The location of existing and proposed right-of-way widths of all adjoining and internal roads, and layout of all internal roads;
- H. The proposed acceleration, deceleration, and passing lanes and proposed accesses;
- I. An estimate of trip generation for each phase of the project;
- J. The location of all parking areas and, if known, the number of spaces;
- K. A description of intentions with respect to the provision of water and sewer;
- L. The location of areas, and percent of site to be preserved as open or recreational space;
- M. A map and written analysis of natural features and manmade features (The map and analysis shall show the location and nature of significant natural and manmade features on and near the site. Such features may include drainage courses, floodplains, drains, wood lots, and wetlands);
- N. A gross and net density calculation, number and types of units, and minimum floor area per dwelling unit for residential developments;
- O. The general plan concept indicating each proposed use, square footage or acreage allocated to each use, approximate locations of each principal structure and use, and set backs (If available, typical floor plan and elevation for each building shall be shown.);
- P. A description of applicant's intentions regarding selling or leasing of land, or portions thereof;
- Q. The specifications of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought;
- R. A topographical map, unless waived by the Zoning Administrator; and

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

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- S. If the PUD is to be phased, a development schedule for each phase of the PUD, which must include estimated dates for site plan approval and completion of construction for each phase of the PUD plan.

## Section 15.08 Planning Commission Review of Preliminary Development Plan

The preliminary development plan shall be reviewed by the planning commission at both an informal and formal session of the planning commission.

- A. *Requirements.* This submittal is required for only major planned unit developments.
- B. *Placement on informal session agenda.* The Zoning Administrator, upon receipt of all required materials for the preliminary development plan, shall place the plan on the informal agenda for the next available meeting.
- C. *Informal session review and preparation of statement of findings and recommendations.* The planning commission shall review the preliminary development plan at an informal session and subsequently have prepared a statement of findings and recommendations. This statement shall address the following:
  - 1. Whether the preliminary development plan meets the regulations as set forth in this Article of the Ordinance, and a determination by the planning commission as to whether definite benefit and consistency with the City of Hudsonville Master Plan, as amended, has been adequately demonstrated;
  - 2. Identification of additional studies which the planning commission, based upon their review of the plan, feel are warranted. Such studies may include, but are not limited to,
    - a. A traffic impact assessment,
    - b. An environmental impact assessment,
    - c. A community impact statement,
    - d. A fiscal impact assessment,
    - e. A market needs assessment, and
    - f. A utility impact assessment;
  - 3. Planning commission recommendations, pursuant to having the preliminary development plan brought into compliance with the regulations contained in this section of the Ordinance; and
  - 4. If no additional studies are being requested, identification of the date for public hearing and review of the plan in formal session, unless additional time is needed by the applicant to make plan modifications, the public hearing date should be set for the next available meeting for which the public hearing can be properly noticed. If additional studies are requested, the applicant shall present such

information at a second informal session, at which time the public hearing date would be set.

- D. *Statement of findings and recommendations made part of informal session minutes.* The statement of findings and recommendations shall be made a part of the official meeting minutes, and a copy shall be provided to the applicant. Copies shall also be provided to the city commission a minimum of fourteen (14) days prior to the public hearing date.
- E. *Formal session/public hearing.* A public hearing on the preliminary development plan shall be held at a formal session, in accordance with the public hearing requirements for special uses contained in Article 17 of this Ordinance.
- F. *Planning commission options for action.* The planning commission, within thirty (30) days following the public hearing, shall approve, approve with conditions, or deny the preliminary plan. The planning commission's decision with regard to the preliminary development plan shall be incorporated into a statement of conclusions. This statement shall specify the decision, basis for the decision, and any conditions imposed relating to an affirmative decision. In reviewing the preliminary development plan, the planning commission shall evaluate compliance with the regulations contained in this Article of the Ordinance, with particular emphasis on adequate demonstration of definite benefit and consistency with the City of Hudsonville Master Plan, as amended.

## Section 15.09 Effect of Preliminary Plan Approval

Approval of the preliminary PUD plan shall have the following effects:

- A. *Applicant rights.* Approval shall confer a right to the applicant, for a period of two (2) years that the uses and regulations that were approved as part of the preliminary plan shall not be changed, provided that subsequent planning and/or construction are diligently being pursued.
- B. *Authorization to file final site plan.* Approval shall authorize the applicant to file for final site plan approval for all or any phase of the development shown on the approved preliminary plan.
- C. *Authorization for construction of approved site improvements.* Approval shall authorize construction of on-premises improvements for which final design and location have been determined and planning commission approval has been granted. Grading, tree removal, and other changes

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

in the existing topography and natural features shall be limited to the minimum required to construct approved buildings or facilities.

- D. *Preliminary plat application authorization.* Approval shall authorize the applicant to file a preliminary plat.

## Section 15.10 Submission Requirements for Final Development Plan

- A. *Final plan submission.* Within two (2) years following receipt of preliminary plan approval, the applicant shall submit to the Zoning Administrator sixteen (16) copies of a final PUD plan. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant shall have to recommence the review process. The planning commission may extend the time frame for submission of the final plan upon a showing by the applicant that no significant change of circumstance has occurred.
- B. *Final development plan contents.* The final development plan shall contain the following:
1. A final site plan meeting all the requirements for site plan review under Article 18 of this Ordinance;
  2. The name, address, and telephone number of the firm or individual who prepared the plan, owner of the property, and the applicant (if other than the owner);
  3. The dimensions of all property boundaries and total acreage of the property;
  4. The identification of specific uses for all proposed buildings;
  5. The proposed acceleration, deceleration, and passing lanes and proposed accesses;
  6. The specifications of each deviation from the applicable ordinance regulations which will be sought to be approved, and the safeguards, features, and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulation from which a deviation is being sought;
  7. A description of applicant's intentions regarding selling or leasing of land, or portions thereof land;
  8. The location of, proposed uses of, and percent of site to be preserved as open or recreational space;
  9. A description of all known natural resources and natural features, and a detail of those to be preserved;
  10. A gross density calculation, number and types of units, and minimum floor area per dwelling unit for residential developments;
  11. Scaled architectural drawings of exterior facades for all buildings and structures which are to be erected. The Zoning Administrator may also require,

depending on the size, location and complexity of the project, the following:

- a. Material selections and colors of exterior materials, including samples of materials.
  - b. Digital renderings of the buildings.
  - c. Other architectural drawings which convey the requirements of Article 6 of this Ordinance.
12. The legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities (These instruments shall become a part of the approved plat or final site plan, whichever is applicable.); and
13. A declaration of covenants and restrictions filed by the developer where property owners associations (POA's) are to be used to maintain and preserve common areas and facilities.

The declaration of covenants and restrictions shall include the following provisions, but shall not be limited to them:

- a. A POA shall be established before any dwelling units or businesses in the PUD are sold or leased.
- b. Membership in the POA shall be mandatory for each buyer and for any successive owner, and shall be so specified in the covenants.
- c. Restrictions shall be permanent.
- d. The POA shall be made responsible for liability insurance, local taxes, and maintenance of common areas and facilities.
- e. Property owners shall pay their pro rated share of the costs, and it shall be so specified in the covenants. (Assessments levied by the POA can become a lien on the property.)
- f. A POA shall have authority to adjust the assessment to meet changed needs.
- g. Prior to approval of the final PUD plan, the planning commission and city attorney shall review the proposed by-laws and articles of incorporation of any POA.

## Section 15.11 Planning Commission Review of Final Development Plan

The final PUD development plan shall be reviewed by the planning commission at both an informal and formal session of the planning commission.

- A. *Placement on informal session agenda.* The Zoning Administrator, upon receipt of all required materials for the final development plan, shall place the final plan on the agenda for the next available meeting, under the informal portion of the meeting.
- B. *Requirement for planning commission to prepare statement of findings and recommendations.* Following review at the

# ARTICLE 15 PLANNED UNIT DEVELOPMENTS

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informal session, the planning commission shall have prepared a statement of findings and recommendations. This statement shall address the following:

1. Whether the final development plan meets the regulations as set forth in this section of the ordinance;
2. Planning commission recommendations, pursuant to having the final development plan brought into compliance with this ordinance section; and
3. Identification of date for public hearing and formal session review by the planning commission. (Unless the applicant requires additional time for plan modifications, the public hearing shall be set for the next available planning commission meeting for which the hearing can be properly noticed.)

C. *Statement of findings and recommendations made part of informal session minutes.* The statement of findings and recommendations shall be made a part of the official meeting minutes. A copy of the statement shall be forwarded to the applicant within two weeks of the informal meeting.

D. *Requirement for public hearing.* A public hearing on the final PUD development plan shall be held in accordance with the public hearing requirement for special uses contained in Article 17 of this Ordinance.

E. *Planning commission options for action.* The planning commission, within thirty (30) days following the public hearing, shall approve, approve with conditions, or deny the final development plan. The planning commission's decision shall be incorporated into a statement of conclusions. This statement shall specify the decision, basis for the decision, and any conditions imposed relating to an affirmative decision.

## Section 15.12 Effect of Final Approval

An approved, final PUD development plan, including any conditions imposed, shall constitute the official zoning regulations for the property. All future improvements and uses shall be in conformity with the approved, final development plan. An approved, final development plan entitles the applicant to apply for building permits.

## Section 15.13 Amendment to Planned Unit Development Plans

A. *Amendment requests.* A developer may request an amendment to an approved, preliminary or final PUD plan. Any amendment which results in a major change, as defined in this section, shall be submitted to the planning commission. Submittal shall follow the procedures required for original submittal and review, in full.

A request for amendment, including the reasons for such amendment, shall be made in writing to the Zoning Administrator. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in design, unforeseen difficulties, or reasons mutually affecting the interests of the city and developer.

B. *Major changes.* Modifications to be considered major changes, for which amendment is required, shall include one or more of the following:

1. Change in concept of development;
2. Change in use or character of the development;
3. Change in type of dwelling unit;
4. Change in the number of dwelling units;
5. Change in nonresidential floor area of more than five percent;
6. Change in lot coverage of more than one percent;
7. Rearrangement of lots, blocks, and building tracts;
8. Change in the character or function of any street;
9. Reduction in land area set aside for common open space or the relocation of such area(s); or
10. Increase in building height.

C. *Request for minor modifications.* A developer may request approval of modifications which constitute minor changes to an approved, preliminary or final PUD plan, as defined in this section.

1. The applicant shall submit the proposed modifications to the Zoning Administrator, who shall have the authority to approve or deny the modification request. If the Zoning Administrator is unsure if the modifications constitute a minor change, such determination shall be made by the planning commission.
2. If modifications are approved by the Zoning Administrator, revised drawings shall be signed by the applicant and the owner(s) of record, or the legal representative(s) of the owner(s), and maintained as part of the permanent zoning file for the PUD development.

D. *Minor changes.* Modifications to be considered minor changes shall include, among other similar modifications, the following:

1. A change in residential floor area;
2. A change in nonresidential floor area of five percent or less;
3. Minor variations in layout which do not constitute major changes; and/or
4. A change in lot coverage of one percent or less.

## Section 15.14 Expiration of Plan Approvals

A preliminary PUD plan shall expire two (2) years after approval by the planning commission, unless a final PUD plan for the PUD, or first phase of the PUD, is submitted to the planning commission for review and approval. Subsequent phases of the preliminary plan shall expire if final plans for that phase are not submitted within one year of the proposed site plan submittal date. The applicant/developer may apply to the planning commission for an extension to the submittal deadline. However, this must be done prior to the plan expiration.

- A. *Expiration by failure to initiate project.* A final PUD plan shall expire if a building permit has not been issued and construction started within one-hundred-eighty (180) days from the date of approval.
- B. *Period of completion of final planned unit development plans.* Final PUD plans shall be completed within two (2) years of the date of preliminary plan approval. For phased PUD's, all phases shall be completed within five (5) years from the date of approval of the first phase.
- C. *Phase sequencing.* Unless the developer has requested and the planning commission has approved an extension of time, if the applicant/developer fails to meet any completion deadlines, the planning commission shall not review or approve final site plans for any subsequent phases of the PUD.
- D. *Removal of planned unit development zoning designation for failure to construct.* If any preliminary or final plan approval has expired and there has been no start of construction, the planning commission shall have no obligation to continue the approved PUD zoning and may re-designate the zoning regulations of the underlying district or any other district.

## Section 15.15 Extension of Time Limits

Time limits set forth in this Article may be extended upon showing by the developer that changed physical or economic factors, or consumer demand, require a time extension. Such time extension shall be by planning commission approval only. The developer shall submit to the Zoning Administrator a statement of the proposed time extension and the reasons for the extension. The Zoning Administrator shall then have the proposed time extension placed on the planning commission's agenda.

## Section 15.16 Subdivision Plats

- A. Following approval of the preliminary PUD plan by the planning commission, a preliminary plat for all or part of a PUD may be submitted for review and approval.

- B. Plats in a PUD shall conform to Michigan Acts 288 of 1967, as amended, and chapter 21, Subdivisions, of the City of Hudsonville Code of Ordinances, as amended.

## Section 15.17 Site Condominiums

All site condominiums shall conform to Michigan Act 59 of 1978, as amended, and Article 16 of this Ordinance, as amended.



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# ARTICLE 16

## SITE CONDOMINIUMS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 16 SITE CONDOMINIUMS

## Section 16.01 Applicable Regulations

Pursuant to the authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59, of 1978, as amended, all site condominium subdivisions shall be required to comply with all Articles of this Ordinance. Site condominium subdivisions shall only be permitted upon approval by the planning commission under the site plan review process as stated in Article 18 of this Ordinance.

The intent of this Article is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting Ordinance regulations. This Article is required because of the different design terms which are used for site condominium subdivisions.

## Section 16.02 Definitions

The following definitions shall be used in consideration of all site condominium projects.

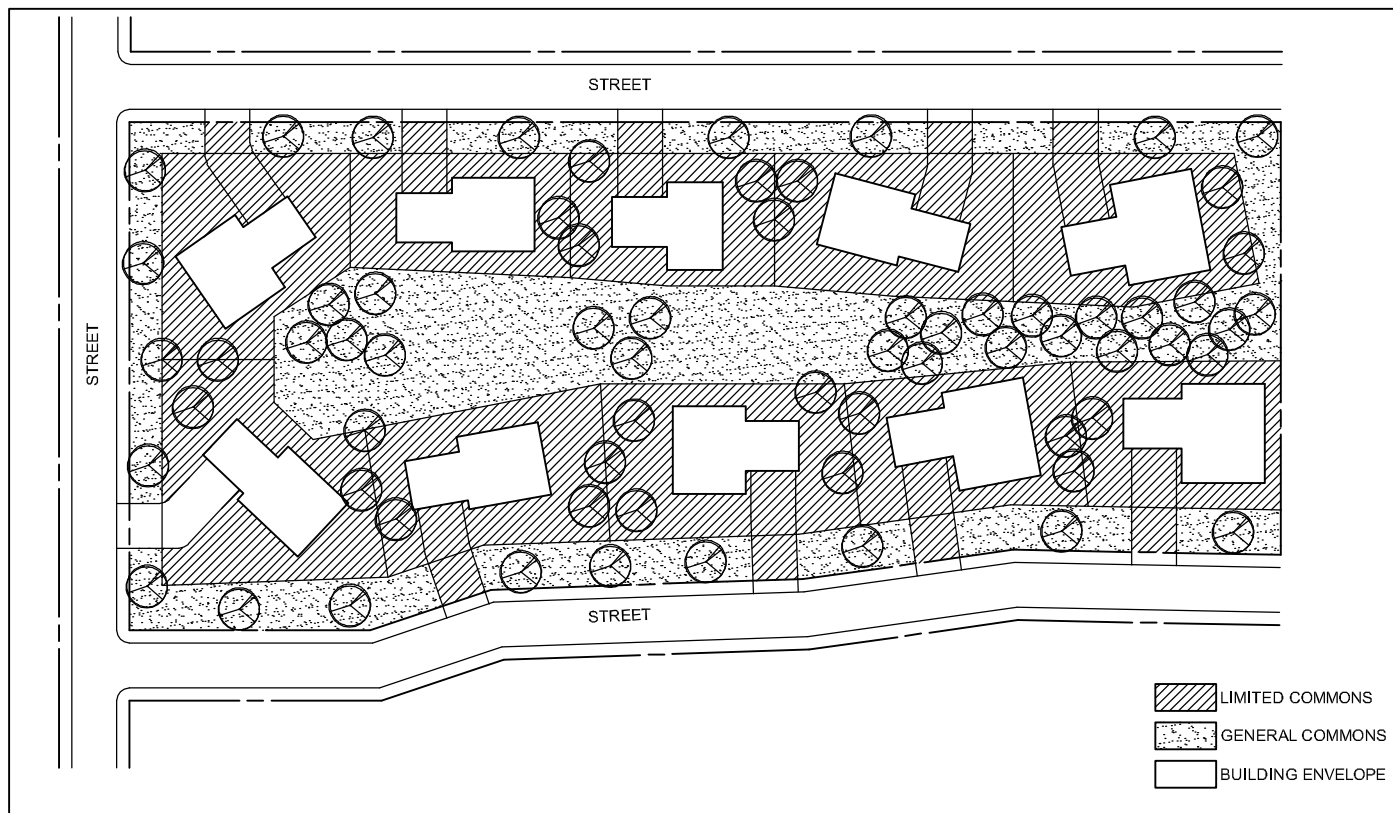
A. *Building envelope*: The ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g., house and attached garage.

B. *Building site (condominium unit)*: Regardless of use, that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited common area.

C. *Condominium structure*: Any building or structure constructed upon a building site (condominium unit).

D. *Site condominium subdivision*: A division of land, on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended. An example of a site condominium subdivision, illustrating some of the above terms, is provided in Illustration 16.1

ILLUSTRATION 16.1  
EXAMPLE OF SITE CONDOMINIUM SUBDIVISION



## **Section 16.03 Equation of Conventional Development Terminology with Site-condominium Subdivision Terminology**

The following equation of terms shall be used in applying Ordinance standards to a site condominium subdivision:

- A. All regulations pertaining to a lot shall apply to the building site in a condominium subdivision.
- B. All regulations pertaining to dwelling or building height, width, or size shall apply to condominium structure.
- C. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:
  - 1. The front yard setback shall be measured from nearest road right-of-way line to the building envelope;
  - 2. The side yard setback shall be measured from the side of the building envelope to the side building site line; and
  - 3. The rear yard shall be measured from the rear line of the building envelope to the rear line of the building site.
- D. Regulations for building-to-building spacing shall be measured from building envelope to building envelope.

## **Section 16.04 Application of Zoning Ordinance Standards**

The City, in reviewing a site condominium subdivision plan, may require any change which is based on meeting the intent of the applicable District regulations.

## **Section 16.05 Required Plan Content for Site Condominium Subdivisions**

All site condominium subdivision and construction plans shall include the required information for site plan review as identified in article 18 of this Ordinance. In addition, a copy of the proposed master deed and any other restrictive covenants shall be submitted.

## **Section 16.06 Master Deed and Restrictive Covenants**

The condominium project developer or proprietor shall furnish the Zoning Administrator with one (1) copy of the recorded master deed, and one (1) copy of all restrictive covenants for the condominium project.

## **Section 16.07 Option for Site Condominium Planned Unit Development**

Site condominium subdivision or construction plans shall have the option of being reviewed as a planned unit development, subject to the regulations contained in Article 15 of this Ordinance.

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# ARTICLE 17 SPECIAL USES

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## Section 17.01 Purpose

The intent of this Article is to provide an opportunity for uses to be considered for approval which would generally be compatible with uses permitted by right within a given district, but due to specific activities or qualities, may not be compatible at all locations. This Article identifies the discretionary and nondiscretionary standards which the Planning Commission shall use in reviewing special use applications.

- A. This Article is also intended to provide an opportunity for the Planning Commission to review and take action on those uses which have not been specifically identified within the Ordinance.

## Section 17.02 Designated Review Authority

The Planning Commission shall have final review authority for all special uses.

## Section 17.03 Application and Review Procedure

- A. *Applicant Qualification.* Any person owning or having an interest in the subject property may file an application for a special use permit.
- B. *Processing Done through Zoning Administrator.* All applications for special use permits shall be processed through the Zoning Administrator.
- C. *Payment of Fee.* The required fee for special use permit review shall be paid at the time the application is submitted to the Zoning Administrator.
- D. *Application Review.* Applications involving development plans shall be reviewed pursuant to the site plan review process outlined in Article 18 of this Ordinance. Applications which do not involve development plans may be acted on by the Planning Commission, following the required public hearing.

Information to be submitted with the application shall be identified on the application form. In addition, special uses involving development plans shall provide the information required in Article 18 for site plan review.

- E. *Requirement of Public Hearing.* Following the submission of the required application materials, the Planning Commission shall hold a public hearing in accordance with Michigan Act 207 of the Public Acts of 1921, as amended. If the special use permit application does not involve a development plan requiring site plan review, and does not require that the Planning Commission make a decision based on discretionary standards, a public hearing shall not be required.
- F. *Planning Commission Options for Action.* The Planning Commission may deny, approve, or approve with conditions applications for special use permits. The decision of the

Planning Commission regarding any special use permit application shall be recorded in the official meeting minutes. Such record shall specify the basis for the decision and any conditions imposed.

## Section 17.04 Temporary Special Use Permits

- A. *Permissible Issuance.* In cases where it is anticipated that a use will only be needed for a specified period of time (i.e. portable classrooms), or in cases where compatibility cannot be easily determined and a trial period is desired, the Planning Commission shall have the authority to issue temporary special use permit approval.
- B. *Expiration Date.* If the Planning Commission approves a temporary special use permit, it shall establish the expiration date of such approval in its motion of approval. The Planning Commission shall not approve a temporary special use permit for more than a three (3) year period with status reports provided to the Zoning Administrator annually on intervening years.
- C. *Extensions.* The Planning Commission may allow extensions for a temporary special use permit according to Section 17.04B.
- D. *Planning Commission Options upon Expiration.* Upon final expiration of a temporary special use permit approval, the Planning Commission may terminate the use or grant it a permanent special use approval. If progress is not being made according to the conditions of the temporary special use permit approval, the Planning Commission may terminate the temporary special use permit at any time.

## Section 17.05 Time Frame of Validity for Permanent Special Use Approval

- A. *Expiration for Failure to Initiate.* In cases where the special use which is approved has not been initiated or substantial construction started within one (1) year of the date of approval, and an application for extension has not been filed as provided in this section, the approval shall be terminated.
- B. *Extension of Approved Period.* Upon written application filed prior to the termination of the one (1) year approval period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.

## Section 17.06 General Standards for Approval

To receive approval from the Planning Commission all special uses shall meet all of the following general standards:

- A. *Compatible with Master Plan.* The special use shall be compatible and in accordance with the goals and policies contained in the City of Hudsonville Downtown Master Plan, as amended, and not violate the intent of the District in which the use is proposed.
- B. *Compatible with Existing and Planned Future Uses.* The special use shall be constructed, operated and maintained to be compatible with the existing or planned future uses in the District in which it is located. Where the proposed special use abuts such Districts, compatibility with uses in adjacent Districts shall be required.
- C. *Served with Public Facilities and Services.* The special use shall be served adequately by public facilities and services such as highways, streets, police and fire protection, drainage systems, and water and sewage facilities.
- D. *Free of Adverse Impact Conditions.* The special use shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will endanger or be detrimental to the natural environment, public health, safety, or welfare, by reason of excessive production of traffic, noise, smoke, odors, explosive materials, blight, or other such nuisance.
- E. *Economic Viability.* The special use shall not create excessive additional requirements, at public cost, for public facilities and services, and will not be detrimental to the economic welfare of the community.

## Section 17.07 Standards for Planned Unit Developments

Planned Unit Developments shall meet all the requirements included in Article 15 of this Ordinance and the requirements listed in Section 17.06.

## Section 17.08 Standards for Group Day Care Homes

Group Day Care Homes shall meet all the requirements of this Section and the requirements listed in Section 17.06.

Group day care homes shall be permitted in the R-1 and R-2 Residential Districts if they meet all of the following standards:

- A. *License Required.* Group day care homes shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973, as amended.
- B. *General Activity Space.* A minimum of four-hundred (400) square feet of general activity space must be provided within the dwelling unit. General activity space shall not include hallways, bathrooms, kitchens, or bedrooms.
- C. *Outdoor Play Area.* A minimum outdoor play area of five-

thousand (5,000) square feet shall be provided. The outdoor play area shall not be located within the required front yard setback area.

The Planning Commission may waive the requirement for outdoor play area on-premises if they feel there exists suitable outdoor play area of equal size within five-hundred (500) feet of the dwelling unit.

- D. *Safe Environment.* Group day care homes shall only be permitted in a safe environment. Such environment, both on premises and adjacent to such property, shall be free from nuisance conditions which would place children's health or safety at risk. Nuisance conditions might include, but are not limited to, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.
- E. *Residential Character.* Group day care homes shall not cause a basic change in the residential character of the neighborhood in which it is to be located, nor shall it result in any nuisance condition to residents of the neighborhood in which it is to be located.

