City of Ferrysburg

Zoning Ordinance

Ottawa County, Michigan

Ordinance No. 174
Adopted April 5, 1999

With Amendments through 2025
Proposed Housing Ordinance Changes
Generally Tracked in Red – June 26, 2026

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Article 1. Title, Purpose, Scope, Authority, Validity and Severability, Effective Date, and Repeal of Prior Ordinance

Section 1.10 Title

This ordinance shall be known as the "City of Ferrysburg Zoning Ordinance" and may be cited as "this Ordinance".

Section 1.20 Purpose

The purpose of this Ordinance is to promote the public health, safety and general welfare of the City and to provide for a wholesome, serviceable and attractive community by having regulations and restrictions that are supported by the citizens of Ferrysburg which:

a) Promote compatibility of existing and future land uses.

b) Increase the safety and security of residential neighborhoods.

c) Preserve and create a favorable quality of life for residents.

d) Provide appropriate locations within which the land use needs of residents and commerce may be efficiently accommodated.

e) Encourage variety in housing type.

f) Protect and enhance property values.

g) Facilitate efficient traffic operations and minimize congestion and accident potential.

h) Provide for convenient vehicular parking.

i) Enhance the environment for pedestrian travel and other non-motorized transportation.

j) Restrict building in floodplain areas as a means of protecting property values.

k) Protect wetlands, dunes, and other unique natural features in recognition of their environmental value.

l) Encourage preservation of environmental features through flexible design standards.

m) Promote clean air and water and access to sunlight.

n) Promote the City's aesthetic quality, while minimizing blight.

o) Provide opportunity for parks, recreation, schools, religious institutions and community facilities.

p) Provide infrastructure and public services consistent with demand.

q) Provide reasonable measures to safeguard the City's economic structure.

r) Provide each property owner with a reasonable and economic use of their land.

s) Lesson congestion, disorder and infringement of property values, safety and quality of life which are often aggravated due to unregulated development.

t) Prevent overcrowding of land and undue concentrations of populations.

u) Eliminate nonconforming uses and structures.

v) Encourage the redevelopment of those areas of the City experiencing decline.

w) Accomplish the objectives of the City of Ferrysburg Master Plan adopted December 5, 1991, including amendments thereto.

In order to effectively meet this purpose, the City of Ferrysburg is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the City as a whole, preserve the property owners right to use their land, and to promote local quality of life and business vitality. The regulations in this Ordinance accomplish the above objectives by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy and uses of buildings and other structures; defining maximum residential density; specifying the percentage of a site available for a building; and, requiring building and parking setbacks from property lines and public street rights-of-way.

Section 1.30 Scope

a) **Application of Regulations** - Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.

b) **Easements, Covenants, and Private Agreements** - This Ordinance is not intended to repeal, abrogate, or annul any easement, covenant or private agreement, provided, that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than the easement, covenant, or other private agreement, the provisions of this Ordinance shall govern.

c) **Uses, Buildings, and Structures Subject to Ordinance** - Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which the use, building or structure is located.

d) **Use Prohibition (Uses Not Listed)** - Unless otherwise indicated, uses not listed within a zone district classification are prohibited within that classification.

e) **Setbacks and Lot Area** - No setback or lot area existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

f) **Minimum Regulations** - The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

g) **Review and Approval Authority** - In cases wherein the text of this Ordinance specifies that the "Zoning Administrator" has been designated as the review and approval body of a proposed zoning action which is subject to final review and approval by the Planning Commission or City Council, the decision of the Planning Commission or City Council on the zoning action shall rule.

Section 1.40 Authority

This Ordinance is enacted in accordance with Act 110 of the Michigan Public Acts of 2006, as amended, provided, however, the powers and duties of the Zoning Commission have been transferred to the Planning Commission of the City of Ferrysburg under the provisions of Michigan Act 33 of the Public Acts of 2008, including any amendments thereto. [Ordinance No. 265, 10/4/2010]

Section 1.50 Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, the ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, the ruling shall not affect the application of a provision to any other parcel, lot, use, building or structure not specifically included in the ruling.

Section 1.60 Effective Date

This Ordinance shall become effective upon publication as provided by law.

Section 1.70 Repeal of Prior Ordinance and Prior Conditions Attached to Land, Buildings, or Structures

This Ordinance shall become effective upon publication as provided by law. The City of Ferrysburg Zoning Ordinance, Ordinance adopted August 27, 1975, and all amendments thereto, and any prior zoning ordinances of the City of Ferrysburg are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of those ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under any prior ordinance, or any part thereof, and the prior ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of the penalty, forfeiture or liability.

Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

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Article 2. Definitions

Section 2.10 Construction of Language

The following rules of construction shall apply to the text of this Ordinance:

a) **Headings** - Except with respect to the headings contained in Section 2.20, Definitions, the headings which title a section or sub-section of this Ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting any of its terms and provisions in any respect.

b) **Illustrations** - The illustrations contained within this Ordinance are intended to describe hypothetical applications of the provisions which refer to them and shall not have the effect of enlarging or restricting the terms and provisions which refer to them, nor shall they be applicable to other provisions of this Ordinance which do not refer to them. In the event of a conflict between the provisions of the written text of this Ordinance and the illustrations, the text shall govern.

c) **Tense** - When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

d) **Shall and May** - The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.

e) **Person** - The word "person" shall include a firm, association, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.

f) **Used or Occupied** - The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".

g) **Building** - The word "building" includes the word "structure". A building or structure includes any part thereof.

h) **Dwelling** - The word "dwelling" includes the word "residence".

i) **Lot** - The word "lot" includes the words "plot"; "parcel"; and "condominium unit site".

j) **Erected** - The words "erected" or "erection" as applied to any building or structure shall be construed to include the words "built", "constructed", "reconstructed", "moved upon", or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

k) **Connection of Words** - Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:

   1). "And" indicates that all the connected items, conditions, provisions or events shall apply.

   2). "Or" and "either...or" indicate that the connected items, conditions, provisions, or events may apply singularly or in any combination.

l) **Control** - The particular shall control the general.

m) **Terms Not Defined** - Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.20 Definitions

For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined:

A - Definitions

- ABUTTING (lot or parcel) is a lot or parcel which shares a common border with the subject lot or parcel. Unless otherwise provided for by this Ordinance, parcels separated by a road or alley right-of-way, utility easement, or similar feature shall be considered abutting parcels.
- ACCELERATION LANE is an added roadway lane (segment) that permits vehicles to pass on the right, or to merge with the main vehicle stream after achieving a vehicular speed approaching that of the main stream.
- ACCESS MANAGEMENT (ACCESS CONTROL) is a technique to improve traffic operations along a roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.
- ACCESS TO PROPERTY, REASONABLE, is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or incorporate certain turning movements normally prohibited if determined necessary for improved public safety and traffic operations.
- ACCESSORY BUILDING is a structure subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use. An accessory building shall not include any building used for a dwelling, lodging, or sleeping quarters for human beings. [Refer to General Provisions - Section 3.130.]
- ACCESSORY DWELLING UNIT (ADU)- see DWELLING UNIT, ACCESSORY (ADU)
- ACCESSORY STRUCTURE is a freestanding structure, other than a building, on the same lot or parcel as a principal building that is customarily incidental in nature and is subordinate to the principal building and use. [Ordinance No. 325 12/5/22]
- ACCESSORY USE is a use subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use.
- ADJACENT (LOT OR PARCEL) is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.
- ADULT is a person having attained the legal age of adulthood as defined by the laws of the State of Michigan.
- ADULT FOSTER CARE:
    a) ADULT FOSTER CARE FACILITY is a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1) of the Adult Foster Care Facility Licensing Act (PA 218 of 1979), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, home for the aged, a or hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health, a county infirmary operated by a county department of social services or family independence agency or a child caring institution, each as defined by State statute,

b) ADULT FOSTER CARE FAMILY HOME is a single-unit dwelling occupied as such in which one (1) but not more than six (6) or adults, who are not related to an adult member of the family occupying the single-unit dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a relative or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

c) ADULT FOSTER CARE SMALL GROUP HOME is a single-unit dwelling occupied as such in which more than six (6) but not more than twelve (12) adults, who are not related to an adult member of the family occupying the single-unit dwelling by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a relative or legal guardian.

[Ordinance No. 265, 10/4/10]

- ADULT ENTERTAINMENT USE is any use of land, whether vacant or combined with structures or vehicles thereon, by which the property is devoted to selling, displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." For purposes of this definition, the term significant, as used above and as following, shall be defined as greater than twenty percent (20%) of the total material displayed or exhibited for sale or entertainment purposes. Adult entertainment uses shall include, but not limited to the following: ."

  a) ADULT MOTION PICTURE THEATER is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

  b) ADULT MINI-MOTION PICTURE THEATER is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

  c) ADULT MOTION PICTURE ARCADE is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or present "Specified Sexual Activities" or "Specified Anatomical Areas."

  d) ADULT BOOK STORE is a use which has a display containing books, magazines, periodicals, slides, pictures, video or audio cassettes, or other printed or recorded material which has a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a significant segment or section devoted to the sale or display of such material.

  e) ADULT CABARET is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

  f) ADULT MOTEL is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."

  g) ADULT MODEL STUDIO is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed or sketched.

This definition shall not include an accredited State licensed public or private educational institution or bonafide non-profit art's organization offering art instruction which may involve the exposure of the human body for purposes of sketching or photography as part of a bonafide course.

h) ADULT PHYSICAL CULTURE ESTABLISHMENT. Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person, and exposes "Specified Anatomical Areas" of the customer or of the person providing this treatment, manipulation or service or which involves real or simulated "Specified Sexual Activities." An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:

1. Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional.
2. Fitness centers.
3. Electrolysis treatment by a licensed operator of electrolysis equipment.
4. Continuing instruction in martial or performing arts, or in organized athletic activities.
5. Hospitals, nursing homes, medical clinics, or medical offices.
6. Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only.

i) ADULT SEXUAL ENCOUNTER CENTER is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas

[Ordinance No. 265, 10/4/10]

- AGRICULTURE shall mean general farming, including horticulture, floriculture, dairying, livestock, poultry raising, farm forestry, and other similar enterprises or uses, provided, however, agriculture shall not include uses which are industrial in orientation. These include, but shall not be limited to, sawmills, wood chipping, and commercial composting. (Refer to FARM).
- ALLEY is an improved public right-of-way not more than twenty (20) feet in width, nor thirty (30) feet in right-of-way, and which affords only a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- ALTERATION is any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, or roof, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- AMATEUR RADIO SERVICE means a federally licensed radio communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs (duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest).
- ANIMAL, FARM is any animal or fowl customarily raised on a bonafide farm for the production of

income such as goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or for consumption by the residents of the premises on which the farm is located. [Ordinance No. 285, 5/4/15]

- ANIMAL, HOUSEHOLD OR DOMESTIC is an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals. [Ordinance No. 285, 5/4/15]
- ANIMAL, WILD is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family); deer (family); opossum (family); badger, wild dog, coyote, wolf (family); primate excluding humans (family); bear, raccoon, ferret, skunk, cat (wild family); lemur, spider (poisonous); lizard (poisonous); and, weasel and marten (family).
- ANTENNA is any of the following:
  a) A "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services.
  b) An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite, including a hub or relay antenna used to receive or transmit fixed wireless services that are not classified as telecommunications services.
  c) An antenna that is designed to receive local television broadcast signals.
- APIARY is the assembly of one or more colonies of bees at a single location. [Ordinance No. 284, 1/19/15]
- APPEAL is a request or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance as provided for by Act 110 of the Michigan Public Acts of 2006, as amended. [Ordinance No. 265, 10/4/10]
- ARCHITECTURAL FEATURE is that feature of a building generally described as a cornice, eave, gutter, sill, lintel, bay window, chimney, and/or decorative ornament.
- AUTOMOBILE SERVICE STATION is a building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where minor vehicle repair services may be rendered; however, major vehicle repair is not permitted. An automobile service station may include the retail sale of convenience food items typically consumed on a daily basis, newspapers, and sundry goods. See VEHICLE REPAIR. [Ordinance No. 265, 10/4/10]

B - Definitions

- BAR (LOUNGE and PUB) is a commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. [Refer to RESTAURANT.]
- BASEMENT (CELLAR) as defined by the City's Building Code is that portion of a building in which

more than fifty (50) percent of the total perimeter of the floor level is more than four (4) feet below grade, or a floor that at any point is more than eight (8) feet below grade.

- BED AND BREAKFAST ESTABLISHMENT is a single-unit dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.
- BEDROOM is a room in a dwelling unit used, or intended to be used, for sleeping purposes by human beings.
- BERM is 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 Article 7, Section 7.20, for definition of billboard.
- BOARD OF APPEALS - Refer to ZONING BOARD OF APPEALS (ZBA).
- BOAT LOT is a small, water oriented parcel traditionally related by legal description and/or ownership to an adjoining (parent) parcel, but physically separated from the parent parcel by a public or private street or street right-of-way. Notwithstanding the above, boat lots may be sold or otherwise transferred such that they are no longer connected to a parent parcel. Boat lots are used by the residents of the parent parcel or other owner for access to the adjoining body of water. [Ordinance No. 202, 8/18/03]
- BREEZEWAY is a covered structure attached to and connecting an accessory building (typically a garage) with the principal building. A breezeway may be unenclosed or enclosed. For purposes of determining yard requirements, the connected structure shall be considered an integral unit of the principal building.
- BUFFER ZONE is a strip of land required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a transition area or barrier between zoning districts or land uses. Buffer zones are employed to:

  a) Mitigate negative impacts between zoning districts or land uses involving, but not limited to, such impacts as noise, excessive glare, surface water drainage, snow storage, fugitive dust emissions, visual concerns, trespass, pedestrian and vehicular safety, and property values.

  b) Enhance the visual and aesthetic quality of specific developments and the City as a whole through placement of landscape, maintenance of view corridors, preservation of light and air, and similar factors which result in an improved quality of life.

- BUILDING is any structure which is used or erected for the supporting, shelter, or enclosure of persons, animals, or personal property, or for carrying on business activities or other similar uses. This shall include tents, sheds, garages, greenhouses, accessory buildings, or vehicles situated on private property and used for purposes of a building. When a building is divided into separate parts by one (1) or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum requirements for side yards as hereinafter provided. Pursuant to this definition, all buildings shall meet the requirements of this Ordinance and appropriate building and health codes based on the use of the building.
- BUILDING, EXISTING - Refer to EXISTING BUILDING
- BUILDING HEIGHT (Including MAXIMUM BUILDING HEIGHT FOR SINGLE-UNIT AND TWO-UNIT DWELLINGS) is the vertical distance from the finished grade at the perimeter of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the midpoint between the eaves and ridge of a gable, hip, or gambrel roof subject to the following standards (see Figure 2-1):

a) Finished grade for height purposes shall be based on the average of the finished grade of each building wall. Minor filling is permitted when establishing a finished grade when accomplished in compliance with Section 3.30, h).

b) When calculating roof height, the highest point of the roof shall be used.

c) When eaves are not of the same height throughout the building, the average eave height of the building as a whole shall be determined and used for purposes of measuring permitted building height. The average eave height of the building as a whole shall be calculated based on the height of the longest eave per each wall. In the event the eaves along a wall are of similar length, the lowest eave height shall be used for purposes of averaging.

d) Gable ends, dormers, or eyebrow window eaves shall not be used in calculating average eave height.

e) No portion of a single-unit dwelling or two-unit dwelling possessing a mansard, gable, hip, gambrel or other roof with a peak ridge shall exceed a maximum, constructed, height (from the finished grade to the highest point of the roof) of forty-two feet and six inches (42'6"). Chimneys, vents, and other minor items, as approved by the Zoning Administrator, may extend above the height of the built roof by two feet and six inches (2'6").

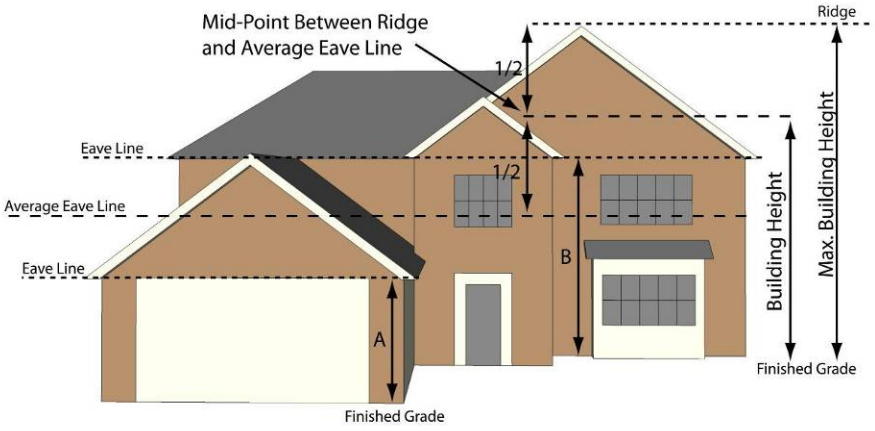


Figure 2-1: Building Height

[Ordinance No. 308, 7/15/19]

- BUILDING INSPECTOR shall mean the Building Inspector of the City of Ferrysburg, or his/her authorized representative.
- BUILDING LINE is a horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.
- BUILDING, MAIN (also referred to as BUILDING, PRINCIPAL) is a building in which the principal or main use of the lot on which it is situated occurs.
- BUILDING PERMIT FOR ZONING COMPLIANCE (also referred to as a CERTIFICATE of ZONING COMPLIANCE) is a document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the construction and/or reconstruction of a structure or building which acknowledges that the use, structure, or building complies with the provisions of this Ordinance. In lieu of a separate instrument, and at the discretion of the City, a Building Permit for Zoning Compliance may be combined as part of a bonafide building permit.

- BUILDING SETBACK LINE - Refer to SETBACK LINE.
- BUSINESS CENTER – A development with two or more attached or detached businesses, on one or more lots, designed as a unit with identifiable boundaries, and served by common features such as shared access and/or parking facilities and signs. Configuration and design shall include such features as: identification by a single name or consistent architectural style, and the appearance or public impression that the center acts as a single facility. This definition includes the term "shopping center."[Ordinance No. 232, 8/21/06; Ordinance No. 265, 10/4/10]

C - Definitions

- CANOPY TREE is a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.
- CERTIFICATE OF ZONING COMPLIANCE -See BUILDING PERMIT FOR ZONING COMPLIANCE.
- CHILD CARE CENTER - See DAY CARE CENTER.
- CHURCH (TEMPLE, SYNAGOGUE) is a building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building or a school providing pre-school or K through 12th grade instruction.
- CLINIC-See MEDICAL CLINIC
- CLUB is a nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
- COMMERCIAL DISTRICTS – The S, Service, CC Core Commercial and GC General Commercial zoning districts. [Ordinance No. 273, 12/19/11]
- COMMERCIAL USE is a use which relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement, moving, or estate sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period. Commercial use shall not include a public recreational use even though a fee may be charged for the use.
- COMMERCIAL VEHICLE is a commercially registered vehicle or a vehicle that bears commercial logos and representation, excluding the make and model of the vehicle, which serves a business purpose. [Ordinance No. 313, 10/5/20]
- COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES shall mean licensed commercial telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- COMMISSION shall mean the City of Ferrysburg Planning Commission, also referred to as "the Commission".
- COMMON LAND is a parcel or parcels of land with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision, condominium, planned unit development, or similar land development arrangement.
- COMMON OPEN SPACE is an unoccupied area within a development which is reserved primarily for the leisure and recreational use of all the development residents, owners, and occupants, and

generally owned and maintained in common by them, often through a homeowners, or similar, association.

- CONDOMINIUM DEFINITIONS [Ordinance No. 265, 10/4/10]
  a) CONDOMINIUM ACT refers to Michigan Public Act 59 of 1978, as amended.
  b) CONDOMINIUM, GENERAL COMMON ELEMENT means the common elements other than the limited common elements. General common elements are for the use of all condominium owners.
  c) CONDOMINIUM, LIMITED COMMON ELEMENT means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the condominium owners.
  d) CONDOMINIUM, MASTER DEED is the condominium document recording the condominium project as approved by the City Council to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project (See also Condominium, Consolidating Master Deed).
  e) CONDOMINIUM SUBDIVISION PLAN is the site, survey, and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act and this Ordinance.
  f) CONDOMINIUM UNIT is that portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
  g) CONDOMINIUM UNIT SITE is the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.
- CONSTRUCTION is the building, erection, alteration, repair, renovation, demolition, or removal of any building, structure, or structural foundation; or the physical excavation, filling, and grading of any lot other than normal maintenance.
- CONVALESCENT HOME (NURSING HOME) is a home for the care of the aged, infirm, or a place of rest for those suffering serious bodily disorders necessitating twenty four (24) hour care, wherein three (3) or more persons are cared for. The home shall also conform to, and qualify for license under, applicable State law (Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948).
- COUNCIL shall mean the City Council of the City of Ferrysburg.
- CUL-DE-SAC is 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.
- CURB LEVEL is the grade elevation of the curb in front of the center of a building, or proposed building, or the elevation of the traveled street in the event no curb exists.

D - Definitions

- DAY CARE CENTER (CHILD CARE CENTER) is a facility, other than a private residence, licensed by the State of Michigan, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or

legal guardian is not immediately available to the child. Day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. [Refer also to ADULT FOSTER CARE and FOSTER CARE.]

Day care center does not include:

a) A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

b) A commercial enterprise, such as a grocery store, wherein temporary child care is provided on-site for the children of the parents or guardians who are conducting business within the confines of the commercial enterprise coincident with the period of child care.

c) A place of employment wherein temporary child care is provided for the children of the parents or guardians who are working for the place of employment coincident with the hours of employment for those parents or guardians.

The above definitions do not preclude compliance of child care operations with other applicable local, state, and federal regulations.

- DAY CARE HOME, FAMILY is a single-unit dwelling occupied as such in which one (1) but less than seven (7) children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-unit dwelling.
- DAY CARE HOME, GROUP is a single-unit dwelling occupied as such in which seven (7) but less than twelve (12) children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children and/or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-unit dwelling.
- DECELERATION LANE is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.
- DENSITY, unless otherwise stated, is the number of dwelling units situated on or to be developed per gross acre of land.
- DETENTION FACILITY is a facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.
- DEVELOPMENT is any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- DISTRICT is a portion of the City within which a certain use or uses of land and/or buildings are permitted and within which certain regulations, standards, and requirements apply under the provisions of this Ordinance. District may also be referred to as a Zone District. The location of zone districts shall be as depicted on the Official Zone District Map of the City of Ferrysburg.
- DRAINAGEWAYS AND STREAMS are existing permanent or intermittent water courses.
- DRIVE-THROUGH BUSINESS is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.
- DRIVEWAY is an improved public or private passageway providing vehicular ingress to, and vehicular egress from, a public or private road to or from a lot, parcel, or building on abutting grounds.

- DWELLING is a building designed and used for residential occupancy. A dwelling may have one (1) or more dwelling units within the building.
- DWELLING, MULTIPLE-UNIT APARTMENT, is a dwelling with three (3) or more dwelling units that are both side by side sharing walls, and stacked in a vertical configuration, sharing common floors and ceilings. Entry to individual dwelling units is through a common entry or entries.
- DWELLING, MULTIPLE-UNIT ATTACHED is a dwelling with three (3) or more dwelling units, each with its own entrance, that are attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building.
- DWELLING, SINGLE-UNIT is a single freestanding dwelling unit that is physically separate from any other dwelling except for an attached accessory dwelling unit, where allowable.
- DWELLING, TWO-UNIT is a dwelling with two (2) dwelling units, each with its own entrance, that are: attached horizontally through, and entirely separated by, common walls, with each dwelling unit occupying space from the lowest floor to the roof of the building; or stacked vertically with one (1) dwelling unit located on top of the other.
- DWELLING UNIT means a single unit providing complete, independent living facilities for exclusive use by one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation with no ingress or egress through any other dwelling unit. Concerning permanent provisions for sleeping, this means the area is used, intended to be used, designed to be used, or designed with the ability to be used for sleeping space. This definition does not include recreational vehicles, trailer coaches, automobile chassis, tents, or portable buildings.
- DWELLING UNIT, ACCESSORY (ADU) means a dwelling unit that is accessory, supplementary, and secondary to a single-unit dwelling, single unit of commercial space, or a single personal or commercial storage suite.

E - Definitions

- EASEMENT is 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.
- EFFICIENCY UNIT is an attached residential living unit consisting of one (1) room, exclusive of bathroom (but having access to a shared bathroom), kitchen, hallway, or dining area, and providing not less than the minimum floor area required by this Ordinance (Section 9.150 b)).
- ELDER CARE ASSISTED HOUSING (HOUSING FOR THE ELDERLY) is a residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. The facility shall be licensed as a "Home for the Aged" by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948. [Refer to CONVALESCENT HOME (NURSING HOME).]
- ELECTRIC VEHICLE is a vehicle that is licensed and registered for operation on public and private highways, roads, and streets, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for automotive purpose. "Electric vehicle" includes:

a) Battery electric vehicle; and

b) A plug-in hybrid electric vehicle.

[Ordinance No. 325 12/5/22]

- ELECTRIC VEHICLE CHARGING STATION is a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

  a) "Level-1 station" is considered slow charging: voltage including the range from zero through 120.

  b) "Level-2 station" is considered medium charging: voltage is greater than 120 and includes 240.

  c) "Level-3 station" is considered fast or rapid charging: voltage is greater than 240.

  [Ordinance No. 325 12/5/22]

- ELECTRIC VEHICLE (EV) CAPABLE PARKING SPACE is a parking space with an installed electrical panel with dedicated circuits and raceways that are capped for future electric vehicle parking spaces. The spaces are ready for the installation of electric lines and electric vehicle chargers. [Ordinance No. 325 12/5/22]
- ELECTRIC VEHICLE (EV) -READY PARKING SPACE is a parking space with an installed electrical panel capacity, a dedicated branch circuit, and a conductor in the raceway. The conductor terminates in a junction box, ready for the installation of an electric vehicle charger. [Ordinance No. 325 12/5/22]
- ERECTED shall mean built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction purposes. Excavation, fill, drainage and the like shall be considered a part of erection.
- ESSENTIAL PUBLIC SERVICE is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or private entities under public regulation, of underground or overhead gas, electrical, steam or water transmission or distribution systems, or communication systems, including poles, wires, fiber optic systems, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, (but not including buildings and storage yards) reasonably necessary for the furnishing of adequate service by each public utility, municipal department or commission, or private entity under public regulation for the public health, safety, or general welfare. Essential services shall not include communication towers or antennas or wind energy conversion systems (WECS). [Ordinance No. 265, 10/4/10]
- ESSENTIAL PUBLIC SERVICE BUILDING is a building or structure accessory to an essential public service, such as a drop-off station for residential recyclables, vehicle garage, telephone exchange building, electricity transformer station or substation, gas regulator station, and facilities of a similar nature.
- ESSENTIAL PUBLIC SERVICE STORAGE YARD is an outdoor storage area accessory to an essential public service.
- EXCAVATION is any breaking of ground, except common household gardening and ground care.
- EXISTING BUILDING is a building existing, or a building for which a legal building permit has been issued and the foundations are in place prior to the adoption of this Ordinance.
- EXISTING USE is the use of land, the use of waters adjacent to land, and the use of buildings and structures existing prior to the adoption of this Ordinance, or for which use approval has been

granted according to the provisions of this Ordinance.

F - Definitions

- FAMILY
  a) An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit; or,
  b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include a penal institution, halfway house, correctional facility, society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, jail or prison term, or terms of other similar determinable period.
- FARM means the land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activites, machinery, equipment, and other appurtenances used in the commercial production of farm products. [Ordinance No. 285, 5/4/15]
- FARM OPERATION means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
  a) Marketing produce at roadside stands or farm markets.
  b) The generation of noise, odors, dust, fumes, and other associated conditions.
  c) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
  d) Field preparation and ground and aerial seeding and spraying.
  e) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
  f) Use of alternative pest management techniques.
  g) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
  h) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
  i) The conversion from a farm operation activity to other farm operation activities.
  j) The employment and use of labor.

  [Ordinance No. 285, 5/4/15]
- FARM PRODUCT means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products,

mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. [Ordinance No. 285, 5/4/15]

- FENCE is an accessory structure intended for use as a barrier to property ingress or egress; a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; and/or, a screen for decorative use. In addition to man made material, a fence may include hedges, shrubs, or other similar plant material if so arranged, designed, and of a character suitable to accomplish the intended purpose of a fence. Fence shall also include any associated gate.
- FILLING is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care. Filling shall not constitute a hazard to the receiving soils or groundwater.
- FINANCIAL SERVICES shall mean banks, savings and loan institutions, credit unions, brokerage houses, and similar financial establishments.
- FLAG: A fabric, bunting, or other flexible material designed to be mounted on a temporary or permanently mounted flagpole. [Ordinance No. 322, 5/2/22]
- FLAGPOLE, PERMANENT: A freestanding structure permanently mounted with a foundation on the ground and used for the sole purpose of displaying a flag or flags. [Ordinance No. 322, 5/2/22]
- FLAGPOLE, TEMPORARY: A temporary pole which can be mounted on a structure or building, or affixed or driven into the ground, for the sole purpose of displaying a flag. [Ordinance No. 322, 5/2/22]
- FLOOD OR FLOODING is a general and temporary condition of partial or complete inundation of normally dry land areas from:

  a) The overflow of inland waters.

  b) The unusual and rapid accumulation or runoff of surface waters from any source.
- FLOOD HAZARD AREA is land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.
- FLOOD INSURANCE RATE MAP (FIRM) is an official map of the City of Ferrysburg on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the flood risk premium zones applicable to the City.
- FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Administration (FEMA) containing local flood profiles, the base flood water surface elevation, and may include a Flood Hazard Boundary - Floodway Map.
- FLOODPLAIN is any land area susceptible to being inundated by water from any source (see also Flood).
- FLOODWAY is the channel of a river, creek, or other watercourse and the adjacent land areas which must be reserved in order to discharge a flood.
- FLOOR AREA, GROSS shall be the sum of the horizontal areas of each story of a building, measured from the exterior faces of the exterior walls, exclusive of uninhabitable attics or basements having headroom of seven (7) feet or less. (See Figure 2-2)
- FLOOR AREA, RESIDENTIAL shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished

attics, attached garages, carports, breezeways, and enclosed or unenclosed porches. (See Section 9.150 b)).