In determining whether potential for a nuisance situation exists, the Planning Commission shall evaluate the following factors:

1. *Traffic Volumes.* Traffic volumes to be generated into the neighborhood once the group day care home is in operation;
2. *Parking.* Adequacy of parking or drop-off sites; and
3. *Other Group Care Homes.* Presence of other group day care homes or similar uses in the immediate area, and any complaints on record regarding the same uses.

(If there are existing group day care homes or similar uses already located in the neighborhood where the group day care home is proposed, the Planning Commission shall evaluate both the individual and collective impacts of these facilities in making a determination of a nuisance situation.)



# ARTICLE 17 SPECIAL USES

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## Section 17.09 Standards for Child Care Centers

Child Care Centers shall meet all the requirements of this Section and the requirements listed in Section 17.06.

Child care centers shall be permitted in any District if they meet all of the following standards:

- A. *License Required.* Child care centers shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973.
- B. *Indoor Play Area.* Child care centers shall have a minimum of thirty-five (35) square feet of indoor play area for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used specifically for rest or sleep.
- C. *Outdoor Play Area.* Child care centers shall have a minimum outdoor play area of two-hundred-fifty (250) square feet per child. The outdoor play area shall not be located within the required front yard building setback area if proposed in a R-1 or R-2 District.
- D. *Safe Environment.* Child care centers shall only be permitted in a safe environment. Such environment shall be free from nuisance conditions, either on or adjacent to the premises, which would place children's health or safety at risk. Nuisance conditions might include, but are not limited to, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or other dangerous commercial or industrial activities.
- E. *Site Improvement.* As a condition of approval, the Planning Commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.
- F. *Character of District.* Child care centers shall not cause a basic change in the character of the district in which it is to be located.
- G. *Nuisance Condition.* Child care centers shall not result in any nuisance condition to residents of any residential district.
- H. *Evaluation of Nuisance.* In determining whether potential for a nuisance situation exists, the Planning Commission shall evaluate the following factors:
  - 1. Traffic volumes to be generated once the child care center is in operation;
  - 2. Adequacy of parking or drop off sites;
  - 3. Presence of other child care centers or similar uses in the immediate area, and any complaints on record regarding the same uses.

(If there are existing child care centers or similar uses already located in a residential district where the child care center is proposed, the Planning Commission shall evaluate both the individual and collective impacts of these facilities in making a determination of a nuisance situation.)

## Section 17.10 Standards for Commercial Recreation Facilities

Commercial Recreation Facilities shall meet all the requirements of this Section and the requirements listed in Section 17.06.

Commercial recreation facilities may be permitted in the R-3 and R-4 Districts if the following standards are met:

- A. *Relation to Residential Development.* The facility must relate to and be integrated into the design of the residential development.
- B. *Subordinate to Residential Development.* The facility must be subordinate to the residential development on the site.
- C. *Complimentary to Development.* The facility must be complimentary to the development, and shall not adversely impact on the residential development.

## Section 17.11 Standards for Home Occupations

Home Occupations shall meet all the requirements of this Section and the requirements listed in Section 17.06.

- A. *Need for Special Use Permit.* The need for a special use permit regarding home occupations shall be determined by the criteria identified in Section 2.25.
- B. *Standards for Special Use Permit.* If a special use permit is required for a home occupation, the Planning Commission may permit such occupations in the R-1, R-2, R-3, and R-4 Districts if the following standards are met:
  - 1. The home occupation shall not significantly change the existing residential character of the area.
  - 2. The applicant shall provide for required parking on the home occupation site.
  - 3. The home occupation shall not adversely impact adjoining properties.
  - 4. The home occupation shall not result in potentially hazardous conditions which would threaten persons or property either on or adjoining the subject site.
  - 5. The home occupation shall not generate traffic which results in congestion, neighborhood disruption, unsafe conditions, or other unacceptable traffic patterns for a residential environment.
- C. *Signage.* Home occupations shall be limited to one sign not to exceed two (2) square feet. Signs for special uses shall only be permitted if mounted directly to the residential building. *Exemption:* Live work building types may have signs as allowed by Article 6 and Article 13.

**Section 17.12 Standards for Multiple-family Residential Developments having Medical-support Services**

Multiple-family Residential Developments having Medical-support Services shall meet all the requirements of this Section and the requirements listed in Section 17.06.

- A. *District Location.* Multiple-family residential developments having medical or dietetic support services may only be permitted in the R-3 and R-4 Residential Districts. In making a decision whether to permit such developments, the Planning Commission shall review the types of multiple-family developments already existing in the R-3 and R-4 Districts, and also the remaining available acreage of property in these districts.
- B. *Purpose and Intent.* The intent of the R-3 and R-4 Districts is to provide for a variety of multiple-family dwelling unit alternatives, including senior-oriented dwelling units, multiple-family dwelling units with support services, and general rental dwelling units.
- C. *Local Need.* The Planning Commission’s decision to permit a multiple-family development with medical or dietetic support shall be based on an assessment of local need within the various types of multiple dwelling unit categories, and the continued ability to adequately provide for need in each of these categories.
- D. *Relationship to General Rental Units.* Multiple-family dwelling unit developments offering medical or dietetic support shall not be approved if such approval would preclude a reasonable opportunity to meet the local need for general rental dwelling units.

**Section 17.13 Outdoor Uses**

Outdoor Uses shall meet all the requirements of this Section and the requirements listed in Section 17.06.

- A. *District Location.* Any business which in whole or in part is to be conducted outside of an enclosed building in the HUD-7, HUD-6, HUD-5, CBD-1-OS, CBD-2, HC, LC, I-1 or I-2 Districts shall require approval by special use permit for that portion of the business to be conducted outside. Excluded from this regulation shall be automobile parking for customers or employees, off-street loading spaces, parking for automobile sales, and signs.
- B. *Screening.* The Planning Commission may require complete or partial screening of any materials or products to be stored outside. In making the determination regarding required screening of outdoor storage, the Planning Commission shall consider the impact of such storage on adjacent uses, and also the potential of such storage to become a blighting influence.
- C. *Outdoor Storage.* The Planning Commission may require that outdoor storage areas be paved, depending on the type of material or product proposed for storage.

- D. *Location of Outdoor Storage.* Outdoor storage shall not be permitted within any required landscape buffer areas, required parking areas, or in any location resulting in conflict with vehicle circulation or parking.

**Section 17.14 Gasoline Service Stations, Automobile Service Stations and Automotive Parts Stores**

Gasoline Service Stations, Automobile Service stations and Automotive Parts Stores shall meet all the requirements of this Section and the requirements listed in Section 17.06.

Gasoline service stations, automobile service stations (general repair, oil change, tune-up etc.), and automotive parts stores may be permitted in the HUD-6 and HUD-5 Districts if they meet the following standards:

- A. *Compatibility.* Above uses shall be compatible with all, approved downtown development authority and city development plans and policies.
- B. *Frontage and Access.* Any gasoline service station to be approved shall have frontage on an arterial or collector roadway, and shall provide safe and efficient access.
- C. *Commercial Character.* Gasoline and other automotive businesses shall not adversely impact the commercial character which is the intent of the HUD-6 and HUD-5 Districts.

**Section 17.15 Sexually Oriented Businesses**

Sexually Oriented Businesses shall meet all the requirements of this Section and the requirements listed in Section 17.06.

For definitions pertaining to this Section refer to Regulated Uses definitions in Article 21.

- A. *Purpose and Intent.* The purpose and intent of this subsection is to regulate sexually oriented businesses, to promote the health, safety and general welfare of the residents of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects on the community from such sexually oriented businesses.

The provisions of this subsection are not intended to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials, it is not the intent of this subsection to restrict or deny access by adults to sexually oriented materials protected by the United States or Michigan constitutions, or to deny access by the distributors and exhibitors of sexually oriented entertainment in their intended market.

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Neither is it the intent nor effect of this subsection to condone or legitimize the distribution of obscene material.

### B. *Location Restrictions.*

1. A sexually oriented business shall only be permitted within acres zoned as HC-Highway Commercial District.
2. A sexually oriented business may not be located within six-hundred-sixty (660) feet of the lot lines of residential uses or Districts; childcare centers, family day care homes or group day care homes; public or private schools or academies; churches, synagogues, or other regular place of religious worship; public libraries; public parks; or fairgrounds.
3. A sexually oriented business may not be operated within one-thousand (1,000) feet of the lot line of another sexually oriented business.
4. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
5. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the outer most boundary of the lot or parcel upon which the proposed sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, public or private school or academy, public park or library, childcare center, family day care home, group day care home, fairgrounds, residential district, residential use, or another sexually oriented business.

### C. *Site Development Requirements.*

1. Type B landscaping screen as provided in Section 9.18 of this Ordinance shall be required.
2. Off-street parking shall be provided equal to a minimum of one space per occupant permitted by the maximum occupancy load of the premises established by applicable fire, health and building codes.
3. All other site requirements shall comply with HC-Highway Commercial District standards.
4. If a special use requirement is violated, the use to which it relates shall be terminated.

D. *License Required.* It shall be unlawful to operate or cause to be operated a sexually oriented business in the city without a valid license issued pursuant to the provisions of this subsection.

### E. *License Application.*

1. All applicants for a sexually oriented business license shall file an application for such license with the Zoning Administrator. Each individual applicant,

partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application form and each of them shall be photographed and fingerprinted by the city police department.

2. An application for a license must be made on a form provided by the City.
3. The applicant must be qualified according to the provisions of this subsection and the premises must be inspected and found to be in compliance with the law by the building inspector and Zoning Administrator.
4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
5. The fact that a person possesses other types of permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business license.
6. Applications for a license, whether original or renewal, must be made to the Zoning Administrator by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the Zoning Administrator during regular working hours. The Zoning Administrator shall supply application forms. The intended operator shall be required to give the following information on the application form:
  - a. If the applicant is:
    - i. An individual, the individual shall state his legal name and address and any aliases.
    - ii. A partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited;
    - iii. A limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members;
    - iv. A limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners; or

- v. A legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.
  - b. The name under which the sexually oriented business is to be operated and a general description of the services to be provided.
  - c. The telephone number of the sexually oriented business.
  - d. The address and legal description of the real property on which the sexually oriented business is to be located.
  - e. If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.
  - f. If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.
7. Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this subsection or other sexually oriented business ordinance from another city, village, township or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
  8. Whether the applicant or any other individuals identified in the application has been a partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any legal entity that is permitted under this subsection whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or
- revoked, as well as the date of the denial, suspension or revocation.
  9. Whether the applicant or any other individual identified in the application holds any other licenses under the subsection or other similar sexually oriented business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted businesses.
  10. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
  11. The applicant's mailing address and residential address.
  12. The applicant's driver license number, social security number and/or federally issued tax identification number.
  13. The application shall be accompanied by the following:
    - a. Payment of the application, investigation and license fees;
    - b. If the applicant is an individual, satisfactory proof that he or she is at least eighteen (18) years of age;
    - c. If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate;
    - d. If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan;
    - e. If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto;
    - f. If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto;
    - g. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration;
    - h. If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto;
    - i. If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority;
    - j. If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited partnership, together with all amendments thereto;

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- k. If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan registration;
- l. Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated;
- m. If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented businesses;
- n. A floor plan of the licensed premises with the following requirements:
  - i. Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from at least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
  - ii. Location of all overhead lighting fixtures.
  - iii. Identification of any portion of the premises in which patrons will not be permitted;
  - iv. Location of the place at which the license will be conspicuously posted, if granted;
  - v. The location of any stage;
  - vi. Identification of the use of each room or other area of the premises; or
  - vii. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one foot;
- o. A current certificate and straight-line drawing, prepared within thirty (30) days prior to the application, by a land surveyor depicting the property lot lines and the structures containing any sexually oriented business within one-thousand (1,000) feet of the closest lot line on which the applicant's business will be located and depicting the property lot line of any church, synagogue, regular place of worship, public or private school or academy, child care center, family day care home, group day care

home; public park or library; fairgrounds, or residential use or zoned district within 660 feet from the closest lot line on which the applicant's business will be located.

Any of the items b. through o. above shall not be required for a renewal application if the applicant states that the documents previously furnished the Zoning Administrator with the original application or previous renewals thereof remain correct and current.

- 14. The application shall contain a statement under oath that:
  - a. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
  - b. The applicant has read the provisions of this subsection.
- 15. A separate application and license shall be required for each sexually oriented business.
- 16. The Zoning Administrator shall not accept any application that is not complete in every detail. In the event that the Zoning Administrator determines that the applicant has improperly completed the application, the applicant shall be promptly notified of such fact and permitted ten days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- 17. Applicants for a license under this subsection shall have a continuing duty to promptly supplement application information required by this subsection in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change by supplementing the application on file with the Zoning Administrator shall be grounds for suspension of the license.

### F. *Approval of License Application.*

- 1. The Zoning Administrator shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:
  - a. An applicant is under eighteen (18) years of age;
  - b. An applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
  - c. An applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered falsely a question or

- request for information on the application form;
- d. The premises to be used for the sexually oriented business has not been approved by the building inspector and the Zoning Administrator as being in compliance with applicable laws and ordinances;
  - e. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license revoked or suspended within one year prior to the date of application.
  - f. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application;
  - g. The applicant is not in good standing or authorized to do business in Michigan;
  - h. The application, investigation and license fees have not been paid;
  - i. An application of the proposed sexually oriented business is in violation of, or is not in compliance with, any of the provisions of this subsection;
  - j. Applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years;
    - i. Prostitution, procuring a prostitute, or solicitation of a prostitute;
    - ii. Sale, distribution or display of obscene material;
    - iii. Sale, distribution or display of material which is harmful to minors;
    - iv. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
    - v. Possession, sale or distribution of child pornography;
    - vi. Public lewdness;
    - vii. Indecent exposure;
    - viii. Indecent conduct with a child;
    - ix. Sexual assault or rape;
    - x. Incest;
    - xi. Sexual solicitation of a child;
    - xii. Contributing to the delinquency of a minor; or
    - xiii. Harboring a runaway child.
2. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
  3. The building inspector and Zoning Administrator shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application.
  4. In the event that the Zoning Administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within forty-five (45) days of the receipt of the application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this subsection.
  5. An applicant may appeal the decision of the Zoning Administrator regarding a denial to the zoning board of appeals by filing a written notice of appeal within fifteen (15) days after the applicant is given notice of the Zoning Administrator's decision. A memorandum or other writing, setting out fully the grounds for such appeal and all arguments in support thereof shall accompany the notice of appeal. The Zoning Administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information the zoning board of appeals shall vote to either uphold or overrule the Zoning Administrator's decision. Such vote shall be taken within forty-five (45) calendar days after the date on which the zoning board of appeals receives the notice of appeal. However, applicant shall be required to comply with the Zoning Administrator's decision during the pendency of the appeal.
- G. *Investigation.* Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the Zoning Administrator shall transmit the application to the city police department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business. Each applicant shall pay a non-refundable investigation fee at the time the application is filed in an amount established from time to time by resolution of the city commission to cover the cost of such investigation. The investigation conducted by the city police department shall be sufficient to verify the accuracy of all the information required by this subsection and shall be non-refundable.

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H. *Inspection.* An applicant or licensee shall permit representatives of the city police department, or other city, Ottawa County, or State of Michigan departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with applicable law.

I. *Application Fee.* Each applicant shall pay an application fee at the time of filing an application in an amount as established from time to time by resolution of the city commission. Such application fee shall be non-refundable.

J. *License Fee.*

1. Each licensee issued a license pursuant to this subsection shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the city commission. The license fee shall be refunded if the license is not approved.
2. In the event of suspension or revocation of a license, or termination of business for any reason whatsoever, no portion of the license fee shall be refunded.

K. *License Renewal.* Any application for renewal of a license shall be filed with the Zoning Administrator not less than forty-five (45) days prior to the date of expiration. The Zoning Administrator may, for a good cause shown, waive the requirement for timely filing of a renewal application.

L. *Term of License.*

1. All licenses issued pursuant to this subsection shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration fees shall be permitted.
2. When the Zoning Administrator denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

M. *Suspension.* The Zoning Administrator shall suspend a license for a period not to exceed thirty (30) days if he or she determines that the licensee or an employee of a li-

censee has:

1. Violated or is not in compliance with this subsection;
2. Become impaired or intoxicated through the use of alcoholic beverages or illegal drugs while on the sexually oriented business premises;
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this subsection; or
4. Knowingly permitted gambling by any person on the sexually oriented business premises.

N. *Revocation of License.*

1. The Zoning Administrator shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding twelve (12) months.
2. The Zoning Administrator shall also revoke a license if he or she determines that any of the following has occurred:
  - a. Any condition exists that would warrant disapproval of a license as set forth in this subsection;
  - b. The licensee, manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of City Code, the laws of the State of Michigan or of the United States when the licensee, manager or employee knew or should have known such acts were taking place; or
  - c. Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.
3. When the Zoning Administrator revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least ninety (90) days have elapsed since the date the revocation became effective.

O. *Transfer of License.* A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated on the license.

P. *Registration of Managers, Entertainers and Employees.*

1. No person shall work as a manager at a sexually oriented business without a current manager's registra-

tion under this subsection. No person shall work as an entertainer at a sexually oriented business in the city without a current entertainer's registration under this subsection. The registration form for each shall require the applicant to provide his/her legal name and any aliases, home address, telephone number date of birth and satisfactory proof that he/she is eighteen (18) years of age or older.

2. The registration year for a manager's registration shall be from January 1 to December 31 of each year. Each such registration shall expire at close of business or midnight, whichever is earlier, on December 31 of each year.
3. The registration fee for a manager's registration or entertainer's registration shall be as established from time to time by resolution of the city commission. The registration fee for each such registration is payable for a full year only and is not refundable.
4. A manager's registration or entertainer's registration under this subsection shall not be assigned or transferred.
5. No person under eighteen (18) years of age may obtain a manager's registration or entertainer's registration.
6. In order to obtain renewal of a current manager's registration or entertainer's registration, a registration holder must file an application for renewal with the Zoning Administrator. The renewal fee for each year shall be as established from time to time by resolution of the city commission.
7. In the event of a licensee changes the manager of a sexually oriented business, the licensee shall immediately report such change to the Zoning Administrator and register the new manager within five days of such change.
8. Each licensee will provide to the Zoning Administrator the full name, address, telephone number and date of birth of any employee of the sexually oriented business within five days of employment.

Q. *Exterior Structural Requirements.*

1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the sexually oriented business to be visible from a point outside the sexually oriented business.
2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this subsection.

3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
  - a. The sexually oriented business is a part of a commercial multi-unit center; and
  - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing in this subsection shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

R. *Interior Structural Requirements.*

1. The facility shall meet Americans with Disabilities Act standards so there is direct access to any stage areas and restrooms.
2. No public access may be permitted to any dressing area.
3. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms shall not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
4. A manager's station may not exceed thirty-two (32) square feet of floor area.
5. No alteration to the configuration or location of a manager's station may be made without the approval of the Zoning Administrator.
6. Viewing rooms or peep booths must be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider that is a minimum one-inch thick and serves to prevent physical contact between patrons.
7. No private viewing room or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.



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### S. *Sign Regulations.*

1. It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
2. Primary and secondary signs shall contain no photographs, silhouettes, drawings or pictorial representations of a manner, and may contain only the name of the enterprise.
3. Each letter forming a word on a primary or secondary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary or secondary sign shall be of a uniform and solid color.
4. Primary signs shall have no more than two display surfaces. Each such display surface shall be a flat plane, rectangular in shape.
5. Secondary signs shall have only one display surface. Such display surface shall:
  - a. Be a flat plan, rectangular in shape;
  - b. Not exceed twenty (20) square feet in area;
  - c. Not exceed five (5) feet in height and four (4) feet in width; and
  - d. Be affixed or attached to a wall or door of the enterprise.
6. The requirements of this subsection are intended to supplement the requirements and limitations of Article 13 of this Ordinance. In the event of contradictions or inconsistencies, the stricter requirement shall govern.

### T. *Lighting Regulations.*

1. All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
2. The premises of all sexually oriented businesses, except for adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two footcandles of light as measured at the floor level.

3. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one footcandle of light as measured at the floor level.

### U. *Age Requirement Regulations.*

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business.
2. It shall be the duty of the manager of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is eighteen (18) years of age or older.

### V. *Hours of Operation.* The hours of sexually oriented businesses, except for an adult motel, are limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.

### W. *Standards of Conduct.*

1. The following standards of conduct must be adhered to on the licensed premises by the licensee and all employees, managers, officers and agents of any sexually oriented business:
  - a. No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
  - b. No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the sexually oriented business.
  - c. No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least eighteen (18) inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid,

uninterrupted physical barrier that completely separates the entertainer from any patrons. This barrier must be a minimum of one-fourth inch thick and have no openings between the entertainer and any patrons.

- d. There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.
- e. Any tips for entertainers shall be placed by a patron into a tip box that is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A licensee that desires to provide for such tips from its patrons shall establish one or more containers to receive tips. Any physical contact between patrons and an entertainer is strictly prohibited.
- f. A sexually oriented business that provides tip boxes shall conspicuously display in the common area of the premises one or more signs in letters at least one inch high to read as follows:

ADULT ORIENTED ENTERTAINMENT IS REGULATED BY THE CITY OF HUDSONVILLE. ALL TIPS SHALL BE PLACED IN TIP BOX AND NOT HANDED DIRECTLY TO THE ENTERTAINER. ANY PHYSICAL CONTACT BETWEEN THE PATRON AND THE ENTERTAINER IS STRICTLY PROHIBITED.

- g. No sexually oriented entertainment occurring on the premises shall be visible at any time from the outside of the premises.
- h. A licensee, manager, or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
- i. A licensee, manager, or an employee shall not knowingly allow prostitution on the premises.
- j. A licensee, manager, or an employee shall not knowingly operate the sexually oriented business during a period of time when the licensee's license was suspended.
- k. A licensee, manager, or an employee shall not knowingly allow any live specified sexual act to occur in or on the licensed premises.
- l. A licensee, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.

- m. At least one registered manager or licensee must be on duty and situated in each manager's station at all times that the business is open to the public.
- n. All doors to public areas on the premises must remain unlocked during business hours.
- o. It shall be the duty of the licensee, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remain unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the license application filed pursuant to this subsection.
- p. No viewing room or peep booth may be occupied by more than one person at any one time.

X. *Adult Motels.*

- 1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in Article 21 of this Ordinance.
- 2. It is unlawful if a person, or the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a special use permit to do so, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he or she rents or sub-rents the same sleeping room again.
- 3. For the purposes of X.2. above, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

Y. *Massage Business.* It shall be unlawful for any establishment, regardless of whether it is a public or private facility, to operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless persons massaging any client or customer is certified as a massage therapist by the American Massage Therapy Association or is a graduate of a school of massage therapy that is certified by the State of Michigan or have other similar qualifications that must be submitted to and approved by the Zoning Administrator.

Z. *Nonconforming Uses.*

- 1. Any business lawfully operating on the effective date

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of this ordinance that is in violation of the location or structural configuration requirements of this subsection shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If a sexually oriented business is within one-thousand (1,000) feet of the lot line of another sexually oriented business and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is nonconforming.

2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a lot line of a church, synagogue, regular place of religious worship, public or private school or academy, child care center, family day care home, group day care home, public park or library, fairgrounds, residential zoned district or residential use, within six-hundred-sixty (660) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

### AA. *Exemptions from Enforcement.*

1. It is a defense to prosecution under this subsection that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:
  - a. By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or
  - b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

### BB. *Reporting of Violations.*

1. Any licensee, manager or employee shall immediately report to the city police department any violation of this subsection or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the licensed premises, including any parking area or adjoining area under the control or management of the licensee, provided that the licensee, manager or employee knew or should have known of such violation of law.

### CC. *Notices.*

1. Any notice required or permitted to be given by the Zoning Administrator or any other office, department or other agency pursuant to this subsection to any applicant, operator or owner of a sexually oriented business may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license which has been received by the Zoning Administrator, or any notice of address change which has been received by the Zoning Administrator. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Zoning Administrator or his designee shall cause it to be posted at the principal entrance to the sexually oriented business.
2. Any notice required or permitted to be given to the Zoning Administrator officer by any person pursuant to this subsection shall not be deemed given until and unless it is received in the office of the Zoning Administrator.
3. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Zoning Administrator in writing of any change of residence or mailing address.

### DD. *Penalties and Civil Remedies*

1. Any person who operates or causes to be operated a sexually oriented business without a license issued pursuant to the provisions of the subsection, shall be subject to a suit for injunction and any other applicable civil remedy, as well as criminal prosecution for violation of this subsection.
2. It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist enforcement of any provision of this subsection, and any such violation of any provision of this subsection shall be punishable as a criminal misdemeanor.
3. Each day, or portion thereof, during which any violation of any provision of this subsection shall continue, shall constitute a separate offense.
4. In case of any violation, failure or omission under this subsection, the city or any person affected by any such violation, failure or omission, may, in addition to other remedies provided by law, initiate a civil action for injunction, mandamus, abatement, or other appropriate relief to prevent, enjoin, abate, or remove such violation, failure or omission and in addition, initiate an action for a money demand to recover any damages or any lawful costs or charges incurred in abating the violation.