- FLOOR AREA, USABLE shall be that area used for the sale of merchandise and services, or for use to serve patrons, clients, or customers. The floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, mechanical areas, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and shall include total usable floor area for all floors. (See Figure 2-2)

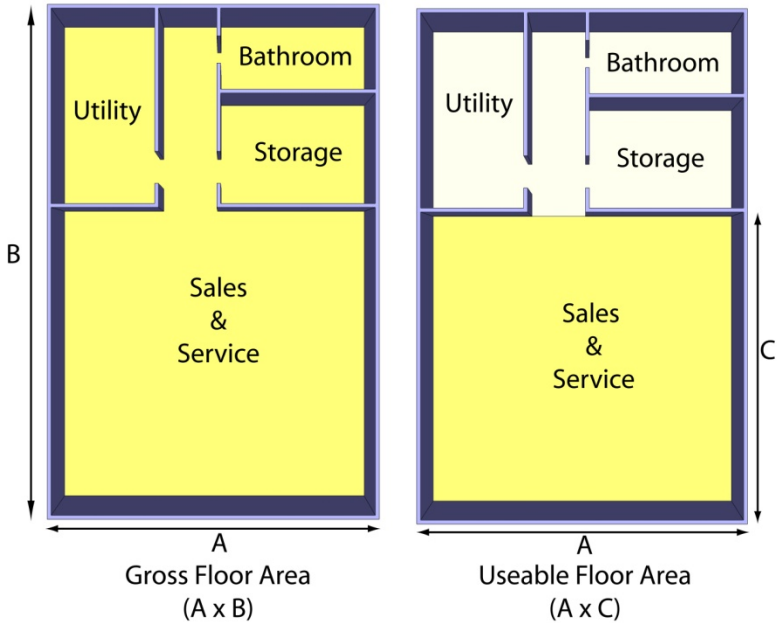


Figure 2-2: Floor Area

- FOOD shall include any substance taken into and assimilated by an animal to keep it alive and enable it to grow and repair tissue.
- FOSTER FAMILY HOME is a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (chapter X of the probate code of 1939, 1939 PA 288), are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- FOSTER FAMILY GROUP HOME means a private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code (chapter X of the probate code of 1939, 1939 PA 288), are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
- FRONTAGE is the continuous linear distance along which a parcel of land fronts on a public or private street, measured along the line where the property abuts the public street right-of-way or private road easement.
- FRONTAGE (SERVICE) DRIVE (ROAD) is a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-

way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which is directly connected to parking or is used as a maneuvering aisle within a parking area is not considered a frontage road. (See Figure 2-3)

Figure 2-3: Frontage Drive

G - Definitions

- GARAGE is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, and customarily associated therewith. A garage, as defined herein, shall not involve vehicle servicing for compensation. [Refer to VEHICLE REPAIR.]
- GARAGE, PUBLIC - Refer to VEHICLE REPAIR
- GARAGE SALE - The sale of miscellaneous used items commonly associated with residential use, conducted on a residential property. Garage sales shall not include the sale of a single item or commodity. The term "garage sale" includes "yard sale," "rummage sale" and similar terms commonly used to describe sales of used items conducted on a residential property. [Ordinance No. 265, 10/4/10]
- GARBAGE - Any decomposed, rotting, rotten, putrid, or similar organic matter including, but not limited to, animal or vegetable waste, animal or vegetable by-products in a decomposed or rotting state, or other similar organic matter and materials.
- GARDEN CENTER (NURSERY) is a non-farm commercial establishment primarily associated with the retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- GASOLINE STATION is a business that primarily sells vehicle fuels to the motoring public and which does not provide other vehicle-related services except as may be permitted by this Ordinance. A Gasoline Station may include the sale of convenience food items and sundry commodities. [Ordinance No. 265, 10/4/10]
- GATE - Refer to FENCE.
- GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES means those practices as defined by the Michigan Commission of Agriculture. The commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University College of Agriculture and Natural Resources Extension and the Agricultural Experiment Station in cooperation with the United States Department of Agriculture Natural Resources Conservation Service and the Consolidated Farm Service Agency, the

Michigan Department of Natural Resources, and other professional and industry organizations. [Ordinance No. 285, 5/4/15]

- GLARE is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- GRADE (GRADIENT) is the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one-hundred (100) feet would be expressed as a grade of twenty-five (25) percent.
- GRADE, (FINISHED GRADE) is the average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure. [Refer to BUILDING HEIGHT].
- GRADE, NATURAL is the elevation of the ground surface in its natural state, before construction begins.
- GREENBELT is a vegetated strip of land no less than five (5') feet in width (or greater if required by other provisions of this Ordinance) which, except for plantings and fencing, shall not be used for placement of structures. In certain instances, greenbelts shall contain landscaping of such type and density to screen adjacent properties from either complete or partial view. A greenbelt is often referred to as a Landscape Screen (see Figure 2-4). [Refer to LANDSCAPE SCREEN].

Figure 2-4: Greenbelt

H - Definitions

- HIVE is a honeybee hive, being a nucleus colony or a standard size colony. [Ordinance No. 284, 1/19/2015]
- HOME OCCUPATION is a gainful occupation conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit and meeting the required Home Occupation Requirements of this Ordinance.
- HOSPITAL is a state licensed medical establishment whose facilities provide in-patient and out-patient accommodation and care, a wide range of medical and surgical care, and other in-patient, out-patient, and emergency health services for sick, ailing or injured persons; and including those related facilities as examination rooms, rehabilitation facilities, laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.
- HOTEL is a building in which transient lodging or boarding are offered to the public for compensation. The design of a hotel is typically such that all patrons enter the building via a central or main lobby area and move to respective sleeping rooms without having to exit the building. Unlike a motel, patron parking is often concentrated to a confined location rather than dispersed throughout the site. A hotel may contain restaurants, gift and specialty shops, and lounges provided these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a bed and breakfast establishment, multiple-unit apartment dwelling, motel,

or similar facility.

I - Definitions

- INDOOR RECREATION ESTABLISHMENT is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, billiard establishments, and racquetball and tennis clubs. Indoor recreation establishments do not include video establishments or video arcades. [Refer to VIDEO ESTABLISHMENTS.]
- INDUSTRIAL DISTRICTS – The LI Light Industrial zoning districts (LI-1, LI-2, and LI-3) and the PI, Port Industrial District. [Ordinance No. 273, 12/19/11]
- INOPERABLE VEHICLE is a motor vehicle which is no longer able to propel itself, fails to comply with the laws of the State of Michigan regulating safety equipment for motor vehicles, is significantly dismantled, or is unlicensed.
- INSTITUTIONAL USES are churches, synagogues, temples, schools, hospitals, libraries, museums, governmental uses (e.g. City Hall, Police Department, Fire Department, etc.) and other similar public or semi-public uses. Institutional uses do not include nursing homes, convalescent homes, elder care facilities, adult foster care facilities, and half-way houses. [Refer to PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES, AND USES.]

J - Definitions

- JUNK (SALVAGE MATERIAL) shall mean any worn out or discarded materials including, but not necessarily limited to, yard debris, scrap metal, scrap paper, scrap lumber, other scrap and discarded materials, and any inoperable motor vehicles, machinery, appliances, or products. Junk includes the above materials whether they are to be landfilled, recycled, sold, or used in some other way. Junk shall not include garbage. [Refer to GARBAGE.]
- JUNK YARD (RECYCLING/SALVAGE YARD) is any land or building used for the storage, sorting, dismantling, baling, salvaging, recycling, and/or sale of junk. Junk yard shall not include residential or municipal garden or leaf composting, a municipal dump or municipal landfill, or drop-off stations for residential recyclables.

K - Definitions

- KENNEL is any land, building, or structure where four (4) or more cats and/or dogs, including any combination of the two animals, over six (6) months of age are either permanently or temporarily boarded, housed, bred, or sold.
- KEYHOLE is the condition in which one shoreline lot or parcel serves as a water body access point for several backlots (lots which do not abut the shoreline) or for the funneling of pedestrians and water craft originating from locations other than the shoreline lot over which access to a water body will occur. [Ordinance No. 202, 8/18/03]

L - Definitions

- LANDSCAPE SCREEN is a greenbelt used to filter or block the internal views of a site, or site feature, from the public right-of-way or adjoining properties. A landscape screen may also function as a transitional buffer between land uses and/or adjoining parcels. [Refer to GREENBELT].
- LOADING SPACE is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading people, merchandise, or material.
- LOT is a parcel of land separated from other parcels of land by description on a recorded plat or

by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Ordinance for minimum area, setbacks, coverage, and open space. A lot shall be specifically designated as part of the public record. (See Figure 2-5).

- LOT AREA is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public or private street, the lot area shall not include that part which is in the public right-of-way or governed by easement.
- LOT, CORNER is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees. (See Figure 2-5)
- LOT COVERAGE is the percent of a lot occupied by buildings, structures, pavement, and impervious surfaces, including brick pavers and gravel. Lot coverage does not include surfaces with concrete and plastic grid pavers with large gaps that are planted with grass. [Ordinance No. 307, 7/15/19]

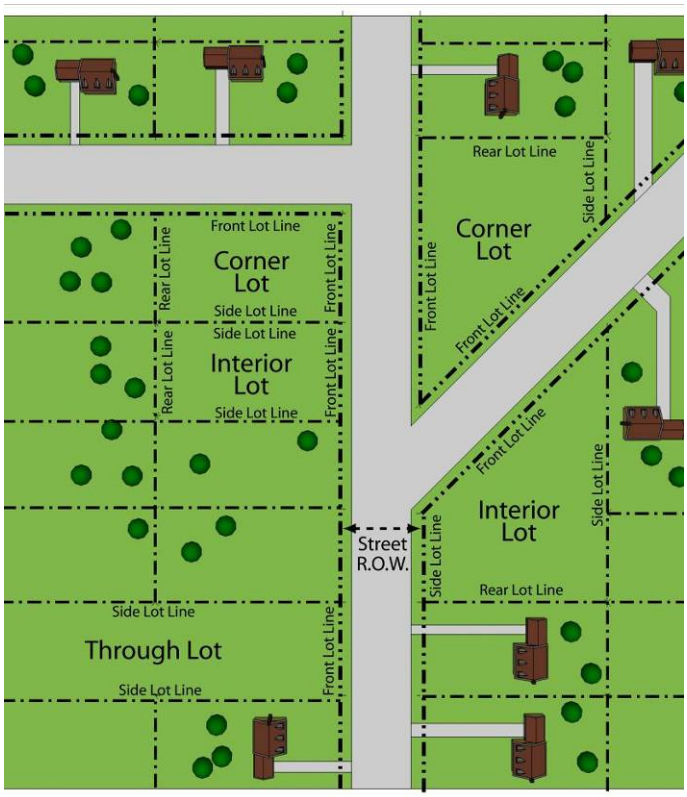


Figure 2-5: Lot Types

Figure 2-6: Grid Pavers

- LOT DEPTH is the arithmetic average of the shortest and longest distances from the front lot line to the rear lot line.
- LOT, DOUBLE FRONTAGE (THROUGH LOT) is a lot, other than a corner lot, having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat (see Figure 2-5). If there are existing

buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. [Refer to LOT, WATERFRONT].

- LOT, FLAG is a lot so called due to its resemblance to that of a flag (flag shape). The street frontage of a flag lot, and width, are undersized and nonconforming (this being referred to as the "pole" portion of the flag lot). Eventually, the width of the interior portion of the lot expands to a size which normally equals or exceeds lot width requirements (this is the "flag" portion of the lot). [Ordinance No. 283, 10/6/14]
- LOT FRONTAGE is the length of the front lot line.
- LOT, INTERIOR is a lot other than a corner lot or double frontage lot having only one lot line fronting on a street (see Figure 2-5).
- LOT LINE is the line bounding a lot or parcel.
- LOT LINES [Refer also to definitions of REQUIRED SETBACKS and YARDS] (See Figure 2-7)

a) Front lot line: In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from the street right-of-way. [Refer also to Paragraph d), following.]

b) Rear lot line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.

c) Side lot line: Any lot line not a front or rear lot line. A side lot line separating a lot from a public or private street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See definition of Required Setback.)

d) Building Orientation for Lots with Multiple Street Frontage or Flag Lots - [Refer also to SETBACK, REQUIRED] - In the case of a lot fronting on public or private right-of-way on two or more sides, flag lots or other cases in which the above definitions do not apply, the Zoning Administrator shall designate front, rear, and side lot lines for building and fence orientation purposes, based on the following considerations:

1. Location and orientation of existing or proposed buildings on the lot in question in relation to existing buildings on properties in the same general neighborhood.

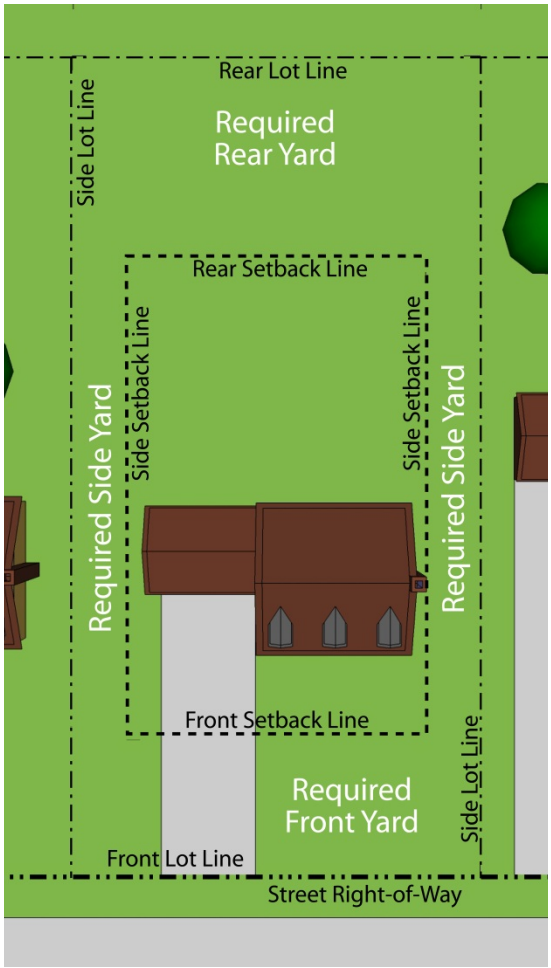


Figure 2-7: Lot Lines

2. Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.

[Ordinance No. 283, 10/6/14]

- LOT, NONCONFORMING is a lot of record which does not meet the dimensional requirements of this Ordinance.
- LOT OF RECORD is any parcel of land, the dimensions of which are shown on a document or map on file with the Ottawa County Register of Deeds records as of the date of adoption of this Ordinance or any relevant amendment thereto which would affect the subject lot, which actually exists as shown or any part of a parcel held in record ownership separate from that of the remainder.
- LOT, THROUGH (also called a double frontage lot) is an interior lot having frontage on two (2) more or less parallel streets.
- LOT, WATERFRONT is a lot with one or more of its lot lines adjoining a stream, river, lake, or privately-owned Lake Michigan lake, or privately-owned Lake Michigan beach area. [Ordinance No. 310, 1/6/20]
- LOT WIDTH is the horizontal distance between side lot lines measured parallel to the front lot line at the front lot line and at the required front setback line. For lots fronting on a cul-de-sac, lot width shall mean the horizontal distance between side lot lines measured parallel to the front lot line at the at the required front setback line. See SETBACK LINE.

M - Definitions

- MANUFACTURED HOME is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected. [Refer also to Section 3.180, Standards Applicable to Single-Unit Dwellings.]
- MANUFACTURED HOME PARK (MOBILE HOME PARK) is a parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. [Refer to Section 3.180, Standards Applicable to Single-Unit Dwellings.]
- MANUFACTURED (MOBILE) HOME SUBDIVISION is a platted or site condominium residential development consisting of manufactured or mobile homes located on individual, separately-owned lots or condominium units. [Refer to Section 3.180, Standards Applicable to Single-Unit Dwellings.]
- MAP - Refer to ZONING MAP.
- MASSAGE is the rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Michigan.
- MASSAGE CLINIC (Not to include Adult Massage Parlor) is an establishment where for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage

association with equivalent professional membership standards.

- MASTER DEED, AND CONSOLIDATING MASTER DEED - (See CONDOMINIUM, MASTER DEED).
- MASTER PLAN shall refer to the City of Ferrysburg Master Plan adopted by the City according to the Michigan Planning Enabling Act (Act 33 of 2008). and shall include any amendments or updates thereto. [Ordinance No. 265, 10/4/10]
- MAXIMUM BUILDING WIDTH means the maximum horizontal dimension or width of the front building elevation allowed on a lot. The maximum dimension is a percentage of the lot width, meaning that a building width cannot exceed the specified percentage of the lot width measured horizontally from one side property line to the other side property line along the front lot line.
- MEDICAL CLINIC is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, chiropractors, or similar professionals on an out-patient basis. A medical clinic may incorporate customary laboratories and pharmacies necessary or incidental to its operation.
- MINI-WAREHOUSE (SELF STORAGE WAREHOUSE) is a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the in-door storage of a customer's non-hazardous goods or wares.
- MIXED-USE BUILDING means a building developed with both dwelling units and nonresidential uses. Uses are vertically integrated within a multi-story building with residential dwelling units located on upper floors.
- MOBILE FOOD UNIT is a motor vehicle, such as a van or truck, or a trailer that can be attached to a motor vehicle, which is used for preparation, sales, and service of food and beverages. Food preparation and service occur within the motor vehicle or alongside or inside the trailer. [Ordinance No. 316, 4/19/21]
- MOBILE HOME is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home. For purposes of this Ordinance, those structures which are called variously "modular" or "prefabricated", and are preconstructed in some other location and transported to the housing site, but are built under the standards of a national building code, referred to in the Michigan State Construction Code, under Act 230 of the P.A. of 1972, are not included in this definition of mobile home. Such "modular" and "prefabricated" housing, however, shall meet the general housing standards of this Ordinance and other applicable City codes and ordinances. [Refer to Section 3.180, Standards Applicable to Single-Unit Dwellings.]
- MOBILE HOME PARK- Refer to MANUFACTURED HOME PARK.
- MOBILE HOME SITE OR SPACE is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.
- MODULAR HOUSING UNIT (PREFABRICATED) is a dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-unit home construction. [Refer to Section 3.200, Standards Applicable to Single-Unit Dwellings.]
- MOTEL (MOTOR COURT) is a series of attached, semi-detached, or detached rental units each containing a bedroom, bathroom, and closet space in which transient, overnight, lodging or

boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms exiting directly to the outside with patron parking located at or near each room exit. A motel may contain restaurants, gift and specialty shops, and lounges provided these uses are clearly accessory to the motel.

- MOTOR HOME is a self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.
- MUNICIPAL PARK [Refer to PUBLIC PARK] is a park owned and/or operated by the City of Ferrysburg, Ottawa County, or other governmental entity.

N - Definitions

- NATURE PRESERVE is a tract of land protected and managed so as to preserve its flora, fauna, and natural features. A nature preserve may include ancillary uses and structures such as parking areas, restrooms, trails, boardwalks, and interpretative areas. [Ordinance No. 299, 1-7-19]
- NON-CONFORMING USE is the use of a building or of land lawfully existing at the time this Ordinance, or amendments thereto, became effective but which does not conform with the use regulations of the district in which it is located.
- NON-CONFORMING LOT OF RECORD (SUBSTANDARD LOT) is a lot lawfully existing at the time this Ordinance, or amendments thereto, became effective and which fails to meet the minimum area requirements of the zoning district in which it is located.
- NON-CONFORMING STRUCTURE is a structure, or portion thereof, lawfully existing at the time this Ordinance, or amendments thereto, became effective and which fails to meet the minimum requirements of the zoning district in which it is located.
- NURSERY, PLANT MATERIAL (See GARDEN CENTER)

O - Definitions

- OBSCURING SCREEN is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material. [Refer to LANDSCAPE SCREEN and GREENBELT].
- OCCUPANCY LOAD is the number of individuals who may safely occupy a building or structure based on the Building Code Standards of the City of Ferrysburg.
- OCCUPIED includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.
- OFFSET is the distance between the centerline of driveways or streets across the street from one another.
- OFF-STREET PARKING LOT is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide safe and efficient access for entrance and exit for the parking of more than two (2) vehicles, provided, however, a driveway serving a single-unit dwelling or two-unit dwelling which is capable of holding more than two (2) vehicles shall not be considered an off-street parking lot.
- OPEN AIR BUSINESS is a retail sales establishment operated substantially in the open air (out of doors).
- ORDINARY HIGH WATER MARK is the line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is

apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. On Lake Michigan, it means the elevation set by Section 32502 of the Natural Resources and Environmental Protection Act, PA 451 of 1994, or as revised by the State of Michigan. [Ordinance No. 320 4/4/22]

- OUTDOOR FURNACES: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. [Ordinance No. 223, 6/6/05]
- OUTDOOR RECREATION ESTABLISHMENT is a privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public and/or through membership, including guests thereof. Outdoor recreational activities include, but are not necessarily limited to, tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, marinas, and children's amusement parks. A user fee may or may not be charged.

P - Definitions

- PAD is the disturbed or leveled area on the slope of a dune upon which a portion of a structure exists. The term includes the areas adjacent to the structure itself used for walkways, driveways, and other features.
- PARAPET WALL is an extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.
- PARCEL is a lot described by metes and bounds or described in a recorded plat.
- PARKING SPACE (AREA) is a designated stall, open or enclosed, for parking of motor vehicles.
- PATIO is a level-surfaced area intended for outdoor living and recreation which is constructed of brick, concrete, masonry material, flagstone, loose stones, slate, tiles, pavers, or similar materials, or a combination of these materials, which is installed at grade and uncovered by a roof and unenclosed by walls. [Ordinance No. 305, 4-1-19]
- PERSONAL AND COMMERCIAL STORAGE SUITES a facility within a building or group of buildings in a private compound that contains individual storage warehouse suites for personal or business purposes. If authorized, warehouse suites may include accessory office, kitchen, and bathroom facilities, as well as accessory dwelling units. [Ordinance No. 325 6/5/23]
- PLANNED UNIT DEVELOPMENT (PUD) is a form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. A planned unit development may contain a single type of use or mix of uses if provided for by the underlying zone district.
- PLANNING COMMISSION is the City of Ferrysburg Planning Commission as duly created under Act 33 of the Public Acts of 2008, as amended. By official action of the City Council of the City of Ferrysburg, the powers and duties of the Zoning Board/Commission, as delineated under Act 110 of the Michigan Public Acts of 2006, as amended, have been transferred to the Planning Commission. [Ordinance No. 265, 10/4/10]
- PLAT is a map of a subdivision of land.
- PONDS AND LAKES are natural or artificial impoundments that retain water year round.
- PRINCIPAL BUILDING OR STRUCTURE is a building or structure in which is conducted the principal use of the lot upon which it is situated.

- PRINCIPAL USE is the main use to which the premises are devoted and the principal purpose for which the premises exist.
- PRINCIPAL USE PERMITTED is a use permitted in each zoning district by right.
- PRIVATE CLUB is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
- PRIVATE STREET is any street, road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties. A private street shall meet the design and construction standards of the City of Ferrysburg.
- PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS, STRUCTURES AND USES are buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers. [Refer to INSTITUTIONAL USES.]
- PUBLIC OPEN SPACE is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.
- PUBLIC PARK [Refer also to MUNICIPAL PARK] is any undeveloped park, natural area, or parcel used for passive recreational purposes [e.g. hiking, nature photography, etc.] and any developed park; playground; beach; outdoor swimming pool; and, other facilities intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.
- PUBLIC PARKING AREA is an open area, other than a street or other public way used for the parking of automobiles and available for public use whether for a fee, free, or as an accommodation for clients or customers.
- PUBLIC STREET is a public thoroughfare which affords the principal means of access to abutting property.
- PUBLIC UTILITY is any person, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas; steam; electricity; sewage disposal; land line telephone service, telegraph, and cable; transportation; or, water. Commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Q - Definitions

- Reserved for future use.

R - Definitions

- RADIOACTIVE MATERIALS are materials defined as radioactive under Michigan Department of Natural Resources, Michigan Department of Environmental Quality, or the United States Environmental Protection Agency regulations for transportation of radioactive materials or under Ottawa County Health Department regulations, whichever is determined to be applicable.
- RECREATIONAL VEHICLE is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, travel trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.
- RESIDENTIAL DISTRICTS – The RD, Low Density Dune Residential, RG1, Low Density Residential, RG2; Medium Density Residential, RG3 High Density Residential and MHP Manufactured Home Park zoning districts. [Ordinance No. 273, 12/19/11]

- RESTAURANT is an establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or take-out. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for the sale of alcoholic beverages, including the brewing thereof, for on-site consumption, provided, however, the sale of any beverages shall clearly be incidental to the preparation, sale, and consumption of food. Subordinate activities may, with the consent of the City Council as required by the Liquor Control Act, include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. [Refer to RESTAURANT.]
- RETAIL STORE is any building or structure in which the indoor (inside) sales of goods, wares, or merchandise are sold to the consumer for direct consumption and/or use and not for resale.
- RIGHT-OF-WAY is 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 the right-of-way.

S - Definitions

- SALVAGE - Refer to JUNK.
- SALVAGE YARD - Refer to JUNK YARD.
- SCREEN is a structure such as a fence, wall, landscape screen, or combination of same, providing enclosure and a visual barrier between the area enclosed and the adjacent property.
- SELF-STORAGE FACILITY is building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access rooms, stalls, or lockers for storing customers' goods or wares. [Ordinance No. 325 6/5/23]
- SERVICE DRIVE is a drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design. Service drives as defined above are often used for the delivery and pick-up of goods and merchandise, but may also be used for other vehicular movement. [Refer to FRONTAGE DRIVE].
- SETBACK is the horizontal distance between a front, rear, or side lot line and a building line. [Refer to SETBACK, REQUIRED and YARD.]
- SETBACK LINE is a line, generally parallel to a front, rear, or side lot line, which reflects the minimum REQUIRED SETBACK for a lot or parcel as specified by underlying zone district standards. The setback line for a yard abutting a street shall be measured from the street right-of-way line.
- SETBACK, REQUIRED is the required minimum horizontal distance between a front, rear, or side lot line and a building line, provided, however, this horizontal distance shall be measured from the street right-of-way line whenever a yard abuts a public or private street. On lots with multiple street frontage, such as corner lots, all sides of the lots abutting a street shall be considered front yards pursuant to required setback. [Separate definitions for condominium projects are listed under "CONDOMINIUM, SETBACKS." Refer also to LOT LINE. Refer also to ARTICLE 3, GENERAL PROVISIONS, for information regarding setback from certain easements.]
- SETBACK, PARKING LOT is the required horizontal distance between the improved portion of a parking lot (e.g. area on which vehicles circulate and park) and the adjacent property line, excluding necessary and approved driveways.
- SHARING BOX is a small accessory structure that encloses and protects items that are intended for the purpose of giving, taking, or sharing, including but not limited to books, food, or other small

items. [Ordinance No. 313, 10/5/20]

- SHOPPING CENTER See BUSINESS CENTER. [Ordinance No. 265, 10/4/10]
- SHORELINE is the edge of a body of water measured at the ordinary high water mark.
- SIGHT DISTANCE is the length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.
- SIGN - Refer to Article VII, SIGNS, Section 7.20.
- SIMILAR shall mean a use or service that is comparable, consistent, corresponding, or equivalent to the range of uses and services provided for within a zone district in which the use or service may be placed.
- SITE PLAN is a scaled drawing(s) illustrating existing and proposed conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.
- SPECIAL LAND USE is a use of land not permitted by right, but, which is permitted within a particular zoning district after demonstration of compliance with specific special land use standards. A special land use requires that a special use permit be obtained.
- SPECIFIED ANATOMICAL AREAS for purposes of this Ordinance shall be defined as follows:
  a) Less than completely and opaquely covered: (1) human genitals or pubic region; (2) buttock; and, (3) female breast below a point immediately above the top of the areola.
  b) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- SPECIFIED SEXUAL ACTIVITIES for the purposes of this Ordinance shall be defined as follows:
  a) Human genitals in a state of sexual stimulation or arousal.
  b) Acts of human masturbation, sexual intercourse, or sodomy.
  c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- STACKING (VEHICULAR) refers to occupied vehicles positioned in a line, either idling or moving at very slow speeds, while awaiting service at a drive-up window, entry into a wash bay, entry into a bay for vehicular service, movement as part of a procession, entry to or from a driveway or roadway, or other function resulting in a line of vehicles awaiting movement. Vehicular stacking is also referred to as QUEUING.
- STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) is a structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the Child Care Organizations Act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)" as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- STORY is that portion of a building, other than a basement or mezzanine, included between the upper surface of any floor and the upper surface of the floor next above it, except that the

topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused space is more than six (6) feet above grade, this usable or unused under-floor space shall be considered a story.

- STREET is a public or private thoroughfare which affords the principal means of access to abutting property.
- STRUCTURE is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall include, but is not necessarily limited to, buildings, pads, parking lots, fences, tanks, towers, dish antennae, advertising devices, tents, trailers, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames, electrical or telephone utilities (poles and wires), or to service utilities below the ground.
- STRUCTURAL ALTERATIONS are any changes in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams, or girders.
- SUBDIVISION is the partitioning or splitting of a parcel or tract of land in accordance with the requirements of Public Act 288 of 1967, as amended, the State of Michigan Subdivision Control Act and this Ordinance.
- SUBSTANTIAL IMPROVEMENT is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either; (1) before the improvement or repair is started, or, (2) if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either; (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or, (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places. For purpose of this definition, market value shall be based on the assessment records of the City of Ferrysburg or, if records are not available, the City Assessor's determination of estimated market value.
- SWIMMING POOL is any outdoor structure or container whether located above or below ground designed to hold water to a depth of greater than twenty four (24") inches, intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

T - Definitions

- TEMPORARY BUILDING, STRUCTURE OR USE is a building, structure, or use authorized for a specific period of time according to the provisions of this Ordinance.
- TEMPORARY USES - Parades, carnivals, outdoor concerts, rodeos, block parties utilizing public streets, seasonal or holiday-themed events or productions, or designer showcases or any similar use of event occurring on a temporary or sporadic basis in any zoning district where fifty (50) or more persons will attend or may be expected to attend. A temporary use shall not include residential social events such as family gatherings, reunions, wedding and other similar events not generally open to the public. Temporary uses shall not include uses of a permanent nature for which zoning approval has been obtained, or uses which are necessary to and normally

associated with a lawful permanent use or structure. [Ordinance No. 220, 12/20/04]

- TENT shall mean a shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

U - Definitions

- USE is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

V - Definitions

- VARIANCE is a relaxation or modification of the requirements of this Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Act 110 of the Public Acts of 2006, including any amendments thereto. [Ordinance No. 265, 10/4/2010]
- VEHICLE is any device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks.
- VEHICLE REPAIR is a building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation. For the purposes of this Ordinance, there shall be two classes:
  a) VEHICLE REPAIR, MINOR includes but is not limited to sale and installation of oil and other fluids (other than fuel); installation of tires, batteries, brakes, exhaust and other components that are manufactured elsewhere; interior upholstery; and other repairs and refurbishing of a minor nature.
  b) VEHICLE REPAIR, MAJOR includes, but is not limited to, major engine, mechanical and body work, painting and rustproofing, and other vehicle repair work creating noise, glare, fumes, or smoke, not including wrecking, junking, or salvaging of vehicle parts. [Ordinance No. 265, 10/4/10]
- VETERINARY CLINIC is a building, or any portion thereof, used for the treatment of animals as outpatients. Kenneling of animals shall be indoors and shall be limited to those requiring overnight care due to medical reasons.
- VIDEO ARCADE (VIDEO ESTABLISHMENT) is a gallery, mall, or space used for the installation and commercial operation of electronic recreational game equipment (machines), including computerized game equipment. This equipment incorporates images, or images and sound combined, which may or may not be partially administered through hand controls. Normally, each machine in a video arcade is used by only one (1) or two (2) patrons at any one (1) time. [Refer also to ADULT MOTION PICTURE ARCADE.]

W - Definitions

- WATERFRONT refers to that portion of a lot or parcel abutting a body of water (e.g. lake, stream, creek, etc.). For purposes of this Ordinance, the yard on the street side of a lot with water frontage shall be considered the front yard.
- WETLAND is land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.
- WETLAND, REGULATED is certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Act 203 of

the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

- WHOLESALE STORE is any building or structure in which goods, wares, or merchandise are sold to a retailer for resale and not direct consumption.
- Wireless Communications Facilities. The plant, equipment, and property include, but are not limited to, cables, wires, conduits, ducts, pedestals, buildings, antennas, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide, or offer wireless commercial or public communications services. The primary component of wireless communication facilities includes a wireless communication tower, and facilities may include wireless communication tower buildings.
  a) WIRELESS COMMUNICATION TOWER (Also referred to as a tower) is a public or private ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an wireless communications antenna, meteorological device, broadcast device, or similar apparatus above grade. A wireless communication tower may or may not be regulated by the Federal Communications Commission (FCC). A Single-User Tower is a wireless communication tower to which are affixed only the antennas of a single user, although the wireless communication tower may be designed to accommodate the antennas and/or devices of multiple users as required by this Ordinance. A Multi-User Tower is a wireless communication tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.
  b) WIRELESS COMMUNICATION TOWER BUILDING is a building accessory to a wireless communication tower and used to house equipment necessary for the operation of the tower and associated antenna or other device.

X - Definitions

- Reserved for future use.

Y - Definitions

- YARD (See Figure 2-8)
  a) A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A yard is measured between the applicable lot line and the nearest foundation line of a building or structure.
  b) Front yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard.

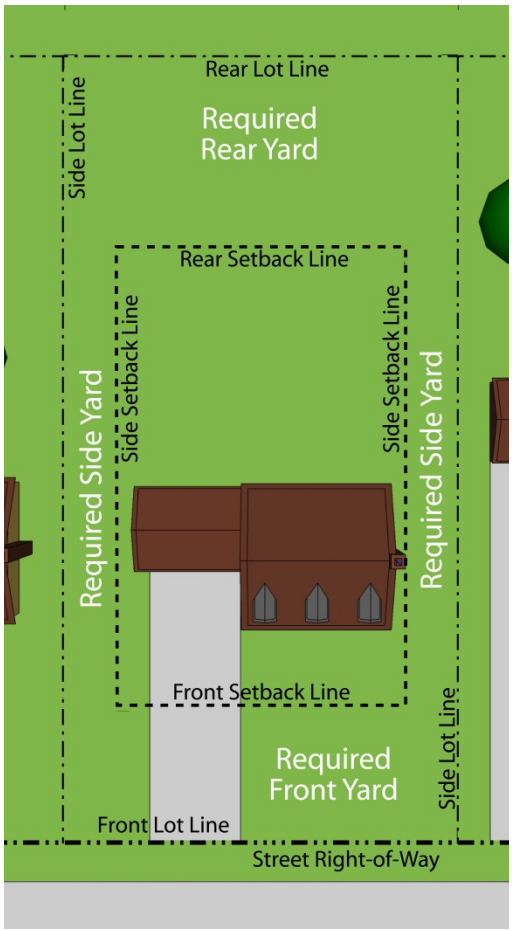


Figure 2-8: Yards

The Required Front Yard shall mean the yard to be established as a result of compliance with the Required Front Yard Setback.

c) Rear yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building. The Required Rear Yard shall mean the yard to be established as a result of compliance with the Required Rear Yard Setback.

d) Side yard: A yard between the foundation line of the main building and the side lot line extending from the required front yard to the required rear yard. The Required Side Yard shall mean the yard to be established as a result of compliance with the Required Side Yard Setback.

e) Waterfront Yard: Any yard on a waterfront lot, other than a front yard, lying between the water's edge and the principal structure and extending the full width of the lot. A yard separated from the waterfront only by a public or private beach or pedestrian access easement (but not a street right-of-way) shall be a waterfront yard. [Ordinance No. 243, 03/03/08]

Z - Definitions

- ZONING ACT is Michigan Act 110 of 2006, including any amendments thereto, provided, however, the powers and duties of the Zoning Commission have been transferred to the Planning Commission of the City of Ferrysburg under the provisions of Michigan Act 33 of the Public Acts of 2008, including any amendments thereto. [Ordinance No. 265, 10/4/2010]
- ZONING ADMINISTRATOR is an individual appointed by the City Manager of the City Ferrysburg delegated to administer the City Zoning Ordinance.
- ZONING BOARD OF APPEALS is the City of Ferrysburg Zoning Board of Appeals created under Act 110 of the Public Acts of 2006, as amended. [Ordinance No. 265, 10/4/2010]
- ZONING DISTRICT is a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- ZONING MAP is the Official Zoning Map of the City of Ferrysburg, approved by the Ferrysburg City Council, upon which the zone districts and zone district boundaries as specified by this Ordinance are depicted, including pertinent information associated therewith. The Official Zoning Map shall be considered a part of this Ordinance.
- ZONING PERMIT - Refer to BUILDING PERMIT FOR ZONING COMPLIANCE.

Article 3. General Provisions

Section 3.10 Construction Begun Prior to Adoption of Ordinance

The adoption of this Zoning Ordinance shall not require:

a) A change in the intended use of land where there has been work of a substantial nature in reliance upon prior approval by the City under the provisions of a former ordinance.

b) Compliance with the location and design requirements of this Ordinance to the extent that there has been actual material commencement of construction of a structure pursuant to a building permit issued by the City of Ferrysburg.

Any conditions or other requirements imposed under the provisions of a prior ordinance shall remain in effect, even though this Ordinance may not provide for same. However, a property owner subject to conditions or requirements not provided for by this Ordinance may request the Planning Commission to remove or modify same by filing a site plan application and fee consistent with the Site Plan Review requirements of this Ordinance. In the event the conditions or requirements were established by action of the City Council, the Council shall have the authority to remove or modify same, after receipt of a recommendation from the Planning Commission.

Section 3.20 Building to be Moved

Any building or structure which has been wholly or partly erected on any premises shall not be moved to and be placed upon any premises in the City unless the Building Inspector shall have made an inspection of the building or structure to be moved and has found it structurally safe and the Zoning Administrator has made a positive determination of site suitability pursuant to compliance with the underlying zone district standards and impact on the character and use of surrounding buildings and structures. Any building or structure to be placed upon a lot in the City and to be used in connection with a special land use, whether existing or proposed, shall be subject to the Special Land Use and Site Plan Review requirements of this Ordinance.

Section 3.30 Excavation, Removal, and Filling of Land

The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, sand, gravel, or similar material shall be accomplished in accordance with the following provisions:

a) **Sand Mining (and similar) Operations** - Sand mining operations shall adhere to the regulations of Chapter 152 of the City Code of the City of Ferrysburg. The excavation of other natural materials, such as topsoil, gravel, peat, and the like, shall also be accomplished in conformance with the provisions of Chapter 152 whenever an excavation is proposed to exceed ten thousand (10,000) cubic yards of material, whether singularly or in combination.

b) **Review and Approval Agency** - The review and approval of applications to excavate or fill which are not governed by Chapter 152 shall be processed by the following:

   1) Zoning Administrator. Excavation or fill operations not exceeding four hundred (400) cubic yards.

   2) Planning Commission. Excavation or fill operations greater than four hundred (400) cubic yards, but less than ten thousand (10,000) cubic yards, and all excavation or earth movement projects designed to result in the creation of a pond, lake, or similar water retaining feature. The project shall be processed by the Planning Commission under the Site Plan Review

requirements of this Ordinance, including any applicable standards of this section.

c) **Soil Erosion and Sedimentation Control** - All operations shall adhere to the provisions of the Soil Erosion and Sedimentation Control Act, Public Act 347 of the Michigan Public Acts of 1972, including any amendment thereto.

d) **Excavation and Filling of Land** - No use of land for filling (deposition) with soil, sand, gravel, industrial by-products, cinders, dredging spoils, or any material in any form shall be allowed without a fill permit. In no case shall a fill product represent an environmental hazard or be classified by the State or Federal Government as environmentally unsafe. All fill materials shall meet or exceed the minimum "clean" levels identified by the Michigan Department of Environmental Quality or the United States Environmental Protection Agency (the more stringent levels thereof) necessary pursuant to the intended use of the site and the range of uses provided for by the underlying zone district. In no instance shall fill material represent a hazard to those properties adjacent to the site to be filled, nor to the groundwater and local surface waters. In all instances, the City may require written analysis and certification regarding the full composition and potential health hazard of any material regulated by this Section, provided, however, this analysis and certification shall be required for the use of dredge material, industrial by-products, and cinders. All analysis and certification shall be completed by a bonafide testing laboratory meeting the testing certification requirements of the Michigan Department of Natural Resources and Environment and the United States Environmental Protection Agency.

e) **Excavation and Fill Standards** - The excavation and filling of land which is not governed by the requirements of Chapter 152 shall comply with the following standards:

1) Shall not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage patterns.

2) Shall not result in off-site fugitive dust, grime, fumes, or odors above the levels existing prior to the excavation or filling operation.

3) All fill shall be properly compacted to ensure a stable surface and to prevent settling which may be disruptive to buildings and structures.

4) Shall not result in a situation or condition such that the use of the land as designated by this Ordinance is no longer viable.

5) Shall not reduce the stability, nor bearing capacity, of soils on adjoining property. All fill and excavation operations, including the use and temporary parking of equipment, shall be conducted a minimum of fifty (50) feet from adjoining lot lines, provided, however, the Zoning Administrator may authorize a reduction in the required setback based on the determination that a reduction will not represent a harm to surrounding properties.

6) Shall not degrade groundwater quality, nor result in negative impacts on groundwater quantity.

7) Shall not result in a reduction of light and air to adjoining properties.

8) Shall not result in the spread of dirt, mud, or other debris on the public road system resulting from vehicles entering or leaving the site of the excavation or fill.

9) Shall only be accomplished between the hours of 7 a.m. and 7 p.m., unless it can be demonstrated that hours beyond these are necessary due to emergency purposes. Approval for extended hours of operation shall rest with the Zoning Administrator. Normal hours shall be resumed upon elimination of the emergency situation.

10) Shall not represent a fire or other safety hazard.

11) Excavation projects shall require an approved restoration plan indicating the full scope of site

restoration and use. The plan shall incorporate detail on final grades, surface water drainage, vehicular and pedestrian access, buildings and structures, proposed infrastructure, landscape, signage, lighting, sidewalks, and/or other such information as applicable to the proposed use, as required under normal site plan review.

f) **Conditions and Performance Guarantee** - In approving an excavation or filling operation, the approving party may establish conditions and/or require a performance guarantee which are determined necessary to protect the health, safety, and welfare of the citizens of Ferrysburg and to ensure compatibility of the operation with the surrounding neighborhood.

g) **Permit as Part of a Building Project** - Application for earth moving or filling operations to be completed as a component of a building project, such as the construction of a residential subdivision, may be submitted for review and approval concurrent with the application for the building project. Moreover, the applicant may file a comprehensive (combined) application containing the information necessary for review of all project elements.

h) **Permit Exemptions** - The following shall be exempt from the permit requirements of this Section, but shall be required to adhere to the standards of Section 3.30, e), 1) - 6) and 8):

1) The removal of soil (earth materials) necessary for the placement of a building foundation or basement which has received a bonafide building permit.

2) The movement of material from a lot or parcel, or onto a lot or parcel, provided the quantity of the material does not exceed three hundred (300) cubic yards, does not raise or lower the existing natural grade by more than twelve (12) inches over an area encompassing more than twenty-five (25) percent of the total lot or parcel, and does not cause surface water to collect or to run-off on to adjoining lands contrary to normal and natural drainage patterns.

3) Normal lawn maintenance.

4) Site landscaping which does not circumvent the intent of this section.

5) Permitted commercial and industrial uses which, by the nature of their business, temporarily stockpile non-hazardous material in excess of three hundred (300) cubic yards (singularly or combined), but not exceeding one thousand (1,000) cubic yards (singularly or combined). Such uses include, but are not limited to, landscape nurseries, lumber yards selling landscape products, and industries which package for wholesale or retail soil and gardening products. The temporary stockpiling of material (singularly or in combination) in excess of one thousand (1,000) cubic yards shall require site plan approval by the Planning Commission, provided, however, this requirement shall not apply to the stock piling of materials within the Port Industrial District. The stock piling of materials within the Port Industrial District shall be subject to the regulations of that district.

6) The above exemptions do not override the need to also comply with any State and/or Federal permit requirements.

Section 3.40 Zoning Application Procedures in General

The process for application and review by the City of Ferrysburg for site plan review, special use permits, planned unit development (PUD), amendments to this Ordinance and rezoning of land, request for variance, and other zoning actions are set forth in those sections of this Ordinance dealing with the specific action sought. Application submittal dates, application forms, and fee requirements are available from the office of the Zoning Administrator of the City of Ferrysburg. A fully executed application and payment of fees shall be submitted to the Zoning Administrator in order to initiate official consideration of any zoning matter.

Section 3.50 Required Area or Space

a) **Required Area and Dimensions** - No lot, required yard area, required parking area, required lot width, or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. The minimum area for any new lot or parcel shall be no less than the minimum lot size of the underlying zone district in which the lot or parcel will be located (Refer to Schedule of District Standards, Section 9.150). If already less than the minimum requirements of this Ordinance, a lot, required yard, parking area, lot width, or space shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this Ordinance.

b) **Double Counting of Designated Space Prohibited** - Unless otherwise permitted by this Ordinance, no space which for purpose of a use or building has been counted or calculated or included as part of a yard area or other space required by this Ordinance may be counted or calculated or included to satisfy the yard or other space requirements for any other use or building.

[Ordinance No. 265, 10/4/10]

Section 3.60 Projection into Yards by Architectural Building Features, Stoops, Decks, Balconies, and Window Awnings

a) **Projection into Yards** - Provided they do not pose a threat to the public health, safety, welfare, or damage to adjoining properties, certain architectural features and structures may project into required yards. The most extreme (outward) point of the feature and/or structure shall be used when measuring the permitted yard encroachment. In all instances, projections shall be subject to review and approval by the Zoning Administrator. In making a determination of approval, the Zoning Administrator may consult with the Building Inspector, Fire Chief, or other individuals for purposes of determining potential impacts on the public health, safety, welfare, or damage to adjoining property.

b) **Cornices, Eaves, Gutters, Building Overhangs, Chimneys, Pilasters and Similar Features** - may project into required yards as follows:

1) Three (3) feet into a required front yard.

2) Five (5) feet into a required rear yard.

3) Two (2) feet into a required side yard.

c) **Unenclosed Stoop, Deck, Balcony, or Window Awning** - may project into required yards as follows:

1) Five (5) feet into a required front yard.

2) Ten (10) feet into a required rear yard. [See also d) and e) following.]

3) Steps and Landing Only - Steps and an adjoining landing, the landing not to exceed three (3) by three (3) feet, may project into a side yard if located directly off a main floor exterior door. The projection shall be at least three (3) feet from the side lot line.

d) **Stoop or Deck Enclosed by Privacy Fencing** - may project up to ten (10) feet into a required rear yard subject to the following restrictions (see Figure 3-1):

1) The stoop or deck shall be attached to, or within twelve (12) inches of, the principal dwelling.

2) The enclosure shall be designed and constructed as privacy fencing, as opposed to an enclosed seasonal or year round living space such as an enclosed porch, sunroom, family room, etc.

3) The privacy fencing may be covered by a roof type structure or covering, provided, a minimum gap of two (2) feet between the roof or covering and fence shall be maintained, except for the exterior wall of the home to which the roof structure or covering is attached or abuts. No more than twenty (20) percent of the required gap may be blocked by roof supports or other structural elements.

4) The height of the privacy fence located on deck shall not exceed:

   a. Six (6) feet for a deck located off the first floor.

   b. Five (5) feet for a deck located off a second story.

   c. Four (4) feet for a deck located above a second story.

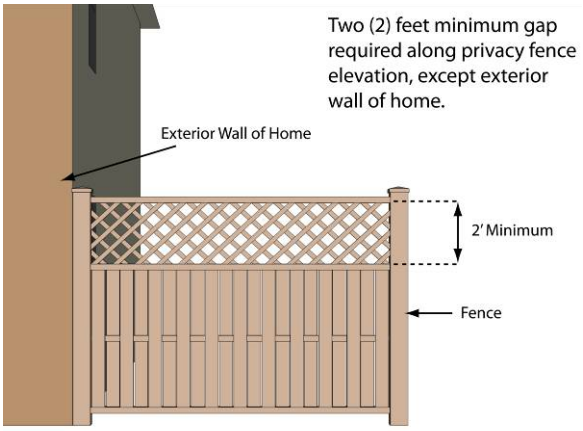


Figure 3-1: Privacy Fencing around Stoop or Deck

5) The above projection distance shall include any eve, gutter, or similar device or feature which may be attached to the stoop, deck, roof, or covering.

e) **Low Level Rear Yard Decks and Patios**

1) Low Level Rear Yard Deck. A low level deck located in the rear yard may cover the yard subject to the following restrictions:

   a. The deck shall be subject to site plan review and approval by the following party:

      1. Deck covering up to fifty (50) percent of the rear yard - by the Zoning Administrator.

      2. Deck covering more than fifty (50) percent of the rear yard - by the Planning Commission.

   b. The deck surface shall not exceed twelve (12) inches above ground height.

   c. The deck shall be at least three (3) feet from any side or rear lot line.

   d. No portion of the deck located in a required yard area may contain a roof, provided, however, a permitted accessory structure located on a deck such as a pool shower area, changing room, sauna, utility building, and other permitted accessory building may possess a roof.

   e. An accessory building placed on the deck shall be constructed of materials similar to that of the deck. For determining height, the height of the accessory building shall include any distance between the building and ground surface.

   f. Adequate provisions shall be made to ensure the proper handling of surface water. The deck shall not result in damage to adjoining properties as a result of modifications to normal surface water drainage patterns.

   g. In granting approval, the Zoning Administrator or Planning Commission may require additional conditions including, but not limited to, perimeter landscaping; restrictions on the design, placement, and use of an accessory building; and, reduction in deck height and/or yard area coverage.

2) Patio Setbacks. Patios are subject to the following setbacks:

   a. When located in front and side yards: Front and side setbacks as required by Section

9.150.

b. When located in a rear yard: At least three (3) feet from any side or rear lot line. [Ordinance No. 305, 4-1-19]

f) **Building Code Requirements** - A yard projection permitted by Section 3.60 shall not violate any provisions of the City Building Code.

g) **Limits of Encroachment** - A projection must be at least three (3) feet from any public right-of-way.

Section 3.70 Mechanical Equipment - Roof and Ground Mounted

a) Except as noted under Section b), which follows, mechanical equipment, including water and gas meters; elevator housing; stairways; tanks; heating, ventilation, and air conditioning equipment (HVAC); and other similar equipment shall comply with the following standards:

1) General Provision - All such equipment, roof or ground mounted, shall be screened by a solid wall, fence, landscaping or architectural feature that is compatible in appearance with the principal building.

2) Roof Mounted - Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area.

3) Ground Mounted - Shall be placed in a non-required side or non-required rear yard.

b) The following shall be exempt from the above provisions:

1) Single-unit dwellings.

2) Two-unit dwellings.

3) Window air condition units.

c) No outdoor furnaces shall be installed or operated anywhere in the City of Ferrysburg [Ordinance No. 223, 6/6/05]

Section 3.80 Essential Public Services

a) The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district subject to the following review and approval procedures:

1) Review and Approval by Zoning Administrator - The Zoning Administrator shall have authority to review and approve essential public services buildings not exceeding a ground floor area of six hundred (600) square feet nor twelve (12) feet in height, and which do not possess an outside storage area. A site plan shall be submitted to the Zoning Administrator for review and approval. The site plan shall include those elements required by Article V. of this Ordinance, provided, however, the Zoning Administrator may waive any required site plan element which he/she determines is unnecessary to make a determination of conformity of the essential public services building with the character of the surrounding neighborhood and this Ordinance.

2) Review and Approval by Planning Commission - Essential public services buildings having a ground floor area exceeding six hundred (600) square feet or twelve (12) feet in height, all essential public services outdoor storage areas including any buildings associated therewith, and all sub-stations shall require site plan review and approval by the Planning Commission pursuant to the provisions of Article V. of this Ordinance.

b) All buildings and storage areas used for essential public services shall be designed, erected, and landscaped to conform harmoniously with the character of the surrounding neighborhood.

c) Communication towers shall comply with the provisions of Section 3.140 of this Ordinance.

Section 3.90 Fences, Walls, Gates, Screens, and Landscape - General Requirements and Intersection Visibility

a) **Front Yard** - Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the front yard of any zoning district shall exceed the following height limitations [Refer also to Paragraph i) of this Section regarding Clear Vision standards]:

1) Residential Districts - Three (3) feet.

2) Commercial Districts - Four (4) feet.

3) Industrial Districts - Six (6) feet.

[Ordinance No. 187, 3/4/02]

b) **Corner Lots** - On a corner lot in a residential district, a fence up to six (6) feet in height may be allowed upon or behind the required front yard setback within a secondary front yard only. The secondary front yard shall be a front yard other than the yard upon which the house faces. The Zoning Administrator shall determine which yard is the secondary front yard for the purposes of this Section (See Figure 3-2). [Ordinance No. 265, 10/4/10]

c) **Side and Rear Yard Height** - Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the side yard or rear yard in any zoning district shall exceed a height of six (6) feet, except that a security fence for a permitted industrial use may include a maximum of one (1) additional foot of barb wire.

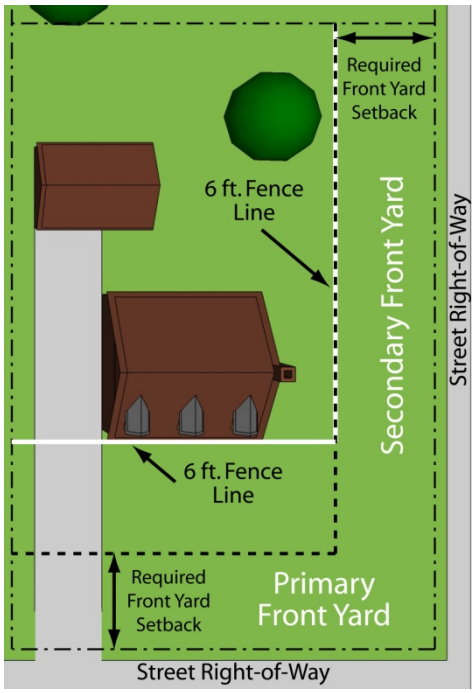


Figure 3-2: Fence Location in Secondary Front Yard on Corner Lots

d) **Waterfront Yard** – A fence, wall or screen in a waterfront yard shall be subject to the same requirements for front yards, as in Paragraph a), above, except for a swimming pool enclosure as required in this Section, shall be five (5) feet. [Ordinance No. 243, 03/03/08]

e) **Measuring Fence Height** - Fence height shall be measured from the grade (elevation) of the ground immediately below the location of the fence (see Figure 3-3). For purposes of this section, the grade associated with placement of a fence shall be defined as:

1) Fence Erected on Site Containing No Building or Structure - The grade shall be the naturally existing grade without modification.

2) Fence Erected on Site Containing Principal Building or Structure - The grade shall be the finished grade existing at the fence site after construction of the principal building or structure. For fence construction purposes, the grade shall be subject to approval by the Zoning Administrator.

[Ordinance No. 265, 10/4/10]

f) **Fence Placed on Retaining Wall, Berm, or Similar Feature** (see Figure 3-4) - A fence, or portion thereof, may be erected on a retaining wall, berm, or similar feature provided the combined height of the retaining wall, berm, or similar feature and fence shall not exceed the total allowable fence height as referenced under Items a) and b) above, or as noted in the following paragraph.

The Zoning Administrator may allow placement of a retaining wall and fence which, when combined, exceed the total allowable fence height as referenced above. This approval may occur when the Zoning Administrator determines that additional height is necessary to permit the placement of a retaining wall of sufficient height to stabilize a natural bank against which the retaining wall will be positioned. In granting approval, the Zoning Administrator shall determine that the additional height is needed for stabilization, as opposed to erecting an extended base for purposes of gaining fence height. The combined height of the fence and any portion of the retaining wall above the finished grade of the principal structure shall not exceed maximum fence height standards.

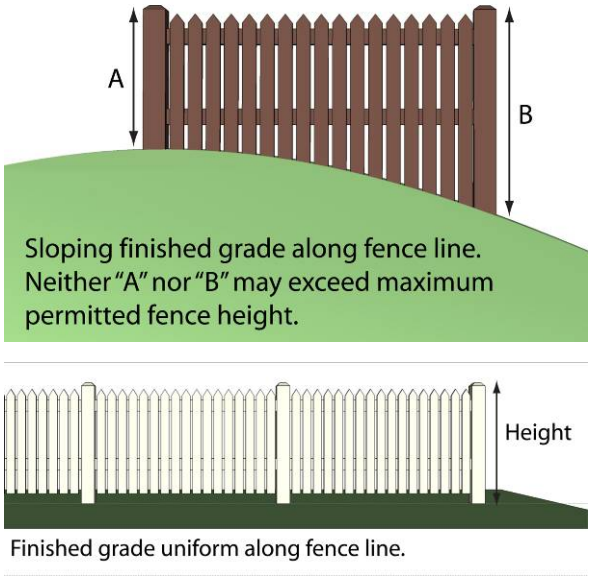


Figure 3-3: Measuring Fence Height

g) **Placement in Public Right-of-Way** - No fence, wall or screen shall be erected within any public right-of-way unless the placement is approved by the City Council.

h) **Proximity to Public Right-of-Way** - No fence, wall, or screen shall be placed closer than two (2) feet to a public right-of-way or public easement, provided, however, a greater distance may be required by the Zoning Administrator if necessary to secure public safety, provide opportunity for the efficient use and maintenance of infrastructure located within the public right-of-way, or for a similar public purpose or need.

i) **Clear Vision Area** - No fence, wall, screen or planting material greater than thirty (30) inches in height shall be erected or maintained in such a way as to obstruct the vision of motorists within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines. Alley and street intersections shall comply with the above standards, provided, however, the dimensional factor shall be ten (10) feet from the point of intersection with the right-of-way lines (see Figure 3-5).

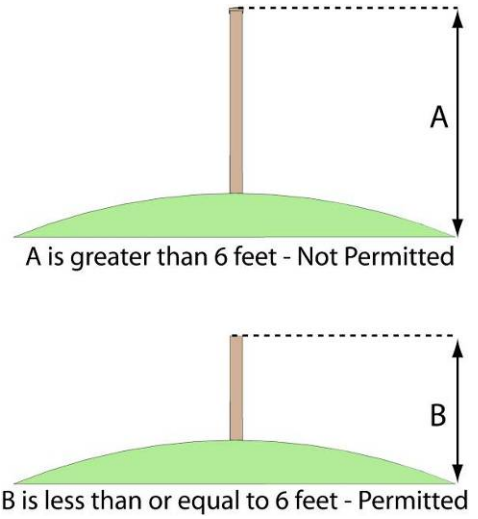


Figure 3-4: Fence Placed on Berm

j) **Clear Vision and Driveway Exiting** - No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.

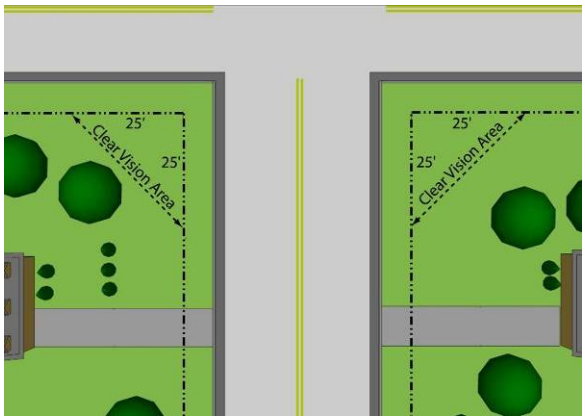


Figure 3-5: Clear Vision Area

k) **Property Line Location** - A fence shall not be placed on a shared property line or encroach onto adjacent property unless the applicant provides the Zoning Administrator evidence of written consent regarding the placement of the fence from the owner(s) of the abutting parcel(s). Otherwise, fences shall only be placed on the subject property and up to property lines. It is the applicant's responsibility to confirm the location of property lines by identifying property markers and corner irons or by confirming measurements based on a survey of the subject property prepared by a licensed professional surveyor. [Ordinance No. 316, 4/19/21]

l) **Electric Charge** - The use of electric current or charge on any ground surface or above ground fence or part thereof is prohibited. Electronic fences buried beneath the ground shall be placed at least three (3) feet from all lot lines and shall be subject to the provisions of the City Electrical Code.

m) **Wall, Fence, and Gate Design/Type and Animal Enclosure** - Walls and fences, including gates, shall be compatible with the neighborhood in which they are placed. Except as noted below, fence and gate designs and types commonly associated with agricultural, commercial, and industrial operations are prohibited in residential districts. Prohibited fencing and gates include, but are not limited to, livestock fencing such as barbed wire, cattle and horse fencing and gates, chicken wire, woven wire fencing, commercial and industrial security fencing, and fencing containing barbed wire, electrical charge, razor/knife blades, or other device.

Animal enclosures (e.g. dog pen) placed in a residential district shall be located in the rear yard, a minimum of three (3) feet from adjoining lot lines.

n) **Construction Material** -Walls and fences, including gates, shall be constructed of new, durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, vinyl, and fabric screening. However, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section and the character of the area in which the fence is to be placed, and as approved by the Zoning Administrator. Used material may be permitted subject to review and approval by the Zoning Administrator. Fences shall be maintained to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures. [Ordinance No. 313, 10/5/20]

o) **Fence Posts/Supports** - All fences shall be erected with fence posts and supports on the interior side. The finished side of the fence shall face the exterior of the lot. [Ordinance No. 265, 10/4/2010]

p) **Use of Landscape as Desired Alternative to Walls and Fences** - The use of existing natural vegetation and new vegetative landscape is encouraged in place of constructed walls and fences, or in combination with walls and fences.

q) **Fence Gaps** - Walls and fences required by the City for reasons of security and/or screening, or similar purposes, shall have no openings or discontinuances [e.g., gaps or other non-secured or non-screened breaks] except as may be approved by the Planning Commission.

r) **Fences for Swimming Pools** - All swimming pools shall be provided with a fence and self-locking gate. The fence and gate shall be no less than five (5) feet in height and shall be no more than six (6) feet in height. This provision shall not apply to hot tubs and spas, provided, however, all features shall meet the City of Ferrysburg building code requirements pursuant to access and safety. [Ordinance No. 186, 12/3/01]

s) **Fence Permit and Other Regulations Concerning Fence, Wall, and Landscape Requirements** - Erection of a fence shall require a fence permit and payment of necessary permit fee. (Refer also to regulations governing landscaping, buffers, architectural screens, and the like – Article 5, Site Plan Review). [Ordinance No. 309, 12/16/19]

t) **Temporary and Seasonal Fencing** - The erection of fencing for a temporary period of time including, but not limited to, construction site fencing, snow fencing, and other temporary or seasonal fencing shall be subject to review and approval by the Zoning Administrator.

Section 3.100 Principal Building, Structure and Use

No lot may contain more than one principal building, structure, or use, provided, however, this provision shall not apply to groups of multiple-unit apartment dwellings, commercial buildings, industrial buildings or other groups of buildings which have been determined by the Planning Commission or City Council after review, as based on the requirements of this Ordinance, to be a principal use collectively.

Section 3.110 Repair and Storage of Vehicles in Residential Districts

a) **Repair, Restoration, and Maintenance** - The carrying out of repair, restoration, and maintenance procedures on vehicles in any residential zoning district shall be subject to the following requirements:

1) Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building such that neither the vehicle nor any aspect of the repair shall be visible from off-site.

2) No repair shall occur within any portion of a front yard, including driveways, in excess of twenty four (24) hours, or forty eight (48) hours if located in a non-required side yard.

3) Inoperable and unlicensed vehicles, vehicle parts, packaging material, equipment, and other materials shall be stored inside an enclosed building such that the vehicles, vehicle parts, materials, and equipment shall not be visible from off-site.

4) The vehicular repair shall be of a non-commercial nature.

b) **Parking and Storage of Trucks and Construction Equipment**

1) It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semi-tractor trucks and semi-tractor trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction on the lot. This construction shall be based on issuance of a current building permit. All machinery and equipment shall be removed within one (1) week of the completion of construction, issuance of a certificate of occupancy, or expiration of the building permit, whichever occurs first. [Ordinance No. 313, 10/5/20]

2) On residential property, no more than one (1) commercial vehicle of no more than 10,000 pounds gross vehicle weight rating (GVWR) shall be parked at any one time. Commercial vehicles allowable on residential properties include passenger cars, mini-vans, sport utility vehicle (SUVs), utility vans, and pickup trucks. Box trucks, step vans, walk-ins, delivery vans,

utility trucks, and other similar or larger vehicles are prohibited from being parked on residential property. Commercial vehicles shall be parked no closer than three (3) feet from the public right-of-way. [Ordinance No. 313, 10/5/20]

c) **Parking and Storage of Commercial Vehicles in the Public Right-of-Way** - In any residential zoning district the use of public right-of-way for the parking and storage of semi-tractor trucks and semi-tractor trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery is prohibited, except as noted:

1) Delivery and Moving Operations - The temporary parking of semi-tractor trucks and semi-tractor trailers and other commercial trucks and vans may occur when directly associated with the short term delivery and/or pick-up of household goods and merchandise, mail delivery, moving of household goods, and similar operations associated with a use permitted in the underlying residential zone district. The temporary parking of vehicles shall be limited to the time necessary to complete the delivery and/or moving operation. Temporary parking in excess of forty-eight (48) hours shall be classified as vehicular storage and shall be prohibited unless authorization for a longer period of time as been obtained from the Zoning Administrator.