**Section 17.16 Communication Towers**

Communication Towers shall meet all the requirements of this Section and the requirements listed in Section 17.06.

A. *Purpose and Intent.* The purpose and intent of this subsection is to regulate communication towers. Changing technology in the field of communications has resulted in reliance upon more versatile and convenient forms of communication. Businesses, individuals and governmental entities have all developed a strong dependence upon the ability to quickly contact others. This dependence is exemplified by the increasing use of radios and cellular phones for emergency situations. Due to the increasing number of communication towers, it is the city’s desire to promote the joint use of new and existing tower sites to minimize the adverse impact of such towers on the community. The following standards will aid in minimizing such adverse impact while enhancing the ability of the providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

B. *Location and Qualifying Standards.*

1. *Site and Development Requirements:*

- a. Communication towers shall only be permitted within I-1, I-2, FCR, CBD-2, HC and PF Districts as either a principal or accessory use.
- b. Communication towers shall be located on a site having a minimum of three-quarters of an acre with one-hundred-twenty-five (125) feet of road frontage provided. No frontage shall be required if the communication tower is the principal use of the site.
- c. The base of the communication tower and the wire cable supports shall be fenced within a minimum six (6) foot high, standard chain link fence.
- d. Joint use of communication towers including publicly owned elevated storage tanks or other adequate existing facilities is encouraged whenever possible to minimize the number of separate towers. Such joint use will eliminate the need for a subsequent applicant to obtain a special use permit and only require such joint user to meet the other applicable requirements of this Section 17.16.

2. *Special Performance Standards:*

- a. A communication tower and related antennas and guy wires shall not be located within thirty (30) feet of a side yard or rear yard property line and the front yard setback must meet the applicable zoning ordinance requirements. A dimensional variance from this requirement shall not be permitted.

- b. Accessory structures, including accessory buildings and paving shall meet the minimum setback requirements of the zoning district in which the communication tower is to be located.
- c. No communication tower shall be located within five-hundred (500) feet of any residential zoning district unless it is attached to an existing principal structure such as a publicly owned elevated storage tank.
- d. The applicant shall provide the city with a copy of the construction plans for a communication tower certified by a registered structural engineer.
- e. An accessory structure to a communication tower shall not exceed six-hundred (600) square feet of gross building area, provided, however, an accessory structure to a communication tower with joint use shall not exceed nine-hundred-sixty (960) square feet of gross building area. A dimensional variance shall not be granted to permit an accessory building larger than one-thousand-two-hundred (1,200) square feet of gross building area.
- f. Communication towers shall be designed to withstand uniform structural loading as required by the city’s building code.
- g. A communication tower shall be equipped with an anti-climbing device to prevent unauthorized access.
- h. A communication tower shall meet all applicable rules, regulations, requirements and standards of the Federal Aviation Administration and the Federal Communications Commission or their respective successors.
- i. Communication towers exceeding a height of one-hundred (100) feet above grade level shall be prohibited within a two-mile radius of an airport and within one-half mile of a helipad.
- j. Metal communication towers shall be constructed of, or treated with, corrosive-resistant material being trust-free at all times.
- k. Communication towers and their antennas shall be grounded for protection from a direct lightning strike and shall, with respect to electrical wiring and connections, be in compliance with all applicable laws, ordinances, rules, regulations and standards.
- l. All signals and remote control conductors of low energy extending horizontally above the ground between a communication tower and its antennae and a structure, or between towers, shall be at least eight feet above grade at all points unless buried underground.

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- m. A communication tower shall be located so as not to interfere with frequency reception of nearby areas.
  - n. There shall be adequate room for vehicles doing maintenance on a communication tower and its antennas to maneuver on the property either owned or leased by the applicant.
  - o. The base of a communication tower shall not occupy more than five-hundred (500) square feet.
  - p. The minimum spacing between lattice or guyed communication towers shall be one (1) mile. Monopole communication towers over seventy-five (75) feet in height shall be one-half mile apart and monopole communication towers seventy-five (75) feet and under in height shall be at least one (1) quarter mile apart.
  - q. The height of a communication tower shall not exceed three-hundred (300) feet above grade.
  - r. Existing vegetation at the site of a communication tower shall be preserved to the maximum extent practical.
  - s. A communication tower shall not be artificially lighted unless required by the Federal Aviation Administration or its successor.
  - t. There shall be no advertising or other identification of any kind on a communication tower intended to be visible from the ground or other buildings and structures, except as required for emergency purposes.
  - u. A communication tower that does not require painting in accordance with applicable Federal Aviation Administration standards shall, if painted, have a paint scheme designed to minimize off-site visibility.
  - v. Communication towers and their antennas shall be subject to applicable State of Michigan and federal regulations and standards concerning non-ionizing electro-magnetic radiation. If more restrictive regulations are adopted in the future, the tower and antennas shall conform to such regulations and standards. Failure to conform will result in the revocation of the special use permit by the Planning Commission. All cost for testing and verification of such compliance shall be the responsibility of the owner(s) of the tower and antennas.
  - w. No personnel shall be permanently located on the site of a communication tower, provided, however, occasional and temporary repair and service activities are permitted.
  - x. All parking and drive areas of a site where a communication tower is located shall be paved in compliance with applicable city ordinances.
  - y. Where the site of a communication tower adjoins a residential zoning district or land use, the applicant shall plant two alternating rows of evergreen trees that meet on twenty (20) foot centers along the entire perimeter of the communication tower and related accessory structures. In no case shall the evergreens be closer than ten feet to the tower or any structure.
  - z. A communication tower and its antennas shall be removed by its owner or the owner of the site on which it is located within six (6) months after it's no longer in use.
3. *Nonconforming Communication Towers Exemption.*
- a. *Pre-existing Towers.* A tower approved prior to the effective date of this Chapter or an amendment thereto, shall be permitted to continue its use. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted.
  - b. *Co-Locations.* Co-Locations on nonconforming towers shall be permitted.
  - c. *Damaged or Destroyed Towers or Antennas.* Nonconforming towers or antennas that have been damaged or destroyed may be rebuilt. The height, location and type of tower shall be the same as the original facility approved. Building permits to rebuild the facility shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained, or if the permit expires, then the tower or antenna shall be deemed abandoned.
4. *Other Communication Tower Exemptions.*
- a. A non-commercial tower erected as an accessory use in any zoning district which does not exceed a height of seventy (70) feet and is either:
    - i. Owned and operated by a federally licensed amateur radio station operator; or
    - ii. Used exclusively for receive-only antennas is exempt from the provisions of this subsection J., provided, the owner of such tower shall have received prior to its installation a zoning compliance permit from the Zoning Administrator.

**Section 17.17 Accessory Uses – Single-family Dwellings**

Accessory Uses – Single-family Dwellings shall meet all the requirements of this Section and the requirements listed in Section 17.06.

- A. *Need for Special Use Permit.* The need for a special use permit regarding single-family residential accessory buildings shall be determined by the criteria identified in Section 2.05.
  
- B. *Standards for Permit.* If a special use permit is required for a single-family residential accessory building, the Planning Commission may permit such accessory buildings if the following standards are met:
  - 1. The proposed location, type and kind of construction and general architectural character of the building shall be compatible with the principal structure.
  - 2. The size of the building in relation to the house, lot, and adjacent buildings, shall maintain the appearance of being a residential lot.
  - 3. The building shall be in scale with the type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.
  - 4. The building shall not have an adverse effect the light and air circulation of any adjoining building or properties.
  - 5. The building shall not adversely affect the view of any adjoining property owner or occupant.
  - 6. Reasonable access shall be provided between the building and adjoining public rights-of-way, including the relationship to adjoining properties and the view from adjacent streets.

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## Section 17.18 Wind Energy

Wind Energy shall meet all the requirements of this Section and the requirements listed in Section 17.06.

For definitions pertaining to this Section refer to Wind Energy definitions in Article 21.

A. *Purpose and Intent.* The purpose of this Section is to establish guidelines for siting Wind Energy Turbines (WETs), including the following:

1. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
3. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

B. *Wind Energy Turbines as addressed in this Section include:*

1. Small Structure-Mounted Wind Energy Turbine (SSMWET). Refer to Images 17.1, 17.2 and 17.3.
2. Small Tower-Mounted Wind Energy Turbine (STMWET). Refer to Image 17.4.
3. Medium Wind Energy Turbine (MWET). Refer to Images 17.5 and 17.6.

C. *Applicability.* This Section applies to all WETs proposed to be constructed after the effective date of this Ordinance.

Exception: All WETs constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Ordinance

D. *Temporary Uses.* Anemometers are permitted in all Districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

1. 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.
2. An anemometer shall be subject to the minimum requirements for 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.



IMAGE 17.1

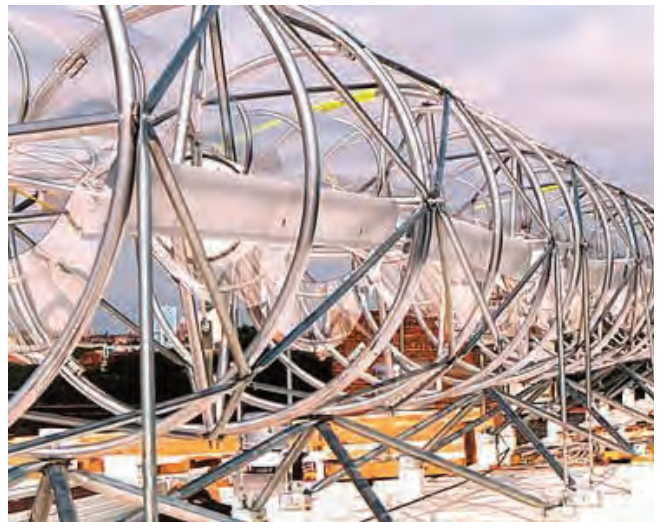


IMAGE 17.2



IMAGE 17.3

3. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

E. *Special Use SSMWET.* A Small Structure-Mounted Wind Energy Turbine (SSMWET) shall be considered a special use in all Districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a special use permit and a building permit has been issued to the Owner(s) or Operator(s).

F. *Special Use STMWET.* A Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a special use in Industrial Districts only and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a special use permit and building permit has been issued to the Owner(s) or Operator(s).

G. *General Requirements of SSMWETs and STMWETs.* All SSMWETs and STMWETs are subject to the following minimum requirements:

- 1. *Siting and Design Requirements*
  - a. *Visual Appearance shall meet the following requirements.*
    - i. A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
    - ii. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
    - iii. SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
  - b. *Ground Clearance.* The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower) and, in addition, 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 SSMWET or STMWET.
  - c. *Noise.* Noise emanating from the operation of a SSMWET or STMWET shall not exceed, at



IMAGE 17.4



IMAGE 17.5



IMAGE 17.6



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- any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 7:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 7:00 am at any property line of a non-residential or non-agricultural use parcel.
- d. *Vibration.* Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
  - e. *Guy Wires.* Guy wires shall not be permitted as part of the SSMWET or STMWET.
  - f. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
    - i. *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.
    - ii. *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.
    - iii. *Location.* The SSMWET shall not be affixed to the wall on the side of a structure facing a road.
    - iv. *Quantity.* No more than three (3) SSMWETs shall be allowed on any one (1) lot. The Planning Commission may allow more SSMWETs on agriculturally, commercially, or industrially zoned properties, if appropriate.
    - v. *Separation.* If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.
  - g. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:
    - i. *Height.* The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.
    - ii. *Location.* The STMWET shall only be located in a rear yard of a property that has an occupied building.
    - iii. *Occupied Building Setback.* The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
    - iv. *Other Setbacks.* The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property 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 height of the wind turbine.
    - v. *Quantity.* No more than one (1) STMWET shall be installed on any parcel of property.
    - vi. *Electrical System.* All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel 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.
2. *Permit.* A special use permit is required for installation of all SSMWETs and STMWETs. The following application requirements shall be included with the permit:
    - a. Name of property owner(s), address, and parcel number.
    - b. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
    - c. The proposed type and height of the SSMWET or STMWET to be constructed; 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.

- d. Documented compliance with the noise requirements set forth in this Ordinance.
  - e. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
  - f. Proof of applicant's liability insurance.
  - g. Evidence that the utility company has approved the connection of any interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - h. Other relevant information as may be reasonably requested.
  - i. Signature of the Applicant.
  - j. In addition to the Permit Application Requirements previously listed, the SSMWET Application shall also include the following:
    - i. Total proposed number of SSMWETs.
  - k. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include the following:
    - i. 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.
3. *Safety Requirements.*
- a. If the SSMWET or STMWET 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 meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
  - b. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering 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.
  - c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
  - d. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.
4. *Signal Interference.*
- a. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
5. *Decommissioning.*
- a. The SSMWET or STMWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the City of Hudsonville Planning Commission may grant a reasonable extension of time. The SSMWET or STMWET will presume 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).
  - b. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the City of Hudsonville Planning Commission may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the City of Hudsonville for the cost of decommissioning each SSMWET or STMWET.
  - c. In addition to the Decommissioning Requirements listed previously, the STMWET shall also be subject to the following:
    - i. Decommissioning shall include the removal of each STMWET, 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.
    - ii. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.

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### 6. *Public Inquiries and Complaints.*

- a. Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Section, the procedure shall be as follows:
  - i. *Decommissioning.* Notify the City of Hudsonville in writing regarding concerns about noise level.
  - ii. If the complaint is deemed sufficient by the City to warrant an investigation, the City will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Section.
  - iii. If the test indicates that the noise level is within this Section's noise requirements, the City will use the deposit to pay for the test.
  - iv. If the SSMWET or STMWET Owner(s) is in violation of this Section's noise requirements, the Owner(s) shall reimburse the City for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until violations are corrected. The City will refund the deposit to the aggrieved property owner.

H. *Special Use MWET.* A Medium Wind Energy Turbine (MWET) shall be considered a special use in all Districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a special use permit and a building permit has been issued to the Owner(s) or Operator(s).

I. *General Requirements of MWETs.* All MWETs are subject to the following minimum requirements:

#### 1. *Siting and Design Requirements*

- a. The design of a MWET shall conform to all applicable industry standards.
- b. Visual Appearance shall meet the following requirements:
  - i. Each MWET shall be mounted on a tubular tower.
  - ii. Each MWET, including accessory buildings and other related structures shall be painted in a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET.
  - iii. Each MWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise nec-

essary for the reasonable safety and security thereof.

- iv. Each MWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).
- c. *Location.* If a MWET is located on an agricultural, 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.
- d. *Height.* The Total Height of a MWET shall not exceed one hundred and fifty (150) feet.
- e. *Ground Clearance.* The lowest extension of any blade or other exposed moving component of a MWET shall be at least fifteen (15) feet above the ground (at the highest point of the grade level within fifty [50] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
- f. *Noise.* Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 7:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00 p.m. and 7:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
- g. *Quantity.* No more than one (1) MWET shall be installed for every two and one-half (2.5) acres of land included on the lot.
- h. *Setback and Separation.*
  - i. *Occupied Building Setback:* The setback from all occupied buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
  - ii. *Property Line Setbacks:* With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be re-

duced to a distance agreed upon as part of the special use permit 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 height of the WET.

- iii. **Public Road Setbacks:** Each MWET shall be set back from the nearest public road a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road.
- iv. **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.
- v. **Tower Separation:** MWET tower separation shall be based on industry standard and manufacturer recommendation.
- i. *Vibration.* Each MWET shall not produce vibrations humanly perceptible beyond the property on which it is located.
- j. *Shadow Flicker.* The MWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the MWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 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.
- k. *Guy Wires.* Guy wires shall not be permitted as part of the MWET.
- l. *Electrical System.* All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET shall be placed underground within the boundary of each parcel 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.

2. *Safety Requirements*

- a. If the MWET 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.
  - b. The MWET 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.
  - c. Security measures need to be in place to prevent unauthorized trespass and access. Each MWET shall not be climbable for at least fifteen (15) feet above ground surfaces. All access doors to MWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
  - d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
  - e. Each MWET 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:
    - i. Warning high voltage
    - ii. Manufacturer’s and owner/operators name
    - iii. Emergency contact numbers (list more than one number)
  - f. The structural integrity of the MWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, “Wind Turbine Safety and Design,” IEC 61400-22 “Wind Turbine Certification,” and IEC 61400-23 “Blade Structural Testing,” or any similar successor standards.
3. *Signal Interference.*
- a. The MWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
4. *Decommissioning.*
- a. The MWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET, and for a good cause, the Planning

## ARTICLE 17 SPECIAL USES

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Commission may grant a reasonable extension of time. Each MWET will presume 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).

- b. Decommissioning shall include the removal of each MWET, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as 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. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
  - c. All access roads to the MWET shall be removed, cleared, and graded by the MWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The City will not be assumed to take ownership of any access road unless through official action of the City Commission.
  - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
  - e. If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above the City may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the City for the cost of decommissioning each MWET.
5. *Site Plan Requirements.*
- a. *Site Plan Application.* All installations of MWETs shall require a site plan application per the requirements of Article 18 of this Ordinance.
  - b. *Site Plan Drawing.* All applications for an MWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
    - i. Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, right-of-ways, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
    - ii. Location and height of all proposed MWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET.
    - iii. Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.
  - c. *Site Plan Documentation.* The following documentation shall be included with the site plan:
    - i. The contact information for the Owner(s) and Operator(s) of the MWET as well as contact information for all property owners on which the MWET is located.
    - ii. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET. A statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
    - iii. Identification and location of the properties on which the proposed MWET will be located.
    - iv. In the case of a Condominium Development, a copy of the Condominium Development's Master Deed and Bylaws addressing the legal arrangement for the MWET.
    - v. The proposed number, representative types and height of each MWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
    - vi. Documents shall be submitted by the developer/manufacturer confirming specifications for MWET tower separation.

- vii. Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
  - viii. Engineering data concerning construction of the MWET and its base or foundation, which shall include, but not be limited to, soil boring data.
  - ix. A certified registered engineer shall certify that the MWET meets or exceeds the manufacturer's construction and installation standards.
  - x. Anticipated construction schedule.
  - xi. A copy of the maintenance and operation plan, 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.
  - xii. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport overlay zone regulations.
  - xiii. Proof of applicant's liability insurance.
  - xiv. Evidence that the utility company has approved the connection of any interconnected, customer-owned generator. Off-grid systems shall be exempt from this requirement.
  - xv. Other relevant information as may be requested by the City to ensure compliance with the requirements of this Ordinance.
  - xvi. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
  - xvii. A written description of the anticipated life of each MWET; 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(s) become inoperative or non-functional.
  - xviii. 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.
  - xix. 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.
  - xx. Signature of the Applicant.
6. *Certificate and Compliance.*
- a. 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.
  - b. The City reserves the right to inspect any MWET in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
7. *Public Inquiries and Complaints.*
- a. Should an aggrieved property owner allege that the MWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
  - b. *Noise Complaint.*
    - i. Notify the City of Hudsonville in writing regarding concerns about noise level.
    - ii. If the complaint is deemed sufficient by the City to warrant an investigation, the City will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
    - iii. If the test indicates that the noise level is within this Section's noise requirements, the City will use the deposit to pay for the test.
    - iv. If the MWET Owner(s) is in violation of this Section's noise requirements, the Owner(s) shall reimburse the City for the noise level test and take immediate action to bring the MWET into compliance which may include ceasing operation of the WET until violations are corrected. The City will refund the deposit to the aggrieved property owner.

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c. *Shadow Flicker Complaint*

- i. Notify the City of Hudsonville in writing regarding concerns about the amount of shadow flicker.
- ii. If the complaint is deemed sufficient by the City to warrant an investigation, the City will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Section.
- iii. If the MWET Owner(s) is in violation of this Section's shadow flicker requirements, the Owner(s) take immediate action to bring the MWET into compliance which may include ceasing operation of the WET until the violations are corrected.

# ARTICLE 18

## APPLICATION AND REVIEW PROCEDURES

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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## Section 18.01 Purpose and Intent

The purpose of this Article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed development activity and/or land use is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes.

Additionally, the purpose and intent of the Article is as follows:

- A. *Health, Safety, Morals and General Welfare.* Advance development in compliance with this Ordinance that shall be generally harmonious with surrounding properties and shall not endanger the health, safety, morals and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public. To ensure that development taking place within the City of Hudsonville is properly designed, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.
- B. *Projects Subject to Review.* Provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, effected neighbors, and the City;
- C. *Review Process.* Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the City of Hudsonville that is consistent with this Ordinance;
- D. *Compliance with Ordinance.* Ensure that land, parcels, and lots are appropriately developed so that their use and operation complies with all applicable requirements of this Ordinance;
- E. *Infrastructure.* Provide adequate and efficient facilities and/or infrastructure, land, rights-of-way, and easements so as not to burden the fiscal resources of the City. These provisions include the construction of buildings and utilities, streets and sidewalks, and landscaping; and
- F. *Open Spaces.* Provide functional open spaces, landscape buffers and other elements which contribute to creating an attractive, healthy and sustainable environment within the City of Hudsonville.

## Section 18.02 Pre-Application Meeting

The Zoning Administrator shall have the authority to conduct a pre-application meeting with the applicant/developer, to assist them in understanding the site plan review process, and Ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission or require special impact studies.

This conference shall not be mandatory, but is recommended for small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review. This meeting is indicated as step number 1 on Illustration 18.1, Site Plan Approval Process. Refer to Illustration 18.1.

## Section 18.03 Pre-Submission Meeting

The pre-submission meeting between the Zoning Administrator and the developer shall be mandatory with the intent of the conference to determine the review of the project application by the Planning Commission. It shall be determined at this meeting to either submit the site plan to the Planning Commission for a formal or informal review. This meeting is indicated as step number 3 on Illustration 18.1, Site Plan Approval Process. Refer to Illustration 18.1.

- A. *Formal Review.* A formal review will result in either approval or denial of the site plan and will require all items listed in Table 18.1 to be included in the site plan documents at the time of submittal.
- B. *Informal Review.* The intent of the informal review (Planning Commission work session), particularly for more complex projects, is to allow the applicant to work through any changes that may be required by the Planning Commission prior to the plan being considered for approval. An informal review does not require all items from Table 18.1 to be included as part of the application, although the Zoning Administrator shall have the authority to require or not require certain items based on the complexity of the project. Table 18.1 lists recommended items to include for an informal review which should serve as a guideline for informal submission.

## Section 18.04 Site Plan Review

The following development proposals will require site plan review conducted under the authority and responsibility of the Planning Commission.

- A. *New Construction.* All new construction, including the expansion of existing buildings and structures shall require site plan review.
- B. *Private streets.* Private streets shall require site plan review.
- C. *Public utility buildings and structures.* Public utility buildings and structures shall require site plan review.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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- D. *Planned Unit Developments.* Planned Unit Developments shall require a site plan review.
- E. *Mobile Home Parks.* Mobile home parks shall require site plan review.
- F. *Site Condominium and Condominium Subdivisions.* All site condominiums and condominium subdivisions developed pursuant to the Condominium Act (MCLA 559.101 et seq.) shall require site plan review.
- G. *Special Uses.* Special uses shall require site plan review.
- H. *Façade Changes.* All new construction and changes including, but not limited to, signage, lighting, doors, windows and wall treatment made to or upon fifty (50) percent or more of the surface area of the front façade of an existing building shall require site plan review.
- I. *Exempt Projects.* A site plan submittal is not required for the following:
  - 1. Detached single-family dwellings;
  - 2. Detached two-family dwellings; and
  - 3. Projects where interior construction does not increase gross floor area, increase the intensity of use, or effect parking requirements on a site that meets all development and site design standards of this Ordinance.

## Section 18.05 Public Hearing

A public hearing shall be required for all special use and planned unit development site plan applications. Such public hearing shall be held before the Planning Commission.

## Section 18.06 Notification to Abutting Property Owners

In those cases where a public hearing is not required, the City shall notify the owners of the properties within three-hundred (300) feet of the subject property of the nature of the site plan and the dates upon which such site plan will be considered.

## Section 18.07 Prohibitions prior to Site Plan Approval

Until a site plan is approved and is in effect, no grading, removal of vegetation, filling of land or construction shall commence for any development or use for which site plan approval is required. Any violation of this prohibition shall be subject to the legal enforcement procedures contained in Article 20 of this Ordinance.

## Section 18.08 Submittal and Review of Site Plan

This Section describes the process required for site plan review. Refer to Illustration 18.1 for a flow chart illustrating this process.

- A. *Applicant Qualifications.* Anyone having a legal ownership interest in a lot or parcel may apply for site plan approval. If an owner chooses to have their consultant or other

designee submit their application, fees, and required plans to the city, they may do so; however, someone having an ownership interest in the subject property shall have to sign the application form.