2) Construction Equipment - Subject to approval of the Zoning Administrator, the temporary parking and storage of semi-tractor trucks and semi-tractor trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery may be parked in the public right-of-way while in use for construction on a lot or parcel directly adjacent to the public right-of-way on which vehicles and equipment are to be parked. Said construction shall be based on issuance of a current building permit. All machinery and equipment shall be removed immediately upon completion of construction, issuance of a certificate of occupancy, or expiration of the building permit, whichever occurs first. Parking in the right-of-way shall not result in a vehicular or pedestrian safety hazard, nor shall said parking disrupt normal traffic and pedestrian flow patterns.

The above exceptions shall not overrule traffic safety and/or parking regulations in force by the City of Ferrysburg pursuant to the use of public streets and public right-of-way.

Section 3.120 Use of Yard Spaces and Other Open Areas for Storage of Machinery, Equipment, Junk, and Wood Impacting Residential Parcels

On any residential parcel no machinery, equipment, lumber piles, crates, boxes, junk, debris, or other materials shall be stored in any yard or open area that is visible from the street, public right-of-way, or adjoining residential property; provided, however:

a) **Temporary Placement of Machinery and Equipment Used for Building Activities** - Machinery, equipment, and supplies being used for on-site construction activity for which a current building permit has been issued may be stored on-site. All machinery, equipment, and supplies shall be removed within one (1) week of the completion of completion of construction, issuance of a certificate of occupancy, or expiration of the building permit, whichever occurs first.

b) **Wood Used for Home Heating** - Cut lumber and wood to be used for the heating of a home or accessory building may be stored outside in a rear yard, and rear and non-required front yard of a lake front lot, provided, the wood and lumber shall be neatly stacked, shall not harbor vermin or pests, shall be limited to no more than four full (4) cords, shall not exceed the maximum fence height for rear yards, and shall be a minimum of three (3) feet from an adjoining property line. Cut lumber and wood stored in the front yard of a lakefront lot shall be screened by landscaping, including the use of natural vegetation. In no case shall cut lumber and wood be stored any closer than 25 feet from public right-of-way. The wood or lumber shall be for the sole purpose of

heating a home or accessory building located on the site at which the wood or lumber is stored. This provision shall not include, nor permit, the commercial storage, commercial cutting, or sale of wood and lumber from a residential premises. [Ordinance No. 313, 10/5/20]

c) **Non-Commercial Compost Piles** - Compost piles may be constructed subject to the following provisions:

1) The pile shall be confined to the rear yard and at least three (3) feet from any adjoining lot line and no closer than 25 feet from public right-of-way.

2) The pile shall not be used for the placement of household garbage and trash and shall be maintained free of odors and rodents.

3) The pile shall be properly secured to prevent the off-site movement of leaves and other compost materials.

4) Commercial compost operations shall be restricted to those districts permitting same. [Ordinance No. 313, 10/5/20]

Section 3.130 Accessory Buildings, Structures and Uses

a) **Accessory to Principal Building, Structure, or Use** [Ordinance No. 315, 11/2/20]

1) Accessory buildings, structures, and uses are permitted only in connection with, incidental to, and on the same lot or parcel with a principal building, structure, or use. No accessory building, structure, or use may be placed on a lot or parcel without an existing or permitted principal building, structure, or use. In the case of commonly owned contiguous lots, accessory buildings and structures shall be placed on the same lot or parcel as the principal building, and setbacks from the shared lot lines shall be maintained. If an accessory building or structure is desired on a commonly owned contiguous vacant lot or parcel, the commonly owned properties shall be combined prior to seeking zoning and building approval.

2) Off-Site Accessory Buildings. Notwithstanding Section 3.130 a)1), an off-site accessory building may be constructed on a vacant lot or parcel of land in the R-4 zoning district within the IL-O if the property is located within 500 feet of a commonly owned waterfront lot or parcel on which a principal dwelling exists. Off-site accessory buildings are subject to the following requirements:

a. The use of the property and building is restricted to personal storage and general accessory residential uses. Commercial uses and storage are prohibited.

b. Off-site accessory buildings may not be used for living space unless converted to meet all applicable zoning requirements for single-unit dwellings.

c. Renting an off-site accessory building for storage or any other purpose is prohibited.

d. The off-site accessory building shall not exceed 720 square feet in size, and plans shall conform to lot coverage requirements.

e. Principal building setbacks shall apply to off-site accessory buildings in accordance with Section 9.150. However, if the long-term plan is to accommodate the future placement of a principal dwelling on the property, the Planning Commission may approve accessory building setbacks for the off-site accessory building. In its review, the Planning Commission will assess the future building plans and the applicant's proposal with consideration of the potential impact on adjacent properties and the character of the neighborhood to ensure compatibility.

f. In a case where a future dwelling is planned, the applicant shall demonstrate that the

off-site accessory building will not become nonconforming or cause any other zoning compliance issues. If future building plans change so that compliance is not possible, the off-site accessory building shall be decreased in size or removed prior to the permitting of a principal dwelling for the site.

g. The lot or parcel upon which the off-site accessory building is proposed, and the lot or parcel upon which the principal dwelling is located, shall be held in common ownership

h. A restrictive covenant that confirms the common ownership and prohibits the separate conveyance of either lot or parcel shall be recorded with the Ottawa County Register of Deeds prior to the issuance of a building permit for the off-site accessory building. The restrictive covenant may be lifted, and a lot or parcel may be sold separately, in any one of the following cases:

1. The off-site accessory building is demolished or removed from the site.

2. A building permit is issued, and construction commences on a principal dwelling on the lot or parcel on which the off-site accessory building exists.

b) **Zone District Requirement** - An accessory building, structure, or use must be in the same zoning district of the associated principal building, structure, or use.

c) **When Attached to a Principal Building or Structure** - Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure including, but not limited to, porches enclosed by walls or garages attached to a dwelling unit or other principal building in a substantial manner, such as a wall or roof, shall be deemed a part of the main building and shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses. [Ordinance No. 265, 10/4/2010]

d) **Use Requirement and Construction Standards, Including Temporary Accessory Buildings and Underground Storage Tanks** - No accessory building, structure, or use shall be utilized unless the principal structure to which it is accessory is occupied or utilized. Accessory buildings shall be stick-built or of equivalent new building construction. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:

1) Bonafide agricultural storage buildings or activities.

2) Tool sheds or similar temporary storage structures used pursuant to the construction of a building, so long as the period of construction does not exceed two (2) years. All such structures shall be removed prior to issuance of a Certificate of Occupancy.

3) Underground storage tanks accessory to a permitted use. All tanks, including the operation of same, shall meet all State and Federal permitting and monitoring requirements.

e) **Flags and Flagpoles**

1) Flags shall only be affixed to temporary or permanent flagpoles in accordance with this section.

2) Temporary Flagpoles and Flags. Building, structure, or yard mounted temporary flags are subject to the following requirements. In the case that a flagpole is structurally affixed to a building or structure in a permanent manner, the requirements are the same as for temporary flagpole and flag mounting on buildings or structures.

Temporary Flagpole and Flag Mounting Requirements		
	Principal Use of Lot or Parcel	
Requirement	**Residential**	**Non-Residential**
Maximum number of flags	2	One (1) per 25 feet of road frontage per lot or parcel
Maximum length of flagpole (ft.)	6	6
Maximum mounting height for building mounted flags	No higher than the highest point of the building on which it is mounted	
Minimum setback of any part of the flagpole or flag from property lines (ft.)	10	10
Maximum flag size (s.f.)	15	15

3) Permanent Flagpoles and Flags.

a. Permanent flagpoles and attached flags are subject to the following requirements.

Permanent Flagpole and Flag Mounting Requirements		
	Principal Use of Lot or Parcel	
Requirement	**Residential**	**Non-Residential**
Maximum number of freestanding flagpoles mounted on the ground	1	One (1) per 50 feet of road frontage per lot or parcel
Maximum height (ft.)	35	35
Minimum setback of flagpole from property lines (ft.)	10	10
Maximum area of all flags on a flagpole (s.f.)	30	60
Maximum number of flags per flagpole	2	2

b. Height. The height shall be measured from the point at which the pole intersects with the ground (at finished grade) to the uppermost part of the pole, including any attachments or embellishments thereto. In the event the flagpole is placed on a raised foundation such as a raised cement pad, fence, constructed berm, architectural feature,

or other constructed structure or feature, the height of the pole shall include the height of the raised foundation as measured from the elevation of the finished grade of the ground surface prior to placement of the raised foundation. (See Figure 3-6).

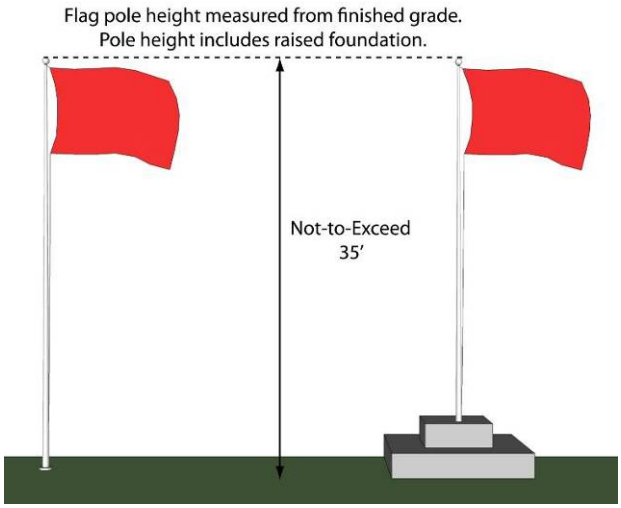


Figure 3-6: Flag Pole Height

4) Material and Maintenance. Flags shall be of durable and weather-resistant material. Flags shall be maintained to ensure they remain free of deficiencies and firmly fastened to a permanent flagpole or temporary flagpole.

5) Commercial Advertising and Messages. Flags in residential zoning districts and residential property shall not be used to commercial advertise any product, service, or business.

6) A zoning or sign permit is not required for flags. Building permits for permanent flagpoles may apply.

[Ordinance No. 322 5/2/22]

f) **Residential Districts - Additional Accessory Building Standards for Residential Districts** (Refer also to Sub-Section "g", following, for information concerning waterfront lots) - In addition to the above:

1) Yard Location (see Figure 3-7):

a. Unless otherwise provided for by this Ordinance, no detached accessory building, structure or use shall be erected or placed within any front yard, or within a side yard unless located behind the rear dwelling line.

b. An accessory building, structure, or use shall be a minimum of ten (10) feet from the principal dwelling, provided, however, a breezeway may be constructed in the required ten (10) feet isolation distance connecting an accessory building with the dwelling

c. An accessory building, structure, or use shall be at least three (3) feet from any side or rear lot line.

d. On corner lots, no accessory building, structure, or use shall encroach on the required front yard setback of an adjoining property (as though the setback were extended onto the subject property).

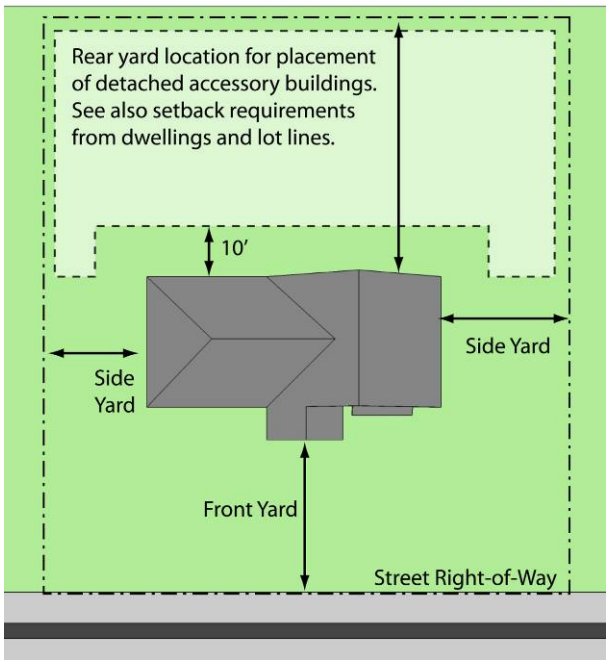


Figure 3-7: Accessory Building Yard Location

e. In no case shall accessory buildings and structures be set back less than 25 feet from any public right-of-way. [Ordinance No. 313, 10/5/20]

f. Notwithstanding the requirements of subparagraphs a-e, accessory structures such as birdbaths, planting boxes, compost bins, fences, and other common yard ornaments or decorations are not subject to setback requirements, provided they do not exceed 30 inches in height. [Ordinance No. 313, 10/5/20]

2) Attached Garage - An attached garage may be erected to extend beyond the front building line of the dwelling if the garage has been designed as an integral part of the dwelling and will be constructed of materials architecturally and aesthetically compatible with the dwelling. In no instance, however, shall the garage extend beyond the required front yard setback line. All other setbacks must be consistent with those required for the dwelling to which the garage is attached.

3) Number of Buildings - No more than two (2) detached accessory buildings shall be permitted on any lot, provided, however, dog pens and similar animal enclosures, swimming pools, satellite dish antennas, towers and antennas, and decks shall not be counted when determining the maximum number of permitted buildings or structures.

4) Height - The maximum building height of any detached accessory building shall be fourteen (14) feet.

5) Area - Unless otherwise provided for by this Ordinance, the total square footage of all accessory buildings located on a lot shall not exceed forty (40) percent of the rear yard area or 40% the ground floor area on the largest floor in the principal building located on the lot, whichever is less. Pursuant to the above calculation:

a. A basement shall not be considered a floor for purposes of this section.

b. The floor area of the principal building shall not include areas devoted to an attached garage, attached carport, unenclosed porch or deck, or other similar attached feature which is customarily not considered part of the dwelling unit living area. [Ordinance No. 210, 5/3/04]

6) Stable or Kennel - A stable or kennel shall not be erected as an integral part of the principal building.

7) Design and Construction - Accessory buildings shall be designed and constructed consistent with the character of the principal use.

8) Required Garage or Storage – In residential districts, all new single-unit dwellings and two-unit dwellings shall have one (1) attached or detached one-car garage space per dwelling unit or at least 100 square feet of attached or detached storage space with exterior access.

g) **Residential Waterfront Lots** - Due to the unique characteristics of waterfront lots, some deviation from the standards outlined under Sub-Section "f", above, shall be permitted for lots having frontage on a body of water. These are:

1) Front Yard (between the dwelling and the street)

a. Detached Garages- A detached garage, no less than twelve (12) feet by eighteen (18) feet may be placed in the non-required front yard, between the dwelling and the street. A detached garage shall be set back from a side lot line the same distance as required for the principal dwelling.

b. Other Accessory Buildings One (1) accessory (storage) building (not including the garage) may be placed in a non-required front yard between the dwelling and the street if located at least twenty-five (25) feet from the front yard (street) right-of-way line. Accessory buildings shall be set back from a side lot line the same distance as required for the principal dwelling. Accessory buildings so positioned shall be screened in order to reduce the open views of the buildings from off-site, with particular attention given to screening

that mitigates open views from properties whose front yards face the street side front yards of waterfront parcels.

The illustrations (Options A-D, see Figure 3-8) depict options associated with placement of accessory buildings in the front yard of a waterfront lot. In each case, open views of accessory buildings have been partially shielded through use of a permitted garage, screening, and/or landscaping. The Zoning Administrator shall be authorized to review and approve alternative screening designs, provided that the designs comply with the intent of this section.

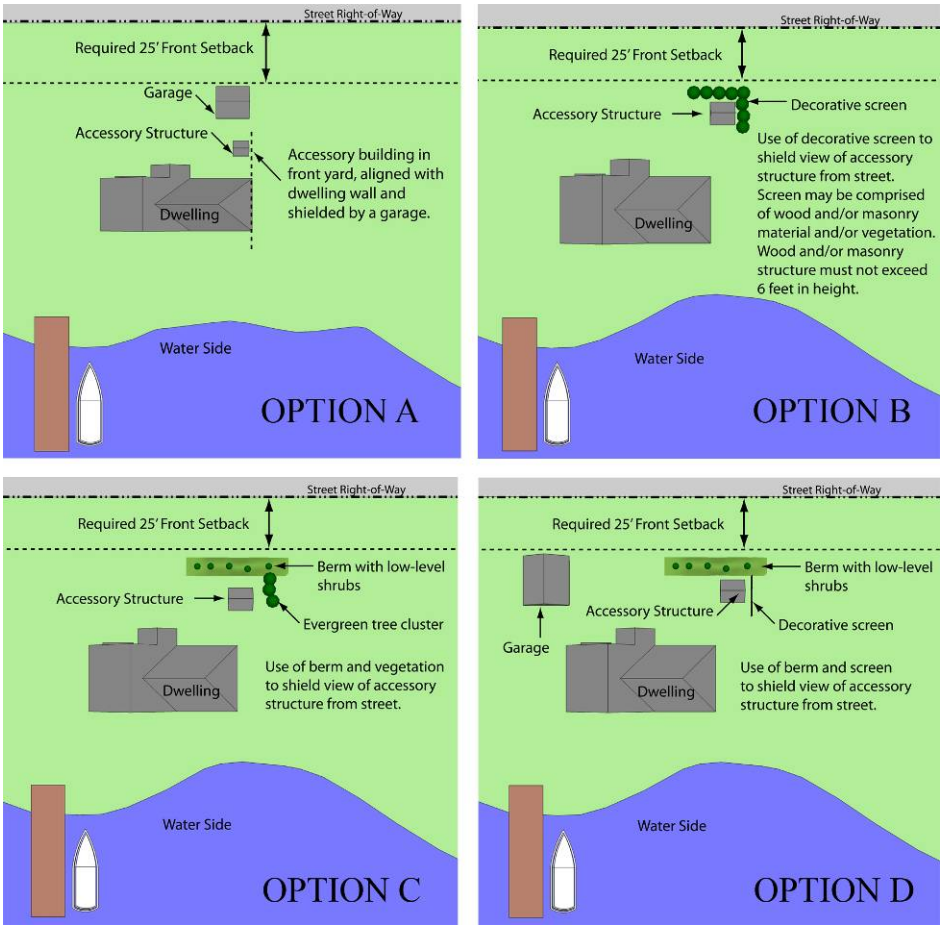


Figure 3-8: Waterfront Lot Accessory Structure Front Yard Options

2) Waterfront Yard (see Figure 3-9):

   a. The maximum building height of any detached accessory building in the waterfront yard shall be twelve (12) feet.

   b. The total ground floor area in square feet of any detached accessory structure in the waterfront yard shall not exceed one-hundred (100) square feet or two-hundred percent (200%) of the lot width on the waterfront, whichever is greater. For example, a lakefront

lot that is 100 feet wide may have a 200 square-foot accessory building. In no case, however, shall the ground floor area of an accessory structure be greater than forty percent (40%) of the ground floor area on the largest floor of the principal dwelling, pursuant to Sec. 3.130, f), 5, above.

c. Accessory buildings shall be a minimum of thirty (30) feet from the water line, and no less than ten (10) feet from an adjoining side lot line.

3) Boat Houses: Boat houses are prohibited.

[Ordinance No. 244, 04/21/08]

h) **Multiple Front Yards and Accessory Building Setback** - Unless otherwise provided for by this Ordinance, lots with multiple street frontage shall consider each frontage as a front yard for purposes of determining accessory building setback.

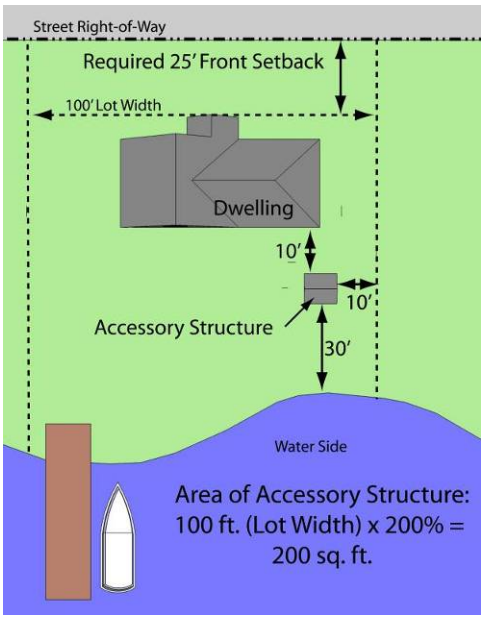


Figure 3-9: Accessory Structure in the Waterfront Yard

i) **Boat lots** shall be subject to the following regulations:

1) Owner Use - The use of a boat lot shall be limited to the owners and guests of the boat lot. Boat lots shall not be used for keyhole purposes or the general public.

2) Parking of Vehicles and Placement of Tents - Except for the temporary loading and unloading of water craft, boat lots shall not be used for the parking or placement of vehicles, trailers or tents.

3) Trailers shall not be stored on the boat lot during the boating season or at other times.

4) Use, Area, Height and Setback Restrictions:

a. Permitted Uses - Boat lots may be used for the placement of open decks, boat docks, stairs and board walks, and erosion control measures.

b. Lot Area - A boat lot shall possess not less than 1,000 square feet of lot area.

c. Height - No structure shall exceed a height of twelve (12) inches above the highest level of the adjoining street or street right-of-way, whichever is greater, unless approved as a Special Use.

Decks and other structures exceeding twelve (12) inches in height may be considered by the Planning Commission as a Special Land Use subject to the provisions of Article 4 of this Ordinance.

d. Setbacks:

1. Street Side and Side Yards - Along the street side and side yards, all structures located on land shall maintain setbacks equal to the setbacks required of the principle structure located on the parent parcel, unless approved as a Special Use.

The required setbacks of permitted structures may be reduced to not less than ten (10) feet from the adjoining street right-of-way and three (3) feet from side lot lines when approved by the Planning Commission as a Special Land Use subject to the provision of Article 4 of this Ordinance.

2. All structures may extend to the normal high water mark as established by the United States Corps of Engineers, provided, however, a dock and boardwalk serving a dock

may extend beyond the normal high water mark. This boardwalk shall not exceed six (6) feet in width.

3. No dock or associated boardwalk shall encroach on water related side lot lines (represented by the imaginary extension of side lot lines of the boat lot over the water's surface), provided, however, adjoining boat lots under separate ownership may share a common dock and boardwalk resulting in the encroachment.
4. All shoreline and water encroachments as provided for by these regulations shall not supersede more stringent State or Federal standards.
5. Erosion control measures may be placed as approved by the Michigan Department of Natural Resources and Environment or United States Corps of Engineers.

5) Fencing - Boat lots shall not possess fencing.

6) Camping - Boat lots shall not be used for overnight camping.

7) Landscaping - All areas of a boat lot not used for the placement of structures shall be landscaped, provided, however, landscaping shall not prevent water oriented views through the boat lot from off-site (e.g. from adjacent properties and public rights-of-way).

8) Dividing of Boat Lots - No boat lot may be divided for purposes of creating additional boat lots unless all resulting boat lots comply with the provisions of this Ordinance. [Ordinance No. 202, 8/7/03]

j) Accessory Buildings in Non-Residential Zoning Districts - There are no limitations or requirements for accessory buildings in non-residential zoning districts beyond the requirements of Section 9.150 and any other applicable zoning requirement. [Ordinance No. 313, 10/5/20]

k) Sharing Boxes. Sharing boxes may be established on lots and parcels with principal dwellings. Sharing boxes are exempt from all other requirements of Section 3.130, but shall require zoning permit approval and compliance with the following requirements:

1) Maximum interior storage area: Four (4) cubic feet.

2) Maximum height: Five (5) feet.

3) Maximum number: One (1) per lot or parcel.

4) Location: Sharing boxes shall not be placed within the public right-of-way and shall be set back no more than five (5) feet from the public right-of-way. Sharing boxes shall be set back from all other property lines a minimum of 10 feet.

5) Design: Sharing boxes must be water-tight and include a functioning door to protect the contents from the elements. Sharing boxes shall be mounted on a single six-by-six (6x6) inch post, and roofs of the structures shall be pitched. Sharing boxes shall be constructed of painted or stained wood, metal, or any other durable material. Sharing box identification is required, and text and associated logos shall not exceed 72 square inches.

6) Traffic Safety: Sharing boxes are limited to properties that front local residential City streets and other streets with sidewalks on the same side as the subject property. A sharing box shall be denied when, in the opinion of the Zoning Administrator, the proposed location will result in a traffic safety issue or concern. Should a future traffic or safety issue arise after placement, the sharing box shall be removed upon notification from the City. [Ordinance No. 313, 10/5/20]

Section 3.140 Wireless Communications Facilities, Amateur Radio Service, Satellite Dishes, and Other Antennas

a) **Intent** - It is the intent of the following regulations to accommodate the changing communication needs of residents and businesses while protecting the public health, safety, and general welfare of the City. As such, these regulations recognize the need to provide opportunity for various forms of personal and business communication systems, many of which are experiencing change as a result of technological advances.

b) **Applicability and Permitting**

1) Wireless Communications Facilities. Where allowable, all new and expanded wireless communication facilities shall require a special land use permit (wireless communication towers and wireless communication tower buildings). The Ferrysburg City Council shall have final review authority regarding all special land use requests for wireless communication facilities. However, wireless communications facilities are a permitted use of property and are not subject to zoning approval if all the following criteria are met:

   a. The wireless communications equipment will be collocated 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 this Ordinance or was approved by the City.

   c. The proposed collocation will not do any of the following: increase the overall height of the wireless communications support structure by more than 20 feet or 10 percent of its original height, whichever is greater; increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation; or increase the area of the existing equipment compound to greater than 2,500 square feet.

   d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the City.

2) Amateur Radio Service, Satellite Dishes, and Other Antennas. All new and expanded antennas and all new satellite dishes greater than one (1) meter in diameter require a zoning permit prior to establishment. New satellite dishes less than one (1) meter in diameter may be established without a zoning permit.

c) **Requirements for Amateur Radio Service, Satellite Dishes, and Other Antennas**

1) Amateur Radio Service. Amateur radio service station antenna structures that are owned and operated by a federally licensed amateur radio station operator are permitted on all properties, provided the overall structure height is no more than the distance from the base of the antenna to the nearest lot line.

2) Satellite Dishes and Other Antennas. Antennas used for reception of television, multi-channel video programming, and radio, such as over-the-air reception devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas, are permitted on all properties, provided the height is no more than the distance from the base of the antenna to the nearest property line.

3) The Zoning Administrator may, at their reasonable discretion, approve modifications to the height restriction for antennas if necessary to comply with federal law.

4) This subsection does not apply to wireless communication facilities.

d) **Location, Number, and Dimensional Requirements for Wireless Communications Facilities**

Location, Number, and Dimensional Requirements for Wireless Communications Facilities					
Zoning District	**Maximum Number Permitted**	**Maximum Tower Height**	**Minimum Tower Setback**	**Minimum Tower Separation**	**Other**
S, CC, GC, LI-3	3 between all districts	75 feet	At least 100% of the height of the wireless communication tower	N/A	May be a principal or accessory use of property
LI-1, PI	1 greater than 75 feet and 3 that are 75 feet or less	250 feet, but up to 300 feet if justified by the applicant and determined to be appropriate by the review authority based on the standards and requirements of this section and special land use standards of approval.	At least 100% of the height of the wireless communication tower 75% of the height of the wireless communication tower measured from commercial district lot lines when design to collapse downward	If greater than 75 feet in height, 500 feet from any existing residential dwelling	May be a principal or accessory use of property
LI-2	1 greater than 75 feet and 3 that are 75 feet or less	300 feet	At least 100% of the height of the wireless communication tower 75% of the height of the wireless communication tower measured from commercial district lot lines when design to collapse downward	If greater than 75 feet in height, 500 feet from any existing residential dwelling	May be a principal or accessory use of property

e) **Application Requirements for Wireless Communications Facilities** - Applicants shall submit an application and fee prior to consideration of a request. Application forms and fee schedules shall be available from the Office of the Zoning Administrator. In addition to the site plan and special land use information (as applicable) required elsewhere in this Ordinance, applications for wireless communication towers (one hundred (100) feet in height or greater shall include the following information, provided, however, the City may require this information for wireless communication towers and antennas of less height if necessary to determine compliance with the provisions of this Ordinance:

1) Engineer's Report - A report from a qualified and licensed professional engineer registered in the State of Michigan which:

   a. Describes the wireless communication tower height and design including a cross section and elevation.

   b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.

   c. Describes the wireless communication tower's capacity, including the number and type of antennas it can accommodate.

   d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications.

   e. Documents that the wireless communication tower will comply with City Electrical and Building Code requirements.

   f. Proof that the wireless communication tower complies with regulations administered by the Federal Aviation Administration.

   g. Includes the Engineer's professional seal and registration number.

   h. For placement of wireless telecommunication antennas on roofs, walls, and existing wireless communication towers, the Engineer's Report shall include detail on the existing structure or wireless communication tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the wireless communication tower. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

   i. Other information necessary to evaluate the request.

2) Service Area Coverage and Height Justification - Existing and projected service area maps, prepared and certified by a qualified Radio Frequency (RF) Engineer, demonstrating current coverage conditions and the anticipated service improvements resulting from the proposed wireless communication facility shall be provided. The maps and accompanying narrative shall:

   a. Identify existing coverage gaps, capacity constraints, and reliability issues within the service area.

   b. Demonstrate by map modeling how the proposed facility and requested wireless communication tower height will improve service reliability, enhance network capacity, and reduce or eliminate identified coverage gaps.

   c. Illustrate why the proposed wireless communication tower height is the minimum necessary to achieve the stated service objectives.

   d. Identify nearby existing wireless communication towers and explain why co-location, alternative locations, or reduced wireless communication tower heights are not feasible or would not provide comparable service improvements.

3) Letter of Intent to Shared Use of Wireless Communication Towers - For all wireless communication towers in excess of one hundred (100) feet, a letter of intent committing the tower owner and his or her successors to allow the shared use of the wireless communication towers if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

f) **New Towers and Co-Location Requirements for Wireless Communications Facilities** - Any proposed wireless communication tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least four (4) additional users. Wireless communication towers must be designed to allow for future rearrangement of antennas upon the wireless communication tower and to accept antennas mounted at varying heights. [Ordinance No. 265, 10/4/2010]

g) **Tower Construction and Design Requirements for Wireless Communications Facilities** - All wireless communication towers shall comply with the following construction and design requirements:

1) Building Codes - All wireless communication towers erected, constructed, or located in the City, and all structural elements and wiring therefore, shall comply with the Building Codes of the City of Ferrysburg.

2) Color and Architectural Treatment - Wireless communication towers and antennas shall be designed to blend into the surrounding environment through use of color and camouflaging architectural treatment, except in instances where the color and treatment is dictated by federal or state authorities.

3) Monopole Design - Wireless communication towers shall be of monopole design unless the City determines that an alternative design would enhance the blending of the wireless communication tower with the surrounding environment. Alternative designs may be approved provided the applicant provides written certification from a qualified and licensed professional engineer registered in the State of Michigan detailing the reasons (design, construction, and otherwise) for replacement of a monopole design with an alternate design.

4) Lighting - Wireless communication towers shall not be illuminated by artificial means and shall not display strobe lights unless the lighting is specifically required by state or federal authority. When incorporated into the approved design of the wireless communication tower. light fixtures used to illuminate parking lots or similar areas may be attached to the wireless communication tower.

5) Signs and Advertising - The use of any portion of a wireless communication towers for signs other than warning or equipment information signs is prohibited.

6) View Impact - A proposed wireless communication tower shall not unreasonably interfere with the view from any public park, natural scenic vista, historic building or district, or major view corridor.

7) Accessory Utility Building - All utility buildings and structures accessory to a wireless communication tower shall be architecturally designed to blend with the surrounding environment and shall meet the minimum setback requirements of the underlying zone district.