- B. *Consultation with Zoning Administrator Prior To Submission.* To apply for site plan review, the applicant should contact the Zoning Administrator or go to [www.hudsonville.org](http://www.hudsonville.org) to obtain the proper application form, to determine required fees, and to obtain a review schedule. To ensure that there are no conflicts with ordinance requirements and that all required information has been included in the site plan, it is recommended that the applicant meet with the Zoning Administrator to review the completed site plan prior to formal submission. Refer to Sections 18.02 and 18.03 regarding pre-application and pre-submission meetings and to Illustration 18.1, Site Plan Approval Process.
- C. *Initial Submittal to Zoning Administrator.* The applicant shall submit the completed application, the appropriate fee, and four (4) full-size and two (2) 11x17 copies of the site plan to the Zoning Administrator for staff review. During the first week of the review process the site plan is reviewed by the departments listed in this subsection with respect to completeness of the application and the adequacy of the drainage plan. The applicant is then notified of any required changes. The departments reviewing the application are as follows:
  - 1. The city manager,
  - 2. The police department,
  - 3. The fire department,
  - 4. The Zoning Administrator,
  - 5. The Planning Director / consultant,
  - 6. The department of public works, and
  - 7. The city engineer/consultant.
- D. *Full Submittal to Zoning Administrator.* The applicant shall then submit fourteen revised copies (four (4) full size and twelve (12) 11x17 copies) of the site plan within one (1) week of receiving the comments.
- E. *Review Schedule Established.* At the pre-application meeting, the applicant has the option to have the Planning Commission review the site plan in informal (workshop) session, prior to their review in formal session. This option is recommended in cases where there may be controversial or complex issues involved in the site plan. Use of the informal review provides the applicant with the opportunity to work through any changes the Planning Commission may require prior to the plan being considered for approval by the Planning Commission in formal session.

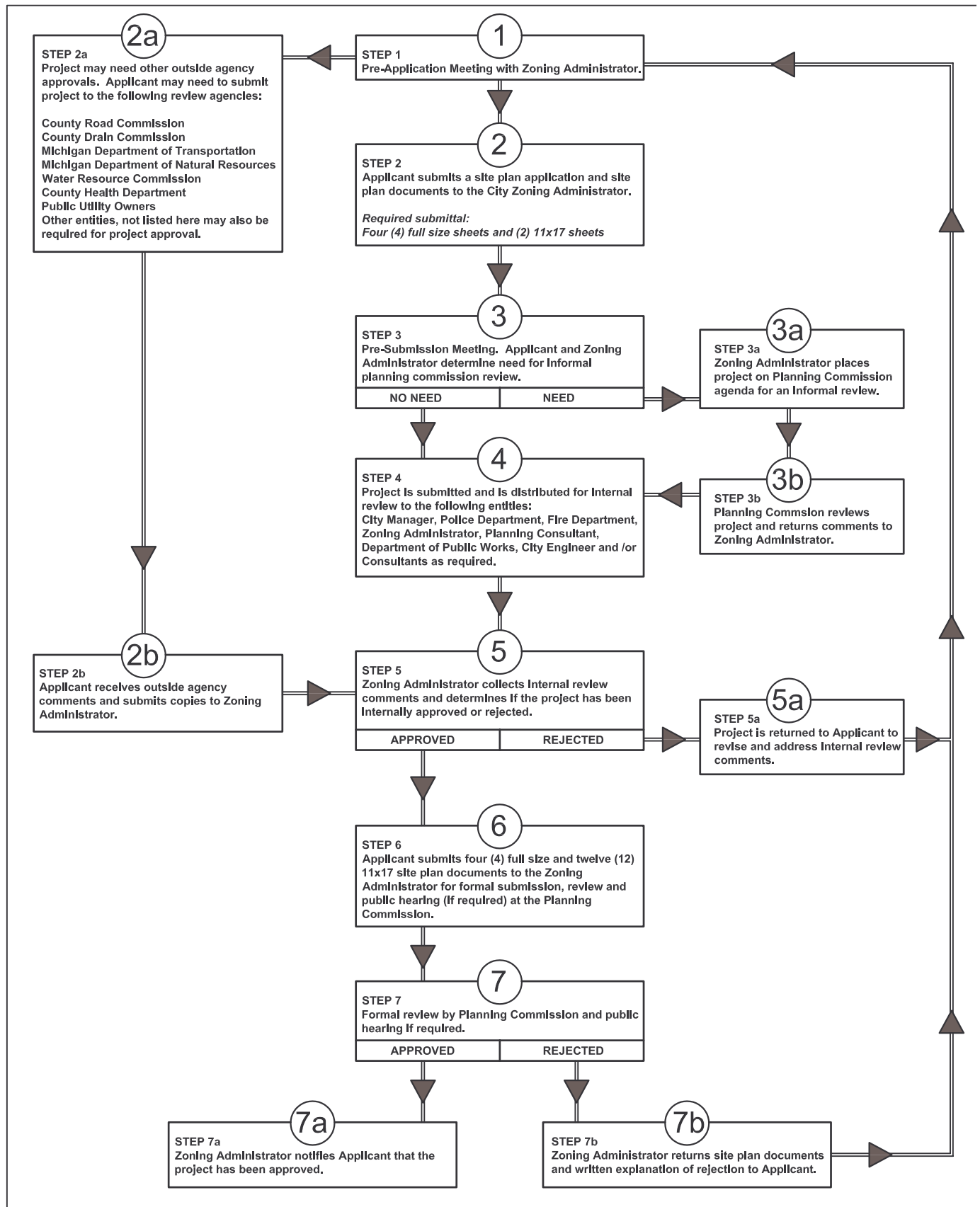
## ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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- F. *Informal Review.* If the informal review is desired by the applicant, the Zoning Administrator shall set the date for such review. If informal review is not desired, the Zoning Administrator shall set the date for review in formal session.
- G. *Submittal to Planning Commission.* Once the site plan has met approval by reviewing city staff, the Zoning Administrator shall forward the site plan to the Planning Commission for review in informal or formal session.
- H. *Planning Commission options for action.* The site plan shall be reviewed either in formal or informal session.
1. *Informal Review.* The Planning Commission shall review the site plan submittal at an informal session and subsequently have prepared a statement of findings and recommendations. Upon receipt of the Planning Commission's comments, the applicant shall revise the site plan, if required, and resubmit for formal review.
  2. *Formal Review.* The Planning Commission may approve, approve with modifications, reject or table any site plan.
- I. *Approved Site Plan Becomes Official Site Plan.* If the Planning Commission approves the site plan, the Zoning Administrator shall prepare two (2) copies of the site plan, as approved by the Planning Commission, for signature by both the Zoning Administrator and the applicant. These signed copies of the site plan shall represent the official site plan and be made part of the permanent zoning file for the site.
- J. *Rejection Notice.* If the Planning Commission rejects the site plan, they must include in their official minutes the reason(s) for such rejection. The Zoning Administrator shall notify the applicant of the reasons for the rejection of the site plan.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

ILLUSTRATION 18.1  
SITE PLAN APPROVAL PROCESS



# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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## Section 18.09 Site Plan Application Requirements

A site plan application shall be filed with the Zoning Administrator for any proposed development project outlined in Section 18.04. Incomplete applications shall be returned to the applicant. The following minimum requirements shall be provided as part of the application.

The site plan application shall include an application form and site plan documents.

- A. *Application Form.* The following information shall be included on the application form, which is available from the Zoning Administrator:
1. Name, address and telephone number of applicant, owner, developer and designer.
  2. The address and / or parcel number of the property;
  3. The existing zoning classification of the property;
  4. The existing use of the property;
  5. The proposed use(s);
  6. The project title and description;
  7. The project completion schedule and development phases; and
  8. The signature of the owner of the property (authorizing the submission of the application), and authorization of a representative, if one is to be used.
- B. *Information Included On Site Plan Documents.* Refer to Table 18.1 at the end of this Article for the requirements and information which shall be included on the site plan documents. These documents shall be professionally prepared drawings which are accurate, to a scale as indicated and reproducible.

## Section 18.10 Expiration of Site Plan Approval

- A. *Expiration Due to Failure to Initiate.* Unless a zoning compliance permit and/or a building permit has been issued within one-hundred-eighty (180) days of the date of the Planning Commission's approval of the site plan, approval of a site plan shall expire and be of no effect. Approval of a site plan shall expire and be of no effect one (1) year following the date of Planning Commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- B. *Completion Deadline.* Development shall, in any case, be completed within eighteen (18) months of the date of Planning Commission approval of a site plan.
- C. *Continuance Requirements.* If an approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until the site plan has been resubmitted and approved, subject to

the provisions of this article.

## Section 18.11 Amendment of an Approved Site Plan

- A. *Information to be Included on Application Form.* If a developer wishes to make changes to a site plan following approval by the Planning Commission, they must receive Zoning Administrator approval as to whether the desired change(s) constitute a major or minor change as defined in this section. The developer has the right to petition the planning commission for a determination as to whether the desired change(s) constitute a major or minor change as defined in this section. The developer in filing such petition shall clearly state the reasons for the desired changes.

Major changes shall require the developer to resubmit the site plan, following the procedures and conditions herein required for original site plan submittal and review.

Minor changes may be authorized by the Zoning Administrator. A public hearing shall not be required for minor changes.

- B. *Major Changes Defined.* Changes to be considered major shall include one or more of the following:
1. A change in the original concept of the development;
  2. A change in the original use or character of the development;
  3. A change in the type of dwelling unit as identified on the approved site plan;
  4. An increase in the number of dwelling units planned;
  5. An increase in non-residential floor area of over five (5) percent per building;
  6. The rearrangement of lots, blocks, and building tracts;
  7. A change in the character, function, or location of any street or access driveway;
  8. A reduction in the amount of land area set aside for common open space, or the relocation of such area(s);
  9. An increase in building height; and
  10. A change which involves a request for variance to the ordinance.
- C. *Minor Changes Defined.* Minor changes shall include the following:
1. A change in residential floor area;
  2. Increases in nonresidential floor area which do not exceed five (5) percent of gross floor area per building; and
  3. Minor variations in design of the building or site which do not constitute major changes.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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## Section 18.12 Modifications of Site Plan during Construction

- A. *Compliance.* All site improvements and building construction shall conform to the approved site plans, approved amendments authorizing their implementation, and to all approved engineering and architectural plans related thereto.

If the applicant or developer makes any changes in the improvements and buildings during construction, in relation to such approved plans, they shall do so at their own risk, without assurance that the city commission, Planning Commission, or city official, whichever is applicable, will approve such changes.

- B. *Procedure to be Followed When Field Changes are Required.* Where field changes are necessary, the applicant or developer shall, if reasonably possible, first obtain approval from the appropriate body or official. If such prior approval cannot be obtained, and the changes are made, the applicant shall immediately notify the appropriate body or official of such changes and shall, as soon thereafter as is reasonable, submit as-built drawings of all such changes. So as to conform to the approved plans, the city commission, Planning Commission, Zoning Administrator, or city engineer, whichever is applicable, may require the applicant to correct any change made in the field without prior approval.

## Section 18.13 Standards for Site Plan Review

To promote orderly development which is safe, efficient, attractive, sensitive to environmental concerns, and generally promotes the welfare of the city's citizens, all developments and uses, in addition to meeting applicable specific standards as identified in this ordinance, shall also meet the following general standards:

- A. *Consistency with Downtown Master Plan.* Elements of the site plan shall create a public realm composed of public frontages, private frontages and building walls which are consistent with the goals and visions of the City of Hudsonville Downtown Master Plan.
- B. *Organization of Elements.* All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

### C. *Site Design.*

1. The site shall be designed to comply with all provisions of this Ordinance.
2. Redevelopment of existing sites will be brought into conformance with all site improvement provisions of this Ordinance relative to and proportionate to the extent of redevelopment, as determined by the Zoning Administrator and/or Planning Commission as appropriate.
3. Outdoor lighting will be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets, adversely impact abutting properties or adversely impact the natural evening sky.

- D. *Landscape Preservation.* The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas. Use of existing, prime nature features (woodlots, wetlands, attractive vegetation, steep slopes, etc.) shall be preserved and allocated for required open space areas where feasible.

1. Buildings and structures will be placed in a manner that preserves environmentally sensitive areas.
2. Landscape buffers may be required to ensure that proposed uses are adequately buffered from one another and from surrounding public and private property.

- E. *Landscape Verification.* The Planning Commission may require verification that all approved landscaping is installed per approved plans. A professional landscaper may provide this verification to the satisfaction of the Planning Commission.

- F. *Drainage Provisions.* Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties or overload watercourses in the area.

- G. *Soil Preservation.* Proposed developments or uses shall not result in soil erosion or sedimentation problems.

- H. *Privacy Provisions.* The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walks, barrier and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

- I. *Emergency Vehicle Accessibility.* All buildings or groups of buildings shall be so arranged as to permit emergency vehicle accesses, by some practical means, according to the Fire Safety and Prevention Requirements in Chapter 6 of the Hudsonville City Code.

## ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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J. *Connective Access to Public Streets.* Every structure or dwelling unit shall have connective access to a public street by some form of pedestrian sidewalk or pathway.

K. *Pedestrian Circulation System.* There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

1. Pedestrian circulation systems shall be compatible with the vehicular circulation system so as to enhance multi-modal transportation systems.
2. Pedestrian circulation systems will connect to transit stops or stations where practicable.

L. *Compatibility with Existing or Planned Streets and Pathways.* The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern shall be of a width appropriate to the traffic volume they will carry, and shall have a dedicated right-of-way equal to that specified in the Public Frontage Article of this Ordinance (Article 8), any formally adopted street plan or platted right-of-way.

M. *Efficient and Safe Traffic Systems.* Vehicular and pedestrian traffic ways within the site, as well as to and from the site, shall be designed in a manner which is both efficient and safe.

1. Driveways will be located to minimize conflict with traffic operations on the abutting street. The number of driveways will be the minimum needed to provide reasonable access to the site.
2. Off-street parking and loading areas will be provided where required with particular attention to the affects of noise, glare, and odor on adjacent properties.

N. *Public Facilities.* The scale and design of the proposed development will not place an excessive burden on services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, water supply, stormwater management, sanitary sewage removal, and treatment, traffic control, and administrative services.

O. *Compliance with all Applicable Statutes.* Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits.

M. *Sexually oriented businesses.* Shall comply with the requirements of Section 17.15.

### Section 18.14 Computer-formatted As-built Drawing Required

A. *Rationale and Requirements.* Due to the city's ongoing program of developing an accurate and updated computerized graphic database of all lots, utilities, buildings, structures, natural features, rights-of-way, roads, and other features necessary for the efficient management of the city, it shall be required for the site plan applicant to either submit computer-formatted as-built plans of their development to the city, or pay a fee as approved by the city commission for converting the manual drawings to the city's computer files.

B. *Computer Database Format.* The computerized graphics database must be delivered on a CD, flash drive or via email in a form acceptable to the Zoning Administrator. To be accepted, all information must meet the city's file structure and layering scheme. Graphic database standards are available at the city offices.

C. *Responsibility of Applicant.* If the applicant submits a computer file of the site plan which has not been prepared consistent with the city's graphic database standards, the applicant shall be required to either resubmit the computer file in a form consistent with the city's standards or be responsible to the city for all costs incurred by the city in converting such file into the proper format.

D. *Penalty for Noncompliance.* The city, in the event of the applicants failure to either provide the city with the proper computer files of the as-built plans or to pay the appropriate fee to accomplish this task, may withhold an occupancy permit until such failure is satisfactorily resolved.

### Section 18.15 Inspection

A. *Zoning Administrator Responsibilities.*

1. The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved, final site plan. All sub-grade improvements, such as utilities, sub-base installations for drives and parking lots, and similar improvements, shall be inspected and approved by appropriate agencies prior to covering.
2. The Zoning Administrator shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved site plan.

## ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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3. The Zoning Administrator shall notify the Planning Commission in writing of any development for which a site plan was approved which does not pass inspection. Additionally, the Zoning Administrator shall advise the Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

B. *Applicant Responsibilities.* The applicant shall be responsible for requesting the necessary inspections. All inspection requests shall be first directed to the Zoning Administrator. The Zoning Administrator shall obtain inspection assistance from the appropriate city official or consulting professional.

### Section 18.16 Performance Guarantee Required

A. *Purpose.* To ensure compliance with the zoning ordinance, relative to the approval of a site plan, the Planning Commission may require the applicant to deposit a performance guarantee as set forth in this section. The purpose of the performance guarantee is to ensure completion of improvements required by this ordinance and contained on the approved site plan.

B. *Performance Guarantee Definition.* Performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond, as determined by the applicant and verified by the Planning Commission or city consultant, in the amount of the estimated cost of the improvements, plus the amount of any applicable fee established from time to time by resolution of the city commission to cover the city's costs related to determining compliance with the zoning ordinance in connection with performance guarantee.

C. *Deposit Requirements.* Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit for the development and use of the land, or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. Upon the deposit of the performance guarantee, the city shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.

D. *Time of Completion for Performance-Guarantee-Backed Improvements.* An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

E. *Rebate of Performance Guarantee to Applicant.*

1. In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed, as confirmed by the Zoning Administrator. The remaining fifty (50) percent of the deposited funds will be rebated when one-hundred (100) percent of the required improvements are completed, as confirmed by the Zoning Administrator.
2. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
3. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

F. *Defaults in Making Performance-Guarantee-Backed Improvements.*

1. In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or other means. The city shall specifically have the right to enter upon the subject property to make the improvements.
2. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
3. Should the city use the performance guarantee, or a portion thereof, to complete the required improvement, any amounts remaining after said completion shall be applied first to the city's administrative costs in completing the improvement. Any balance remaining shall be refunded to the applicant.
4. At the time the performance guarantee is deposited with the city, and prior to the issuance of a building permit or occupancy permit, the applicant shall enter an agreement with the city incorporating the provisions of the performance guarantee.



# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

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## **Section 18.17 Fees**

Fees for the review of site plans, inspections, and computer-formatted as-built plans, as required by this article, shall be established and may be amended by resolution of the city commission.

## **Section 18.18 Violations**

The approved site plan shall become part of the record of approval, and subsequent action, relative to the site in question, shall be consistent with said approved site plan unless the pertinent administrative body agrees to such changes as are provided for in this article. Any violations of the provisions of this article, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this ordinance as provided in Article 20 of this Ordinance.

## **Section 18.19 Digital Rendering Submittal Requirements**

Digital renderings are required for any site plan submittal for projects located in HUD 7, HUD 6 and HUD 5 Districts. Digital renderings shall include three-dimensional illustrations of all buildings and their relationships to streets, sidewalks, landscaping, parking and other pertinent project elements. Renderings are required to realistically portray building composition, massing, materials, colors, and transparency from a variety of viewpoints.

Digital renderings are required to be created using computer software and modeling programs.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

**TABLE 18.1 SITE PLAN DOCUMENT REQUIREMENTS**

	Required for Preliminary or Informal Review	Required for Formal Review by PC
<b>Site Plan Description and Identification Information</b>		
North arrow, date of original submittal and last revision.	■	■
Sheet size: Full size and 11"x17" as indicated in Article 18	■	■
Scale.	■	■
3 acres or more: not less than 1 inch = 100 feet	■	■
Less than 3 acres: not less than 1 inch = 50 feet	■	■
Location or vicinity map to a separate scale. Plan shall include a north arrow, surrounding land features, water features, and streets within a quarter mile.	■	■
Legal and common description of property.	■	■
Gross and net acreage of all parcels in the project.	■	■
Zoning classification of petitioner's parcel and all abutting parcels - including those parcels which are abutting but are divided by a right-of-way.	■	■
<b>General Site Plan Data</b>		
The location of existing lot lines, lot dimensions, buildings and structures, parking areas and other existing improvements on the site and within 50 feet of the site.	■	■
The location of proposed lot lines, lot dimensions, property lines, buildings and structures and other proposed improvements on the site and within 100 feet of the site.	■	■
All required build-to-lines, build-to-zones and set back lines and their related dimensions.	■	■
Grading Plan showing topography on the site and within 25 feet of the site not to exceed two foot contour intervals, referenced to a U.S.G.S benchmark. Contours shall indicate proposed (finished) contours correlated with existing contours so as to clearly indicated cut and fill required. (All finished contours shall be connected to existing contours at or before the lot line).		■
Location and elevations of existing drainage courses and water bodies, including county drains, manmade surface drainage ways, floodplains, streams and wetlands.	■	■
Location, type, dimension and description of all existing and proposed easements.	■	■
Description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location, dimension and materials of proposed retaining walls, fill materials, typical vertical sections and plans for restoration of adjacent properties, where applicable.		■
Location and method of screening of trash receptacle(s), transformer pad(s) and other equipment. Screening information shall include location, size, height, design, materials and specifications.	■	■
Extent of any outdoor sales or display area.	■	■
Extent of any outdoor seating areas (include alcohol related sales as applicable).	■	■

■ Indicates item that shall be included with submittal for informal or formal review.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

**TABLE 18.1 SITE PLAN DOCUMENT REQUIREMENTS (continued page 2)**

	Required for Preliminary or Informal Review	Required for Formal Review by PC
<b>Access, Circulation and Parking / Loading (REFER TO ARTICLE 12)</b>		
Proximity to major thoroughfares and location of driveways and intersections within 100 feet of the site. Provide all information necessary to demonstrate that required sight distance and driveway spacing standards as required by this Ordinance are being met.	■	■
The name, location, dimensions and associated rights-of-way of all existing and proposed streets (public and private), access points and access agreements including curve radii and centerlines.	■	■
Cross-section details of proposed streets (public and private), driveways, parking lots, sidewalks and non-motorized paths. Details shall illustrate materials and thickness of all elements. Cross sections shall indicate surface, base and sub-base materials; location and typical details of curbs.		■
Location, dimensions and details of all passing lanes and deceleration/acceleration tapers or lanes		■
Location, quantity, dimensions and details of parking spaces, islands, circulation aisles and loading zones including information on proposed curbing and barrier-free access design.	■	■
Calculations for required number of parking spaces as indicated in Article 12.		■
Designation of fire lanes.		■
Traffic regulatory signs and pavement markings.		■
Location of existing and proposed sidewalks, pathways, walkways, bicycle paths and areas for public use within the site or adjacent right-of-way.	■	■
Designation, location, details and dimensions of Public Frontages as required by Article 4 and Article 8, including enlarged plan views as required.	■	■
<b>Landscape Plans (REFER TO ARTICLE 9)</b>		
Location, sizes and types of existing trees that are 6 inches or greater in diameter, measured at 3 feet above the adjacent grade and indicate the general location of other existing plant materials. Identify existing plant and landscaping materials to be removed and materials to be preserved.	■	■
The location and type of other significant landscape features or vegetation including woodlots.	■	■
Description and methods to preserve existing landscape.		■
Proposed landscape plan including the location and type of all proposed shrubs, trees and other live plant material, including landscaping for buffers and private and public frontages.	■	■
Location, size, height, material(s) for all screening and berms, including cross-section of berm or screening.		■
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names and quantity. All vegetation that is to be retained / preserved on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.		■
Proposed dates of plant installation.		■
Landscape maintenance schedule.		■

■ Indicates item that shall be included with submittal for informal or formal review.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

**TABLE 18.1 SITE PLAN DOCUMENT REQUIREMENTS (continued page 3)**

	Required for Preliminary or Informal Review	Required for Final Submission
<b>Outdoor Lighting (REFER TO ARTICLE 2)</b>		
A site plan drawn to a scale of not more than 1inch = 30 feet showing the buildings, landscaping, parking and service areas and the location and type of all proposed outdoor lighting.		■
Location, design and dimensions for all outdoor lighting (site and building), including any element relative to shielding light spillover onto other properties and roadways. This information shall be conveyed on a site plan, building plan and/or building elevations as required.		■
A description of the proposed luminaires including lamps, poles or other supports, mounting heights and shielding devices, which may be provided as catalogue cut sheets from the manufacturer.		■
Specifications for all proposed lighting fixtures including photometric data, designation as Illumination Engineering Society of North America (IESNA) "cut-off fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on fixtures, such as furnished by the manufacturer.		■
Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting levels of Article 2. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five (25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback line, whichever is greater.		■
<b>Utilities, Drainage and Related Issues</b>		
Location, design, sizing and easements related to sanitary sewers and septic systems.		■
Location, design, sizing and easements related to water mains, fire hydrants, well sites, water service and storm sewer loads.		■
Location, design, sizing and easements related to storm water drainage, including storm sewers and drains.	■	■
Inverts, flow patterns, location of manholes and catch basins, calculations for size of storm drainage facilities, underground tanks and transportation pipelines.		■
Indication of site grading, drainage patterns and other stormwater management measures.	■	■
Calculations for retention and detention areas.	■	■
Stormwater retention and detention pond grading, side slopes, depth, high water elevation, volume and outfalls.		■
Location of existing and proposed above & below ground gas and electric & telephone lines.		■
Location of transformers and utility boxes.		■
Assessment of potential impacts from the use, processing or movement of hazardous materials or chemicals, if applicable.		■

■ Indicates item that shall be included with submittal for informal or formal review.