8) Fencing and Landscaping:

a. Fencing – Wireless communication facilities shall be properly secured to prevent unauthorized access. The base of the wireless communication tower shall be fenced and gated. The gate shall be locked at all times, except during those periods in which the wireless communication facility is occupied by individuals authorized to enter same.

All guy wire and other supports shall be fenced or otherwise properly shielded to prevent injury to the public and local fauna. The City may require additional fencing along the perimeter of the site, or any portion thereof, if determined necessary for the public health, safety, or welfare. At the discretion of the City, the perimeter fencing may substitute for fencing to be located at the base of the wireless communication tower. The fence and gate shall be six (6) feet in height and of cyclone design, or as approved by the City.

b. Landscaping - Landscaping shall be placed along the exterior side of the security fence (refer to above sub-section). The landscaping shall consist of at least two (2) species of hardy evergreen trees which shall be no less than five (5) feet in height at time of planting and having the potential to reach a minimum height of twenty (20) feet at maturity. The trees shall be spaced at intervals no greater than twenty (20) feet on-center, provided, however, the City may require an increase in density in order to mitigate the visual impacts of the wireless communication tower base and any wireless communication tower buildings and equipment. Where feasible, natural vegetation shall be maintained and integrated into the overall landscape design.

c. Alternatives - The City may consider alternatives to the above fence and/or landscape design criteria, including non-vegetative screening, provided, an alternative fence and/or landscape and/or non-vegetative screen shall equal or exceed the above standards. In all cases, the design shall reflect and compliment the architectural character of the surrounding neighborhood.

h) **Co-Location Requirements for Wireless Communications Facilities** - All wireless communication towers erected, constructed, or located within the City shall comply with the following co-location requirements:

1) Search Radius - A request for a new wireless communication facility shall not be approved unless the City Council finds that the telecommunication equipment planned for the proposed wireless communication towers cannot be accommodated on an existing or approved wireless communication towers or building within the following search radius:

Tower Height (Feet)	Required Search Radius (Feet)
Under 100 Feet, or Greater than 20 Feet if Located on a Building	1,320 Feet
100 Feet to 200 Feet	2,640 Feet
Greater than 200 Feet	5,280 Feet

2) Required Factors to Demonstrate Inability to Co-Locate - An applicant must demonstrate that an available existing or approved wireless communication towers or building within the above search radius is not capable of supporting the proposed wireless communication towers due to one (1) or more of the following reasons:

a. The planned equipment would exceed the structural capacity of the existing or approved wireless communication tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved wireless communication tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communication tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

c. Existing or approved wireless communication towers and buildings within the search

radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved wireless communication tower or building.

i) **Abandoned or Unused Wireless Communications Facilities** - Abandoned or unused wireless communication facilities shall be removed as follows:

1) Removal and Extension Periods - All abandoned or unused wireless communications facilities shall be removed within twelve (12) months of the cessation of operations at the site, provided, however, an extension of twelve (12) months may be granted by the City, subject to receipt of a written request by the applicant outlining the reasons for the extension and detailing the proposed method for making the wireless communications facilities operational within the extended time frame. The request for extension and processing fee shall be submitted to the Zoning Administrator prior to the end of the twelve (12) month cessation period. The Zoning Administrator shall forward the application to the party responsible for the original approval. At their next regular meeting, the party may approve, approve with conditions, or deny the request. In the event original approval was authorized by the Zoning Administrator, the Administrator shall process the request within seven (7) working days after receipt of the written request for extension.

2) Removal of Wireless Communications Facilities on Leased or Rented Sites - For wireless communications facilities located on leased or rented sites, the signed lease shall include language requiring the applicant (the lessee) to remove the wireless communications facilities within a period no greater than twelve (12) months after cessation of operations at the site. The City shall be provided with the relevant portions of the signed lease which requires the applicant to remove the wireless communications facilities as required above. Nothing in this section, however, shall prevent the property owner (lessor) from requiring a more stringent removal time frame.

3) City Removal of Wireless Communications Facilities - In the event an abandoned or unused wireless communication facility is not removed as provided for by this Ordinance, the wireless communications facilities may be removed by the City, with the cost of the removal assessed against the property.

4) Removal of Portion of Wireless Communications Tower Previously Holding an Antenna - Unused portions of wireless communications tower above a manufactured connection which previously held an antenna shall be removed within twelve (12) months of the time of antenna relocation.

j) **Interference with Public Safety Telecommunications** - No new or existing telecommunications service shall interfere with public safety telecommunications. The City may require applications for new service to be accompanied by an Intermodulation Study which provides a technical evaluation of existing and proposed transmission and indicates all potential interference problems. In the event this study is required, before the introduction of new service or changes to existing service, telecommunication providers shall notify the City at least thirty (30) days in advance of such changes and allow the City to monitor interference levels during the testing period.

Section 3.150 Temporary Buildings and Structures

Temporary Buildings and Structures - Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on the lot, subject to the following restrictions:

a) **Use** - Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste or fuel facilities, related to construction activity on the same lot.

b) **Dwelling Prohibition** - No temporary building or structure shall be used for dwelling purposes.

c) **Building Permit Required** - A building permit for the building or structure shall be required prior to the placement of same.

d) **Placement** - The placement of a temporary building or structure shall be subject to review and approval by the Zoning Administrator.

e) **Removal** - Temporary buildings and structures shall be removed from the lot within one (1) week of the completion of construction, issuance of a certificate of occupancy, or expiration of the building permit, whichever occurs first.

Section 3.160 Streets, Street Frontage, Street Access, Driveway Location, Driveway Surface Standards, Sidewalks, and Paths

(Refer also to Parking and Loading - Article 6)

a) **Required Street Frontage** - Any lot created after the effective date of this Ordinance shall have frontage upon a public or approved private street which complies with the City of Ferrysburg requirements. For cul-de-sac lots, minimum required street frontage is 50'. For all other lots, the minimum street frontage requirement is equal to the minimum required lot width.

[Ordinance No. 273, 12/19/11; Ordinance No. 283, 10/6/14]

b) **Design Requirements** - All public and private streets shall meet the road design and construction standards of the City of Ferrysburg.

c) **Driveways** [Ordinance No. 313, 10/5/20]

1) General - The number and location of driveways providing direct access to a public or private street shall not exceed those which have been determined by the Zoning Administrator to be necessary for proper and efficient traffic flow and for the safety of pedestrians and motorists. In making this determination, the Zoning Administrator shall consider the expected trip generation of the use served by the driveways, the posted speed limit on the street, the proximity of intersecting streets and driveways, and other applicable circumstances. [Ordinance No. 265, 10/4/10]

2) Driveway Location and Parking Limitations:

a. Residential (Single-Unit Dwellings and Two-Unit Dwellings):

1. Single-Unit Dwellings - Driveway shall be permitted in the front, side, and rear yards subject to the following:

i. Unless otherwise provided for, a driveway and any connected pad shall be at least three (3) feet from a side lot line.

ii. Any portion of the driveway located in a front yard shall not exceed twenty-five (25) feet in width, provided, however, that portion of the driveway abutting the garage or carport may be of a width equal to the front width of the garage and of sufficient depth to support placement of single row of vehicles, plus sidewalk area for pedestrian circulation. The taper, which decreases the driveway width, shall begin no more than 20 feet from the front of the garage. The driveway shall decrease to no more than 25 feet in width within 20 feet of the beginning of the

taper, or at the public right-of-way, whichever is less.

iii. The driveway may include an attached turn-out pad in the front yard for purposes of allowing vehicles exiting a garage, carport, or driveway to back-up (reverse direction) in order to permit forward entry on to the street. Turn-out pads shall not exceed 10 feet in width and 18 feet in depth, shall not serve as a parking space, and shall be set back at least 25 feet from the right-of-way.

iv. The driveway shall be positioned on the site such that access to the garage or carport is direct. In the event a garage or carport does not exist, the orientation of the driveway shall be to the rear yard.

v. Unless otherwise provided for by this Ordinance, the on-site parking of vehicles shall be restricted to the driveway and, as available, an associated garage or carport.

vi. Driveways shall have a concrete, asphalt, or brick paver surface. However, a dwelling unit accessing a non-paved road, or with a driveway of two hundred (200) feet or greater in length, shall be permitted to have a driveway of gravel, crushed stone, or aggregate. This surface exemption shall not apply to the portion of a driveway located in a required front setback area. The portion of a driveway located in a required front setback shall have a concrete, asphalt, or brick paver surface. Driveways within side and rear yards may be constructed of concrete, asphalt, brick pavers, concrete and plastic grid pavers, gravel, crushed stone, or aggregate. A driveway accessing a non-paved road may be constructed of gravel, crushed stone, or aggregate in its entirety.

vii. All driveways shall possess a curb opening with a minimum width of sixteen (16) feet and a maximum of twenty-five (25) feet. All driveway openings shall meet the design and construction standards of the City of Ferrysburg.

viii. Driveways shall be separated from street intersections by no less than 25 feet.

ix. U-shaped driveways with two (2) curb cuts shall only be permitted on lots with at least 100 feet of street frontage and corner lots of any dimension. In the case of concern with resulting traffic conditions or site visibility, the Zoning Administrator may refer a second curb cut to the Planning Commission for final approval.

x. Parking pad extensions and access paths for recreational vehicle parking and storage may be located in rear and side yards and may be constructed of concrete, asphalt, brick pavers, concrete and plastic grid pavers, gravel, crushed stone, or aggregate. Parking pad extensions and access paths shall be set back no less than 10 feet from side property lines and are not required to be directed toward a garage or carport.

2. Two-Unit Dwelling - A driveway shall be permitted in the front or side yard subject to the following:

i. Converted Single-Unit Dwelling - Single-unit dwellings which have been converted to multiple-unit apartment or attached dwelling use shall comply with the provisions of paragraph 1, above.

ii. Two-Unit Dwelling:

a) A two-unit dwelling shall include one (1) driveway in common use by the occupants of both dwelling units or one (1) driveway per dwelling unit.

b) Unless otherwise provided for, a driveway and any connected pad shall be at least three (3) feet from side lot lines.

c) Any portion of a common driveway located in a front yard shall not exceed forty (40) feet in width. Individual unit driveways shall not exceed twenty (20) feet in width. That portion of a driveway abutting the front elevation of a garage or carport may be of a width equal to the front elevation and of sufficient depth to support placement of a single row of vehicles, plus sidewalk area for pedestrian circulation.

d) Multiple driveways shall be at least six (6) feet apart. The separation area shall be landscaped in lawn or a combination of lawn and other plantings.

e) The driveways shall be positioned on the site such that access to the garage or carport is direct. In the event a garage or carport does not exist, the orientation of the driveway shall be to the rear yard.

f) Unless otherwise provided for by this Ordinance, the on-site parking of vehicles shall be restricted to the driveway and, as available, an associated garage or carport.

3. Deviations to the driveway requirements for single-unit dwellings and two-unit dwellings may be approved subject to Site Plan Review and approval by the Planning Commission based on consideration of the following factors. An approved deviation will be the minimum necessary to adequately and reasonably address the difficulty caused by strict compliance with the driveway requirement.

   i. The requested deviation will not negatively impact adjacent property or significant natural features on the site.

   ii. The requested deviation will not be detrimental to the health, safety, and welfare of adjacent property owners and residents.

   iii. The requested deviation will not impact traffic visibility or cause safety concerns.

   iv. The requested deviation will improve the existing parking arrangement on the site.

   v. The requested deviation will improve the aesthetics of the site.

   vi. The requested deviation results from a unique shape or configuration of the lot or land, the placement of the existing dwelling or garage, or a unique circumstance involving the occupant(s) of the dwelling.

b. Multiple-Unit Apartment Dwellings, Commercial, and Industrial Uses:

1. Unless specifically provided for by this Ordinance, the designated travel portion of an approved driveway shall not be used for vehicular parking.

2. Driveways serving multiple-unit apartment dwellings, commercial, and industrial uses shall be at least twenty (20) feet from any parcel containing a single or two-unit dwelling unit, or twenty (20) feet from any parcel zoned R-1, R-2, R-3, R-4, and R-5.

3. Driveways shall be subject to Site Plan Review and approval. The Site Plan Review and approval body may require proposed driveways to be reduced or enlarged in size, relocated, and/or otherwise modified as determined necessary and appropriate to ensure public safety.

c. Common Driveway May Overlap Property Lines - A common driveway providing access to adjoining properties may overlap the common property line of both properties.

d) **Sidewalks and Activity Paths** - Sidewalks and paths are structures used for the conveyance of pedestrians, normally via a walking mode. However, in certain instances, a sidewalk or path may

be designed and constructed to accommodate pedestrians in a running/jogging mode, for non-motorized bicycling, or for other such purposes.

1) Proximity to Lot Lines - Except for public sidewalks and public paths located in public right-of-way or other right-of-way or easement providing for public access, sidewalks and paths shall be at least three (3) feet from all public right-of-way and lot lines. Public sidewalks and paths may be located per the requirements of the City after Site Plan Review and approval.

2) Design and Construction Standards.

   a. Public Sidewalks and Paths - Shall meet the design and construction requirements of the City of Ferrysburg.

   b. Private Sidewalks and Paths - Private sidewalks shall:

      1. Not exceed sixty (60) inches in width nor twelve (12) inches in height unless a greater width and/or height have been approved by the Planning Commission after Site Plan Review.

      2. Be constructed of hard surfaced material, such as concrete, asphalt, or brick pavers, or may be constructed of treated wood. Pursuant to the approval of a private sidewalk or path, the City shall have the authority to specify the dimensions and material used for construction purposes.

      3. Any sidewalk or path designed and constructed for use by other than strictly pedestrians walking shall be subject to Site Plan Review and approval by the Planning Commission.

      [Ordinance No. 265, 10/4/10]

Section 3.170 Withholding of Approval Pending Other Local, State, or Federal Approvals

The Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals may withhold granting of approval of any use, site plan, PUD Plan, appeal, or other approval authorized by this Ordinance pending approvals which may be required by local, state, or federal agencies. Except for a rezoning request, and if deemed appropriate, the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals may grant "conditional" approval of a request based on the applicant's successful receipt of necessary local, state, or federal agency approval. In the event local, state, or federal agency approval is not forthcoming, the "conditional" approval granted shall be automatically voided.

Section 3.180 Standards Applicable to Single-Unit Dwellings

All single-unit dwellings, other than those located in mobile home parks as regulated by the Michigan Mobile Home Commission, shall comply with the following standards:

a) **Mobile Home Certification Requirements** - If the dwelling is a mobile home, the mobile home must be:

   1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or,

   2) Used and certified by the Building Official to be safe and fit for residential occupancy.

   3) The mobile home shall be aesthetically compatible in design and appearance to conventional

on-site constructed homes and other homes in the area.

b) **Code Compliance** - The dwelling unit shall comply with all applicable City building, electrical, plumbing, fire, mechanical, energy and other similar codes, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where the standards or regulations for construction are different than those imposed by City codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with these standards or regulations shall be provided to the Building Official. Notwithstanding compliance with federal or state regulations, the dwelling shall comply with the other standards of this Ordinance.

c) **Compliance with Zoning Standards** - The dwelling unit shall comply with all requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and yard setbacks, and maximum building height limitation of the zoning district in which it is located.

d) **Removal of Wheels and Tongue** - If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels and tongue removed.

e) **Required Building Elevation** - See Section 10.160 e).

f) **Foundation** - A dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, which shall have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of those materials and type as required by the Building Code for on-site constructed single-unit dwellings.

g) **Anchoring System** - If the dwelling unit is a mobile home, it shall be installed on the foundation as referenced by Item f), above, pursuant to the manufacturer's setup instructions. It shall be secured to the building site by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.

h) **Steps and Porch** - The dwelling shall have permanently attached steps or porch at least three (3) feet in width where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided on the steps or porch in accordance with the City Building Code.

i) **Exterior Doors** - The dwelling unit shall have no less than two (2) exterior doors. One (1) door shall be located along a front elevation and one (1) door on a side or rear elevation.

j) **Roof Loading** - Roofs shall have a forty (40) pound snow load capacity.

k) **Prohibited Dwellings** - No garage, accessory structure, damaged or incomplete structure shall be used as a dwelling. The basement of an incomplete structure may not be used as a dwelling. [Ordinance No. 265, 10/4/10]

Section 3.190 Outdoor Placement of Motor Homes, Boats, and Recreational Type Vehicles and Use of Recreational Vehicles for Temporary Living Purposes

a) **Purpose** - The following regulations are intended to restrict the placement of certain vehicles, trailers and related appurtenances in the front yard and in select locations of side and rear yards. The restrictions on the placement have been determined necessary and appropriate in order to:

1) Maintain the integrity of open space areas.

2) Prevent neighborhood blight and ensure the safety of residents.

3) Maintain property values.

4) Ensure access to light and air and fulfill the Purposes of this Ordinance as detailed under Section 1.20.

In implementing the regulations of this section, it is recognized that residents, and their vacationing guests, periodically desire opportunity to use certain recreational vehicles and/or tents for temporary living purposes. Accordingly, this Section also provides standards governing the temporary use and occupancy of recreational vehicles and tents. To ensure the health, safety, and welfare of those occupying a recreational vehicle or tent, as well as to protect neighboring residents, the regulations are intended to be more stringent than those addressing the placement of non-occupied recreational vehicles and tents.

b) **Regulations** - The outdoor placement of motor homes, boats, other recreational vehicles, recreational vehicle trailers, and utility trailers and appurtenances on any residential lot or parcel, shall be subject to the following regulations:

1) Number - Except for recreational vehicles identified as exempt under subsection d), following, the outdoor placement of the above recreational vehicles and trailers shall be limited to two (2) as based on the following equivalency table:

Vehicle Type		Equivalency
a.	One (1) boat on attendant trailer	1
b.	One (1) self-propelled motor home	1
c.	One (1) fifth wheel motor home	1
d.	One (1) travel trailer	1
e.	One (1) utility trailer	1
f.	One (1) snowmobile on one (1) trailer	1
g.	Multiple snowmobiles on one (1) trailer	1
h.	One (1) jet ski on one (1) trailer	1
i.	Multiple jet skis on one (1) trailer	1
j.	One (1) motorcycle (non-licensed) on one (1) trailer	1
k.	Multiple motorcycles on one trailer	1
l.	One (1) empty boat trailer/R.V. trailer	1
m.	Units comparable to the above	1

2) Boat Lifts - In addition to the allowed vehicles and trailers, one (1) boat lift is permitted on a waterfront lot where boats or jet skis are docked during the boating season, and shall not be counted toward the number of vehicles permitted. After boating season, if a boat lift is removed from the water it shall be stored in the waterfront yard, provided that no boat lift shall be stored less than five (5) feet from a side lot line.

3) A suitable covering in good condition shall be placed over all boats and other unenclosed recreational vehicles in order to deter vandalism or injury to the general public. The covering shall be properly secured to prevent unnecessary movement and/or noise caused by wind or other natural forces.

4) Except as noted in Paragraph e), following, all such vehicles and trailers shall be duly licensed as required by the State of Michigan to the residents of the parcel on which the vehicles and trailers are placed.

c) **Side and Rear Yard Placement.**

1) The placement of all such vehicles, trailers and appurtenances in the side and rear yards shall be subject to the setback standards of other accessory buildings, structures, and uses as permitted and regulated, provided, however, in no instance shall the setback in a side yard be less than ten (10) feet (See Figure 3-10).

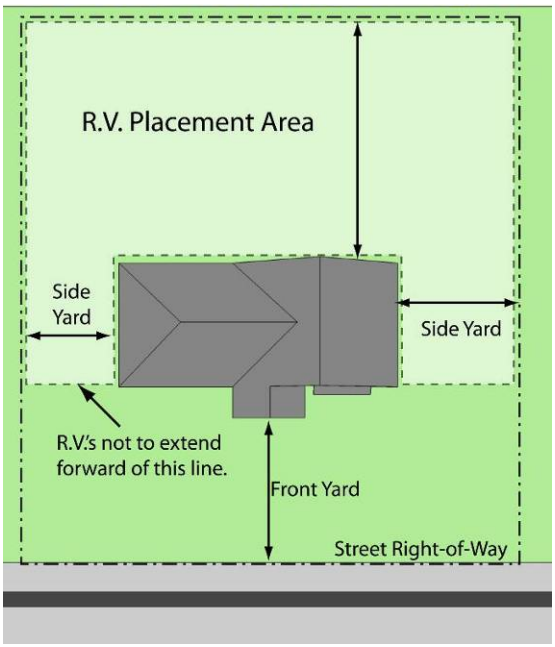


Figure 3-10: Recreational Vehicle Yard Placement

2) Setbacks greater than the above may be required if determined by the Zoning Administrator to be necessary for the health, safety, and welfare of the residents of the subject and neighboring properties. Similarly, the Zoning Administrator may authorize a reduction in a side yard setback, not less than three (3) feet from the property line, if the Administrator determines that a reduction is necessary to permit placement of a vehicle. In authorizing a reduction, the Zoning Administrator shall determine:

   a. That placement of the vehicle as normally required is not possible due to a lack of space between the side lot line and adjoining structure;

   b. That placement in another location on the site consistent with the standards of this Ordinance may not reasonably be achieved;

   c. That the permitted reduction is limited to the minimum extent necessary to permit reasonable placement of the vehicle; and,

   d. That the permitted reduction will not be detrimental to the health, safety, and welfare of adjacent property owners and residents.

3) A setback reduction shall only extend to the placement of vehicles regulated by the provisions of this Section. At any time the Zoning Administrator determines the conditions of an authorized reduction have been violated or that a reduction is no longer necessary to achieve compliance with the provisions of this Section, the Administrator shall cause the reduction to be rescinded.

d) **Front Yard Placement Allowances and Exceptions.**

1) Placement Prohibition - Except as provided for by this section, there shall be no placement in the front yard.

2) On a waterfront lot, the vehicle(s) may be stored in the front yard (between the street and the dwelling) only if fully screened, to a height of at least six (6) feet, by a garage, accessory structure, or a landscaped screen meeting the requirements of Section 3.130, g), 1). If located in the side or rear yard, the vehicle(s) shall meet the requirements of subparagraphs a and b above, but shall not be placed closer than 30 feet to the water line.

3) Permanent placement in the front yard of a non-waterfront lot shall be permitted only if the following are met:

   a. The vehicle shall be placed a minimum of two hundred (200) feet from the front lot line.

   b. The vehicle shall not encroach on a required side yard setback.

   c. The vehicle shall be positioned such that, where reasonably feasible, it shall be shielded from off-site view by natural vegetation or buildings existing on the site.

   d. The vehicle shall be at least thirty five (35) feet from any dwelling unit located on an adjacent lot.

   Determination of compliance with the above shall be made by the Zoning Administrator.

4) Temporary Placement in the Front Yard for all Types of RVs, Boats, and Trailers.

   a. One (1) trailer, with attendant recreational vehicle(s) or boat placed thereon, or one (1) recreational camping unit (e.g. R.V., pop-up camper, etc.) may be temporarily placed in a driveway subject to this section.

   b. No vehicle or trailer shall be placed in a location or manner that restricts the clear vision area of street intersections, driveway and street intersections, and alley and street intersections.

   c. Vehicles and trailers shall be placed on the driveway serving the residential parcel.

   d. No vehicle shall be placed in a public right-of-way unless the right-of-way legally authorizes it.

   e. The vehicle shall be fully secured to deter unauthorized entry and/or vandalism.

   f. The length of placement shall be limited to seven (7) consecutive days, provided, however, placement may occur at the rate of two (2) seven (7) day periods per month, but not to exceed six (6) periods per year.

   g. The above temporary provisions shall not apply to parcels on which the vehicle is greater than two hundred (200) feet from the front lot line as regulated by this Ordinance.

5) Seasonal Front Yard Parking of Small Recreational Vehicles, Trailers, or Truck Bed Campers.

   a. No more than one recreational vehicle, trailer, or truck bed camper shall be parked in a front yard and only on a hard-surfaced driveway that complies with side setback requirements.

   b. The recreational vehicle, trailer, or truck bed camper shall be the property of the resident.

   c. Front yard parking is permitted from May 1st to September 30th of each calendar year. Outside of this timeframe, recreational vehicle, trailer, or truck bed camper parking shall comply with all other requirements of Section 3.190.

d. The recreational vehicle, trailer, or truck bed camper shall be fully operational and in regular seasonal usage. Yearly storage of unused recreational vehicles, trailers, or truck bed campers is not permitted.

e. All components of the recreational vehicle, trailer, or truck bed camper, including towing components, shall be set back at least 10 feet from the public right-of-way and shall be located outside of the clear vision area required by Section 3.90 i).

f. The recreational vehicle, trailer, or truck bed camper shall be parked no further than 10 feet away from a detached garage or principal dwelling.

g. Size restrictions:

1. Towable recreational vehicles shall be no longer than 18 feet, not including towing components, and no taller than eight and a half (8.5) feet. This requirement also applies to pop-up and tent campers in an open position.

2. Boats shall not exceed 18 feet, not including motors and trailer towing components.

3. Truck bed campers shall be no longer than 18 feet, not including the measurement of the truck.

6) Temporary Placement in Front Yard Not Entitled to A Non-Conforming Status - Temporary placement in the front yard as authorized under Paragraph d, above, shall be deemed a temporary condition and shall not receive a legal non-conforming status should this Ordinance be amended such that the provisions of this Section no longer remain valid. Moreover, should the Zoning Administrator determine that placement of the vehicle as approved represents a threat to the local health, safety, or welfare of the occupants of the subject site or occupants of neighboring parcels, the Administrator may, after written notice to the property owner and the passage of a thirty (30) day period, require the vehicle to be moved to a fully conforming location.

e) **Use and Placement of Recreational Vehicles, Camping (Traveling) Trailers, and Tents for Temporary Living Purposes**

1) Authorization and Length of Temporary Use - Recreational vehicles, camping trailers or tents may be used for temporary living purposes when accessory to single-unit dwelling or two-unit dwelling. Except as permitted under 2), below, the use shall only be permitted for a three (3) day period and for no more than one (1) period in any thirty (30) consecutive days.

2) Placement - While in use for temporary living purposes, recreational vehicles and tents shall be located according to the following:

a. Recreational Vehicles and Camping Trailer – shall be subject to the placement requirements of this section.

b. Tent - Shall be located in the rear yard of the lot or parcel of the dwelling to which the tent is accessory.

3) Number of Temporary Dwelling Units - Recreational vehicles, camping trailers, and tents used for temporary living purposes shall not exceed one (1) recreational vehicle or one (1) camping trailer, plus one (1) tent at any time. These amounts may be in addition to those provided for under Paragraph b), 1), of this section.

4) Extension of Use - Use of a recreational vehicle, camping trailer, or tent in excess of a three (3) day period may be permitted by the Zoning Administrator subject to the following:

a. Application Form - Application shall be made on a form supplied by the Zoning Administrator requesting the extension.

b. Inspection and Sanitary Requirements - The Zoning Administrator shall have the right to inspect the grounds upon which the temporary dwelling will be placed to ensure that adequate provisions have been made pursuant to potable water and sanitary needs.

c. Extension Limit - In no case shall the extended period exceed seven (7) days in any thirty (30) day period, nor shall the number of requests for extensions exceed two (2) in any one (1) year period.

5) Licensing Requirements - Recreational vehicles and camping trailers used for temporary dwelling purposes shall possess current license tags, which may include out-of-state tags.

6) Conditions - The Zoning Administrator reserves the right to place reasonable conditions on the request including, but not limited to, placement of the temporary dwelling, parking of associated vehicles, outside storage of camping and other equipment, noise abatement, trash collection, and other factors.

f) **Recreational Vehicles Exempt from Outside Placement Count** - Non-motorized recreational vehicles such as canoes, small sail boats, row boats, and paddle boats meeting all of the following standards shall not be counted as part of the maximum number of units that may be placed outdoors:

1) Shall not exceed fourteen (14) feet in length.

2) Shall not be located on a trailer.

3) Shall be located in the rear yard.

4) Shall be owned by the individuals residing in the premises upon which the exempt vehicles are placed.

Recreational vehicles stationed in the water shall also be exempt from the above count.

[Ordinance No. 321 5/2/22]

g) Temporary Living. The City recognizes that temporary on-site living arrangements may be necessary when a principal dwelling is rendered uninhabitable due to damage or destruction caused by an unforeseen or uncontrollable event, such as a natural disaster, fire, or other catastrophic occurrence beyond the control of the property owner or occupant. Intentional acts, negligence, failure to maintain the structure, or any condition created voluntarily or through unlawful activity of the property owner or occupant shall not constitute grounds for authorizing temporary living arrangements. This section authorizes occupants of the uninhabitable dwelling to temporarily live on-site in a recreational vehicle (RV) beyond the timeframes specified in subparagraph e) under certain circumstances and conditions.

1) Requirements.

a. The recreational vehicle shall be placed on the same property as the damaged or destroyed principal dwelling or on an abutting property that is commonly owned.

b. The recreational vehicle shall be connected to a dedicated electrical power source.

c. The recreational vehicle shall be connected to a water and sanitary sewer system, or another temporary alternative acceptable to the City.

d. The recreational vehicle shall adhere to the placement requirements of this section. However, at the discretion of the Zoning Administrator, setback and location requirements may be waived to accommodate the space needed for repair and reconstruction efforts.

2) Permit, Term, and Validity.

a. A zoning permit is required.

b. Upon a request that complies with the requirements of this section, the Zoning Administrator shall issue a one-year zoning permit for the temporary use of an RV for living purposes.

c. Upon written request, the Zoning Administrator may grant a one-year zoning permit extension due to unforeseen delays, provided there is significant progress on repairing or reconstructing the principal dwelling. No more than one extension shall be granted.

3) Discontinuance of Use.

a. Upon expiration of the zoning permit, the use and placement of the recreational vehicle shall comply with all other requirements of Section 3.190.

b. The recreational vehicle shall be disconnected from its dedicated power source and, if applicable, disconnected from the water and sewer service within 15 days of the issuance of a certificate of occupancy for the principal dwelling or by the expiration of the zoning permit, whichever comes first.

[Ordinance No. XXX XX/XX/XX]

Section 3.200 Plat Violations

Where the Zoning Administrator determines that an area proposed for subdividing would violate the Subdivision Control Act, as amended by the Land Division Act; Site Condominium Act; or the Subdivision Regulations of the City of Ferrysburg, no permit for Zoning Compliance or building permit shall be issued.

Section 3.210 Restoring Unsafe Buildings

a) **Repair of Unsafe Buildings** - Except as noted in Section b), following, nothing in this Ordinance shall prevent the strengthening or repair to a safe condition any part of a building or structure declared to be unsafe by the Building Inspector. Strengthening or repair shall not be interpreted as authorizing a use, or continuation of a use, not permitted by the underlying zone district.

b) **Condemned Buildings** - A building which has been officially declared as condemned under the provisions of the City's building code shall not be repaired unless authorized by the Building Official. A building which has been officially authorized for demolition by the City Council shall not be repaired unless authorized by the Council. Provided, however, the requirements of this section shall not prevent the Building Official from authorizing building or site repairs or other modifications which, if left undone, would pose an imminent threat to the public health, safety, and welfare.

Section 3.220 Grade

a) **Yards** - All yards shall be provided with adequate drainage and shall be graded so as to drain surface water away from foundation walls.

b) **Exceptions to Grade Standards** - Exceptions to the above grading standards may be approved by the Zoning Administrator based on demonstrated evidence that the lot or parcel contains unique natural features that would be destroyed or significantly altered based on compliance with the above standards. In considering an exception to the above standards, the Zoning Administrator shall not be authorized to permit a change contrary to other local, state, or federal regulations or standards or, if approved, result in significant negative impact to adjoining properties. In approving an exception, the Zoning Administrator may attach conditions necessary to protect, and ensure compatibility with, adjoining properties.

c) **Grade Modification Impacts** - A grade modification shall not result in negative impacts on surrounding properties. These impacts include, but shall not be limited to, increases in the off-site discharge of surface water, flooding, elimination of off-site or through views, and the like.

d) **Specific Grade Requirements** - Prior to any permitting, the Zoning Administrator shall have authority to establish specific grades should it be determined the grades are necessary for drainage purposes, utility and other infrastructure requirements, to achieve site design consistency among abutting projects, or for other purposes determined to be beneficial for the public health, safety, and welfare. Once established, a grade shall be used for all design and construction purposes and shall not be modified without Zoning Administrator approval.

Section 3.230 Trash Receptacles and Dumpsters - All Districts

Except for garbage cans (90 gallons or less) and similar residential trash containers, all trash receptacles, including dumpsters, shall comply with the following:

a) All persons or businesses that accumulate more than ninety (90) gallons of garbage or rubbish per week shall place all garbage or rubbish in a dumpster.

b) All trash receptacles, including the enclosure and surrounding ground area, shall be maintained in a neat and orderly condition, free from rubbish and other debris. No rubbish or other debris shall be allowed to accumulate on the grounds surrounding the receptacle.

c) All trash receptacles shall have tight fitting lids which shall be kept completely closed at all times, except for times of filling and collection.

d) All dumpsters and other trash receptacles shall be emptied as least once per week, and with

sufficient frequency to prevent the unreasonable development of odors and attraction of rodents and other pests.

e) Adequate vehicular access shall be provided to the containers for truck pick-up via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exists from principal buildings nearby.

f) No dumpster shall be located in a required yard unless approved by the Planning Commission as part of site plan review.

g) A solid ornamental screen wall or fencing shall be provided around all sides of the trash container which shall be provided with a gate for access and be of sufficient height as to completely screen the container, the maximum height of which shall not exceed eight (8) feet, but shall always be at least one (1) foot above the height of the dumpster. The height requirement shall apply to all sides, including the gated side. For purposes of the above standard, screening materials may consist of any of the following:

   1) Wood, provided the wood is cedar, redwood or equivalent of at least 5/8" thickness or other types of comparable wood which have been treated with preservatives to ensure longevity.

   2) Decorative masonry wall.

   3) Evergreen shrubbery consisting of permanent living plant materials which shall be continually maintained in a sound, healthy, and vigorous growing condition, free of plant diseases and insect pests, and free of weeds, refuse, and debris. The shrubbery shall be of a size, and planted at a density, capable of achieving a continuous, visual, barrier comparable to that of a wood or masonry wall.

   4) Other materials as approved by the Planning Commission.

   5) At the request of the applicant, the Planning Commission may modify the screening requirements of this Ordinance pursuant to dumpsters provided the applicant satisfactorily demonstrates:

      a. The modification will not have a negative impact on surrounding properties;

      b. Natural screening or other features exist which will provide screening comparable to that of Item g), above;

      c. The requested modification will be compatible with surrounding uses;

      d. The requested modification will not represent a threat to the public health, safety, and welfare; and,

      e. That the request will not provide the applicant with a benefit not made available to other businesses possessing similar site conditions.

      f. No person shall make unauthorized use of a dumpster.

      g. All commercial establishments providing food prepared for take-out shall provide and maintain convenient outside trash receptacles sufficient to contain rubbish and garbage that is generated by the customers of such establishments.

      h. It shall be the responsibility of the land owner and lessee of the premises upon which a dumpster is placed to empty the dumpster, maintain the dumpster and screen, and otherwise comply with the provisions of this Ordinance.

      i. This Ordinance is not intended to require the enclosure of any dumpster used on a temporary basis for less than sixty (60) days, or in connection with construction activity for which a bonafide building permit has been issued. When used in connection with construction activity, the dumpster shall be removed, or otherwise located in compliance

with the enclosure provisions of this Ordinance, prior to issuance of a final certificate of building occupancy.

Section 3.240 Home Occupations

A home occupation shall be permitted by right if it meets the below listed requirements. The home occupation:

a) Shall not involve any activities that are discernible from the exterior and shall not result in the exterior of the home having other than a residential appearance, except for a wall sign as permitted by Article 7.

b) No persons other than those who reside within the residence may be employed in the home occupation.

c) Shall not involve the storage or use of any materials for which there is high risk of flammability or explosion.

d) Shall not generate more than five (5) client trips to the home during the hours of 8:00 AM to 8:00 PM. Clients shall not be received during other hours.

e) Shall not involve deliveries by trucks greater than normal U.S. Postal or similar parcel delivery service step-type vans.

f) Shall not emit noise in violation of the City of Ferrysburg Anti-Noise and Public Nuisance Ordinance.

g) The home in which the home occupation is proposed must be used principally for residential purposes. No more than twenty percent (20%) of the residential floor area may be dedicated to the home occupation.

h) Shall conform to the sign requirements of Article 7.

i) Shall comply with all applicable building and licensing requirements of the City.

j) Instruction in a craft, music, or fine art within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

k) The occupation of a registered caregiver pursuant to the Michigan Medical Marihuana Act shall be considered a home occupation and shall be subject to the requirements of home occupations and shall also comply with the following:

   1) The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the administrative rules of the Department of Community Health.

   2) A registered caregiver must be located outside of a 1,000 foot radius from any school or library as defined by the Michigan Public Health Code to insure compliance with the Federal Drug Free School Zone requirements

   3) All medical marihuana shall be grown and contained within the main dwelling in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access by the registered primary caregiver or registered qualifying patient. Marihuana plants may not be visible from the exterior of the building.

   4) All building, electrical, plumbing, and mechanical systems shall comply with applicable building and mechanical codes.

   5) If a room with windows is utilized as a growing location, any growing lights used in cultivation

between sunset and sunrise shall employ shielding methods to prevent ambient light spillage that may intrude on adjacent residential properties.

6) Notwithstanding the above, no sign advertising the business of a registered caregiver may be erected on the premises or be visible outside the premises.

7) Not more than 1 primary caregiver shall be permitted to operate a home occupation in a single dwelling.

8) Marihuana may not be consumed in an area visible to the public or occupants of adjacent properties.

9) Not more than 1 qualifying patient who is not a resident in the home may consume medical marijuana in the home at any time.

10) Nothing in this section shall be construed to encourage or condone violations of state or federal law.

[Ordinance No. 269, 2/7/11]

The allowance of a home occupation by the City, subject to the regulations contained in this Ordinance, shall not in any way constitute an acceptance of, or give validity to, the introduction of non-residential uses into any residential zone district.

[Ordinance No. 265, 10/4/10]

Section 3.250 Site Condominiums

Site condominiums shall be processed according to the following procedure:

a) **Preliminary Review and Approval Stage**

1) Planning Commission Review. An application and site plan for preliminary review and approval shall be submitted to the Planning Commission for review and recommendation based on compliance with the Site Plan Review Standards of Article V. The Planning Commission shall make a recommendation to the City Council to approve, approve with conditions, or deny the request. In making a recommendation, the Planning Commission shall provide the City Council with a statement supporting the reasons for the recommendation.

2) City Council Review. After receipt and review of a recommendation from the Planning Commission, the City Council shall review the application and site plan pursuant to the site plan review standards of Article V. The City Council may, at their discretion, conduct a public hearing on the proposed site condominium project for purpose of receiving public comment. The City Council may approve, approve with conditions, or deny the site condominium request based on a finding of compliance with the provisions of this section, Article V., and other applicable regulations.

b) **Final Review and Approval Stage** - A final application and site plan shall be submitted to the City Council incorporating all conditions placed on the preliminary plan. The City Council shall review the plan for conformity with the approved preliminary plan and conditions, if any, attached thereto. The final application and site plan shall be approved based on a finding that all requirements attached to the preliminary plan have been complied with.

c) **Additional Information for Preliminary and Final Review** - In addition to the information required by Article V, the following information shall also be included for preliminary and final review and approval:

1) A condominium subdivision plan as required by Section 66 of the Condominium Act.

2) Documented proof of review by other applicable agencies including the Ottawa County Road

Commission, Drain Commissioner, Health Department, Michigan Department of Transportation, and the Michigan Department of Natural Resources/Environmental Quality.

d) **Zoning Compliance** - A site condominium subdivision shall meet the minimum requirements of the district in which it is located, including minimum lot size, minimum setbacks, and minimum floor area.

e) **Design and Construction Consistency with the Ferrysburg Subdivision Ordinance** - The design and construction of streets, alleys, sidewalks, curb and gutter, easements, street tree plantings, street signs, water, sanitary sewer, storm drainage, and other such systems and utilities shall equal or exceed the design and construction requirements of subdivisions as regulated by Chapter 155 of the City Code of the City of Ferrysburg.

f) **Underground Placement of Utilities** - All utilities, including power lines and communication lines, shall be placed below ground.

g) **Master Deed** - The Ferrysburg City Clerk shall be furnished with a copy of the recorded master deed. The master deed must ensure that the City of Ferrysburg will not be responsible for maintenance or liability of the non-dedicated portions of the site condominium and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround capacity for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.

h) **As-Built Drawings** - As construction is completed, the Ferrysburg City Clerk shall be furnished with two (2) copies of all "as-built" drawings for review by the City Engineer or compliance with all City ordinances.

Section 3.260 Day Care and Group Homes

To promote the health, safety, and welfare of the occupants and residents of day care homes and group homes and to ensure compatibility with the surrounding neighborhood, all day care homes and group homes shall:

a) Meet applicable state and federal regulatory requirements.

b) Meet applicable local building and other safety codes.

c) Demonstrate that adequate provisions have been made to secure the health, safety, and welfare of those occupying the day care or group home including, but not limited to, safety fencing around play areas, vehicular drop-off area out of the flow of traffic, and adequate off-street parking.

Section 3.270 Basis for Determining Front Setbacks and Waterfront Setbacks and Averaging of Setbacks

a) **Front Setbacks** - The required front setback shall be measured from the right-of-way line to an imaginary line across the width of the lot, which represents the minimum required front setback distance for the applicable zoning district established by Section 9.150. However, where an average setback line less than required has been established by existing principal buildings on the same side of the street, and within two hundred (200) feet of the proposed building, the average established setback shall apply. However, this reduction shall not exceed fifty percent (50%) of the required underlying zone district minimum setback, nor permitted on streets or roads which have been identified by the City for future widening.

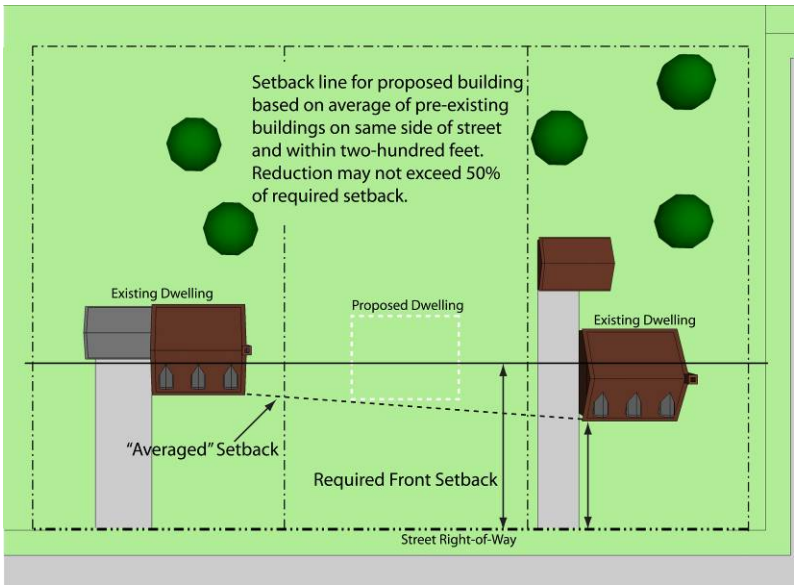
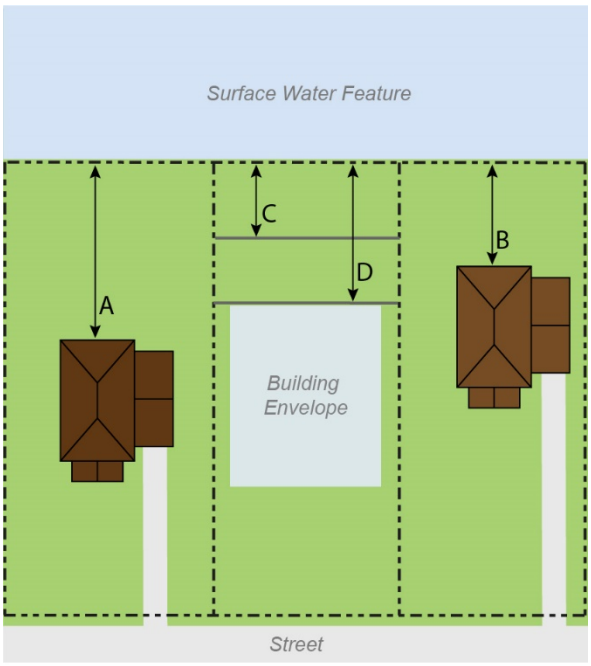


Figure 3-11: Averaging of Front Yards

b) **Waterfront Setbacks** - The purpose of this subsection is to ensure a context-sensitive waterfront setback line that considers existing conditions, buildings, and sight lines to the greatest extent feasible for all waterfront lots with frontage on Lake Michigan and its beaches, Spring Lake, the Grand River, or any other body of water.

1) The required waterfront setback shall be measured from the ordinary high-water mark on a waterfront lot to an imaginary line across the width of the lot, which represents the minimum required waterfront setback distance for the applicable zoning district established by Section 9.150. However, where an average setback line greater than required by Section 9.150 has been established by existing principal buildings on the same side of the street, and within two hundred (200) feet of the proposed building, the average established setback shall apply.

2) In no case shall the required waterfront setback be less than the rear setback required by the applicable zoning district measured from the rear property line, regardless of if the rear property line is above or below the current water level.



A = Existing waterfront building setback within 200'
B = Existing waterfront building setback within 200'
C = Rear setback per Section 9.150
D = Required waterfront setback (average of A & B)

Figure 3-12: Waterfront Setbacks

[Ordinance No. 310, 1/6/20] [Ordinance No. 320 4/4/22]

Section 3.280 Sales on Residentially Zoned Properties

a) In any residential zoning district established by this Ordinance, outdoor display of items for sale on any portion of a lot or parcel shall be subject to the standards of this section. For purposes of this section, a residential lot or parcel shall consist of one (1) or more lots or parcels of record or one (1) or more metes and bounds descriptions, so long as the lots, parcels, or descriptions are contiguous and in common ownership. As used herein, the term "common ownership" shall refer to the ownership of two or more contiguous lots or parcels by the same person or persons, by spouses, whether jointly or severally; by parents and children; or by different corporations or partnership where a controlling interest in both entities is owned by the persons described above.

b) **Vehicle Sales**

1) A vehicle sale item shall be defined as any one (1) of the following:

a. car (automobile)

b. truck

c. recreational vehicle

d. motorcycle or motor scooter

e. any other type of motorized passenger vehicle designed and required to be licensed for operation on public roads

f. boat

g. trailer

h. boat on a trailer

i. recreational vehicle on a trailer

j. any other type of vehicle on a trailer

2) An owner or occupant may display not more than one (1) vehicle for sale at any one (1) time. The vehicle displayed for sale need not be owned by the owner or occupant of the lot or parcel.

3) The vehicle displayed for sale must be operational, and must not be in violation of the provisions of any other City ordinance or State law.

4) Vehicle sales may not occur more than three (3) times per calendar year on any residential lot, nor more than ten (10) consecutive days per time displayed.

5) A minimum of twenty-one (21) calendar days shall transpire between the end of display of one (1) vehicle for sale and the beginning of display of another vehicle for sale on the same lot.

6) One (1) non-illuminated "for-sale" sign, not exceeding two (2) square feet in area, shall be attached to the vehicle displayed for sale. Any "for-sale" sign which is not attached to the vehicle displayed for sale is prohibited.

7) No vehicle displayed for sale and no "for-sale" sign, as both are described in this section, shall be placed in, on, or over any public street right-of-way or any publicly owned property.

8) Whenever a vehicle for sale is being displayed, except for the display of a car or a truck, the front yard placement of other recreational vehicles as permitted under Section 3.210 shall be prohibited.

c) **Garage Sales, Estate and Auction Sales, or Outdoor Sales of Individual Items** - Any garage sale, estate, auction or other similar sale, or any outdoor sales of individual items of personal property, conducted on any property in a residential zoning district, shall comply with the following:

1) General requirements:

a. All personal property items to be sold on the site shall be owned, utilized, and maintained by a resident of the dwelling where the sale is to be conducted.

b. Garage sales, estate and auction sales and other similar outdoor sales of individual items are prohibited on vacant lots.

c. All merchandise sold and any unsold merchandise remaining on the site and not within an enclosed building at the conclusion of the sale must be removed from the site within twenty-four (24) hours of the conclusion of the sale.

d. All displays of sale merchandise shall be limited to that portion of the front yard area which is at least five (5) feet back from any adjoining property line, and at least ten (10) feet back from any sidewalk.

e. The conduct of the sale shall not interfere with the orderly flow of pedestrian or vehicular traffic or restrict emergency vehicle access.

2) Garage Sales and Estate and Auction Sales:

a. Up to three (3) sales at any given property shall be permitted during a one (1) year time period.

b. Garage sales and estate and auction sales are limited to forty-eight (48) consecutive hours.

c. No garage sale or estate or auction sale shall commence before 8:00 A.M. or continue after 7:00 P.M.

3) Outdoor Sales of Individual Items. Outdoor sales of individual items of personal property, not including the sale of vehicles as regulated above, shall be subject to the following:

a. No item may be displayed for a period exceeding fourteen (14) consecutive days.

b. No more than two (2) items may be sold at any one time.

c. There may be no more than three (3) individual item sales events on any property during a one (1) year time period.

4) The following are exempt from the time and frequency requirements of this section:

a. Sales conducted by places of religious worship, schools and other non-profit organizations, when held within an enclosed structure.

b. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

d) **Small-Scale Produce Stands** - The temporary sales or public sharing of produce from any property in a residential zoning district is considered an accessory use to a single-unit dwelling and shall comply with the following requirements:

1) General requirements:

a. Small-scale produce stands shall be limited to sales or public sharing of produce. For the purpose of this section, "produce" refers to fresh, raw agricultural products that are grown and harvested for human consumption, fresh eggs, flowers, seeds, plants, and other items determined by the Zoning Administrator to be similar.

b. Stands shall meet the following requirements:

1. Stands shall be temporary in nature and shall not be permanently constructed or affixed to the ground.

2. No more than one (1) stand is permitted per lot.

3. All produce intended to be sold or shared and associated containers shall be placed on the stand and not displayed in a yard area.

4. The stand shall be set back at least two (2) feet from the public right-of-way and 15 feet from side or rear property lines.

5. The stand shall be stored indoors or otherwise placed out of sight from the public right-of-way outside of the approved operational season.

6. The stand shall not exceed a horizontal display area of 12 square feet, and no portion of the stand shall exceed four (4) feet in height.

c. Adequate off-street parking shall be provided on-site and shall meet the following requirements:

1. A minimum of two (2) parking stalls shall be required.

2. No parking shall be permitted on a public right-of-way.

3. Off-site customer parking is prohibited unless the property is contiguous with the subject property and under the same ownership.

d. Any temporary yard sign associated with the small-scale produce stand shall comply with Section 8.70.

e. Small-scale produce stand hours shall be limited to 8:00 a.m. to 8:00 p.m. or sunset,

whichever is earlier. During closed hours, items intended to be sold or shared shall be removed from the stand, or a closed sign shall be posted on the stand.

f. Small-scale produce stands shall only operate between April 1 and December 1 each calendar year.

2) Approval process:

a. An application for a zoning permit for small-scale produce stands shall be submitted to the Zoning Administrator. The application shall include a narrative describing the following:

1. What is to be sold or shared
2. The proposed dates and time of day the stand will operate
3. Off-street parking accommodations
4. The size, design, and location of the stand, including a photograph or sketch
5. The size and height of any sign

b. A sketch plan shall be required to be submitted for review. This plan shall provide a graphic depiction of the general requirements of this section, drawn to scale, including but not limited to the following:

1. Property boundaries
2. Location of two (2) parking spaces
3. Location of the stand with setback notations, as applicable
4. Size, height, and location of a sign with setback notations, as applicable

c. The Zoning Administrator shall review the zoning permit application based on the requirements of this section and any other applicable ordinance of the City of Ferrysburg and shall either approve, approve with conditions, or deny the application. Zoning permits for small-scale produce stands are valid for one (1) season. [Ordinance No. 246, 12/01/08; No. 265, 10/4/2010, No. 280, 04/01/13]

Section 3.290 Temporary Uses

Temporary uses are permitted in all zoning districts unless otherwise stated in this section. Temporary use permits may be issued by the Zoning Administrator after approval by the City Council. The following requirements shall apply:

a) All applications for a temporary use permit shall be filed with the Zoning Administrator at least sixty (60) days prior to the proposed commencement date of the temporary use. This sixty (60) day period can, however, be shortened in the discretion of the City Council, for good cause shown by the applicant. No application shall be filed less than ten (10) days prior to the date of the City Council meeting at which a decision is requested.

1) An application shall include a site layout plan which shows the existing site features and proposed temporary use layout, including all temporary improvements and locations of materials related to the use.

2) Written property owner authorization shall be provided with all temporary use applications.

b) The City Council may authorize the Zoning Administrator to issue a temporary use permit if all of the requirements of Subsection C are satisfied.

c) A temporary use permit shall not be approved by the City Council unless all of the following

requirements are satisfied:

1) Nuisance, hazardous features. The temporary use shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the City.

2) Traffic and circulation. The temporary use shall not create hazardous vehicle or pedestrian traffic conditions on or adjacent of the streets serving the property. A temporary use permit shall not be issued if the City Council determines that the proposed use will:

   a. Unreasonably interfere with the use of a public or private street for vehicular travel;

   b. Unreasonably interfere with the view of access to or use of property adjacent to the public or private street serving the proposed temporary use;

   c. Cause a violation of any State laws or local ordinances;

   d. Create any public nuisances related to noise, dust, traffic, or other related condition; or

   e. Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.

3) Public facilities and services. Adequate utilities, drainage, refuse management, and sanitary facilities, at the discretion of the City Council, shall be assured. Access to emergency services and other necessary facilities and services shall be available for the proposed temporary use.

4) Natural environment. The proposed temporary use shall not have a substantial adverse effect on the natural environment or possible flood hazards, or storm water runoff problems.

5) Suitability of the site. The site of the proposed temporary use shall be suitable for the temporary use, giving consideration to size of the site, vehicle and pedestrian access and circulation, parking, effects on adjacent land uses, and other related conditions.

6) Building, electrical and other codes. The temporary use and all associated temporary improvements, including, but not limited to tents, stands, temporary electrical systems, temporary heating systems, and temporary lighting systems shall comply with all applicable provisions of the City's Building Code, Electrical Code, and other applicable codes adopted or amended from time to time.

d) In addition to the requirements of Subsection c), the following requirements apply to mobile food unit operation:

1) Mobile food units shall only be permitted in the CC, GC, and P zoning districts and on the City Hall property within the R-3 zoning district. Mobile food units must be accessory and secondary to an established principal use of the property, and the subject site must be developed with driveway access and a parking lot.

2) There shall not be a reduction in the minimum number of parking spaces required by the principal use of the property.

3) Mobile food units shall not be parked within the public right-of-way and shall not be located within required setback areas.

4) Mobile food units shall vacate the site, and temporary displays or associated materials shall be removed during off-hours. In the case of a multi-day event, this requirement may be waived by the City Council.

5) Food service hours of operation are limited to 8:00 AM to 9:00 PM. In the case of a multi-day event, this requirement may be waived by the City Council.

6) Blinking and flashing lighting, or lighting of varying intensity, are prohibited.

7) Amplified music or sound is prohibited.

8) Existing walkways shall not be impeded. At least five (5) feet of clear area on sidewalks or pathways must be maintained, if applicable.

9) Outdoor cooking shall not be permitted within 200 feet of any residential dwelling.

10) Vehicle circulation and drive aisles shall not be blocked unless an alternative means of travel is maintained.

11) Waste receptacles shall be provided and emptied daily.

12) Two temporary sandwich board signs are permitted and shall be placed no further than 50 feet from the mobile food units. Signs shall not exceed six (6) square feet in size and four (4) feet in height. Signs shall be removed during off-hours.

13) Compliance with the State Food Law of 2000 shall be required at all times.

14) Ottawa County Health Department approval shall be secured prior to commencing food sales, and compliance with County regulations shall be required at all times.

15) Copies of all permits shall be kept within the mobile food unit during operation.

16) Operators of mobile food units shall provide a certificate of insurance that demonstrates active commercial liability coverage for the permit timeframe in the minimum amount of one million dollars ($1,000,000), and the City of Ferrysburg shall be named as an additional insured party.

e) Permit Validity. A temporary use shall be permitted only the minimum necessary period of time, given all of the circumstances. In no case shall a temporary use permit be issued for a period in excess of thirty (30) days during any twelve (12) month period, nor shall any property be used for a temporary use in excess of thirty (30) days during any twelve (12) month period.

f) The City may impose additional reasonable terms and conditions in connection with the approval of any temporary use.

g) The City may revoke or suspend a temporary use permit at any time upon the failure of the owner or any operator of the use to comply with the requirements of this Ordinance, the conditions imposed upon the issuance of any temporary use permit, or any other applicable provisions of State law or local Ordinance.

[Ordinance No. 316, 4/19/21]

Section 3.300 Private Streets

a) **Where Permitted** - Private streets are permitted in any zoning district within the City and are not permitted to serve fewer than three (3) lots.

b) **Internal Drives Exempt** - These requirements shall not apply to internal driveways, internal access drives, parking areas, or other means of secondary access within an apartment complex, industrial park, business center, or similar unified development.

c) **Site Condominium Developments** - Single-unit dwelling site condominium developments shall be served by a public street, or by a private street meeting the requirements of this Section.

d) **Site Plan Approval Required** - Private street applications shall be subject to final site plan approval in accordance with the requirements and procedures of Article 5. The private street plan shall contain the applicable information required for site plans by Article 5, including cross section drawings, which shall be drawn and sealed by a registered professional engineer.

e) **Easement and Maintenance Agreement** - A private street easement and maintenance agreement shall be submitted in recordable form which meets the minimum standards:

1) The City Attorney shall review and approve the easement and maintenance agreement for the street as submitted by the applicant. The responsibility for the ownership and maintenance of the street shall be of the property owner(s) served by the street. The agreement shall include provisions for a performance guarantee, if required, in accordance with f) below.

2) The agreement shall contain a detailed legal description of the private street easement.

3) The agreement shall bind the benefiting lots, parcels, and owners to the required maintenance of the private street, including all succeeding owners.

4) Should the benefiting property owners fail to maintain and repair the private street, the agreement shall allow the City to make any repairs it deems necessary to ensure the street is in a condition suitable for travel, as determined by the City Public Works Supervisor, and passable for emergency vehicles, as determined by the City Fire Department, and charge the property owners served by the private street for the repairs. The City may collect unpaid charges via any method allowed by law.

5) After recording the easements and maintenance agreements, a copy of the recorded documents shall be submitted to the Zoning Administrator.

f) **General Requirements** - Private streets shall meet the following requirements:

1) Private streets shall be designed, constructed, and maintained in accordance with the provisions of this Section. No site plan, site condominium, land division, special land use, or other zoning approval shall be granted unless the private street meets the requirements of this Section.

2) The minimum width of traveled surface of a private street shall be at least eighteen (18) feet, unless otherwise recommended or required by the Planning Commission, City Fire Department, or City Engineer.

3) The maximum length of any private street cul-de-sac shall not exceed one thousand three hundred and twenty (1,320) feet, unless it intersects with another conforming private street with access to an improved public street, or to another improved public street.

4) All private streets shall be paved with either asphalt or concrete and constructed to according to Ottawa County Standards.

5) The private street easement shall not be less than sixty-six (66) feet in width. Below ground utilities shall be permitted to be located within the private street easement. All private streets shall be designed to form a safe and efficient street network.

6) Private streets shall be maintained in a condition suitable for travel, as determined by the City Public Works Supervisor, and passable for emergency vehicles, as determined by the City Fire Department.

7) Whenever possible, streets shall be designed to connect or be extended to planned or anticipated future developments.

8) No private street shall serve more than ten (10) lots, parcels, or dwelling units, unless a secondary means of access is provided to a public street.

9) The private street shall be given a name that is not the same or similar to any other street name in the City. A street sign meeting City standards as to design, location, and maintenance shall be erected and maintained wherever a private street intersects any other public or private street.

g) **Zoning District Requirements**

1) Any lot created on a private street, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located.

2) All lots on a private street shall have the minimum required lot width on the private street, except cul-de-sac lots shall have a minimum of fifty (50) feet of street frontage, and shall meet the minimum lot width measured at the required front setback.

3) The easement for the private street shall not be included in the required minimum lot area or lot width calculation.

h) **Performance Guarantee** - To assure completion and maintenance of a private street in accordance with the requirements set forth herein, the City may require the applicant to provide a performance guarantee in accordance with the requirements of Section 12.60.

i) **As-Built Drawings** - Upon completion of the private street, the applicant shall submit to the City two (2) complete sets of "as built" drawings, certified by the applicant's engineer, for final acceptance.

j) **Emergency Access** - Private streets may not be gated or otherwise be constructed so as to prevent or hinder access by emergency vehicles.

k) **Existing Private Streets**

1) An existing private street that is nonconforming may not be extended to include additional lands not taking access from the private street as of the date of this Ordinance, unless the entire private street is upgraded to meet the requirements of this Section.

2) A structure may be constructed upon a vacant lot of record that takes its primary access from an existing nonconforming private street, provided that the structure and all other development thereon meets the requirements of this Ordinance.

3) Existing lots of record with their primary access on an existing nonconforming private street may be divided in accordance with the dimensional requirements of this Ordinance, the City of Ferrysburg land division requirements and the Land Division Act (PA 288 of 1967, as amended); however, no more than one (1) additional parcel may be created from any existing lot of record.

4) Existing private streets which are nonconforming due to inadequate easement width may be improved without requiring the existing easement to be made conforming to the width requirements, provided that the pavement and any other improvements meet the requirements of this Section, and that the width of the easement is not further reduced.

5) Plans to improve an existing private street shall be reviewed in the same manner as a new private street.

[Ordinance No. 242, 12/03/07]

Section 3.310 Wind Energy Conversion Systems

a) **Purpose** - This subsection establishes standards and procedures by which the installation and operation of an On-Site Service WECS shall be governed within the City of Ferrysburg.

b) **Definitions**

1) Wind Energy Conversion System (WECS): Shall mean a combination of:

a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and

b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and

c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and

d. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.

e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.

2) WECS Height: The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).

3) On-site Service WECS : A single WECS placed upon a lot or parcel with the primary intent to service the energy needs of only the structures and uses on the same lot or parcel.

c) Only On-site Service WECS shall be allowed. A WECS with the primary purpose of providing power to the utility grid is not permitted.

d) **On-site Service WECS General Requirements**

1) Except as may otherwise be required by this Ordinance, an On-Site Service WECS shall be allowed as an accessory use in any zoning district, subject to the requirements of this Section.

2) Review Requirements

a. For a WECS that does not exceed fifty (50) feet in height, review shall be according the Site Plan Review requirements of Article 5.

b. For any WECS exceeding fifty (50) feet in height, Article 4, Special Land Uses, shall apply.

3) Power rating of the WECS turbine shall not be greater than 50 kW.

4) The WECS shall provide energy only to the structures and uses on the same property upon which the tower is located and must be owned or leased by the owner of the same property; however, this does not prevent the distribution to the local utility company of any power that is generated beyond the needs of the structures or uses on the property. Except for the local utility company, power generated by the WECS may not be provided to any other property or entity.

5) No sound attributed to the WECS in excess of 55 dB(A) shall be discernible at the property line.

6) There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the base of the tower or to the nacelle. No sign shall exceed three (3) square feet in area.

7) There shall be no lighting on or directed to the WECS, unless a beacon is required by the Federal Aviation Administration.

8) The WECS shall be painted in a neutral matte color, such as gray or light blue, to blend into the background. A building mounted WECS may be painted in similar colors to those on the building.