# ARTICLE 18 APPLICATION AND REVIEW PROCEDURES

**TABLE 18.1 SITE PLAN DOCUMENT REQUIREMENTS (continued page 4)**

	Required for Preliminary or Informal Review	Required for Final Submission
<b>Building, Structures and Architecture (REFER TO ARTICLE 6)</b>		
The location of existing and proposed buildings as well as the outside dimensions.	■	■
The location of all existing buildings or structures within 50 feet of the subject property.	■	■
Proposed building floor plans and total floor area.		
Overall building height, number of stories and height of each story.	■	■
Proposed building elevations for all building walls, drawn to scale indicating materials, dimensions, windows and doors, storefronts as required, and other details required by Article 6.	■	■
Required percentage of glass as indicated by Building Type in Article 6.	■	■
Description of all exterior building materials and colors. (Samples may be required).		■
Digital renderings as indicated in Section 18.19 of this Ordinance.		■
Proposed uses of all buildings and all floors (if mixed-use building).	■	■
The location, size, height, material, specifications and lighting of all proposed building signs and site signs.	■	■
The location, size and material of all proposed canopies and/or awnings.	■	■
The location of accessory structures, flagpoles, storage sheds, transformers, air conditioners, generators and similar equipment (details of the method of screening, where applicable, shall be included).		■
The location, details, materials and height of all screen walls.		■
The location, details, materials and height of all fences.		■
<b>Miscellaneous Information Required as Part of Site Plan Document Submittals</b>		
Proposed deed restrictions, if applicable.		■
The number of employees on largest shift for each use (if shifts overlap, indicate the number of employees for the largest two shifts which overlap).		■
<b>Additional Information Required for Multiple-Family Residential Development</b>		
The total number and location of each residential unit.		■
The breakdown of units by number of bedrooms.		■
Density calculations by type of residential unit (dwellings units per acre).		■
Dwelling unit sizes including dimensions and total square feet.		■
Garage and / or carport locations and details, if proposed.		■
Location of mailbox clusters, if proposed.		■
Location, dimensions, floor plans and elevations of common building(s).		■
Swimming pool location and detail, height, specifications and type of related fence.		■
Location and size of recreation and open space areas.		■
Distance between buildings.		■

■ Indicates item that shall be included with submittal for informal or formal review.

# ARTICLE 19

## VARIANCES, APPEALS AND INTERPRETATION STANDARDS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

### TABLE OF CONTENTS FOR ARTICLE 19

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# ARTICLE 19 VARIANCES, APPEALS AND INTERPRETATION STANDARDS

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## Section 19.01 Purpose and Intent

The following procedures provide an appeal mechanism for circumstances that prohibit compliance with this Ordinance as well as procedures for the interpretation of Ordinance language. The intent of these procedures is to:

- A. Provide a clear development review process that is fair and equitable to all interests including applicants, affected neighbors, and the City;
- B. Ensure that development in compliance with this Ordinance shall be generally harmonious with surrounding properties and shall not endanger the health, safety, morals and general welfare of the public. This shall include existing, prospective, or future owners or users of adjacent and nearby properties and the public.

## Section 19.02 Zoning Board of Appeals (ZBA)

- A. *Establishment of the Board.* In order that the objectives of this Ordinance may be more fully and equitably achieved; that there shall be provided a means for competent interpretation of this ordinance; that adequate, but controlled, flexibility be provided in the application of this ordinance; that health, safety, and welfare of the public be secured; and that justice be done; there is hereby established a Zoning Board of Appeals (also referred to as ZBA).
- B. *Membership and Terms of Office.* The Zoning Board of Appeals shall consist of five members. Members shall be appointed by the mayor and approved by the city commission. The members shall consist of one member from city commission, one member from the planning commission, and three electors from the city at large.

The three elector members shall not be members of the city commission, planning commission, or employees of the city.

Elector members shall serve three-year terms, and the commission members shall serve during their terms on their respective commissions. If a person is appointed to the Zoning Board of Appeals in replacement of a member who did not complete a term, that person's initial term shall only be for the balance of time remaining in the term they are assuming. A successor member of the ZBA must be appointed not more than one (1) month after the term of the preceding member has expired.

The city commission may also approve, at its discretion, up to two alternate members of the Zoning Board of Appeals to serve three-year terms. If alternate members

are appointed, they shall serve on a rotation basis as determined by the chairman of the Zoning Board of Appeals. Alternate members may be called on to serve as a regular member of the Zoning Board of Appeals, in the absence of a regular member, or to reach a decision in a case where a member has chosen to abstain from voting due to a conflict of interest. Alternate members shall have the same voting rights as a regular member, and if used on a case, shall continue to serve on that case until a final decision is made.

### C. *Organization and Procedures.*

1. *Rules of Procedure.* The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly.
2. *Majority Vote.* 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 the Zoning Administrator, to decide in favor of the applicant any matter upon which they are required to pass under this ordinance; or to effect any variation in this ordinance.
3. *Officers.* The Zoning Board of Appeals shall appoint a chairman, vice-chairman, and secretary, as prescribed in their rules of procedure.
4. *Meetings.*
  - a. Meetings shall be held at the call of the Zoning Board of Appeals chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure.
  - b. The business which the Zoning Board of Appeals may perform shall be conducted at a public meeting of the board held in compliance with the Open Meetings Act, Act 267 of the Public Acts of 1976 (MCL sections 15.261 to 15.275), as the same may be amended.
  - c. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
5. *Notification.* Public notice of all ZBA meetings shall be given not less than fifteen (15) days prior to the scheduled meeting.
6. *Records.* Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to

# ARTICLE 19 VARIANCES, APPEALS AND INTERPRETATION STANDARDS

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every case. Minutes shall contain the vote of each member upon each question, and if the member is absent or failing to vote. The Zoning Board of Appeals shall also keep records of its hearings and other official action. Such minutes shall be filed in the office of the city clerk and shall become public record.

## D. *Duties and Powers of the Zoning Board of Appeals.*

1. *Hear an appeal for interpretation.* The purpose for seeking interpretations of this Ordinance is to ensure a review process that is fair and equitable to all affected persons. The Zoning Administrator shall first review and recommend code interpretations to the ZBA.
  - a. The Zoning Board of Appeals shall hear and decide upon requests for the interpretation of the provisions of this Ordinance.
  - b. The Zoning Board of Appeals shall hear requests for the interpretation of the text of this Ordinance. Text interpretations shall be narrow and address only the situation being interpreted shall be based on a thorough reading of this Ordinance and shall not have the effect of amending this Ordinance. Interpretations shall give weight to practical interpretations by the Zoning Administrator and code enforcement staff when applied consistently over a period of time.
  - c. The Zoning Board of Appeals shall determine the precise location of boundary lines between Districts when there is dissatisfaction expressed by the Zoning Administrator, or when assistance in interpretation is sought by the Zoning Administrator. In making its determination of the boundary lines, the ZBA shall be governed by the rules of this Article and Article 4.
2. *Hear an Appeal for Administrative Relief.* The Zoning Board of Appeals shall hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator in the administration and enforcement of this ordinance.
3. *Hear an appeal where the intent of this Ordinance is unclear and the text or graphics can be read to support equally more than one (1) interpretation.* In cases where the intent of this Ordinance is unclear and the text or graphics can be read to support equally more than one (1) interpretation, the benefit shall go to the property owner.

4. *Hear an Appeal for a Dimensional Variance.* In considering dimensional variances, the Zoning Board of Appeals shall have the authority to authorize variances in matters relating to the required dimensions of, but not limited to, the following:
  - a. Building setbacks,
  - b. Building height,
  - c. Principal building area,
  - d. Percent of lot coverage,
  - e. Lot dimensions or size,
  - f. Driveway setbacks from intersections,
  - g. Driveway spacing requirements,
  - h. Driveway sizes
  - i. Sign dimensions or area,
  - j. Parking and loading requirements,
  - k. Landscape requirements, and
  - l. Number of accessory structures.

5. *Hear Appeals Regarding Inability to use Land for Permitted uses.* The Zoning Board of Appeals may hear appeals from property owners regarding their inability to use their property for the uses which are permitted by right in the zoning district where their property is located. The property owner is required to show unnecessary hardship in appeals regarding inability to use their property for the uses which are permitted. If upon evaluation of the information submitted, the Zoning Board of Appeals finds that the applicant's property cannot be reasonably used for the uses which are permitted by right within the designated zoning district and that this is an unnecessary hardship, they shall formally make such finding of fact and file a report to the planning commission. The planning commission may initiate a process of amending the ordinance in such manner that the applicant's property may be reasonably used in a way which is consistent with the City of Hudsonville Downtown Master Plan and which does not adversely affect adjoining properties.

## E. *Limitation of Powers.*

1. The Zoning Board of Appeals shall not have any authority other than that expressly conferred upon it by this Ordinance.
2. The Zoning Board of Appeals shall not hear any appeal regarding special uses.
3. The Zoning Board of Appeals shall not hear any appeal regarding planned unit developments.

## F. *Appeal Process.*

1. *Eligibility for filing an appeal.* An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any officer, department,



# ARTICLE 19 VARIANCES, APPEALS AND INTERPRETATION STANDARDS

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- board, or bureau aggrieved by a decision made by the Zoning Administrator in the administration of this Ordinance.
2. *Official with Whom to File Appeal Application.* All appeal applications, to include the grounds for appeal, shall be submitted to the Zoning Administrator.
  3. *Fees for Appeal.* A fee, as established by the city commission, shall be paid to the Zoning Administrator at the time of filing an appeal application. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred by the Zoning Board of Appeals in connection with the appeal.
  4. *Time Frame for Filing.* An appeal shall be filed with the Zoning Administrator within 14 days of receiving official notice of the decision which is the basis for appeal.
  5. *Stay.* An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. If the Zoning Administrator makes such certification, proceedings shall not be stayed other than by a restraining order, which may be granted by the Zoning Board of Appeals, or on application by the circuit court when cause can be shown.
  6. *Distribution of appeal materials to Zoning Board of Appeals members.* The Zoning Administrator shall transmit to all Zoning Board of Appeals members all of the papers constituting the record upon which the action appealed from was taken.
  7. *Date and Notice of Hearing.* The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal. And further, the ZBA shall give due notice of same to the persons to whom real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used.
  8. *Representation at Hearing.* Upon the hearing, a party may appear in person, by agent, or by legal representative.
  9. *Zoning Board of Appeals Decision Options.* Either wholly or partly, the Zoning Board of Appeals may reverse, affirm, or modify the order, requirement, decision, or determination appealed. And, the Zoning Board of Appeals shall make an order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If an affirmative decision is made, the Zoning Board of Appeals may impose conditions to such decision.
  10. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter the Ordinance, the Zoning Board of Appeals, in considering an appeal for variance, may modify any of the Ordinance requirements regarding those matters listed in section 19.02.D, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.
  11. *Time frame for Zoning Board of Appeals Decision.* The Zoning Board of Appeals shall make a decision within a reasonable time frame. However, a decision shall not exceed 90 days from the time the Zoning Board of Appeals is in receipt of all information which it needs to base its decision.
  12. *Final Authority.* The decision of the Zoning Board of Appeals shall be final.
- G. *Variance Appeal Hearings.* If all of the conditions listed below are satisfied, the Zoning Board of Appeals may authorize dimensional variances in those matters listed in section 19.02.D.4:
1. The applicant must be able to demonstrate practical difficulty or unnecessary hardship in complying with this Ordinance.
    - a. An example of practical difficulty or unnecessary hardship would be if dimensional zoning requirements could not be met on an existing lot; due to narrowness, irregular shape, or location of natural features such as wetlands or floodplains on the site.
    - b. Demonstration of practical difficulty or unnecessary hardship should have a bearing on a condition relative to the site, or use upon the site, and not to the applicant personally. Economic hardship or optimal profit potential are not considerations for practical difficulty.
  2. The practical difficulty or unnecessary hardship which is demonstrated must be due to unique circumstances peculiar to the property and not to general neighborhood conditions.
  3. The applicant shall not have created the problem for which a variance is being sought.
  4. The Zoning Board of Appeals shall only approve a variance appeal if in so doing the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done for both applicant and other property owners in the district. Substantial justice, as it relates to the applicant, shall be aimed toward permitting the applicant substantial

# ARTICLE 19 VARIANCES, APPEALS AND INTERPRETATION STANDARDS

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property rights, such as those enjoyed by adjoining properties in the same zoning district. Substantial justice, as it relates to other property owners in the district, shall be aimed toward trying to ensure that special development rights are not bestowed on the applicant that are not enjoyed by the other property owners in the same district, or that the granting of the applicant's variance does not result in substantial adverse impacts to adjoining properties.

5. In approving a variance appeal, the Zoning Board of Appeals shall only approve the minimum variance which is necessary to relieve the practical difficulty.

H. *Recording of Variance Appeal Decisions.* The Zoning Board of Appeals shall record into the official record of any variance appeal hearing:

1. The decision made (to include vote count);
2. The condition(s), if any, shall be attached to any approval;
3. For variances approved, a statement indicating the satisfaction of all required conditions; and
4. For denials, a statement containing reasons for denial.

I. *Variance Period of Validity.* The construction authorized by the issuance of a variance by the Zoning Board of Appeals shall commence within 90 days, or the variance shall become void.

J. *Resubmittal for Variance.* No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid upon inspection by the Zoning Board of Appeals.

## Section 19.03 Administrative Departure Procedures

- A. *Purpose.* Administrative Departures are provided to permit development of individual lots or properties that generally fall within the requirements of the District Standards and a practical difficulty does not exist. However, due to site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this Ordinance is appropriate. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a Variance or as a means for relief from standards in this Ordinance.
- B. *Applicability.* Only those Administrative Departures that are specifically noted in this Ordinance may be requested and approved. These Administrative

Departures are indicated within each Section.

C. *Application Procedure.* Requests for Administrative Departures shall be submitted with the applicable application and shall include the following:

1. Information and materials, as listed in the application form, in sufficient detail to indicate the nature and necessity of the request, and may include a scaled drawing. Requested Administrative Departures shall be separately listed and clearly noted on the proposed plan.
2. The applicable fee established by resolution of the City Commission.
3. If it is necessary to transfer the application to the ZBA for a Variance, the fee shall be applied to the Variance application.

D. *Review Standards.* The Zoning Administrator shall consider whether the proposed alternative meets the following standards.

1. *Zoning Ordinance.* The proposed alternative is consistent with the purpose and intent of the District, and the specific requirements and conditions of the Administrative Departure approval criteria.
2. *Neighborhood.* The proposed alternative will be compatible with adjacent properties and the neighborhood.
3. *Environment.* The proposed alternative will retain as many natural features of the landscape as possible.
4. *Public Facilities.* The proposed alternative will not place a burden on existing infrastructure and services,
5. *Other.* The request is necessitated by a condition of the site or structure, and not as a means to reduce costs or inconvenience.

E. *Decision.* The Zoning Administrator may approve, approve with conditions, deny or refer an application to the ZBA.

F. *Prior to Other Approval.* Administrative Departures shall be reviewed, and approved or denied in writing by the Zoning Administrator along with the reasons for the decision prior to approval of a Site Plan Review, Special Land Use, or other approval required by this Ordinance.

G. *After Site Plan Approval.* Administrative Departures shall be reviewed, and approved or denied in writing by the Zoning Administrator along with the reasons for the decision after site plan approval in cases necessitated by conditions on the site discovered during construction.

# ARTICLE 19 VARIANCES, APPEALS AND INTERPRETATION STANDARDS

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H. *Appeal.* A decision of the Zoning Administrator regarding an Administrative Departure may be appealed to the ZBA. Conditions imposed as part of an Administrative Departure approval can not be appealed unless submitted as a full request for a variance.

## Section 19.04 Use Determination for Similar Uses or Uses Not Addressed

- A. *Purpose.* Since every type of potential use cannot be anticipated in this Ordinance, this Section provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those listed. Similarly, there are various uses that include the phrase “and similar uses.” These procedures are also intended to interpret the phrase “and similar uses” found in this Ordinance.
- B. *Review Standards.* The Zoning Administrator or ZBA shall base the decision on a finding that the proposed use satisfies all of the following:
1. Is not specifically listed in any other District;
  2. Is generally consistent with the purpose of the District and this Ordinance;
  3. Shall not impair the present or potential use of other properties within the same District or the neighboring area;
  4. Has no greater potential impact on surrounding properties than those listed in the District in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health, safety and general welfare;
  5. Shall not adversely affect the City of Hudsonville Downtown Master Plan.
- C. *Decision.* The Zoning Administrator may determine that the use is similar to permitted uses in the District, and shall be either a use permitted by right or a Special Land Use. The Zoning Administrator may request that the ZBA make this determination.
1. The proposed use shall comply with all District conditions as well as the review and approval requirements that apply to the similar use.
  2. The Planning Director or ZBA determination shall be in writing and shall be sent to the applicant.
- D. *Text Amendments.* Uses determined to be similar to a permitted by right or as a Special Land Use shall be recorded by the Planning Department, and periodically presented to the Planning Commission for incorporation into the text of this Ordinance.

# ARTICLE 20

## ADMINISTRATION AND ENFORCEMENT

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN

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# ARTICLE 20 ADMINISTRATION AND ENFORCEMENT

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## Section 20.01 Administration and Administrator

The provisions of this Ordinance shall be administrated by the planning commission in accordance with the State of Michigan Municipal Planning Commission Act, Act 285 of the Public Acts of 1931 (MCL 125.31 et seq.), as amended, and the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended, where and if possible, is also relied upon as statutory authority.

The Planning Commission, with the advice and consent of the city manager, shall designate a Zoning Administrator to administer this ordinance.

The Zoning Administrator, and deputies of same, shall have the responsibility of administering the City of Hudsonville Downtown Zoning Ordinance, as amended, and, for the purpose of this ordinance, shall have the power of a police officer.

## Section 20.02 Duties and Powers of Zoning Administrator

The Zoning Administrator shall have the authority to administer the City of Hudsonville Downtown Zoning Ordinance precisely as it is written. Under such authority, the Zoning Administrator shall have the following responsibilities:

- A. Assist citizens with understanding the zoning ordinance and completing all forms pursuant to processing their zoning related requests.
- B. Fulfill management duties related to processing all zoning related requests. Provide administrative support to the planning commission and zoning board of appeals relative to zoning issues.
- C. Review and investigate building permit and site plan applications to determine compliance with the provisions of the zoning ordinance.
- D. Issue the appropriate permit(s) when all provisions of the zoning ordinance have been complied with, and, when applicable, site plan approval from the planning commission has been obtained.
- E. Perform inspection duties to ensure that all developments are being constructed in conformance with their permit or site plan approvals.
- F. Make periodic tours of the city for general zoning ordinance enforcement purposes. Investigate reported alleged violations of the ordinance and enforce corrective measures when required.
- G. Keep the regulating plan(s), text, tables, illustrations, images and related graphics and office records up to date by recording all amendments and retaining a copy of pertinent official documents.
- H. Make recommendations to the planning commission on ways to solve problems or otherwise improve zoning operations.
- I. Perform other duties as authorized elsewhere in this ordinance or as may be assigned to the Zoning Administrator by other city ordinances.

## Section 20.03 Zoning Compliance Permit

- A. *Purpose.* The zoning compliance permit shall be an official acknowledgment from the City that all proposed uses and construction plans have been reviewed and are in compliance with the zoning ordinance.
- B. *Activities Requiring a Zoning Compliance Permit.* No activity which requires the issuance of a zoning compliance permit shall be undertaken until such permit has been obtained from the Zoning Administrator. Activities requiring a zoning compliance permit shall include:
  1. Grading, excavation, or filling in preparation for construction;
  2. The erection, addition to, alteration of, or moving of any building or structure;
  3. Initial use of any property;
  4. The changeover of any building or property from one type of use to a different type of use.
  5. In the HUD 7, HUD 6, HUD 5 Zone Districts: Improvements that include, but are not limited to, signage, lighting, doors, windows, and wall treatments that make up less than 50% of the front façade, which are encouraged to meet the standards set in Article 6.
- C. *Process of Issuance.* The Zoning Administrator shall provide a copy of the zoning compliance permit to the applicant and the building official, if that official is other than the Zoning Administrator. The building permit issued by the building official may serve as the zoning compliance permit if signed by the Zoning Administrator before issuance.

Except upon the granting of a variance by the zoning board of appeals, a zoning compliance permit shall not be issued for any building or use in violation of any of the provisions of this Ordinance.
- D. *Zoning Compliance Application Requirements.* Application requirements for proposed uses or developments requiring site plan review are given in Article 18. Application requirements for proposed uses or developments not requiring site plan review are as follows:
  1. The location, shape, area, and dimensions of the lot;

# ARTICLE 20 ADMINISTRATION AND ENFORCEMENT

2. The location, dimensions, and height of all structures;
3. The façade of all structures;
4. The intended uses;
5. The location of building setbacks from all lot lines;
6. The location of driveways and parking areas;
7. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance; and
8. A fee in accordance with the fee schedule, established by the city commission.
9. All drawings submitted with an application shall be professionally prepared and drawn to scale.

E. *Voiding of Permit.* Unless the development proposed has passed its first building inspection within 180 days from the date of the granting of the permit, any zoning compliance permit granted under this article shall become null and void. Before voidance is actually declared, the Zoning Administrator shall make every effort to notify the holder of a zoning compliance permit that such permit is liable for voiding action. A void zoning compliance permit will also void the building permit issued for the same development, requiring resubmittal for both permits before the applicant may construct or use any of the property affected by these permits.

F. *Zoning Inspection.* The construction or usage affected by any zoning compliance or building permit shall be subject to inspections. The first inspection shall be when excavation for foundations has been completed and building lines have been established. The second shall be when the building is completed.

It shall be the duty of the holder of every zoning compliance permit and building permit to notify the Zoning Administrator and building official (if other than the Zoning Administrator), as to the time when the construction will be ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, requiring the issuance of a new permit(s) before construction may proceed or occupancy may be permitted.

## Section 20.04 Certificates of Occupancy

- A. *Requirements.* Certificates of occupancy shall be required in the following cases to ensure compliance with the zoning ordinance:
1. When any land, building, or part thereof is being occupied for the first time;
  2. When an existing use of land, building(s), or part(s) thereof are being changed to another

- use having different zoning requirements; and
3. Upon expansion of an existing land use, or expansion to an existing building or structure.

B. *Conditions for Issuance.* A certificate of occupancy shall not be issued for any land use, building, or part thereof, unless the following conditions exist:

1. All provisions of this Ordinance and other applicable city ordinances have been met.
2. All improvements contained on any approved site plan have been completed, or if not completed, that a performance guarantee has been provided to the city.
3. All development related fees owed to the city by the applicant seeking the certificate of occupancy have been paid, or mutually satisfactory arrangements for such payment have been made.

## Section 20.05 Enforcement

A. *Purpose.* It is the intent of this article to outline procedures and responsibilities for enforcement of the City of Hudsonville Downtown Zoning Ordinance.

B. *Violations and Penalties.*

1. *Violation a Nuisance.* Buildings erected, altered, moved, razed, or converted, or any other use of land or premises carried on in violation of any provision of this Ordinance are declared to be unlawful and a nuisance per se.
2. *Violation Reporting Requirements.* Any and all buildings or land use activities considered possible violations of this Ordinance shall be reported to the Zoning Administrator, particularly when observed by or communicated to any city official or employee.
3. *Penalty for Violations.* Every person, corporation, or firm, who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance; or any permit, license, or exception granted hereunder; or any lawful order of the Zoning Administrator, planning director, zoning board of appeals, planning commission, or the city commission issued in pursuance of this Ordinance, shall be guilty of a civil infraction violation. Enforcement will be in accordance with chapter 25 of the Code of Ordinances.

C. *Enforcement Procedure.*

1. When a violation is initially determined by the Zoning Administrator, it shall be the administrator's responsibility to issue a notice to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This letter of notice shall be issued on a special form for this purpose and shall at least include the following information

## ARTICLE 20 ADMINISTRATION AND ENFORCEMENT

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pertinent to the violation:

- a. Date and location of each violation observed by the Zoning Administrator;
- b. Names and addresses of owners and occupants;
- c. Specific sections of the zoning ordinance which have been violated (If more than one violation, each violation and each section violated shall be listed); and
- d. Length of time allowed before further prosecution of the violation(s).

(Unless the violation constitutes a clear and present danger to the health or safety of the public, the length of time allowed shall not be less than ten days, in which case the violation may be prosecuted civilly or criminally without notice.)

2. The notice required by the above subsection may be either personally served upon an individual or upon an officer, director, or resident agent of a corporation; or may be served by sending a copy of the notice by registered mail with a return receipt executed by the person being served. In the event the appropriate person is not served after reasonable inquiry or attempts, the notice shall be effective upon the posting of the notice in a reasonably conspicuous place upon the property.
3. Upon a violation of this Ordinance and upon the giving of the appropriate notice, the violation may be enjoined, abated, remedied, corrected, removed, or prosecuted as follows:
  - a. The Zoning Administrator may issue a civil infraction notice to an owner, tenant, or occupant.
  - b. The Zoning Administrator may file a criminal complaint and seek a warrant in accordance with the Michigan Statutes made and provided.
  - c. The Zoning Administrator or city attorney may institute a civil proceeding seeking to enjoin, abate, remedy, correct, or remove any violation of this ordinance, together with the recovery of costs and damages. The judgment may provide that the city shall have a lien upon the subject real property to the extent that the city has incurred costs and expenses in the abatement, removal, or correction of the violation.
  - d. The election to pursue any of the above remedies shall not bar pursuit of other remedies.