9) A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding.

10) A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal

communication systems would produce electromagnetic interference with signal transmission or reception.

11) The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to City ordinances.

12) All WECS installations shall comply with applicable ANSI (American National Standards Institute) standards.

13) A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for twelve (12) consecutive months.

14) An existing and approved WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the Zoning Administrator, provided that the new WECS is of the same height, rotor diameter, setback, etc. as the WECS it replaces. For the purposes of this paragraph, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.

e) **Ground-Mounted On-Site Service WECS** (see Figure 3-13)

1) The WECS shall be located on the property so that it is set back from all property lines a distance equal to the WECS height. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a single WECS (including guy wire anchors) shall be located within or above any required setback.

2) The WECS height shall be limited by available setbacks as required in paragraph 1) above; however, no WECS height shall exceed fifty (50) feet on a property less than 12,000 square feet in area; seventy-five (75) feet on a property at least 12,000 square feet but less than one (1) acre in area; or one hundred (100) feet on a property one (1) acre in area or greater. Any WECS over fifty (50) feet high is subject to Special Land Use review, regardless of lot size.

3) The minimum rotor blade tip clearance from grade shall be twenty (20) feet.

4) The minimum rotor blade tip clearance from any structure shall be twenty (20) feet.

5) The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed fifty (50) feet.

6) The tower used to support a WECS shall be adequately anchored meeting ANSI standards, as certified by an engineer.

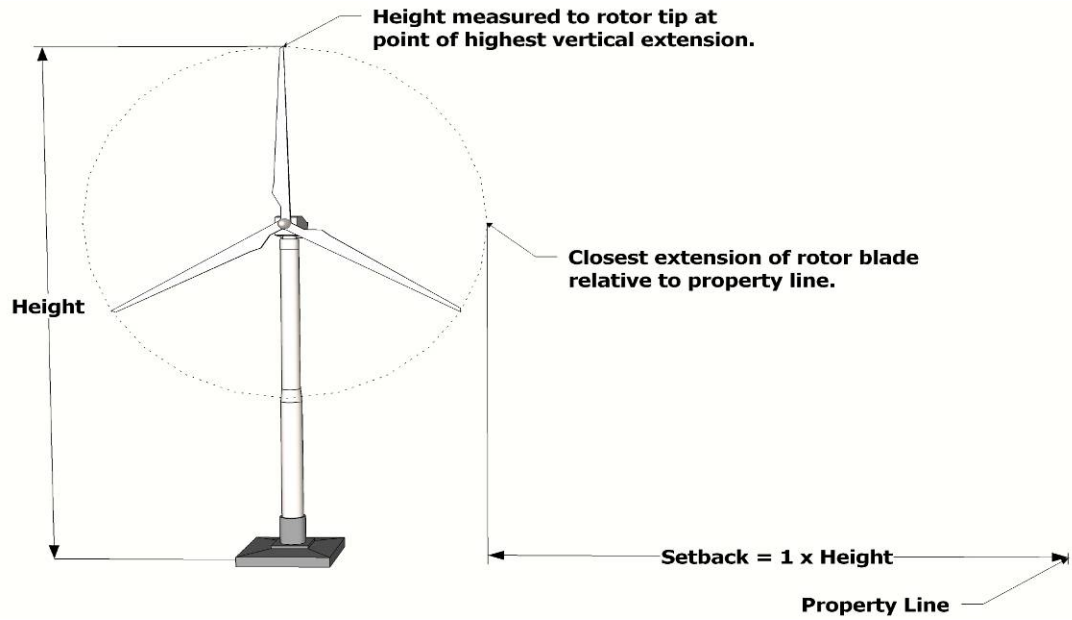


Figure 3-13: Ground Mounted On-Site Service WECS

f) **Building Mounted On-Site Service WECS** (see Figure 3-14)

1) The diameter of the rotor shall not exceed twenty (20) feet.

2) The WECS height shall not exceed the maximum height for principal buildings in the district, plus fifteen (15) feet.

3) The WECS shall be mounted so that it is set back from adjoining property lines a distance equal to the combined height of the WECS and the height of the portion of the structure on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).

4) A building mounted WECS shall not be mounted to the vertical face of a gable end or dormer that is visible from the street.

5) The mount and the structure used to support a building mounted WECS shall meet ANSI standards, as certified by an engineer.

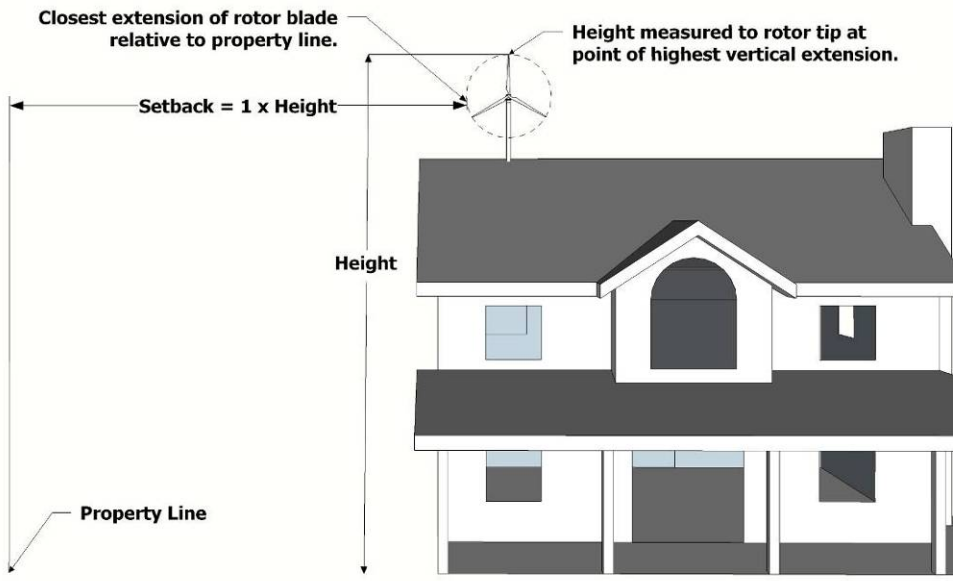


Figure 3-14: Building Mounted On-Site Service WECS

g) **Review Procedure**

1) An application for a WECS that qualifies for site plan review shall be reviewed in accordance with the requirements of Article 5.

2) An application for a WECS that requires Special Land Use approval shall be reviewed in accordance with the requirements of Article 4.

h) **Discretionary Conditions** - The Planning Commission, or in the case of a Special Land Use, the City Council, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS. Other terms and conditions may include, but are not limited to, the following:

1) The preservation of existing trees and other existing vegetation not required to be removed for installation of a WECS.

2) The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS.

3) Altering the location of the WECS to prevent impacts on neighboring properties, provided that all other requirements of this Section are met.

4) Requiring a performance bond or letter of credit, in favor of the City, and conditioned upon the timely and faithful performance of all required conditions of the special land use, including but not limited to the timely and complete removal of a WECS, regulated under the terms of the section, when required. The performance bond or letter of credit shall remain in effect during and after the operation of a WECS until its operations have ceased and it has been removed.

[Ordinance No. 250, 05/18/09]

Section 3.320 Certain Large Scale Residential Developments

Certain large scale residential developments, being those which include twelve (12) or more lots, parcels, site condominium units or multiple-unit apartment dwellings, in the residential districts, shall be developed only as planned unit developments ("PUD") in accordance with Article 8 of this Ordinance. The regulating of such development on a PUD basis will enable the City to control and moderate the size, scope and impact of the development, in accordance with the Master Plan and the purposes of the Ordinance. The requirements of this section shall apply whether the development involves simple land divisions, platted subdivisions, site condominium units or any other type of land division, conveyance or development resulting in twelve (12) or more lots, parcels, site condominium units or other land divisions, or any multiple-unit apartment dwelling development resulting in twelve (12) or more dwelling units. [Ordinance No. 258, 08/03/09]

Section 3.330 Reserved

Reserved.

Section 3.340 Beekeeping

Beekeeping on all properties in the City requires a permit and is subject to the requirements of this Section. Upon approval of a Beekeeping Permit Application, all property owners within 300' will be notified of such by City Staff.

a) Hive size shall not exceed 20 cubic feet.

b) Hives must be set back 15 feet from all property lines and at least 25 feet from any dwelling on a neighboring property (Figure 3-15).

c) A flyway barrier of at least six (6) feet in height shall shield any part of a property line that is within 25 feet of a hive (Figure 3-15). The flyway barrier shall consist of a wall, solid fence, dense vegetation or combination of these materials. Walls and fences are subject to the requirements of Section 3.90. Flyway barriers shall be established prior to the issuance of a beekeeping permit and shall be permanently maintained while actively beekeeping.

d) An adequate and constant source of water, as temperatures allow, shall be placed within 20 feet of the location of bee hives prior to the issuance of a beekeeping permit and shall be permanently maintained while actively beekeeping.

e) The number of hives that may be kept on a single lot or upon contiguous lots under the same ownership is limited by the maximums noted in following table:

Lot Size	Maximum Number of Hives
Up to 1/4 acre (1/4 acre = 10,890 sq. ft.)	2
More than 1/4 acre, less than 1/2 acre (1/2 acre = 21,780 sq. ft.)	4
More than 1/2 acre, less than 1 acre (1 acre = 43,560 sq. ft.)	6
1 acre or more	8
One additional hive is allowed for each additional whole acre of land over one (1) acre.	

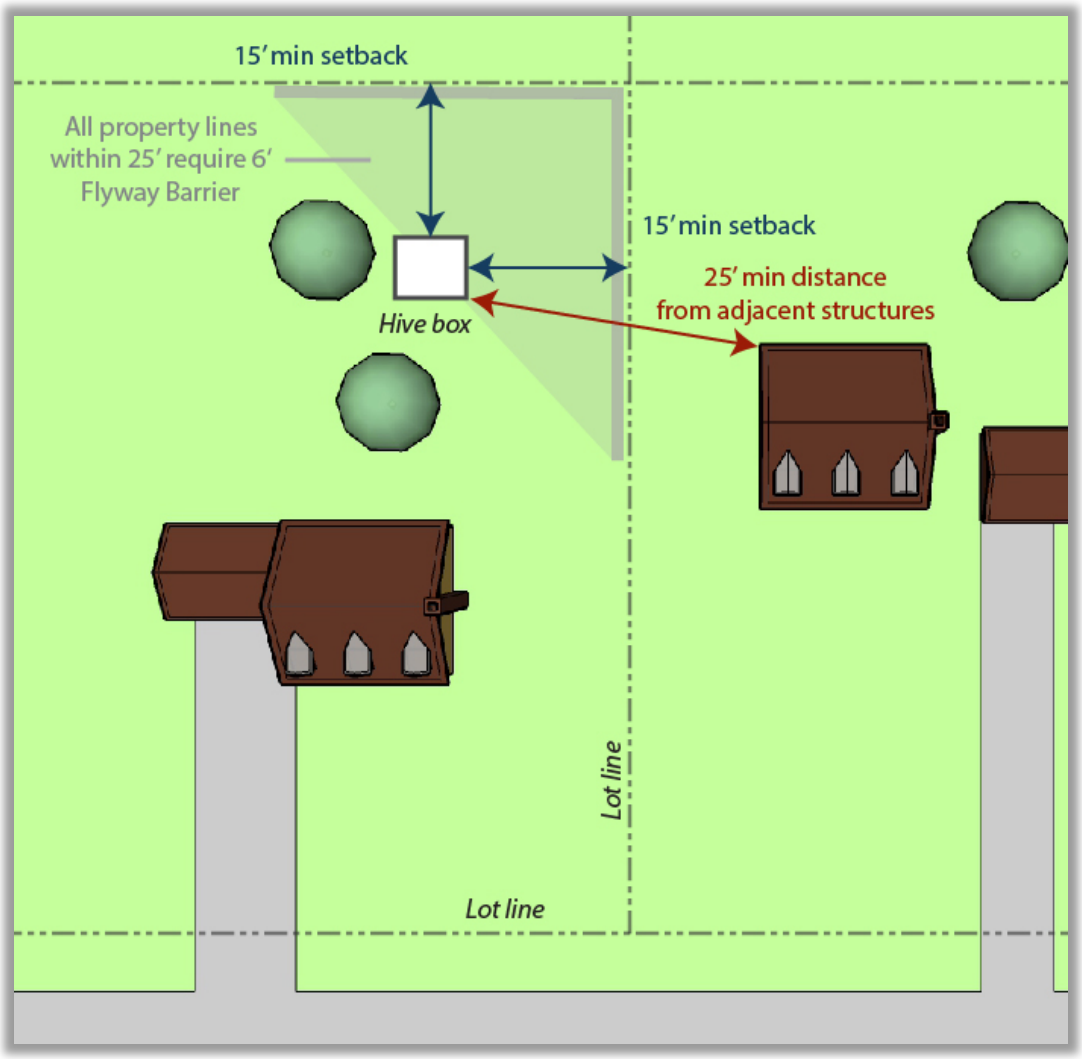


Figure 3-15: Dimensional Requirements for Beehives

[Ordinance No. 284, 1/19/15]

Section 3.350 Keeping of Farm Animals

a) **Farms, Farming and Farm Operations** – Farming in general is defined in Chapter 2 and is regulated by the State of Michigan Department of Agriculture and Rural Development. Farms are permitted on lands that are classified as Category 1, 2 or 3 and are not considered "primarily residential" as classified by the latest Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities manual.

b) **Permitting** – Keeping of authorized species of farm animals on residential properties is allowed under certain circumstances and if conditions of this Section are met. Upon issuance of a permit to keep farm animals, the City shall inform all property owners within 300 feet of the subject property. The notice shall include the property address, summary of permitted activity and a copy of this Section.

   1) New permit and renewal applications shall be submitted by the applicant in complete form to the Zoning Administrator.

   2) Landowner authorization shall be submitted in the event a tenant or occupant other than the landowner is the applicant.

   3) Permits are valid for one year (1) and shall be renewed annually.

   4) Permits shall be revoked for violations of this Section.

c) **General Requirements**

   1) All waste, including manure, shall be managed so there are no unsanitary or unsafe conditions.

   2) Any proposed shelter on the site must be, at minimum, a rigid structure, designed to withstand normal wind and snow loads. Accessory buildings shall meet all applicable building codes.

   3) Keeping of animals within a plat of subdivision or site condominium will be governed by covenants and restrictions in addition to the Zoning Ordinance. In cases where both apply, the stricter rule shall apply.

d) **Animals and Number**

   1) Goats, chickens and rabbits are permitted in the residential zoning districts, subject to minimum acreages.

   2) Male chickens (roosters), peafowl, or guinea fowl, in any number, shall not be kept by any property owner or occupant on any property in the City.

   3) Wild animals shall not be kept by any property owner or occupant on any property in the City.

   4) The maximum number of animals allowed to be kept on a single parcel or lot or upon contiguous parcels under the same ownership is included in the following table:

   5) Newly born goats above the minimum requirements may be kept on a property for one (1) year, provided the number does not increase the permitted number of animals beyond the limitations by more than 50%. Rabbits or chickens less than six (6) months of age do not count against total count limitations.

Keeping of Farm Animals			
Type	**Goats**	**Chickens**	**Rabbits**
Zoning District	R-2, R-4	R-1, R-2, R-3	R-1, R-2, R-3, R-4, R-5
Minimum Acreage	1	1	1
Number permitted at minimum acreage	2	5	4
Addition for each whole acre over the minimum	1	5	4

Combinations of different farm animal types shall not be kept on the same parcel or upon contiguous parcels under the same ownership.

e) **Confinement**

1) Goats, chickens and rabbits must be completely enclosed in a fenced pasture or range area, pen, paddock, coop or other holding area that is of suitable height and construction to contain the animals. Fences are subject to Section 3.30, Fences, Walls, Gates, Screens, and Landscape- General Requirements and Intersection Visibility.

2) Electrical fences are prohibited.

3) Pens and holding areas may not be located within front or side yards.

4) Pasture and outdoor confinement setbacks are subject to the following table. Setbacks are measured from the outside limits of an area that an animal may roam to property lot lines and nearby dwellings.

Pasture and Outdoor Confinement Setbacks				
Adjacent District	**R-1**	**R-2, R-4**	**R-3**	**R-5/MHP**
Setback (feet) from lot line (setbacks may vary with multiple adjacent zoning districts)	15	15	20	25
Setback (feet) from existing dwellings on nearby property	30	30	40	50

f) **Manure** – Storage areas shall be a minimum of 50 feet from any wellhead, surface water feature, areas subject to flooding, 50 feet from any on-site dwelling, and 50 feet from all property lines and 150 feet from pre-existing off-site dwellings under separate ownership. The 50 foot buffer shall be a vegetated buffer. Manure shall be stockpiled on an impermeable pad with sides to prevent leachate and runoff.

g) **Shelter** – Shelters are required for farm animals. Shelters, including sheds, coops, barns, or other buildings accommodating farm animals are subject to Section 3.130, Accessory Building, Structures and Uses.

h) **Commercial Use** – Commercial use is prohibited. Farm animals may not kept or raised for breeding, sale, commercial or agricultural purposes. No person shall sell eggs or engage in fertilizer production for commercial purposes. The slaughtering of farm animals is not permitted.

[Ordinance No. 285, 5/4/15]

Section 3.360 Prohibition of Marihuana Establishments

a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 3.240 of this Chapter.

b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.

c) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City to the extent provided by the Act and does not supersede rights and the regulations under Section 3.240 of this Chapter with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.

[Ordinance No. 302, 2/4/19]

Section 3.370 Outdoor Service and Dining

a) **Zoning Districts** - Outdoor service and dining may be authorized as an accessory function of any restaurant, bar, lounge, and pub use within zoning districts that allow the use.

b) **Review and Approval**

1) The Planning Commission shall review all requests for outdoor service and dining that is accessory to a bar, lounge, and pub as special land uses. The Planning Commission shall ensure that all other applicable City department and outside agency approvals are secured prior to the establishment of the use.

2) Unless a special land use review is necessary in accordance with this section, outdoor service and dining areas shall be reviewed and approved by the Zoning Administrator if applications comply with this section. The Zoning Administrator shall ensure that all other applicable City department and outside agency approvals are secured prior to the establishment of the use.

c) **Plan Requirements**

1) A scaled diagram showing the measurements of the area proposed for outdoor service and dining areas shall be provided. The diagram shall clearly show:

a. Current restaurant, bar, lounge, or pub footprint;

b. Area and dimensions of the proposed outdoor service and dining area;

c. Setbacks from right-of-way and property lines;

d. Clear walkways and ingress/egress to the service and dining area;

e. Number of tables and chairs and their arrangement; and

f. Location of any other items, equipment, bar areas, tents, canopies, stages, portable heaters, countertops, planters, barriers, and other accessories that are planned to be placed within the service and dining area.

2) Other required information:
    a. Use description;
    b. Total proposed capacity;
    c. Lighting plan and fixture specifications; and
    d. Description of proposed alcohol beverage service area barriers, if applicable.

d) **Location** - Outdoor service and dining areas shall be located immediately adjacent to the establishment with which it is associated or may be on a rooftop or balcony.

e) **Setbacks** - Areas dedicated to outdoor service and dining, such as patios, decks, paved areas, or other surfaces, shall be subject to principal building setbacks for the applicable zoning district. Notwithstanding this requirement and the setback encroachment provisions of Section 3.60, outdoor dining areas within the Core Commercial zoning district area may encroach into the required front setback area but shall not encroach into the public right-of-way.

f) **Clear Walkways** - Clear and accessible walkways that allow circulation through the outdoor dining area shall be at least five (5) feet wide.

g) **Screening** - If located in a yard that abuts residential property or residential-zoned property, the outdoor service and dining area shall be screened by a six (6) foot privacy fence or a comparable screening method.

h) **Tables and Chairs** - All tables and chairs provided in the outdoor service and dining area shall be constructed primarily of metal, wood, or material of comparable quality.

i) **Umbrellas** - Umbrellas shall be secured to prevent wind-caused hazards and closed outside of hours of operation.

j) **Lighting** - Lighting is required for outdoor service and dining when open past dusk. The light fixtures must be decorative and complement the architectural character of the building and area. Light fixtures shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway. Light fixtures shall only illuminate the service and dining area.

k) **Capacity** - Outdoor service and dining areas shall not exceed 50 percent of the total indoor service and dining area square footage unless a greater area is approved through the special land use process.

l) **Noise** - Amplified music shall be regulated to ensure it does not impact nearby residential property or residential-zoned property. Amplified music is prohibited between 10:00 PM and 9:00 AM.

m) **Outdoor Cooking** - Outdoor cooking is prohibited.

n) **Refuse** - Refuse containers shall be located within the outdoor service and dining area, and the site shall be maintained free of debris and litter.

o) **Alcoholic Beverage Service**

1) If alcoholic beverages are to be served, outdoor service and dining areas must be enclosed by a barrier. The barrier shall be of sufficient height and design to reasonably limit access to the designated ingress/egress areas.

2) Prior to commencing the use, the applicant shall secure all appropriate approvals from the Michigan Department of Licensing and Regulatory Affairs Liquor Control Commission (MLCC).

p) **Furniture Storage** - Tables, chairs, and umbrellas shall not be stored outside during the off-season.

q) **Fire Department Approval** - All outdoor service and dining areas are subject to Fire Code compliance and approval by the Fire Department.

[Ordinance No. 330 6/26/23]

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Article 4. Special Land Uses

Section 4.10 Purpose

The intent of this article is to provide regulations for uses that are essentially compatible with uses permitted by right in a given district, but which, by reason of the special nature of such uses or their particular location in relation to neighboring properties, require a more detailed level of review by the city. Because of their unique characteristics, it is often necessary to place restrictions or conditions associated with the approval of special land uses to ensure their compatibility with surrounding development.

Section 4.20 Standards for Approval

a) **General Approval Standards** - Prior to approving a special land use application, the following general standards, in addition to any specific standards required for an individual special use, shall be satisfied. The proposed use or activity shall:

   1) Be compatible and in accordance with the City of Ferrysburg Master Plan.

   2) Be designed, constructed, operated, and maintained to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.

   3) Be adequately served by public facilities and services such as streets, police and fire protection, drainage structures, water and sewage facilities, recreation facilities, and primary and secondary schools.

   4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other nuisance.

   5) Promote the public interest through the provision of a service, facility, or use determined to be beneficial to the residents of the city.

b) **Specific Approval Standards** – In addition to the general approval standards, certain special uses are subject to specific standards outlined in Article 5.

c) **Special Use Subject to Site Plan Review** - Properties for which an application for a special land use is made shall also be subject to site plan review and approval in accordance with the requirements of Article 6, Site Plan Review.

Section 4.30 Application Procedure

a) **Applicant** - Any person owning or having an interest in the subject property may file a written application for one or more special land use permits as provided for in this Ordinance.

b) **Application and Fee** - The following materials shall be submitted to the Zoning Administrator at least forty (40) days prior to the meeting at which the Planning Commission first considers the special land use application. The applicant shall provide copies of the application, site plan, and other written and graphic instruments in a number determined by the Zoning Administrator. Information waived by the Zoning Administrator may be subsequently requested by the Planning Commission.

   1) Payment of the required fee.

2) Copies of a site plan meeting the requirements of Article 6 or a concept plan meeting the requirements of Section 4.40 c).

3) Completed and signed application form.

4) Proof of ownership and description of ownership interest.

5) An analysis of the planning and market implications of the proposed use may be required by the Planning Commission pursuant to the following impacts:

   a. Traffic impacts, including analysis of trip generation, impacts on existing and projected traffic capacities, and impacts on surrounding traffic patterns.

   b. Environmental impacts.

   c. Impacts on public facilities and services, including, but not limited to, sanitary sewers, water, storm drainage, police and fire protection, schools, and recreational facilities.

   d. Potential for negative economic impact on the neighborhood, surrounding area, and/or city as a whole.

   In presenting the analysis of the planning implications, the applicant shall provide information describing the methodology used. The analysis shall be carried out by qualified individuals, and verification of the same shall be provided by the applicant.

Section 4.40 Designated Review Authority and Approval Procedure

a) **Special Land Use Approval by the City Council** - The Ferrysburg City Council shall have final review and approval authority for all special land uses after a recommendation by the Planning Commission. Prior to a recommendation to the City Council, the Planning Commission shall:

   1) Hold a public hearing in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.

   2) Review the application in terms of the standards of Section 4.20, as well as any specific use requirements, and shall approve, approve with conditions, or deny the application.

b) **Special Use Permit** - Upon approval of a special land use application, the Zoning Administrator shall issue a special land use permit.

c) **Preliminary Plan Option**

   1) At the applicant's discretion, special land use approval may be requested with a preliminary plan. In this case, the Planning Commission shall review all details of the application and submittal to ensure the satisfaction of special land use approval standards of Section 4.20 a) and provide a recommendation to the City Council. At their discretion, the City Council shall provide a cursory authorization of the general site layout and approve the special land use. Approval of the special land use as a preliminary plan shall not be construed as a final confirmation of zoning compliance.

   2) Final Plan.

      a. A final site plan shall be submitted by the applicant by the published deadline within one (1) year of special land use approval and concept plan approval. If not submitted within one (1) year, the preliminary plan is determined to have expired.

      b. The final site plan shall be submitted in accordance with Article 6.

      c. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards.

d. The final plan shall generally reflect the preliminary plan, or a new public hearing and special land use review shall be necessary.

3) Special Land Use Permit. If the preliminary plan option is desired, the Zoning Administrator shall not issue a special land use permit until the final plan is approved in accordance with Article 6.

4) Preliminary plan checklist:

Special Land Use – Preliminary Plan Submittal Requirements
A. Application and Site Information
Name and address of the applicant and property owner
Address and common description of the property and property ID number
Legal description
Total acreage and net acreage (land minus public or private right-of-way)
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable
Name and contact information for the firm or individual who prepared the site plan
Evidence of property ownership or written power of attorney when the applicant is acting as an agent of the property owner
B. Site Plan Descriptive and Identification Data
Plans shall consist of an overall layout for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be sufficient to show adequate detail. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included
Title block with sheet number/title name, address and telephone number of the applicant and firm or individual who prepared the plans and date(s) of submission and any revisions (month, day, year)
Scale and north-point
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings
Zoning classification of applicant's parcel and all abutting parcels
Proximity to section corner and major thoroughfares
C. Site Data
Existing lot lines, building lines, structures, parking areas and other improvements on the site
Existing lot lines, building lines, structures, parking areas and other improvements within 100 feet of the site
Topography on the site and within 100 feet of the site at 2 foot contour intervals, referenced to a U.S.G.S. benchmark
Site conditions, including existing drainage courses, floodplains, lakes, streams, wetlands and woodlands
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site
All existing and proposed easements
D. Building and Structure Details
Location, height, and outside dimensions of all proposed buildings or structures
Building floor plans and total floor area
Details on accessory structures
Size, height and method of shielding for all site and building lighting
Building facade elevations for all sides, drawn at an appropriate scale

Special Land Use – Preliminary Plan Submittal Requirements
Location, height, and outside dimensions of all outdoor storage areas and facilities
E. Access and Circulation
Proposed access points, streets, and drive aisles. Roads and road rights-of-way or access easements
Opposing driveways and intersections within 250 feet of site
Parking lot layout
F. Landscape Plans
General location and canopy outline of all existing woodlands
G. Information Concerning Utilities, Drainage and Related Issues
Concept grading, drainage, and stormwater plan
H. Additional Information Required for Residential Development
The number and location of each type of residential unit
Garage and/or carport locations and details, if proposed
Concept building elevations
Location and size of recreation and open space areas and an indication of type of recreation facilities proposed for recreation area

Section 4.50 Conditions of Approval and Performance Guarantee

a) **Conditions** - In granting a special land use, the City Council may impose any additional conditions, limitations, and performance guarantees (see Section 13.60) as, in its judgment, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of Section 4.20 are met.

b) **Conditions Attached to Property** - Approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of the property.

c) **Record of Conditions** - A record of conditions imposed shall be maintained by the City. The conditions shall remain unchanged unless an amendment to the special land use is approved.

d) **Record Shall Be Contained in the City Council Minutes** - A record of the decision of the City Council, the reasons for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the City Council.

Section 4.60 Validity of Use Permitted with Special Approval

a) **Termination of Special Land Use for Failure to Commence Construction or Secure Extension** - In cases where actual physical construction of a substantial nature of the structures authorized by a special land use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided in Subsection b) below, the permit shall automatically become null and void and all rights thereunder shall terminate.

b) **Extension** - Upon written application filed with the Zoning Administrator prior to the termination of the one (1) year period, the City Council may authorize a single extension of the time limit for a period of not more than one (1) year. This extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within one (1) year of the extension.

c) **Transfer of Ownership** - Special Land Use permit approval shall convey with the transfer of

property ownership. The use may continue under new ownership as long as compliance with all applicable zoning requirements and conditions of the Special Land Use approval is maintained. [

d) **Cessation of Special Use** - Any use for which a special land use permit has been granted and which ceases to continuously operate for a one (1) year period shall be determined to be abandoned. Once a special land use is determined to be abandoned, the permit shall automatically become null and void, and all previously granted rights under the permit shall terminate. To re-establish the use, an applicant shall request a new Special Land Use permit in accordance with Sections 4.30 and 4.40.

e) **Resubmittal of a Special Land Use Request** - No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the City Council.

Section 4.70 Amendments/Deviations from Approved Special Land Use Permits

Amendments to approved special land use permits shall require submittal of a new application, which shall be subject to all the requirements of this article.

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Article 5. Specific Use Requirements

Section 5.10 Purpose

The intent of this Article is to provide unique requirements for specific land uses, regardless of whether they are classified as permitted or special land uses, based on unique operational characteristics or potential impacts.

Section 5.20 Requirements

a) **Accessory Drive Through Facilities for Any Use Other than a Restaurant**

1) The site shall have at least one lot line on a collector or arterial street.

2) There shall be at least three stacking spaces for each drive through lane. The Planning Commission may require additional stacking spaces based on the use and the anticipated traffic volume.

3) There shall be adequate trash and litter policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

4) Only one (1) driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

5) The minimum distance of a driveway into the site from a street intersection shall be 60 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.

6) Drive-through businesses adjacent to or integrated into a business center shall use the common access with other business establishments in that center.

7) Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on the site and on abutting streets.

8) Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

b) **Accessory Outdoor Display and Sales**

1) The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.

2) No outdoor display or sales shall be permitted in any required yard for the district in which the commercial outdoor storage use is located.

3) Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by Article 7.

4) No outdoor display area or parking serving an outdoor display area shall be located within fifty (50) feet of any property line located in a residential district.

5) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained

and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.

6) The Planning Commission may require an obscuring screen around any storage or display area, according to Section 6.70. Stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen.

7) All outdoor display and sales areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

8) All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.

9) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

c) **Adult Foster Care Small Group Homes and Foster Family Group Homes**

1) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.

2) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the home.

3) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the home.

4) A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.

5) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

d) **Adult Entertainment Uses**

1) Intent. In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult entertainment regulated uses to certain uses considered particularly susceptible to the negative impacts of the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.

2) Uses Regulated. The following uses are regulated by this subsection and defined for purposes of regulating adult entertainment regulated uses:

a. Adult Book Store

b. Adult Model Studio

c. Adult Motion Picture Arcade

d. Adult Motion Picture Theater or Mini-Motion Picture Theater

e. Adult Cabaret

f. Adult Sexual Encounter Center

g. Adult Physical Culture Establishment.

3) No adult entertainment use shall be permitted in a location in which any main building or accessory structure, including signs, is within one thousand (1,000) feet of any main building or accessory structure of another sexually oriented business.

4) No adult entertainment use shall be established on a parcel within five hundred (500) feet of any Residential District or any parcel used for a dwelling, public park, school, child care facility, church or similar place of worship, public library, city hall, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.

5) Any sign or advertising for the adult entertainment use must comply with the provisions of this code. Any sign or advertising may not include photographs, silhouettes, or drawings of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.