# ARTICLE 21

## DEFINITIONS

DOWNTOWN ZONING ORDINANCE  
CITY OF HUDSONVILLE, MICHIGAN



# ARTICLE 21 DEFINITIONS

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## Section 21.01 Rules of Construction

- A. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning.
- B. Rules of Construction and Organization: The following rules of construction apply to this Ordinance:
1. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
  2. The language of this Ordinance shall be read literally. Regulations are no more or less strict than that stated.
  3. The phrase “person” includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
  4. The phrase “used for” includes arranged for, designed for, intended for, maintained for, constructed for, altered for, rented for, leased for, sold for, or occupied for.
  5. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or image, the text shall control.
  6. A building or structure includes any part thereof.
  7. Words used in the present tense shall include the future tense.
  8. Words used in the singular number shall include the plural, and the plural shall include the singular, unless context clearly indicates the contrary.
  9. The word “shall” is always mandatory and not discretionary. The word “may” is permissive. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by conjunctions “and”, “or”, or “either... or”, the conjunction shall be interpreted as follows:
    - a. “And” indicates that all the connected items, conditions, provisions or events apply.
    - b. “Or” indicates the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
  10. Terms not defined in this Article shall have the meaning given to them in the latest edition of Merriam Webster’s Collegiate Dictionary.

## Section 21.02 Definitions

For the purpose of this Ordinance, certain words and terms shall have the meanings defined in this Article. Where certain words or terms are defined in other Articles of this Ordinance, such words or terms shall have the meanings defined in such Articles.

## **A** DEFINITIONS “A”:

### **ABUTTING:**

The condition of two adjoining parcels or lots having a common property line or boundary, but not including cases where adjoining lots are separated by a street or alley.

### **ACCESSORY BUILDING TYPE:**

Refer to Accessory Dwelling Unit definition.

### **ACCESSORY BUILDING, GARAGE:**

An accessory building used for storage of automobiles, small trucks, vans and related uses customary and incidental to the single family residential dwelling.

### **ACCESSORY DWELLING UNIT (ACCESSORY BUILDING TYPE):**

A specific type of accessory building or structure which is detached from the principal building with a garage on the main level and a dwelling unit or home business on the second floor. Sometimes referred to as a “granny flat” or “carriage house” and referenced in this Ordinance as a specific building type (Accessory Building Type). Refer to Article 6 Building Types for specific requirements of the Accessory Dwelling Unit . The Accessory Dwelling Unit is allowed only in specific Districts by Special Use Permit.

### **ACCESSORY STRUCTURE OR BUILDING:**

A building or structure which is clearly incidental to, devoted exclusively to, subordinate to and located on the same lot as the principal building to which it is related. When an accessory building is connected to a principal building by common, major structural elements such as a wall or roof it shall be considered part of the main or principal building or structure for setback purposes. Examples are garages, carports, sheds, gazebos and greenhouses. Accessory structures or buildings shall not be dwelling units (refer to Dwelling Unit definition).

### **ACCESSORY USE:**

A use located on the same lot that is customarily incidental, appropriate and subordinate to the principal use of land or buildings. Synonymous with Ancillary Use.

### **ADJACENT:**

The condition where two or more parcels share common property lines or where two parcels are separated only by an alley, easement, right-of-way or street. Synonymous with Adjoining.

### **ADMINISTRATIVE DEPARTURE:**

A minor deviation from the requirements of this Ordinance as reviewed and approved by the Zoning Administrator or his or her designee. Administrative Departures are provided to permit development of individual lots or properties that generally fall within the requirements of the District Standards and a practical difficulty does not exist. However, due to site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this Ordinance is appropriate. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a Variance or as a means for relief from standards in this Ordinance.

### **ADULT ARCADE:**

Refer to Regulated Uses definitions in Article 21.

### **ADULT BOOKSTORE:**

Refer to Regulated Uses definitions in Article 21.

## ARTICLE 21 DEFINITIONS

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**ADULT CABARET:**

Refer to Regulated Uses definitions in Article 21.

**ADULT MOTEL:**

Refer to Regulated Uses definitions in Article 21.

**ADULT MOTION PICTURE THEATER:**

Refer to Regulated Uses definitions Article 21.

**ADULT NOVELTY STORE:**

Refer to Regulated Uses definitions in Article 21.

**ADULT VIDEO STORE:**

Refer to Regulated Uses definitions in Article 21.

**ADULT USES:**

Refer to Regulated Uses definitions in Article 21.

**ALLEY:**

The vehicle passage-way within the block that provides access to the rear of buildings, vehicle parking (e.g., garages), utility meters, recycling and garbage bins.

**ALTERATION:**

Any change, addition or modification in construction or type of occupancy or any change in the structural members of a building, such as walls or partitions, columns, beams, or girders, to consummated act of which may be referred to in this Ordinance as “altered” or “re-constructed”.

**AMBIENT SOUND LEVEL:**

Refer to Wind Energy definitions in Article 21.

**AMENDMENT:**

A change in the wording, context or substance of this Ordinance, or a change in the District boundaries on the Regulating Plan.

**ANCILLARY USE:**

Refer to Accessory Use definition.

**ANEMOMETER:**

Refer to Wind Energy definitions in Article 21.

**ANIMALS AND ANIMAL SERVICES:**

**DOMESTIC ANIMAL:** A small animal of the type generally accepted as pets including, but not limited to, dogs, cats, and fish, but not including roosters, ducks, geese, pea fowl, goats, sheep, hogs or similar animals.

**KENNEL:** A facility for the boarding, breeding, raising, grooming, selling, training or other animal husbandry activities for domestic animals.

**SALES, SERVICES AND DAY CARE:** An establishment that includes sales, grooming or other services, or day time care of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops. No overnight boarding is allowed.

**VETERINARY CLINIC:** A building, or any portion of a building, used for the treatment of house pets as outpatients only and does not have interior or outdoor kennels and overnight boarding.

**VETERINARY HOSPITAL:** A building, or any portion of a building, used for the treatment of house pets, and may have interior or outdoor kennels and overnight boarding.

**APARTMENT BUILDING TYPE:**

A residential unit sharing a building and a lot with other units and/or uses; may be for rent, or for sale as a condominium. Refer to Article 6 for specific information on the Apartment Building Type.

**APPEAL:**

A procedure by which a decision, interpretation or enforcement action is brought from a lower decision-making authority to a higher authority for determination.

**APPLICANT:**

The owner of property or the authorized representative of the owner applying for development approval.

**APPROVAL:**

A written notice by an authorized representative or designated decision-making body of the City approving the design, progress or completion of work.

**APRON:**

Architectural Element: The exterior trim below a window sill.

**ARCADE:**

A roofed or built structure, extending over the sidewalk open to the street except for supporting columns, piers, or arches.

**ARCADE PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

**ARCHITECTURAL ELEMENTS:**

That portion of a building containing any architectural projection, relief, cornice, column, change of building material, or window or door opening. Also, ornamentation or decorative features attached to or protruding from an exterior wall that add detail and/or finely-scaled features to a façade. Examples are plinths, cornices, knee braces, columns, belt courses, chimneys, bay windows and other decorative ornaments. Synonymous with Architectural Detail.

**ARCHITRAVE:**

Architectural Element: The lowest part of an entablature, sometimes used by itself as an architectural element.

**ARTICULATION:**

Shifts in the plane of walls, setbacks, reveals, overhangs, and details in order to create variations in a building's façade. Variations of a building's mass through the use of deep setbacks, diminishing upper floor areas, and/or projecting roof overhangs.

**ATTACHED DWELLING UNIT:**

Refer to Dwelling Unit, Attached definition.

**AVERAGE GRADE:**

Refer to Grade, Average definition.

**AVERAGE ILLUMINATION LEVELS:**

Refer to Lighting, Outdoor definitions in Article 21.

**AWNING:**

A retractable or fixed shelter projecting from and supported by the exterior wall of a building (cantilevered) and constructed on rigid or non-rigid materials on a supporting framework. Compare to Canopy and Marquee.

**AWNING SIGN:**

Refer to Sign definitions in Article 21.

# ARTICLE 21 DEFINITIONS

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## **B** DEFINITIONS “B”:

### **BALCONY:**

The exterior platform attached to the front of the principal building. Balconies typically are roofed and enclosed by balustrades (railings) and posts that extend up to the roof, when in conjunction with a Private Frontage Type.

### **BALCONY PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

### **BALCONY BOXES:**

A small scale agricultural use. A form of container gardening that is primarily developer / designer driven due to its more formal integrated nature relative to the architecture, although it can also be driven by residents in some cases. Balcony boxes typically are a more public form of urban gardening as they typically occur at the building frontages, but they are still a privately tended urban gardening type. Refer to Article 10 Use Standards.

### **BALUSTER:**

Architectural Element: One of a number of short vertical members used to support a stair handrail or guardrail.

### **BALUSTRADE:**

Architectural Element: An entire railing system including a top rail, balusters and often a bottom rail.

### **BANNER SIGN:**

Refer to Sign definitions in Article 21.

### **BARGEBOARD:**

Architectural Element: The trim board that is fastened to the projecting gable ends of a roof.

### **BASEMENT:**

That portion of a building which is partly or wholly below finished 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.

### **BATTEN:**

Architectural Element: A narrow strip of wood applied to cover a joint along the edges of two parallel boards in the same plane.

### **BEADED-PROFILE PANELS:**

Panels manufactured to resemble traditional bead board.

### **BERM:**

A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

### **BILLBOARD:**

Refer to Sign definitions in Article 21.

### **BLADE SIGN:**

Refer to Sign definitions in Article 21.

### **BLOCK:**

Land bounded by streets, not including alleys, or by a combination of streets and public land, rail road rights-of-way, water bodies or any other barrier.

### **BOULEVARD PUBLIC FRONTAGE:**

Refer to Article 8 Public Frontage Standards.

**BRICK MOULD:**

Architectural Element: Window or door trim typically found around the openings on masonry buildings.

**BUILDABLE AREA:**

The area of the lot within the limits of the required setbacks for the main building or principal structure. The buildable area is the maximum area that can be built upon, including additions, now and in the future. Synonymous with building envelope.

**BUILDING:**

Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition shall include tents, awnings, mobile homes, or vehicles used for such purposes.

**BUILDING DISPOSITION:**

The placement of the building on the site or lot.

**BUILDING ENVELOPE:**

Refer to Buildable Area definition.

**BUILDING HEIGHT:**

The vertical distance measured from entry grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. Refer to Section 2.09.

**BUILDING HEIGHT, DIMENSIONAL FLOOR HEIGHTS:**

The numerical height of a specific building type measured from floor to floor or floor to roof structure to determine the height of each story related to each building type. Number of stories are indicated within the Districts Standards and are required to be paired with the dimensional floor heights. Refer to Article 6 Building Type Standards.

**BUILDING HEIGHT, NUMBER OF STORIES:**

The actual number of stories allowed within a District, not related to specific Building Type. Number of stories shall be paired with the dimensional floor heights (height of story) to determine the maximum or minimum building height within the District. Refer to Article 4 District Standards.

**BUILDING-MOUNTED SATELLITE DISH ANTENNA:**

Refer to Satellite Dish Antenna definitions in Article 21.

**BUILDING MOUNTED SIGNS:**

Refer to Sign definitions in Article 21.

**BUILDING, PRINCIPAL:**

Refer to Principal Building or Structure definition.

**BUILDING SIGN AREA:**

Refer to Sign definitions in Article 21.

**BUILDING TYPE:**

The massing, form, composition, architectural elements, essential features, functions and site disposition that defines specific buildings within this Ordinance. Refer to Article 6 Building Type Standards.

**BUILD-TO-LINE:**

A build-to-line is the measurement that defines the edge in which the street (or right-of-way) facing building walls are required to be built-to. When a build-to-line is indicated by the District or Building Type Standards, it is a requirement, not a permissive minimum as is a setback line.

## ARTICLE 21 DEFINITIONS

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### **BUILD-TO-ZONE:**

A build-to-zone is the measurement that defines the range (or zone) in which the street (or right-of-way) facing building walls are required to be built-within. When a build-to-zone is indicated by the District or Building Type Standards, it is a requirement that the building walls are constructed within the range.

### **BUFFER:**

Vegetative material, structures (e.g. walls, fence), berms, or any combination of these elements that are used to separate and screen incompatible uses from one another.

## **C** DEFINITIONS “C”:

### **CALIPER:**

The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four (4) inches in diameter; and twelve (12) inches above the ground for trees greater than four (4) inches in diameter.

### **CANOPY:**

A rigid multi-sided structure typically constructed of metal or other rigid material that is either supported by the exterior wall of the building (cantilevered) or hung from the exterior wall of the building with turnbuckles or supported in whole or in part by posts embedded in the ground. Compare to awning and marquee.

### **CANOPY SIGN:**

Refer to Sign definitions in Article 21.

### **CANOPY STREET TREE:**

Refer to Tree definitions in Article 21.

### **CAPITAL:**

Architectural Element: The topmost member, usually decorated, of a column, pilaster, etc.

### **CARPORT:**

A roofed structure or shelter or portion of a building open on two or more sides that is provided for the purpose of sheltering one or more motor vehicles.

### **CAST OR PRESSED CONCRETE PAVER BLOCK:**

Refer to Stormwater Management definitions in Article 21.

### **CHANGEABLE MESSAGE SIGN:**

Refer to Sign definitions in Article 21.

### **CHARACTER:**

Those attributes, qualities, and features that make up and distinguish a building or structure, a group of buildings or structures, or a neighborhood or a District, and give it a sense of purpose, function, definition, and uniqueness.

### **CHILD CARE CENTER:**

A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child.

A child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A child care center does not include a Sunday school; a vacation Bible school; a religious class where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period; or a facility operated by a religious organization where children are cared for not greater than four hours per day, while persons responsible for the children are attending religious classes or services.

**CIVIC BUILDING:**

A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit and municipal parking; or for use by the legislative body. Example of civic buildings may include, but are not limited to city halls, public works buildings, libraries, post offices, schools and churches. Synonymous with Public Building or Institutional Building.

**CLEAR GLASS:**

Glass in windows, doors and storefront windows shall be transparent to insure a safe, pedestrian-oriented environment. Glass shall be clear in appearance at the street level and possess a measurement of greater than sixty (60) percent VLT. The Zoning Administrator may require a glass sample with the performance values listed on the sample as part of the project review. Refer also to Transparency definition.

**CLEAR VISION AREA:**

The area located at the intersection of two streets, whether public or private, or a street and driveway through which an unobstructed view of approaching traffic is necessary for pedestrians and drivers.

**COLONNADE:**

A number of columns arranged in order at intervals called intercolumniation, supporting an entablature and usually one side of a roof.

**COMMERCIAL REAL ESTATE SIGN:**

Refer to Sign definitions in Article 21.

**COMMERCIAL STREET PUBLIC FRONTAGE:**

Refer to Article 8 Public Frontage Standards.

**COMMUNICATION TOWER:**

A radio, telephone, cellular telephone or television relay structure of skeleton framework or monopole, attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

**COMMUNITY GARDENS:**

A small scale agricultural use. A neighborhood-based community agriculture that typically occurs on vacant lots, but may also occur at a variety of other locations. The size of a community garden is not limited and is typically dependent on the number of citizens who cultivate it. The garden may grow flowers and vegetables and is typically configured with plots, beds, and paths – with an average plot size being approximately 20' x 20'. The garden is typically a collaborative effort by members of the community within the pedestrian shed of the garden's location. These citizens share in both the maintenance and reward of the garden.

Siting of a community garden and the orientation of the plots are key factors in promoting success for the grower and the neighborhood. Community gardens should be sited in residential neighborhoods with the intent of providing growing space for residents within the pedestrian shed. Gardens should be a focal point for residents; however care must be taken when gardens are placed near more traditional and formal public spaces due to the informal appearance of many food gardens and the lack of substantial winter plantings. School properties and adjacent parcels are prime locations for community gardens given the student outreach and educational opportunities. Refer to Article 10 Use Standards.

**CONTAINER GARDENING:**

A small scale agricultural use. This type of urban gardening overcomes many obstacles to growing produce in more dense urban neighborhoods. Container gardening comes in many forms and is flexible and scalable within its context. Container gardening can include ceramic, terra cotta, and plastic pots; metal or wood containers and hanging baskets. It can occur on balconies, porches, patios and back yards. This is a privately-tended, primarily resident driven form of urban gardening, as opposed to the more collaborative methods of the community garden type. Refer to Article 10 Use Standards.

**CONSTRUCTION SIGN:**

Refer to Sign definitions in Article 21.



## ARTICLE 21 DEFINITIONS

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**CORBELING:**

Architectural Element: Brickwork projecting successively more in each course to support or meet a structure above.

**CORNER BOARD:**

Architectural Element: A board that is used as trim on the external corner of a wood framed structure.

**CORNER LOT:**

Refer to Lot, Corner definition.

**CORNER SIDE:**

Refers to the side of the building that faces a secondary street or other public right-of-way that is not considered the primary street. Refer also to Secondary and Primary Street definitions.

**CORNICE:**

Architectural Element: An ornamental molding used at the meeting of the roof and walls; usually consists of bed molding, soffit, fascia and crown molding.

**COTTAGE HOUSE BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**COTTAGE RETAIL BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**CUL-DE-SAC:**

A dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street allowing for vehicle turnaround.

**CUT-OFF ANGLE:**

Refer to Lighting, Outdoor definition in Article 21.

**CUT-OFF FIXTURE:**

Refer to Lighting, Outdoor definition in Article 21.

## D DEFINITIONS “D”:

**DAY CARE CENTER:**

Refer to Family Day Care Home or Group Day Care Home.

**DECIBEL:**

Refer to Wind Energy definitions in Article 21.

**DECK:**

A roofless outdoor structure built as an aboveground platform supported by posts, at least one (1) foot above average grade. A deck may or may not be attached to the main building, and may or may have railings or steps. A deck is generally of significant size and is used primarily for recreation uses, and secondarily as an entrance and exit to the building.

**DECOMMISSIONING:**

Refer to Wind Energy definitions in Article 21.

**DENSITY:**

The number of dwelling units situated on or to be developed on per gross specified area of land. Density is expressed in units per acre.

**DENTIL:**

Architectural Element: One of a band of small, square, tooth-like blocks forming part of the characteristic ornamentation of some classical orders.

**DETACHED DWELLING UNIT:**

Refer to Dwelling Unit, Detached.

**DESIGN COMPATIBILITY:**

The characteristics of different uses, activities or design that allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Design compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

**DETENTION BASIN:**

Refer to Stormwater Management definitions in Article 21.

**DEVELOPER:**

Any individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land.

**DEVELOPMENT:**

The construction, reconstruction, remodeling, conversion, structural alteration, relocation, enlargement, or demolition of any structure, proportion of a structure, or sign; any change in use in land, building, or structure, or material change in the appearance of any structure; any increase in the number of dwelling units, businesses, manufacturing establishments, or offices; any mining, excavation, filling, grading, paving, or land disturbance; and any act of subdivision of land. Refer also to New Development.

**DISTRICT:**

An area on the Zoning Map or Regulating Plan that is regulated by this Ordinance. Synonymous with Zoning District.

**DIRECT LIGHT:**

Refer to Lighting, Outdoor definition in Article 21.

**DOMESTIC ANIMAL:**

Refer to Animals and Animal Services definitions in Article 21.

**DRAINAGE DITCH:**

Refer to Stormwater Management definitions in Article 21.

**DRIVE-THROUGH FACILITY:**

An establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

**DRIVEWAYS:**

Refer to Sections 2.16, 2.17 and 2.18

**DUMPSTER ENCLOSURE:**

The enclosure required to screen dumpsters. Refer to Section 2.46

**DWELLING UNIT:**

A building, or enclosed portion thereof, designed for occupancy by one family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site-built units. Reference to dwelling shall mean dwelling unit.

## ARTICLE 21 DEFINITIONS

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### **DWELLING UNIT, ATTACHED:**

A dwelling unit attached to one or more dwelling units by common, major, structural elements.

### **DWELLING UNIT, DETACHED:**

A dwelling unit which is not attached to any other dwelling unit by any means.

### **DWELLING UNIT, MULTIPLE-FAMILY:**

A building designed exclusively for and containing three or more dwelling units.

### **DWELLING UNIT, SINGLE-FAMILY:**

A detached building designed exclusively for and containing one dwelling unit only.

### **DWELLING UNIT, TWO-FAMILY:**

A detached building designed exclusively for, and containing two dwelling units only.

### **DWELLING, ACCESSORY:**

Refer to Accessory Dwelling Unit definition.

### **DWELLING, HOUSEHOLD LIVING:**

Residential occupancy of a dwelling unit by one (1) household, family or person. A dwelling unit consists of a room or rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for use by one (1) household, family or person only. Typical uses include single-family detached houses, attached single-family houses, and multi-family apartment type buildings. Household living does not include the facilities defined under Group Living.

### **DWELLING, IN-HOME FAMILY DAYCARE:**

A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child.

### **DWELLING, HOME OCCUPATION:**

Any occupation conducted within a residential dwelling unit located within a residential district. Such occupation is incidental and subordinate to the use of the dwelling unit for residential purposes. Home occupations shall consist of non-retail or commercial enterprises. The work quarters shall be invisible from the frontage, located either within the house or in an Accessory Unit.

### **DWELLING, MOBILE HOME:**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities. The plumbing, heating, air conditioning and electrical systems are contained in the structure. Manufactured homes shall not include modular homes, motor homes or travel trailers.

## **E** DEFINITIONS “E”:

### **EASEMENT:**

A grant of one or more of the property rights by a property owner to and/or for use by the public or another person or entity.

### **ELECTRONIC SIGN:**

Refer to Sign definitions in Article 21.

### **ELEVATION DRAWING:**

A vertical view drawing of the front, side or rear of a structure that describes the design, floor-to-floor dimensions, building height, window and door dimensions, and signs.

### **ENCROACHMENT:**

The portion of a building, structure or sign that intrudes into a required setback, right-of way or easement.

**ENTRY GRADE:**

Refer to Grade, Entry definition.

**ENTABLATURE:**

In classical architecture, the elaborated beam member carried by the columns, horizontally divided into architrave, frieze, and cornice.

**ESCORT SERVICES:**

Refer to Regulated Uses definitions in Article 21.

**ESSENTIAL PUBLIC SERVICES:**

The erection, construction, alteration, or maintenance by public utilities, city-authorized cable-television companies, municipal departments, commissions, boards, or other government agencies of specific underground, surface, or overhead systems or structures reasonably necessary for the furnishing of adequate services, or for the public health, safety, or general welfare, but not including buildings other than those necessary to house or protect such essential services/utilities. Such systems shall include gas, electric, steam, water transmission/distribution, storm water, waste water collection, or cable-television. Such structures shall include dams, weirs, culverts, bridges, canals, fire alarm boxes and hydrants, traffic signals, signs and other similar equipment and accessories.

**EVERGREEN TREE:**

Refer to Tree definitions in Article 21.

**EXISTING:**

In existence prior to the effective date of this Chapter. Synonymous with Pre-Existing.

## **F** DEFINITIONS “F”:

**FAÇADE:**

The exterior wall(s) of a building facing a street.

**FAMILY:**

One or more persons living together as a single, non-profit housekeeping unit, organized as a single entity in which the members share a dwelling unit based on marriage, consanguinity, adoption, or other domestic bond. This definition does not include any society, combine club, fraternity, sorority, association, federation lodge, coterie, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

**FAMILY DAY CARE HOME:**

A private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which at least one minor child, but less than seven minor children, are given care and supervision for periods of less than 24 hours per day. These children shall be 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 homes include homes that give care to an unrelated minor child(ren) for more than four weeks during a calendar year.

**FASCIA:**

Architectural Element: Vertical board that terminates a sloped roof or eave.

**FENCE:**

A structure used to delineate a boundary or act as a barrier or means of protection, confinement or screening.

**FENESTRATION:**

An opening in the building wall allowing light and views between interior and exterior. Fenestration is measured as glass area (including muntins excluding mullions).

**FIGURATIVE SIGN:**

Refer to Sign definitions in Article 21.

## ARTICLE 21 DEFINITIONS

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**FILL PROJECT:**

The depositing, removal, redistribution, or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

**FINISHED GRADE:**

Refer to Grade, Finished definition.

**FIXTURE:**

Refer to Lighting, Outdoor definitions.

**FLAG, BUSINESS:**

Refer to Sign definitions in Article 21.

**FLAG, GOVERNMENT:**

Refer to Sign definitions in Article 21.

**FLOODLIGHT:**

Refer to Lighting, Outdoor definition in Article 21.

**FLOODPLAIN:**

Reference to floodplain(s) in this ordinance shall refer to the 100-year floodplain as identified by the Federal Emergency Management Agency or other governmental agency qualified to make such determination. The 100-year floodplain is that land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.

**FLOOR AREA, GROSS:**

The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Except where they are utilized for commercial purposes, unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area.

**FLUSH MOUNTED OR RECESSED LUMINAIRE:**

Refer to Lighting, Outdoor definition in Article 21.

**FOOT-CANDLE:**

Refer to Lighting, Outdoor definition in Article 21.

**FOECOURT PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

**FREESTANDING SIGN:**

Refer to Sign definitions in Article 21.

**FRIEZE:**

Architectural Element: The middle horizontal member of a classical entablature, above the architrave and below the cornice.

**FRIT:**

Architectural Element: Small friable particles produced by quenching molten glass material. Usually used in transom windows on Store-front Frontage Types to create a semi-opaque configuration.

**FREE-STANDING FURNACE:**

A furnace, stove or boiler that is not located within a building intended for habitation by humans that is designed, intended or used to provide heat and/or hot water to any residence or structure that burns wood or other solid fuel such as, but not limited to, coal, paper or agricultural products.

**FRONT LOT LINE:**

Refer to Lot line, Front definition.

**FURNISHING ZONE:**

The buffer between the sidewalk and the street where utility poles, trees, hydrants, signs, benches, transit shelters and planters should be placed. In commercial districts the furnishing zone is typically the extension of the sidewalk to the curb of the street. In residential districts the furnishing zone is typically a landscaped strip, also referred to as a parkway.

**G DEFINITIONS “G”:****GABLE:**

The vertical triangular portion of the end of a building having a double sloping roof, from the level of the cornice or eaves to the ridge of the roof.

**GABLE ROOF:**

A roof having a gable at one or both ends.

**GARAGE ACCESSORY BUILDING:**

Refer to Accessory Building, Garage definition.

**GLARE:**

Refer to Lighting, Outdoor definition in Article 21.

**GRADE, AVERAGE:**

The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure.

**GRADE, ENTRY:**

That grade at which the primary entrance to the first story of a building is established.

**GRADE, FINISHED:**

The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.

**GRASS CELLULAR CONCRETE:**

Refer to Stormwater Management definitions in Article 21.

**GREEN ROOF:**

Refer to Stormwater Management definitions in Article 21.

**GREYWATER REUSE:**

Refer to Stormwater Management definitions in Article 21.

**GROSS FLOOR AREA:**

Refer to Floor Area, Gross definition.

**GROUND-MOUNTED SATELLITE DISH ANTENNA:**

Refer to Satellite Dish Antenna definitions in Article 21.

**GROUND-MOUNTED SIGN:**

Refer to Sign definitions in Article 21.

## ARTICLE 21 DEFINITIONS

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### **GROUP DAY CARE HOME:**

A private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six, but not more than 12, minor children are given care and supervision for periods of less than 24 hours per day. Children shall be unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care homes include homes that give care to an unrelated minor child(ren) for more than four weeks during a calendar year.

### **GROUP LIVING:**

Residential occupancy of a dwelling unit by other than a household and providing communal facilities. Typical uses include adult foster care facilities, assisted living facilities, nursing homes and transitional shelters.

## **H** DEFINITIONS “H”:

### **HAND-TENDED GARDENS:**

A small scale agricultural use. The size of this form of urban / suburban agriculture is limited only by the owner’s ability to manage it with tilling and irrigation in non-industrial fashion. The use of industrial inputs in the form of pesticides, insecticides and fertilizers is typically not allowed within this type of agriculture. Use of industrial components is part of the production agriculture portion of this ordinance. This type is fundamentally a privately tended urban gardening type as opposed to the collaborative nature of the community garden. Refer to Article 10 Use Standards.

### **HEDGE:**

A row of evergreen or deciduous shrubs two (2) to three (3) foot in height that are planted close enough together to form a solid barrier.

### **HEIGHT, BUILDING:**

Refer to Building Height definition.

### **HEIGHT, FENCE OR WALL:**

The vertical distance between finished grade and the highest point of the fence or wall to the top of the fence or wall.

### **HEIGHT, STRUCTURE:**

The vertical distance between the finished grade and the uppermost part of the structure.

### **HIGHWAY PUBLIC FRONTAGE:**

Refer to Article 8 Public Frontage Standards.

### **HIPPED ROOF:**

A roof which slopes upward from all four sides of a building, requiring a hip rafter at each corner.

### **HOME OCCUPATIONS:**

Any occupation conducted within a residential dwelling unit located within a residential district. Such occupation is incidental and subordinate to the use of the dwelling unit for residential purposes.

### **HOUSEKEEPING UNIT:**

A dwelling unit organized as a single entity in which the members share common kitchen facilities and have access to all parts of the dwelling.

**I DEFINITIONS “T”:****IESNA:**

The Illuminations Engineering Society of North America. Refer also to Lighting, Outdoor definitions in Article 21.

**ILLUMINATED SIGN:**

Refer to Sign definitions in Article 21.

**ILLUSTRATIONS:**

Illustrations are drawings and diagrams utilized in this Ordinance to help convey regulation and intent while making the Ordinance easier to use. In the case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, photograph, table or graphic, the text shall control. Refer also to definitions for Images and Tables.

**IMAGES:**

Images are photographs utilized in this Ordinance to help convey regulation and intent while making the Ordinance easier to use. In the case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, photograph, table or graphic, the text shall control. Refer also to definitions for Illustrations and Tables.

**IMPERVIOUS SURFACE:**

Any hard-surfaced, man-made area that does not readily absorb or retain water including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreational areas. Synonymous with nonpervious surface.

**IMPROVEMENT:**

Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of the betterment.

**INDUSTRIAL SHOP BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**INFRASTRUCTURE:**

Public or private structures that serve the common needs of the population, such as: potable water systems; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; electric, gas, telephone, cable, and other utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails; and transit stops.

**INTEGRATED COMPLEX:**

A group of buildings contained within a single development and under a single approved plan. An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use. Integrated complexes may include, but are not limited to, apartment complexes, business complexes, business parks and industrial parks.

**INTERIOR SIDE:**

Refers to the side of the building that faces an adjacent private lot or parcel.

**INTERNALLY ILLUMINATED SIGN:**

Refer to Sign definitions in Article 21.



# ARTICLE 21 DEFINITIONS

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## **J** DEFINITIONS “J”:

### **JACK ARCH:**

Architectural Element: A flat or straight masonry arch.

## **K** DEFINITIONS “K”:

### **KITCHEN GARDENS:**

A small scale agricultural use. A kitchen garden is a smaller scaled version of the community garden, but is almost exclusively on private property and is a privately tended urban garden type. In many cases the kitchen garden is in a raised planting bed and can include both flowers and produce. Refer to Article 3 Use Standards.

### **KENNEL:**

Refer to Animals and Animal Services definitions in Article 21.

## **L** DEFINITIONS “L”:

### **LAMP:**

Refer to Lighting, Outdoor definition in Article 21.

### **LANDSCAPE AREA:**

Any outdoor land area which is planned and designed for the growth of vegetation. Landscape areas would include both formal landscape beds and lawn areas.

### **LANDSCAPE BED:**

A defined area intended for the intensive planting of trees, bushes, shrubs, and other plants. Landscape beds would exclude large areas planted in grass or other common ground cover; however, they might contain small amounts of these types of vegetation.

### **LANDSCAPE COMPONENTS:**

Specific elements of the landscape standards as indicated in Article 9.

### **LANDSCAPE STANDARDS:**

Refer to Article 9 Landscape Components and Standards.

### **LEED:**

Leadership in Energy and Environmental Design is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. Developed by the United States Green Building Council (USGBC), LEED provides building owners and operators a concise framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions.

### **LEED-ND:**

A rating system specifically created for Neighborhood Development that integrates the principles of smart growth, urbanism and green building into the first national system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development.

### **LIVE-WORK BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**LIGHT:**

Architectural Element: A pane of glass, a window or a subdivision of a window.

**LIGHT POLLUTION:**

Refer to Lighting, Outdoor definition in Article 21.

**LIGHT SHIELD:**

Refer to Lighting, Outdoor definition in Article 21.

**LIGHTING, PEDESTRIAN-SCALED:**

Refer to Lighting, Outdoor definition in Article 21.

**LIGHTING, OUTDOOR:**

- A. Refer to Section 2.31. The following definitions pertain to outdoor lighting:
- B. **AVERAGE ILLUMINATION LEVELS:** The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.
- C. **CUT-OFF-ANGLE:** The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.
- D. **CUT-OFF FIXTURES:** Cut-off fixtures control glare by directing light well below the horizon, out of the viewer's line of sight.
- E. **DIRECT LIGHT:** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.
- F. **FIXTURE:** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
- G. **FLOODLIGHT:** A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of ten (10) degrees to wide angles (more than one hundred (100) degrees).
- H. **FLUSH MOUNTED OR RECESSED LUMINAIRE:** A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.
- I. **FOOT-CANDLE:** A measure of light falling on a given surface. One (1) foot-candle is equal to the amount of light generated by one (1) candle shining on a square foot surface one (1) foot away. Foot-candle may be measured both horizontally and vertically by a light meter.
- J. **GLARE:**The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.
- K. **ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA):** An association of professionals in the field of lighting and related professions.
- L. **LAMP:** The component of a luminaire that produces the actual light including luminous tube lighting.
- M. **LIGHT POLLUTION:** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
- N. **LIGHT SHIELD:** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- O. **LIGHTING, PEDESTRIAN-SCALE:** Devices intended to provide outdoor lighting that are lower in height than typical street lighting and located proximate to pedestrian areas such as sidewalks, open space areas or plazas.
- P. **LUMINAIRE:** The complete lighting system, including the lamp and the fixture.
- Q. **LUMINAIRE, FULL CUTOFF:** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- R. **LUMEN:** A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.
- S. **MAXIMUM TO MINIMUM ILLUMINATION RATIO:** The ratio of the maximum illumination level to the minimum level.
- T. **MOUNTING HEIGHT:** The vertical distance between the surface to be illuminated and the bottom of the light source.

**LINTEL:**

Architectural Element: A horizontal structural member (such as a beam) over an opening which carries weight of the wall above it.

**LODGING, SHORT-TERM:**

Provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests.

# ARTICLE 21 DEFINITIONS

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## **LODGING, LONG-TERM:**

Provision of lodging services on a long-term basis for the purpose of business travel, employment relocations, etc. Can include incidental food, drink, and other sales and services intended for the convenience of the guests. May also include suites with cooking facilities for the convenience of the guests.

## **LOT:**

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description; having frontage upon a public street or city approved private road; and occupied or intended to be occupied by one or more primary buildings or structures. Lot shall have sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage, and open space.

## **LOT AREA:**

The amount of space contained within a lot, typically expressed in square feet or acres.

## **LOT, CORNER:**

Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

## **LOT COVERAGE:**

The percentage of a lot which is taken up by building space.

## **LOT DEPTH:**

The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

## **LOT FRONTAGE:**

The length of the front lot line.

## **LOT LINE:**

A line bounding a lot or parcel from another lot or parcel, existing street right-of-way, approved private-road easement, or ordinary high-water mark.

## **LOT LINE, FRONT:**

The lot line which separates the lot from the street right-of-way or approved private-road easement that provides primary access to the lot.

## **LOT LINE, REAR:**

The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

## **LOT LINE, SIDE:**

Any lot line other than a front or rear lot line.

## **LOT OF RECORD:**

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Ottawa County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the office of the register of deeds.

## **LOT WIDTH:**

The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front yard setback line.

## **LOUVER:**

Architectural Element: An assembly of sloping overlapping blades or slats designed to admit air and / or light and exclude rain and snow.

**LUMINAIRE:**

Refer to Lighting, Outdoor definition in Article 21.

**LUMINAIRE, FULL CUT-OFF:**

Refer to Lighting, Outdoor definition in Article 21.

**LUMEN:**

Refer to Lighting, Outdoor definition in Article 21.

## **M** DEFINITIONS “M”:

**MARQUEE:**

A permanent structure often of metal and glass projecting over an entrance (as of a hotel or theater), typically integrating a sign that displays the names of featured attractions and principal performers. Compare to Awning and Canopy.

**MARQUEE SIGN:**

Refer to Sign definitions in Article 21.

**MASTER PLAN OF CITY OF HUDSONVILLE:**

A document containing the future development policy and map for the City of Hudsonville, together with supporting documentation as most recently adopted or amended by the City of Hudsonville Planning Commission pursuant to Michigan Public Act 285 of 1931, as amended.

**MAXIMUM TO MINIMUM ILLUMINATION RATIO:**

Refer to Lighting, Outdoor definition in Article 21.

**MEDIUM WIND ENERGY TURBINE (MWET):**

Refer to Wind Energy definitions in Article 21.

**MIXED USE BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**MOBILE HOME:**

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities. The plumbing, heating, air-conditioning, and electrical systems are contained in the structure. Mobile homes shall not include modular homes, motor homes, or travel trailers.

**MOBILE HOME PARK:**

A parcel or tract of land upon which three or more mobile homes are located. The park is intended to be used on a continual, residential, non-recreational-specific basis and is offered to the public for that purpose.

**MOTOR HOME:**

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreation activities and temporary occupancy.

**MOUNTING HEIGHT:**

Refer to Lighting, Outdoor definition in Article 21.

**MULLION:**

Architectural Element: A vertical member separating (and often supporting) windows, doors or panels set in a series.

**MULTIPLE-FAMILY DWELLING UNIT:**

Refer to Dwelling Unit, Multiple-Family definition.

## ARTICLE 21 DEFINITIONS

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### **MUNTIN:**

Architectural Element: A secondary framing member to hold panes of glass in a window, window wall or glazed door. Also known as a glazing bar, sash bar, window bar or division bar.

### **MURAL:**

Refer to Sign definitions in Article 21.

## **N** DEFINITIONS “N”:

### **NACELLE:**

Refer to Wind Energy definitions in Article 21.

### **NATIVE VEGETATION, TREES, OR LANDSCAPE:**

Plant species that are native to southwestern Michigan and characteristic of a pre-settlement landscape.

### **NET METERING:**

Refer to Wind Energy definitions in Article 21.

### **NEW DEVELOPMENT:**

New construction or development that occurs on a vacant parcel of land. Refer also to Development.

### **NONCONFORMING BUILDING OR STRUCTURE:**

A building, structure, or portions thereof lawfully existing at the effective date of this ordinance or subsequent amendment which fails to meet the regulations for the zoning district in which it is located, as contained in this ordinance or any subsequent amendment thereto.

### **NONCONFORMING LOT:**

A lot of record which does not meet the dimensional requirements of this ordinance or subsequent amendments thereto.

### **NONCONFORMING SIGN:**

Refer to Sign definitions in Article 21.

### **NONCONFORMING USE:**

A use which lawfully existed prior to the effective date of this ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

### **NUDE OR SEMI-NUDE MODEL STUDIOS:**

Refer to Regulated Uses definitions in Article 21.

## **O** DEFINITIONS “O”:

### **OFF-PREMISE SIGN:**

Refer to Sign definitions in Article 21.

### **ON-PREMISES:**

Something being located totally within a lot, and not encroaching into any street right-of-way or access easement.

### **OPERATOR:**

Refer to Wind Energy definitions in Article 21.

### **OTHER PORTABLE SIGNS:**

Refer to Sign definitions in Article 21.

**OUTDOOR VENDING MACHINE:**

Any self contained or connected appliance, machine, and/or storage container located outside a structure that dispenses or provides storage of a product or service. Outdoor vending machines include, but are not limited to, movie vending, ice machines, soda machines, and propane displays.

**OWNER:**

Any person having legal or equitable interest in a property or in real improvements upon a property, solely, jointly, by the entireties, or in common. Owner shall also mean any person who has been empowered to act on behalf of, or as agent of the owner. For the purposes of enforcement, owner shall also mean any person who has or exercises care, custody, dominion or control over any property.

**P DEFINITIONS “P”:**

**PARAPET:**

Architectural Element: The part of a wall that is entirely above the roof.

**PARKING:**

An area on a street, in a paved lot or in a structure used for the temporary or permanent storage of a vehicle.

**PARKING AREA:**

Refer to Parking Lot definition.

**PARKING LOT:**

A paved area dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas. Synonymous with parking area.

**PARKING, OFF-SITE:**

An off-street parking area intended to serve one or more nonresidential use(s) provided on a different lot than the use(s) it is intended to serve.

**PARKING, SHARED:**

An off-street parking facility shared by two or more uses that are in proximity to one another, and that have different operational characteristics such that utilization of the parking facilities by one use will not generally overlap with the utilization by the other use(s).

**PARKWAY:**

The landscaped buffer between the sidewalk and the street where utility poles, trees, hydrants, signs, benches, transit shelters and planters should be placed. Refer also to Furnishing Zone.

**PARKWAY STREET PUBLIC FRONTAGE:**

Refer to Article 8 Public Frontage Standards

**PATIO:**

A level, surfaced area directly adjacent to a principal building which is not more than twelve (12) inches above adjacent grade, without walls or a roof.

**PEDESTRIAN SHED:**

The distance that may be traversed at an easy pace by a pedestrian. This is usually represented by approximately a 15-minute walk over approximately ¼ mile. This is the approximate size of the neighborhood unit, from center to edge, as defined by Clarence Perry.

## ARTICLE 21 DEFINITIONS

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### **PEDESTRIAN SCALE:**

The use of human proportioned architectural features and site design elements clearly oriented to pedestrian activity. Such elements are typically smaller in scale and more proportional to the human body, rather than monumental or large scale, and include surface texture and patterns, lighting, colors, materials and architectural details.

### **PEDIMENT:**

Architectural Element: In classical architecture, the triangular gable end of the roof above the horizontal cornice. Also a surface used ornamentally over doors or windows.

### **PERFORM:**

Refer to Street Performers definitions in Article 21.

### **PERFORMANCE:**

Refer to Street Performers definitions in Article 21.

### **PERMANENT SIGN COPY AREA:**

Refer to Sign definitions in Article 21.

### **PERMEABLE PAVING:**

Refer to Stormwater Management definitions in Article 21.

### **PERVIOUS SURFACE:**

Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

### **PILASTER:**

Architectural Element: An engaged pier or pillar, often with capital base.

### **PLANNING COMMISSION:**

The City of Hudsonville Planning Commission as created pursuant to Michigan Public Act 285 of 1931.

### **PLAT:**

A map of a subdivision of land.

### **PLAZA:**

A publicly- or privately-owned square or similar open area intended as a gathering space that is typically paved and includes pedestrian elements such as benches, seating, fountains, landscaping and public art.

### **POA:**

The property owner's association.

### **POLE-MOUNTED SIGN:**

Refer to Sign definitions in Article 21.

### **POLITICAL SIGN:**

Refer to Sign definitions in Article 21.

### **PORCH, COVERED:**

A horizontal surface consisting of a deck, slab or other construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered covered if it is has a roof supported by pillars or other similar means.

### **PORCH, ENCLOSED:**

A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered enclosed if covered by a roof and enclosed by walls or windows.

**PORCH, OPEN:**

An unenclosed horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. A porch is considered open if covered by a roof and open on the sides that do not abut the building. Porches with railings, knee walls and screens shall be considered open porches.

**PORCH LAWN PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards

**PORTABLE SIGN:**

Refer to Sign definitions in Article 21.

**PRIMARY ENTRANCE:**

The doorway into a building that faces a public street and is of greatest importance relative to other building entrances. The primary entrance is often the doorway facing the street on which the building is addressed.

**PRIMARY STREET:**

Refer to Street, Primary and Secondary definition.

**PRINCIPAL BUILDING OR STRUCTURE:**

A building or structure in which the primary permitted use of the lot is conducted, with such use possibly occurring in one or more buildings or structures. Also known as Main Building.

**PRINCIPAL USE:**

The primary use or activity taking place on a lot or in a building or structure. The principal use does not include any accessory uses occurring on the same lot.

**PRIVATE FRONTAGE:**

The privately owned area between the property line (right-of-way line) and the building façade (or building front). Private Frontages may be applied to specific Building Types relative to the District that the parcel and building is located within. Refer to Article 7 Private Frontage Standards.

**PRIVATE STREET:**

Any street or thoroughfare for vehicular traffic which is privately owned and maintained, and which provides the principal means of access to two or more abutting properties.

**PROJECTING SIGN:**

Refer to Sign definitions in Article 21.

**PUBLIC AREAS:**

Refer to Street Performers definitions in Article 21.

**PUBLIC FRONTAGE:**

The publically owned area between the property line (right-of-way line) and the edge of the vehicular lanes (curb line). Refer to Article 8 Public Frontage Standards.

**PUBLIC REALM:**

The domain of the urban environment that belongs to the public community; the civic spaces and the streets. The public realm typically includes sidewalks and streets (part of the Public Frontages in this Ordinance), Private Frontages and buildings which define the edges of the public realm.

**PUD:**

A planned unit development.



## ARTICLE 21 DEFINITIONS

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### **Q** DEFINITIONS “Q”:

No definitions for the letter Q.

### **R** DEFINITIONS “R”:

#### **RAIN GARDEN:**

Refer to Stormwater Management definitions in Article 21.

#### **RAINWATER RE-USE:**

Refer to Stormwater Management definitions in Article 21.

#### **REAR LOT LINE:**

Refer to Lot line, Rear definitions.

#### **REGULARLY FEATURES OR REGULARLY SHOWN:**

Refer to Regulated Uses definitions in Article 21.

#### **REGULATING PLAN:**

A Zoning Map or set of maps that show the Districts of areas subject to, or potentially subject to regulation by this Ordinance.

#### **REGULATED USES:**

Uses defined as regulated are those of an adult nature. These uses require a permit conveyed by the Planning Commission and the City Commission. Regulated Uses include the following:

- A. **ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any given one time, and where the images so displayed are distinguished or characterized by depicting or describing of “specified sexual activities” or “specified anatomical areas.”
- B. **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE:** A commercial establishment which has significant or substantial portion of its inventory, or derives a significant or substantial portion of its revenues, or maintains a significant or substantial section of its sales and display space, to the sale or rental, for any form of consideration, of any one (1) or more of the following:
  1. Books, magazines, periodicals or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”
  2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
  3. For purposes of this definition, “significant or substantial portion” means thirty (30) percent or more of the term modified by such phrase.
- C. **ADULT CABARET:** A nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, with or without alcoholic beverages, which regularly features:
  1. Persons who appear nude or semi-nude, Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities,” or
  2. Films, motion pictures, videocassettes, slides, electronic, digital or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of “specified sexual activities” or “specified anatomical areas.”

- D. **ADULT MOTEL:** A hotel, motel or similar commercial establishment which offers the following:
1. Offers accommodation to the public for any form or consideration and provides patrons with films, motion pictures, video-cassettes, slides, electronic, digital or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type material;
  2. Offers a sleeping room for rent for a period of time that is less than 24 hours; or
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 24 hours.
- E. **ADULT MOTION PICTURE THEATER:** An establishment regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
- F. **ESCORT SERVICES:** Specified escort services are defined as:
1. A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
  2. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform striptease for another person, or to otherwise display “specified anatomical areas” or “specified sexual activities”.
- G. **NUDE OR SEMI-NUDE MODEL STUDIOS:** Any building, structure, premises or part thereof regularly used solely or primarily as a place which offers as its principal activity the providing of models to display any “specified anatomical areas” as defined here for patrons for a fee or charge.
- H. **REGULARLY FEATURES OR REGULARLY SHOWN:** A consistent and substantial course of conduct such that the films or performances exhibited on the premises constitute a substantial or significant portion of the films or performances consistently offered as an art of the adult entertainment business.
- I. **SEXUALLY ORIENTED BUSINESS:** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas.
- J. **SPECIFIED SEXUAL ACTIVITIES:** Specified sexual activities are defined as:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse or sodomy;
  3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- K. **SPECIFIED ANATOMICAL AREAS:** Specified anatomical areas are defined as:
1. Less than completely and opaquely covered:
    - a. Human genitals, pubic region,
    - b. Buttock, and
    - c. The nipple and/or areola of the female breast.
  2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**RETAIL BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

**RETENTION BASIN:**

Refer to Stormwater Management definitions in Article 21.

**REQUIRED YARDS:**

Refer to Yards, Required definition.

**RIGHT-OF-WAY:**

A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over said passage.

**ROAD PUBLIC FRONTAGE:**

Refer to Article 8 Public Frontage Standards

## ARTICLE 21 DEFINITIONS

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### **ROOF LINE:**

For a pitched roof, the roof line is the lower edge of the eave; for a flat roof, the roof line is the uppermost line of the roof of a building; and for an extended façade (or parapet), the roof line is the uppermost height of said façade or parapet.

### **ROOF-MOUNTED SATELLITE DISH ANTENNA:**

Refer to Satellite Dish Antenna definitions in Article 21.

### **ROOF SIGN:**

Refer to Sign definitions in Article 21.

### **ROOF-TOP GARDENS:**

A small scale agricultural use. Roof-top Gardens can be a form of container gardening and typically occur on flat roofs of multi-story buildings, including the mixed-use, the townhouse, the live-work and the apartment types. Refer to Article 10 Use Standards.

### **ROTOR DIAMETER:**

Refer to Wind Energy definitions in Article 21.

### **ROWHOUSE BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

## **S** DEFINITIONS “S”:

### **SANDWICH BOARD SIGN:**

Refer to Sign definitions in Article 21.

### **SASH:**

Architectural Element: Any framework of a window. May be movable or fixed; may slide in a vertical plane or pivoted.

### **SATELLITE DISH ANTENNA:**

Any circular- or parabolic-shaped device incorporating a reflective surface that is solid or open mesh. The device shall be designed, erected and capable of receiving telecommunication signals from a transmitter located in planetary orbit or transmitting signals or communications to a satellite and includes all supporting equipment necessary to install or mount the antenna. Refer to Section 2.40. The following definitions pertain to satellite dish antenna:

- A. BUILDING-MOUNTED SATELLITE DISH ANTENNA: Any satellite dish antenna that is mounted to the vertical surface of the building wall, below the roof line.
- B. GROUND-MOUNTED SATELLITE DISH ANTENNA: Any satellite dish antenna that is a free-standing device resting directly on the ground, on a base or supported by a pole not attached to a building or wall.
- C. ROOF-MOUNTED SATELLITE DISH ANTENNA: Any satellite dish antenna mounted above the roof line and not attached to a building wall.

### **SECONDARY STREET:**

Refer to Street, Primary and Secondary definition.

### **SETBACK:**

The minimum horizontal distance required by this Ordinance, measured from the front, side or rear lot line as applicable, to govern the location of buildings, structures or uses on the lot.

### **SETBACK LINE:**

The setback line defines the buildable area of a lot. Front, rear and side setback lines are parallel from the applicable lot line by a distance specified by this Ordinance, between which no buildings or structures may be erected, unless otherwise permitted.

**SEXUALLY ORIENTED BUSINESS:**

Refer to Regulated Uses definitions in Article 21.

**SHADOW FLICKER:**

Refer to Wind Energy definitions in Article 21.

**SHOPFRONT PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

**SIDE LOT LINE:**

Refer to Lot line, Side definition.

**SIGN:**

A structure, device, letter, word, model, figure, symbol, product, banner, balloon, flag, pennant, streamer, insignia, emblem, logo, painting, poster, or some quantity or combination of the above which is visible from a public place and is intended to direct public attention to a product, service, place, activity, person, institution, business, solicitation, or otherwise convey a message to the public. Refer to Article 13 Sign Standards. The following definitions pertain to signs:

- A. Billboard: A sign directing attention to a use, activity, message, product, or service which is not conducted on or related to the lot or parcel upon which the sign is located.
- B. Building mounted signs: Signs that are attached directly to a building and are relative to both the Building Type and the District in which the building is in. Article 5 District Standards and Article 6 Building Type Standards shall be referenced when determining types of building mounted signs that are appropriate. Building mounted signs include the following:
  1. awning sign: A type of building mounted sign that typically includes letters, logos, symbols and/or designs and is integrated into an awning. Refer to Awning definition.
  2. canopy sign: A type of building mounted sign that typically includes letters, logos, symbols and/or designs and is integrated into a canopy. Refer to Canopy definition.
  3. marquee sign: A type of building mounted sign that is attached to or made into a marquee. Refer to Marquee definition.
  4. projecting sign: A type of building mounted sign which is mounted to the wall surface of the building and projects perpendicular to the building wall. Projecting signs include ground floor projecting signs (mounted below the second floor line) and upper floor projecting signs (mounted between the second floor ceiling and floor lines). Projecting signs include the following:
    - a. banner Sign: A sign of lightweight fabric, cloth or other durable material that is attached to the building with a pole, bracket or permanent frame at one (1) or more edges without an enclosing structural framework.
    - b. blade Sign: A double-faced sign attached to the building wall and extends outward at a ninety (90) degree angle.
    - c. Figurative Sign: Also known as a Silhouette Sign. Three-dimensional letters, symbols and/or ornamental figures to form a sign.
  5. Sign Band: A building mounted sign located above the top of the storefront (or top of ground floor windows) and below the bottom of the second floor windows, typically within a horizontal expression line. Sign bands are typically located on buildings which contain a Storefront Private Frontage or a Shopfront Private Frontage.
  6. Wall sign: A sign painted on, incorporated in, or attached directly to a building wall, with the exposed face of the sign in place parallel to the building wall.
  7. Window Sign: Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed on the interior or exterior of a window and which is intended to be seen by the public from outside.
- C. Building sign area: The maximum allowable sign area which is allowed to be attached in any fashion to a building. All signs which are in any way attached to a building will be used in calculating the building sign area. Signs which shall be counted as building sign area include, but are not limited to, wall signs, roof signs, projecting signs, awning, and canopy signs.
- D. Changeable Message Sign: A sign or portion thereof with characters, letters, or illustrations that can be manually or electronically changed or re-arranged without altering the face of the surface of the sign. See also Electronic Sign.
- E. ELECTRONIC SIGN: Electronic message boards and changeable message centers, multi-media or computer controlled variable message signs, and similar devices.
- F. FLAG, BUSINESS: A flag used to identify the name and/or logo of an on-site business or organization or to signify immediate business activity at the property.

## ARTICLE 21 DEFINITIONS

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- G. **FLAG, GOVERNMENT:** A flag displaying the name, insignia, emblem or logo of a nation, state, municipality or educational institution.
- H. **Freestanding sign:** A sign which is structurally separated from any building.
1. **Ground-mounted Sign:** A free-standing sign resting directly on the ground, on a base or supported by short poles not attached to a building or wall, the bottom of which is not more than twenty-four (24) inches above the finished grade. Synonymous with Monument Sign. Synonymous with Monument Sign.
  2. **Pole-mounted Sign:** A free-standing sign supported on a pole or poles and not attached to a building or wall. Synonymous with Pylon Sign.
  3. **Portable sign:** Any sign that is designed to be transported, including, but not limited to, the following signs:
    - a. **Commercial Real Estate Sign:** A temporary sign advertising the sale or lease of one (1) or more commercial buildings or tenant spaces on a single property, including multi-family structures and excluding single-family, two-family and individual condominium units.
    - b. **CONSTRUCTION SIGN:** A temporary sign containing the name of the project and the names of the contractors, architects, sponsors, engineers, developers and/or lenders.
    - c. **SANDWICH BOARD SIGN:** A temporary sign that is not permanently affixed to a structure or ground and is placed on the sidewalk in front of the business during normal business hours. Placement on sidewalk shall be within furnishing zone of sidewalk to allow for clear passage of pedestrians. Synonymous with A-frame sign.
    - d. **WHEELED SIGN:** A temporary sign with a wheeled chassis that is portable and delivered to a site for specific purposes during a defined time frame. These purposes may include sales, announcements, or other temporary events.
    - e. **OTHER PORTABLE SIGNS INCLUDE:**
      - i. Signs designed to be transported by trailer or wheels;
      - ii. Signs converted to A- or T-frame signs;
      - iii. Signs attached temporarily or permanently to the ground, a structure, or other signs;
      - iv. Sign mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way;
      - v. Searchlights and stands; and
      - vi. Hot-air or gas-filled balloons or umbrellas used for advertising.
- I. **Illuminated Sign:** A sign that provides artificial light by either emission or reflection.
- J. **Internally Illuminated Sign:** A sign that provides artificial light from an internal source.
- K. **MURAL:** A work of art or architectural detail, which contains no commercial advertising or logos and which does not advertise or promote any business, product, activity, service, interest or entertainment.
- L. **NON-CONFORMING SIGN:** A sign lawfully existing prior to the effective date of this Ordinance, or amendments thereto, and which does not conform to the current sign standards.
- M. **OFF-PREMISE SIGN:** A sign which relates to or advertises an establishment, organization, product, service, event, entertainment, or activity which is not located, sold, offered, produced, manufactured or furnished on the property (lot) on which the sign is located.
- N. **Permanent sign copy area:** That portion of a sign which contains lettering or other graphic representations which are intended to be permanent.
- O. **POLITICAL SIGNS:** A sign used in connection with an official City, school district, county, state or federal election, referendum or public issue.
- P. **ROOF SIGN:** A sign erected above (or which extends above) the roof line of a building.
- Q. **Temporary sign:** Signs erected for a specific purpose or event and are intended to be temporary (generally up less than two months). Such signs may include for-sale, for-lease, garage sale, announcements, or election signs.
- R. **TRAFFIC CONTROL SIGNS:** A sign or signal including regulatory and directional traffic control and street signs erected by a public agency in compliance with the Michigan Manual of Uniform Traffic Control Devices.

### **SIGN BAND:**

Refer to Sign definitions in Article 21.

### **SIMULATED DIVIDED LIGHT:**

Architectural Element: Refers to a light in a window sash that is visually subdivided by applied muntins that simulate a true divided sash.

### **SINGLE-FAMILY DWELLING UNIT:**

Refer to Dwelling Unit, Single-Family definition.

**SITE CONDOMINIUMS:**

Refer to Article 16 Site Condominiums

**SITE COVERAGE:**

Refer to Lot Coverage definition.

**SITE DISPOSITION:**

The placement and location of buildings on a lot or parcel.

**SKIRT BOARD:**

Architectural Element: A board set horizontally at the bottom of wall cladding.

**SMALL TOWER-MOUNTED WIND ENERGY TURBINE (STMWET):**

Refer to Wind Energy definitions in Article 21.

**SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINE (SSMWET):**

Refer to Wind Energy definitions in Article 21.

**SOFFIT:**

Architectural Element: The exposed undersurface of any overhead component of a building, such as a beam, cornice, or lintel.

**SOIL:**

Topsoil, subsoil, sand, gravel, rock, stone, aggregate, earth or any other similar material.

**SOIL, STRUCTURAL:**

Structural soil is a designed medium which can meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth that is typically employed where trees are planted in tree pits or tree grates. Typically structural soils are gap-graded gravels which are made up of crushed stone, clay loam, and a stabilizing agent. The materials can be compacted to meet all relevant pavement design requirements yet allow for sustainable root growth. The new system essentially forms a rigid, load-bearing stone lattice and partially fills the lattice voids with soil. Structural soil provides a continuous base course under pavements while providing a material for tree root growth. This shifts designing away from individual tree pits to an integrated, root penetrable, high strength pavement system.

**SPECIAL LAND USE:**

A use of land which is permitted within a particular zoning district only if the standards contained in the Ordinance have been met. A special land use requires that a special-use permit be obtained.

**SPECIFIED SEXUAL ACTIVITIES:**

Refer to Regulated Uses definitions in Article 21

**SPECIFIED ANATOMICAL AREAS:**

Refer to Regulated Uses definitions in Article 21.

**SPECIMEN TREE:**

Refer to Tree definitions in Article 21.

**SQUARE:**

A formal open space that provides safe and accessible places for the public to meet and gather. It may provide shelters, benches, landscaping, public art, plantings, and greens or other flat level surfaces.

**STILE AND RAIL:**

Architectural Element: Door construction that utilizes a framework of vertical and horizontal members infilled with panels.

## ARTICLE 21 DEFINITIONS

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### **STONE PAVING BLOCKS:**

Refer to Stormwater Management definitions in Article 21.

### **STOOP:**

An open platform or entrance landing, usually with steps from grade to the door, and may or may not be sheltered by an awning or canopy. A stoop is generally small in size and used primarily for entry and exit from a door. A deck shall not be considered a stoop.

### **STOOP PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

### **STOREFRONT PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

### **STORMWATER MANAGEMENT:**

The following are definitions that pertain to stormwater management, as referenced in Article 14 of this Ordinance.

cast or pressed concrete paver block:

- A. Cast or pressed concrete pavers are solid blocks set on a surface with joints that leave open spaces between each unit. The joints may be filled with loose aggregate or pervious material such as pea gravel, sand, or soil. Another option is to plant grass in the joints. Concrete pavers may be dyed during the manufacturing process. Additionally, the blocks can be pressed with a pattern that simulates other more expensive materials such as brick, stone, or wood.
- B. **DETENTION BASIN:** A storage site (such as a small reservoir) that delays the flow of water downstream. Typically used in less urban contexts.
- C. **DRAINAGE DITCH:** Drainage ditches are one of the more popular tools used to channel storm water. They are similar to swales, but are typically more rugged in character and may have steeper sloping sides. Drainage ditches usually collect sheet and piped runoff and channel it to a storage area or a natural creek.
- D. **GRASSED CELLULAR CONCRETE:** Grassed cellular concrete is a reinforced concrete system with central voids set on a base of gravel and sand. The optimal plants to use within these cells are low growing groundcovers and grasses, preferably self-sustaining native species. This material is very porous; it drains water at a rate of eighty to ninety percent of natural grassland, depending on the solid-to-void ratio and the type of soil. The cells may be precast or cast on site and may be individual cells or blocks of cells, depending on the manufacturer and the application. After placement, the voids are filled with aggregate or planting material.
- E. **GREEN ROOF:** A building roof partially or completely covered with vegetation and soil, or a growing medium, over a waterproofing membrane.
- F. **GREYWATER REUSE:** Collection of household wastewater generated from domestic activities such as laundry, dishwashing, and bathing which can be recycled on-site for uses such as landscape irrigation and constructed wetlands.
- G. **PERMEABLE PAVING:** A range of materials and techniques for paving roads, parking lots and walkways that allow the movement of water and air around and through the paving material. Whether pervious concrete, porous asphalt, paving stones or bricks, all these pervious materials allow precipitation to percolate through areas that would traditionally be impervious.
- H. **RAIN GARDEN:** A rain garden is a shallow depression that is planted with deep-rooted native plants and grasses. The garden should be positioned near a runoff source like a downspout, driveway or sump pump to capture rainwater runoff and stop the water from reaching the sewer system. Typically used in less urban contexts or in rear or side yards of buildings within an urban context.
- I. **RAINWATER RE-USE:** Collection and storage of rainwater so that it may be used for landscape irrigation.
- J. **RETENTION BASIN:** A storage site similar to a detention basin but the water in storage is permanently obstructed from flowing downstream. Retention basins are designed to hold the same level of water at all times. A retention basin with sloping bank resembles a pond and typically does not require a fence around it because its gently sloping sides are safe. Retention basins can help improve water quality by slowly absorbing water into the soil. Typically used in less urban contexts.
- K. **STONE PAVING BLOCKS:** Stone pavers are solid blocks set on a surface with joints that leave open spaces between each unit. The joints may be filled with mortar, sand, soil, or pervious material such as pea gravel or other loose aggregate. Other options are to plant grass in the joints or leave them empty.
- L. **UNDERGROUND STORAGE:** On-site, underground structures used for retention / detention of stormwater. Typically installed under parking lots or open spaces in dense urban districts.
- M. **VEGETATIVE AND STONE SWALE:** A vegetative and stone swale is a type of swale. It is distinguished from other swales

by the use of small stones as a base to help absorb the water faster. These swales are slight depressions planted with manicured grass and have a three to five inch base of small stones. In some cases, the periodic placement of wooden weirs can help impede flow in the event of a heavier rainstorm. The vegetative and stone swales transport stormwater to retention areas, with the goal of allowing stormwater to infiltrate into the ground as it is channeled. This type of swale is most effective in more porous soils.

- N. **VEGETATIVE SWALE:** Vegetative swales are usually manmade depressions (though some occur naturally), that filter and collect runoff. The swales are open and fairly shallow to treat small quantities of sheet runoff. Vegetated swales differ from drainage ditches in that they are planted with vegetation, which serves as an overland filtration tool and controls erosion. This tool should be used to collect and treat sheet flow runoff before reaching a stream. The vegetation planted in these swales should be native plants that are suitable to variable moisture ranges. Existing topsoil is preferred if conditions allow. Synonymous with Bioswale.
- O. **VEGETATIVE STORMWATER PLANTER:** A stormwater planter is a small, contained vegetated area that collects and treats stormwater using bioretention. Bioretention systems collect and filter stormwater through layers of mulch, soil and plant root systems, where pollutants such as bacteria, nitrogen, phosphorus, heavy metals, oil and grease are retained, degraded and absorbed.

### **STORY:**

That portion of a building (excluding a basement) included between the surface of any floor and the surface of the next floor above it. If there is no floor above the floor, the space between the floor and the ceiling next above it shall be included as a story.

### **STREET:**

An existing or planned public or private right-of-way that is designed, dedicated, or used principally for vehicular traffic and providing access to abutting properties. The term street includes alley, avenue, boulevard, circle, court, cul-de-sac, drive, place, road, or any other similar term.

### **STREET PERFORMERS:**

The following are definitions that pertain to street performers, as referenced in Section 2.43 of this Ordinance.

- A. **PERFORM:** Includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art (working with non-permanent, water-soluble media, i.e., chalk, pastels, or watercolors directly on the pavement), and reciting. Perform shall not include the production of items for sale.
- B. **PERFORMER:** means a person who has obtained a permit pursuant to Section 2.43.
- C. **PUBLIC AREAS:** means public sidewalks, parks, playgrounds and other pedestrian areas.

### **STREET, PRIMARY AND SECONDARY:**

Where two (2) or more streets are compared for relative rank or importance, the primary street is the street with the higher(est) vehicle traffic counts. A primary street may also be the street of the building address, in which case the secondary street is the street that the side of the building faces.

### **STREET, PRIVATE:**

Refer to Private Street definition.

### **STREETSCAPE:**

The various components that make up the street, both in the right-of-way and on private lot frontages including pavement, parking spaces, landscaping and street trees, streetlights, sidewalks, etc.

### **STRUCTURE:**

Anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, excepting utility poles, sewage pumping stations, and utility manholes.

### **STRUCTURE, PRINCIPAL:**

Refer to Principal Building or Structure definition.



# ARTICLE 21 DEFINITIONS

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## T DEFINITIONS “T”:

### **TABLES:**

Tables are information in tabular form utilized in this Ordinance to help convey regulation and intent while making the Ordinance easier to use. In the case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, photograph, table or graphic, the text shall control. Refer also to definitions for Images and Illustrations.

### **TEMPORARY SIGN:**

Refer to Sign definitions in Article 21.

### **TERRACE / LIGHTWELL PRIVATE FRONTAGE:**

Refer to Article 7 Private Frontage Standards.

### **TOTAL HEIGHT FOR WIND TURBINES:**

Refer to Wind Energy definitions in Article 21.

### **TOWER:**

Refer to Wind Energy definitions in Article 21.

### **TRAFFIC CONTROL SIGN:**

Refer to Sign definitions in Article 21.

### **TRANSOM:**

Architectural Element: A series of windows above the main storefront windows, typically separated from the storefront windows with a horizontal member. Transom windows may be clear or opaque.

### **TRANSPARENCY:**

The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior. Only clear or lightly tinted glass in windows, doors, and storefront windows shall be considered transparent. Required transparency is measured as the area of glass and does not include window or door framing materials. Refer to Clear Glass definition.

### **TREE:**

A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage. The following definitions pertain to trees:

- A. Canopy Street Tree: A deciduous tree which typically reaches a height of 40 feet or more at maturity and is characterized by offering optimal shading potential while also aiding in the definition of the streetscape and public realm. Canopy street trees typically are planted in the parkway between the curb and the sidewalk.
- B. EVERGREEN TREE: A tree typically having a mature height of greater than 13 feet, and exhibiting green leaves throughout the year.
- C. SPECIMEN TREE: A tree of special interest because of its shape or species, placed in a position of prominence in an open space or yard, separate from other tree groupings. Typically a specimen tree will be a hardwood or softwood tree with a caliper of thirty (30) inches or more or a native flowering tree with a caliper of twelve (12) inches or more and with a life expectancy of fifteen (15) years or more.
- D. Understory Street Tree, medium: A deciduous tree which typically reaches a mature height range of 25 to 35 feet. Medium understory trees typically offer some shading potential and ornament within the parkway, while also providing definition of the streetscape and the public realm. Understory street trees are typically planted in the parkway between the curb and sidewalk, because of their informal definition, they are limited to certain Districts.
- E. Understory Street Tree, small: A deciduous tree which typically reaches a mature height range of under 25 feet. Small understory trees typically offer ornament within the parkway, while also providing irregular and informal definition to the streetscape. Understory street trees are typically planted in the parkway between the curb and sidewalk, because of their informal definition, they are limited to certain Districts.

**TREE, HEIGHT OF:**

Where a minimum height is specified for a deciduous or evergreen tree, the height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).

**TRELLIS:**

An outdoor garden frame used to partition an area and/or as a support for vines or other climbing plants.

**TRIP GENERATION (RATES):**

The number of trip ends associated with a development, based on building area, lot size, number of units, number of employees, or other parameters. The number can be estimated using actual data from comparable developments or information given in nationally accepted sources. An example of an accepted source is a trip generation manual developed by the Institute of Transportation Engineers (ITE) or the Federal Highway Administration (FHWA).

**TURNBUCKLE:**

Architectural Element: A device for connecting and tightening a line, rod or stay, typically associated with a canopy or balcony.

**TWO-FAMILY HOUSE BUILDING TYPE:**

Refer to Article 6 Building Type Standards.

## U DEFINITIONS “U”:

**UNDERGROUND STORAGE:**

Refer to Stormwater Management definitions in Article 21.

**UNDERSTORY TREE, MEDIUM:**

Refer to Tree definitions in Article 21.

**UNDERSTORY TREE, SMALL:**

Refer to Tree definitions in Article 21.

**URBAN MIXED-USE DISTRICTS:**

The Districts in Downtown Hudsonville which represent and regulate the mixed-use context as envisioned in the Downtown Hudsonville Master Plan. These Districts include The Central Business District (HUD 7), The Mixed-Use A District (HUD 6), and The Town / Neighborhood Center A District (HUD 6). These Districts are regulated primarily by Building Types.

## V DEFINITIONS “V”:

**VALENCE:**

Architectural Element: The fringe or vertical front surface of an awning.

**VARIANCE:**

A relaxation or modification of the requirements of this ordinance as authorized by the zoning board of appeals under the provisions of this ordinance, as amended.

**VEGETATIVE AND STONE SWALE:**

Refer to Stormwater Management definitions in Article 21.

**VEGETATIVE SWALE:**

Refer to Stormwater Management definitions in Article 21.

## ARTICLE 21 DEFINITIONS

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### **VEGETATIVE STORMWATER PLANTER:**

Refer to Stormwater Management definitions in Article 21.

### **VERNACULAR ARCHITECTURE:**

A mode of building based on regional forms and materials.

### **VETERINARY CLINIC:**

Refer to Animals and Animal Services definitions in Article 21.

### **VETERINARY HOSPITAL:**

Refer to Animals and Animal Services definitions in Article 21.

## **W** DEFINITIONS “W”:

### **WALL SIGN:**

Refer to Sign definitions in Article 21.

### **WATER COURSE OR WATER TABLE:**

Architectural Element: A board or masonry projections fixed to the foot of a wall to shoot water away from it.

### **WETLANDS:**

Any land area meeting the definition of wetlands as most currently recognized by the Michigan Department of Natural Resources or other governmental unit having jurisdiction over wetland regulation within the city.

### **WHEELED SIGN:**

Refer to Sign definitions in Article 21.

### **WIND ENERGY TURBINE (WET):**

Refer to Wind Energy definitions in Article 21.

### **WIND ENERGY:**

Refer to Section 14.06 Wind Energy. The following definitions pertain to items in Section 14.06.

- A. Ambient Sound Level: The amount of background noise at a given location prior to the installation of a WET(s) 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.
- B. Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine 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.
- C. Decibel: The 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.
- D. Decommissioning: The process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.
- E. 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 one hundred and fifty (150) feet.
- F. Nacelle: The encasement which houses all of the generating components, gear box, drive tram, and other equipment.
- G. 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.
- H. Operator: The entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).

- I. Rotor Diameter: The cross-sectional dimension of the circle swept by the rotating blades of a WET.
- J. Shadow Flicker: The moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
- K. 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.
- L. Small Structure-Mounted Wind Energy Turbine (SSMWET): A structure-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, 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 protruberances.
- M. 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 Wind Energy Turbine (WET).
- N. Tower: A freestanding monopole that supports a Wind Energy Turbine (WET).
- O. Wind Energy Turbine (WET): Any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

**WINDOW SIGN:**

Refer to Sign definitions in Article 21.

**WOONERF PUBLIC FRONTAGE:**

Refer to Article 9 Public Frontage Standards

**X DEFINITIONS "X":**

No definitions for the letter X.

**Y DEFINITIONS "Y":****YARDS:**

Except as otherwise provided in this Ordinance and as defined herein, the open space unoccupied and unobstructed from the ground upward on the same lot with a principal or accessory building. Refer to Section 2.27 Lot and Yard Measurements.

**YARDS, REQUIRED:**

Reference to a specific required yard shall mean the minimum required yard as specified by this Ordinance.

**Z DEFINITIONS "Z":****ZONING ADMINISTRATOR:**

An individual appointed by the planning commission with the consent of the city manager to administer the City of Hudsonville Zoning Ordinance.

**ZONING BOARD OF APPEALS (ZBA):**

The City of Hudsonville Zoning Board of Appeals created under Michigan Public Act 207 of 1921, as amended.

**ZONING DISTRICT:**

Refer to District definition.

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**DOWNTOWN ZONING ORDINANCE**  
**CITY OF HUDSONVILLE, MICHIGAN**