6) The entrances to the proposed adult entertainment use at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two (2) inches in height stating:

a. "Persons under the age of eighteen (18) are not permitted to enter the premises;" and

b. "No alcoholic beverages of any type are permitted within the premises;" unless specifically allowed pursuant to a license duly issued by the Liquor Control Commission.

7) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.

8) Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

9) All off street and on-site parking areas shall comply with this Ordinance, based on the primary use (i.e, retail, assembly, etc.) and shall additionally be illuminated at all times.

10) Any booth, room or cubical available in any adult entertainment use that is used by patrons for the viewing of any entertainment shall:

a. Be unobstructed by any door, lock or other entrance and exit control device;

b. Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle can clearly determine the number of people within;

d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.

11) Conditions of Approval. Prior to the granting of approval for the establishment of any adult entertainment use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult entertainment regulated use which is necessary for the protection of the public interest. Any

evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

12) No person operating an adult entertainment use shall permit any person under the age of eighteen (18) to be on the premises of the business as an employee, customer, or otherwise.

e) **Automobile Service Stations Including Minor Vehicle Repair, With Or Without Convenience Goods**

1) All maintenance and repair work shall be conducted completely within an enclosed building.

2) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.

3) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the Planning Commission.

4) If the use includes gasoline sales or installation of oil or other automotive fluids, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Ferrysburg Fire Department.

f) **Bed and Breakfast Facilities.**

1) The total number of bedrooms rented to guests shall not exceed fifty (50) percent of the total number of bedrooms located in the residence.

2) Rooms utilized for guest sleeping shall not exceed four (4) occupants per room. Rooms for guest sleeping shall meet or exceed the following room size criteria:

Number of Guests per Sleeping Room	Minimum Room Size (Net Square Feet)
1 to 2	100
3	130
4	160
More than 4 guests per room - Not Permitted	

3) The Bed and Breakfast facility and operation shall meet all applicable building, health, and related safety codes.

4) The guest room charge shall include the preparation and serving of breakfast to overnight guests. No additional breakfast fees shall be charged.

5) No separate or individual cooking facilities shall be provided for the use of guests, including existing cooking facilities.

6) The Bed and Breakfast operation may include a wall sign, attached flat against the front face of the dwelling, not to exceed two (2) square feet in area. The sign shall be non-illuminated and designed and constructed consistent with the architectural and aesthetic character of the dwelling to which the sign shall be affixed.

7) No transient guest shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.

8) Off-street parking shall be provided as required by Article 7, Parking and Loading.

9) The use of outdoor yard areas, open decks, pools, and the like shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of a

Bed and Breakfast operation may be conditioned upon the installation of screening, fencing, plantings, and/or other installations and conditions to help ensure compatibility of the Bed and Breakfast operation with the surrounding area.

10) Bed and Breakfast facilities proposed for the Commercial District shall be limited to the placement of such operations within dwellings existing on the effective date of this Ordinance.

g) **Day Care Centers, Profit and Non-Profit**

1) A day care center shall provide a minimum of 50 square feet of indoor play area for each child cared for. There shall be 100 square feet of outdoor play area for each child that would be using the play area at any one given time, provided the minimum outdoor play area shall be no less than 1,000 square feet. The required play area shall be fenced.

2) There shall be a designated area where children may be dropped off or picked up with a designated pedestrian route to the entry to the facility. At least four such spaces shall be provided for each 20 children of licensed capacity. These spaces may be counted toward the required minimum parking space requirement.

h) **Dwelling Units Located on The Second or Above Story of a Permitted District Use**

1) Two (2) parking spaces shall be provided for each dwelling unit, in addition to the parking requirements for the nonresidential use.

i) **Gasoline Station, With or Without Convenience Goods**

1) There shall be a minimum lot area of one (1) acre and minimum lot width of two hundred fifty (250) feet.

2) Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.

3) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Article 8, Signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

4) Only one (1) driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

5) The intensity of lighting within a site shall not exceed twenty (20) footcandles or one (1) footcandle at the property line, except where it abuts a residentially used or zoned property, at which a maximum of 0.5 footcandles is permitted.

6) The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.

7) In the event that a gasoline station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

8) Any use with gasoline sales shall also meet the standards for gasoline stations.

j) **Group Day Care Homes**

1) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.

2) All playground equipment and areas for play and exercise shall be in the rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.

3) Fencing at least four (4) feet, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to children.

4) The facility shall be in compliance with all applicable State licensing requirements.

5) The facility shall not be located closer than one thousand five hundred (1,500) feet to:

   a. another licensed group day care home;

   b. an adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979);

   c. a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State;

   d. a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections.

6) Hours of operation shall not exceed 16 hours during a 24-hour period.

7) One (1) non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

8) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.

9) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the home.

k) **Hotel or Motel**

1) Minimum floor area of each guest unit shall contain not less than two hundred fifty (250) square feet.

2) The minimum lot area shall be twenty-five thousand (25,000) square feet with a minimum width of one hundred fifty (150) feet, provided that there shall be at least five hundred (500) square feet of lot area for each lodging unit.

3) The maximum lot coverage of all buildings, including accessory buildings, shall not exceed more than thirty-five percent (35%) of the lot.

4) All parking areas shall have direct access to an arterial or collector street.

5) Any accessory use, such as a restaurant, shall be subject to the specific standards for such uses.

l) **Massage Clinics, Massage Services**

1) All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the City Council. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the City, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage

establishment.

m) **Restaurant, Cafes, Ice Cream Shops, Retail Bakeries with Drive-Through Service**

1) Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2) A minimum of three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

3) Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of said access.

4) Internal circulations and access to and egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

5) The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

6) Environmental impacts, including, without limitation, noise, air emissions, and glare are not significant for employees of the facility or the surrounding area.

7) Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent said sound or music from being audible beyond the boundaries of the site.

n) **Vehicle Repair, Minor**

1) Minor vehicle repair facilities that do not sell fuel shall be subject to the same standards as an automobile service station.

o) **Vehicle Repair, Major**

1) All main and accessory structures shall be set back a minimum of one hundred (100) feet from a single-unit dwelling residential district.

2) There shall be a minimum lot frontage on a paved road of one hundred (100) feet.

3) No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

4) A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.

5) Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.

6) Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

7) Where adjoining a Residential District, a solid decorative masonry wall, six (6) feet in height shall be erected along any common lot line. The wall shall be continuously maintained in good condition. The Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.

8) All maintenance and repair work shall be conducted completely within an enclosed building.

9) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

10) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to four (4) weeks in a designated area. Such area shall be appropriately screened from public view as determined by the Planning Commission.

11) If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Ferrysburg Fire Department.

p) **Vehicle Sales and Service (Automobiles, Light Trucks and Recreational Vehicles), With or Without Minor Vehicle Repair**

1) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.

2) All parking and outdoor storage areas shall be paved with a permanent and durable surface. Curb shall be provided around all parking and storage areas.

3) Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile service stations.

4) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of 0.5 footcandles is permitted.

5) Uses that include minor vehicle repair shall also meet the standards for automobile service stations. Sales of automotive fuel is not permitted.

q) **Vehicle Wash, Automatic or Manual**

1) Minimum lot size shall be 10,000 square feet or the minimum required lot area for the zoning district, whichever is greater

2) All washing activities must be carried on within a building.

3) Vacuuming activities shall be at least 50 feet from any adjoining residential district.

4) The entrances and exits of the wash facility shall be from within the lot and not directly to or from an adjoining street. A street shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

5) Provision shall be made for the drying of vehicle undercarriages prior to entering the public thoroughfare.

6) Two vehicle stacking spaces are required for each self-serve wash stall.

7) Ten stacking spaces are required for each automatic wash lane.

8) All off-street parking areas and maneuvering lanes shall be drained so as to preclude

drainage of water onto adjacent property and public rights-of-way.

9) Measures to minimize noise impacts on adjoining properties shall be employed.

r) **Personal and Commercial Storage Suites**

1) Two (2) parking spaces are required per personal or commercial storage suite.

2) Business operations shall not be conducted out of personal or commercial storage suites unless the use is a permitted or a special land use within the applicable zoning district and approved by the Zoning Administrator or Planning Commission, as applicable. Any business use beyond basic storage shall comply with all other requirements for the use, including minimum parking requirements.

3) Where abutting a residentially zoned lot or parcel, setbacks shall be no less than 25 feet.

[Ordinance No. 325 6/5/23]

s) **Self-Storage Facility**

1) Parking spaces required by Section 7.40 E may be reduced or deferred if the applicant demonstrates that it is not necessary based on anticipated use.

2) Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited.

3) Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.

4) Outdoor storage shall not be located within any required setback area and shall be on an asphalt or concrete surface.

5) Outdoor storage areas shall be screened from view by a six-foot privacy fence, thick evergreen vegetation, or a combination of privacy fencing and evergreen vegetation.

6) Where abutting a residentially zoned lot or parcel, setbacks shall be no less than 25 feet.

[Ordinance No. 325 6/5/23]

t) **Accessory Dwelling Units (Accessory to a Non-Residential Use) -relocated from Article 3**

1) Accessory dwelling units shall only be authorized within or attached to a conforming storage building or a commercial building and accessory to a conforming principal land use.

2) An accessory dwelling unit shall not be sold or leased separately from the associated principal storage unit or tenant space. The accessory dwelling unit shall only accommodate the party owning or leasing the principal space.

3) No more than one (1) accessory dwelling unit per storage unit or tenant space is permitted. If on an upper floor, the accessory dwelling unit may not encroach over an adjacent storage unit or tenant space.

4) The accessory dwelling unit shall be subject to all dimensional and design requirements applicable to principal buildings within the applicable zoning district.

5) Accessory dwelling units may be designed as an independent living area that can be isolated from the principal non-residential space. This requirement does not preclude additional entryways.

6) One (1) parking space is required per accessory dwelling unit in addition to the number required for the principal use. No excess parking beyond the required parking space is permissible for the dwelling unit.

7) The square footage of the accessory dwelling unit shall not exceed the square footage of the storage unit or tenant space to which it is accessory.

8) Accessory dwelling units shall not have a separate meter for public utilities, such as electric, water, and gas service, and shall not have a separate mailing address.

9) Open-air rooftop usable deck space may also be permissible if approved by the Planning Commission. Rooftop storage is prohibited, excluding tables and chairs.

10) If visible, the exterior appearance of the accessory dwelling unit shall be of a compatible architectural character with the principal building exterior, including similar siding, windows, architectural features, and building materials.

11) Accessory dwelling units shall meet all building and fire code requirements for mixed-use living space, including sprinkling, if warranted.

u) **Accessory Dwelling Units (Accessory to Single-Unit Dwelling)**

1) Accessory to Single-Unit Dwelling. An accessory dwelling unit (ADU) authorized by this section shall only be established on a lot where a single-unit dwelling is the principal use.

2) Number. A single-unit dwelling is limited to one (1) ADU.

3) Livable Floor Area.

a. The livable floor area of an ADU shall not exceed 600 square feet or 50 percent of the livable floor area of the primary single-unit dwelling, whichever is less.

b. The minimum livable floor area of an ADU shall comply with building codes.

4) Occupancy.

a. The principal single-unit dwelling or the ADU shall be occupied and used by the owner as their primary residence; or

b. The principal dwelling and ADU shall be rented under a single contract without a sublease.

5) Short-Term Rental Prohibited. An ADU shall not serve as a short-term rental unit.

6) Exemption. The square footage dedicated to a detached ADU can exceed the maximum accessory building square footage per Section 3.130 f)5) as long as it does not exceed the maximum livable floor area requirement of this section.

7) Appearance. An ADU shall retain a residential appearance consistent with the architectural design and building materials of the principal single-unit dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.

8) Driveway and Parking. Notwithstanding the requirements of Section 3.160 c)2)1), a driveway may be extended to serve an ADU. An ADU requires a minimum of one (1) dedicated off-street parking space.

9) Attached ADU Requirements.

a. An attached ADU shall comply with all setback requirements applicable to the principal single-unit dwelling.

b. An attached ADU shall have an exterior access door.

10) Detached ADU Requirements.

a. A detached accessory dwelling unit shall comply with all setback requirements applicable to accessory buildings.

b. A detached ADU shall not be a manufactured home.

c. For a detached ADU over garage space, such as a carriage house, the first-floor garage space shall not count toward the ADU's maximum square footage.

d. Notwithstanding the accessory building height requirement of Section 3.130 f)4), a detached ADU shall not exceed one and a half (1.5) stories and 15 feet in height. However, a detached ADU over a garage shall not exceed two (2) stories and 25 feet in height.

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Article 6. Site Plan Review Requirements

Section 6.10 Purpose

Site plan review and approval shall be required prior to the issuance of a building permit for the construction, reconstruction, erection, expansion, or relocation of any building or structure in any zoning district, and prior to the initiation of any special land use in any zoning district, and prior to the initiation of any new use of land not requiring a building permit, subject to the provisions of this Ordinance.

Section 6.20 Uses Subject to Site Plan Review

Except as provided for by this Ordinance, no permit shall be issued for any construction, reconstruction, erection, expansion, or relocation of any building or structure nor for the initiation of any new use of land not requiring a building permit until a site plan and site plan application have been approved by the Zoning Administrator, Planning Commission, or City Council as required by this Ordinance and detailed as follows:

a) **Site Plan Approval by the Zoning Administrator** [Ordinance No. 265, 10/4/2010]

1) Single-Unit Dwellings and Two-Unit Dwellings - Construction, reconstruction, erection and/or expansion of a single-unit dwellings or two-unit dwelling on a parcel zoned solely for residential purposes and classified as a principal permitted use.

2) Reconstruction and/or expansion of a single-unit dwelling located in the Core Commercial (CC) Zone District. [Ordinance No. 176, 7/19/99]

3) Signs, Walls, Decks, Etc. - Construction or erection of signs of less than three-hundred (300) square feet; retaining walls; fences; buffer screens or walls; refuse storage stations; sidewalks; antennas; lights; poles; and cooling, heating or other mechanical equipment when located on a building or occupying a ground area of less than one-hundred (100) square feet; accessory buildings or structures of less than two hundred (200) square feet.

4) Building Expansion - Expansion of an existing, permitted, principal building or structure wherein the size of the expansion does not exceed ten (10%) percent of the gross floor area of the principal building or structure, to a maximum of one thousand (1,000) square feet.

5) Essential Services - Certain essential services as provided for by Section 3.80 of Article 3.

6) Change of Use- Change of a non-residential use to a permitted non-residential use that does not involve site development, increased parking, or other improvements to comply with zoning requirements. At the discretion of the Zoning Administrator, a change of use may be forwarded to the Planning Commission for Site Plan approval if there are concerns with the potential impact of the proposed use. [Ordinance No. 316, 4/19/21]

b) **Site Plan Approval by the Planning Commission**

1) All residential, recreational, office, commercial, industrial, and other uses except:

a. Uses subject to final approval by the Zoning Administrator as detailed under Paragraph a), above.

b. Uses subject to final approval by the City Council as detailed under Paragraph c), following. However, for these uses, the Planning Commission shall be responsible for reviewing site plans pursuant to the formation of recommendation to the City Council.

2) Other uses specified by this Ordinance requiring final review and approval by the Planning Commission.

c) **Site Plan Approval by the City Council** (After Planning Commission Recommendation)

1) Special land uses, including amendments thereto.

2) Site condominiums and subdivisions, including amendments thereto.

3) Planned Unit Development, including amendments thereto.

4) Other uses specified by this Ordinance requiring final review and approval by the City Council.

d) **Optional Pre-Application Conference**

1) Site Plan Pre-application Conference - If requested by the applicant, a site plan pre-application conference may be held with the Planning Commission for the purpose of establishing general direction and eliciting feedback from the Planning Commission regarding the general content of a proposed project subject to site plan review. Application for a pre-application conference shall be made on an appropriate form provided by the Zoning Administrator. A complete site plan is not required, but may be presented by the applicant. In lieu of a complete site plan, the applicant shall submit a basic concept plan which includes the following information:

a. Site boundaries and lot line dimensions.

b. Layout of the proposed site development, including the location of:

1. buildings and parking areas

2. open space areas and natural features - the general location of wetlands, surface water features, dunes, and tree stands (greater than 1 acre in area) shall be shown

3. access drives, internal drives and streets, parking areas, and sidewalks

4. existing and proposed utility, drainage, and other easements

5. surface water drainage measures

6. free-standing signs

c. All buildings, parking areas, open space areas, and other site features depicted on the concept plan shall be identified.

d. For residential projects, the plan shall detail:

1. dwelling unit density

2. type of dwelling units (owner/rental, size, and number of bedrooms)

3. elevation of proposed or comparable building design

e. Estimate of site area (in acres, square feet, and percent of total site area) devoted to:

1. combined area of buildings and structures (not including streets, driveways, and parking areas)

2. combined area of streets, driveways, and parking areas

3. open space

f. The plan shall be properly scaled and dimensioned in order to accurately depict land use relationships. All buildings, building setbacks, access points, streets and drives, parking areas, and other similar features shall be dimensioned. A pre-application conference is provided for informational purposes only and shall not obligate the Planning Commission

or City Council pursuant to the final disposition of the project. In the event an applicant wishes to forego a pre-application conference and precede directly to the final site plan review application stage, the applicant shall submit a complete, fully detailed, site plan as required by this Ordinance. [Ordinance No. 211, 5/3/04]

Section 6.30 Site Plan/Use Review by Building Official, Fire Chief and Others

As determined necessary and appropriate by the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals, zoning applications may be forwarded to the various City departments, such as the Departments of Police, Fire, Public Works, Inspections, and the like for purpose of receiving departmental comment, recommendations, and/or information regarding City code requirements as pertaining to the nature of the application and impact on public facilities and services. [Ordinance No 265, 10/4/10]

Section 6.40 Site Plan Application - Filing Procedure and Required Number of Applications and Site Plan Copies

All site plan review applications shall be made by submitting the following materials to the Zoning Administrator at least twenty one (21) days prior to the meeting at which the site plan is to be considered:

a) **Application** - One (1) copy of a completed site plan review application on an approved form provided by the Office of the Zoning Administrator.

b) **Site Plan** - Twelve (12) copies of a site plan drawing containing all of the information required in Section 6.50. For projects which are subject to final review by the Zoning Administrator only (Refer to Section 6.20), three (3) copies of the site plan drawing shall be submitted. In all cases, additional site plan copies may be requested by the Zoning Administrator for any zoning request if he/she determines additional copies are needed for proper completion of the review process.

   Site plans subject to final review by the Zoning Administrator may be filed concurrent with a building permit application.

c) **Fee** - Payment of an application fee, which shall be non-refundable, and which shall be established from time to time by resolution of the City Council.

Section 6.50 Required Site Plan Contents

a) A site plan submitted in accordance with this Ordinance shall contain all of the information listed in the Site Plan Checklist - Section 6.50. In the event any of the items identified in the Site Plan Check list are subject to regulatory control by an agency of Ottawa County, the State of Michigan, or the United States, the applicant shall provide the following:

   1) The type of regulatory control of which the project is subject to including the name and address of the agency, identification of the permit or authorization required, and the status of the permit or authorization.

   2) A copy of the agency permit, letter of authorization, or other bonafide evidence demonstrating compliance with the requirements of the applicable agency, or proof of application. A copy of any map, report, or other exhibit referenced by the permit, letter of authorization, or like instrument shall also be provided.

   3) Proof of approval of any required permit from another agency shall be a condition of site plan approval.

   [Ordinance No. 211, 5/3/04; No. 265, 10/4/10]

SITE PLAN CHECKLIST - SECTION 6.50	
1	Date, north arrow, and scale. Unless a different scale is approved by the Zoning Administrator, the scale shall be one (1) inch equals thirty (30) feet.
2	Name, address, telephone number, and fax number of the applicant.
3	Name, address, telephone number, and fax number of the person or agency preparing the site plan.
4	Address, legal description, and tax identification number of the subject property.
5	Size of the parcel in acres and square feet.
6	Existing and proposed lot lines with bearings and dimensions, including actual and required setback lines.
7	Location of abutting properties, existing structures, adjacent street(s) and street rights-of-way, pavement, access drives, and driveways within one-hundred (100) feet of the subject property.
8	Location and size of existing natural features including, but not limited to, regulated wetlands, water bodies, critical dune boundaries, and vegetation.
9	Location and dimensions of all existing and proposed structures on the subject property, including but not limited to all buildings and other structures, signs, fences, walls, accessory buildings, storage sheds, mechanical and similar equipment, dumpsters, and the method of screening where applicable.
10	Elevation drawings of all buildings, showing all sides, and indicating the type of building materials used and indicating colors. Percentages of wall materials on each façade shall be shown in accordance with Section 6.60.
11	Location of exterior site lighting shall be shown, including specification of the height, type of fixture, and light/glare containment capability.
12	Location, dimensions, and completion schedule of all existing and proposed drives, sidewalks, curb openings, curbing, loading/unloading areas, parking areas and parking spaces, and vehicular and pedestrian circulation routes. Parking areas shall indicate the number of spaces and the dimensions of a typical space and aisle. Barrier-free parking spaces shall be indicated. Electric vehicle charging station equipment locations and EV ready, capable, and/or installed charging station spaces shall be indicated, and the number provided if proposed. [Ordinance No. 325 12/5/22]
13	The existing zoning and use of all properties abutting the subject property.
14	A landscape plan meeting the requirements of Section 6.70.
15	Location and size of existing and proposed sewer and water supply systems, storm sewers, fire hydrants, manholes, storm water intakes and clean-outs.
16	Location, size, and method of installation of all other public and private utilities on the site, including but not limited to natural gas, electric, cable television, fiber optic, and telephone and other voice cable.
17	Proposed method of site surface drainage, including proposed surface and subsurface facilities. The information must include the design basis (e.g. design criteria and calculations).
18	Boundary of any project area within a 100-year floodplain.
19	Location, size, and use of existing and proposed easements.
20	Existing and proposed site topography at a scale not exceeding five feet (5') contour intervals.
21	Other site plan and project information considered necessary to achieve a determination of Ordinance compliance. This includes, but is not limited to, environmental impact assessments, traffic studies, market impact studies, utility impact assessments, and cost-benefit assessments (cost of project to the city based on provision of city services in return for tax base and other revenue).

b) **Accompanying Detail** - The following documentation shall accompany the site plan or may be placed directly on the plan, if applicable:

1) Owner and Petitioner - The name and address of the property owner and petitioner, if different, and proof of ownership or option to purchase by the petitioner.

2) Schedules - Summary schedules with the following information, as applicable:

a. Number, size, and bedroom mix of dwelling units proposed.

b. List of uses proposed and the gross floor area of each.

c. Area and percentage of site coverage by buildings, structures, pavement, and open space.

c) **Sealed Plans** –All site plans shall be prepared by a professional surveyor, engineer, architect or landscaped architect licensed in the State of Michigan and shall bear the seal of the licensed professional. The Zoning Administrator may waive this requirement when he/she has determined that there is no exterior effect resulting from the proposed use or that the site plan is simple enough to be completed by another preparer, provided that the plan is drawn to an accurate scale and provides the information required in the checklist above. [Ordinance No. 265, 10/4/10]

d) **Information Waiver** - The Zoning Administrator, may waive any of the requirements of Section 6.50, if, in his/her opinion, this information is not necessary for review of the site plan and determination of Ordinance compliance. [Ordinance No. 259, 09/08/09, No. 265, 10/4/10]

Section 6.60 Building Appearance

a) **Statement of Purpose** - The purpose of this Section is to provide exterior building wall materials requirements to enhance the visual environment of the City, thereby improving property values, stimulating investment in various business districts, encouraging quality industrial, and research and development projects, and enhancing the quality of life for City residents. The provisions of this Section are to ensure that development projects utilize quality materials to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and creates a positive image for business and employment districts.

b) **Applicability** - This Section shall apply to all new construction subject to site plan review, except single-unit dwellings, and shall consist of those materials and combinations of materials as set forth in this Section. Building appearance shall be reviewed as a part of site plan review under the requirements of this Article. Calculations for material wall percentages do not include areas of the façade used for doors and windows.

c) **Two-Unit Dwellings** - All two-unit dwellings shall be designed to de-emphasize garage entrances. Garages shall be side- or rear-loaded, except:

1) If, because of available access, shape of the lot, or other relevant factors, garages may only be located on the front façade of the building, they shall not protrude more than four (4) feet beyond the front wall of the structure that faces the street.

2) If a design requires a garage to extend more than four (4) feet beyond the front wall of the structure that faces the street, the owner may request site plan review by the Planning Commission, pursuant to the requirements of this Article. The Planning Commission shall consider site restrictions, consistency with neighborhood character, and architectural innovation and quality in determining if an increased garage extension is warranted. In this case, the Zoning Administrator may waive site plan submittal requirements, in accordance with Section 5.50, c).

d) **Multiple-Unit Residential** - All multiple-unit attached dwellings and multiple-unit apartment dwellings located in any district shall meet the following wall material requirements:

Wall	Permitted wall materials	
Front façade and other walls facing a street	50% minimum brick, face brick or stone	Up to 50% may be wood, vinyl, or fiber cement (hardy board) siding, stucco or other similar quality material approved by the Planning Commission.
Side and rear facades that do not face a street	Brick, face brick, stone, wood, vinyl, or fiber cement (hardy board) siding, stucco or other similar quality material approved by the Planning Commission.	
Basements and foundations	Concrete block, including split face, scored block, precast concrete and concrete formed in place	

e) **Commercial, Office and Institutional** - All non-residential buildings located in a residential zoning district and all buildings (except non-conforming residential uses) located in the CC, GC and S zoning districts shall meet the following wall material requirements.

Wall	Permitted wall materials	
Front façade, and other walls facing a street, a parking lot or an adjacent residential zoning district	75% minimum brick, face brick or stone	Up to 25% may be split face block, scored block, metal, EIFS, wood, vinyl or fiber cement (hardy board) siding, stucco or other similar quality material approved by the Planning Commission.
Side and rear facades that do not face a street, a parking lot or an adjacent residential zoning district	Sides: Any suitable fire-resistant material that meets the Building and Fire Codes and is a color that is compatible with the front façade. No more than 50% of the side façade may be metal, and any metal wall(s) must be on that portion of the side façade furthest from the front. Rear: Any suitable fire-resistant material that meets the Building and Fire Codes and is a color that is compatible with the front façade	

f) **Industrial** - Buildings located in the LI-1, LI-2, LI-3 and PI zoning districts shall meet the following wall material requirements:

Wall	Permitted wall materials	
Front façade and other walls facing a street or an adjacent residential zoning district	50% minimum brick, face brick, stone, cast stone or C-brick (1)	Up to 50% may be any other suitable fire-resistant material that meets the Building and Fire Codes
Side and rear facades that do not face a street, or an adjacent residential zoning district	Any suitable fire-resistant material that meets the Building and Fire Codes and is a color that is compatible with the front façade	

Notes to the above table:

(1) The building material requirements of this section shall not apply to the façade of a building of any size where it is set back more than three hundred (300) feet from the front lot line and the Planning Commission approves a landscape plan that provides screening of the building from the front lot line(s).

g) **Allowance for Other Materials** - The approving body (the Planning Commission or City Council, as applicable) may waive the materials required by this Section if it finds that a proposed building design and the materials or combinations of materials are in keeping with the Purpose of this Section. In making a decision, the approving body shall also consider the desired character of the area and design recommendations of the Master Plan.

h) **Design Standards** - Buildings shall have architectural variety, but enhance the overall cohesive community character.

1) Buildings shall provide architectural features, details and ornaments, including but not limited to, string courses, archways, colonnades, cornices, peaked roof lines or towers.

2) Building walls that face the street or a parking area that are over one hundred (100) feet long shall be broken up with one or more of the following. However, this number shall be reduced to 30 feet in the CC zoning district.

a. varying building lines;

b. windows;

c. doors;

d. architectural accents;

e. other features that visually provide variety in the wall expanse.

f. Trees may also be used to break up wall expanses, but only if in combination with the above

3) Building entrances shall utilize windows, side lights, canopies and awnings; provide unity of scale, texture, and color; and clearly identify the entry.

4) Building-mounted mechanical equipment shall be screened from view at street level.

5) Transparency Requirements. Buildings within the CC zoning district shall have a minimum and maximum percentage of windows and doors on street-facing building façades as follows:

a. First story: 33% to 80%.

b. Upper stories: 20% to 70%.

i) **Site Elements** - Signs and other site features shall be designed and located so that they are aesthetically consistent and harmonious with the overall development. Sign bases and ground mounted mechanical equipment shall be screened with landscaping. Trash receptacles and trash collection areas shall be screened in accordance with Section 3.270.

j) **Existing Buildings** - The following shall apply to additions or remodeling of existing buildings:

1) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the Zoning Administrator or the approving body (either the Planning Commission or City Council, as applicable) may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.

2) Where an addition is proposed to an existing building, the Zoning Administrator or the approving body (either the Planning Commission or City Council, as applicable), may allow the use of existing wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design.

3) A building that is being rebuilt or restored according to its current size and style and within its existing building footprint may utilize the original building materials, provided that the cost of rebuilding or restoration does not exceed fifty percent (50%) of the value of the structure prior to rebuilding or restoration. If the cost exceeds fifty percent (50%), the structure shall be rebuilt or restored in accordance with the requirements of this Section; however, the approving official or body may allow the use of the original building materials if the approving official or body finds that the original building materials contributed to a culturally, historically or architecturally significant structure.

[Ordinance No. 259, 09/08/09]

Section 6.70 Landscaping

a) A landscape plan shall be submitted as part of any required site plan review application. The landscape plan shall include, but not necessarily be limited to, the following items:

1) Identification of natural features, natural drainage areas, woodlots, existing trees over twelve (12) inches in diameter, and areas of vegetative cover to be preserved.

2) Location, spacing, size and descriptions for each plant type proposed for use within the required landscape area.

3) Identification of areas to be grass or other ground cover, and method of planting.

4) For berms or swales, if provided, typical straight cross-section including slope, height, and width.

5) Height and type of construction of walls or fences, if provided.

6) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

7) The Planning Commission may require the landscape plan to be on a separate sheet if necessary to discern landscaping details and to meet the requirements of this Section. The plan must show that the location of landscaping will not have a negative impact on the location of underground utilities.

b) **Required Site Landscaping**

1) Site landscaping requirements may be waived if the existing vegetation to be retained on site meets or exceeds Ordinance requirements for landscaping, screening or buffering.

2) Front Setback Landscaping.

a. All required front yard setbacks shall be landscaped with a minimum ratio of one (1) canopy or shade tree and four (4) shrubs, for each thirty (30) lineal feet (or major portion thereof) along front lot lines. Access driveway ways from public or private rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.

b. On lots with more than one (1) frontage, the front setback landscaping requirements shall be met for each frontage.

c. Landscaping may be clustered and distributed throughout the setback.

d. Front setback landscaping does not apply in the S, CC, and GC zoning districts when buildings are within 15 feet of the street right-of-way.

3) Parking Lot Landscaping. Parking lot landscaping applies to all non-residential zoning districts except for S and CC.

a. Parking lots exceeding fifteen (15) parking spaces shall provide the equivalent of one (1) landscape island or perimeter bump-out for every fifteen (15) parking spaces provided (or fraction thereof equaling one-half or more).

b. Landscape islands or bump-outs shall be at minimum of one hundred eighty (180) square feet in size, with a minimum width of three (3) feet.

c. Landscape islands shall be landscaped with a minimum of one (1) canopy or ornamental tree and two (2) shrubs for every landscaping island or bump-out.

d. A raised, rolled, or sub-surface curb or curb stops shall protect all landscape islands and landscaped areas immediately adjacent to parking spaces.

e. Sunken landscape islands, rain gardens and vegetated swales are encouraged to manage storm water on site.

4) Additional landscaping may be required adjacent to the front or side of buildings to break up long building expanses and walls void of windows or significant architectural features.

c) **Screening Requirements**

1) Screening shall be required for the following uses, except as may be provided elsewhere in this Ordinance.

a. Around all trash, recycling or grease dumpsters in all districts (see Section 3.230).

b. Around designated outdoor storage areas in the commercial and industrial districts.

c. Around any loading/unloading area.

d. Around ground-mounted outdoor mechanical equipment.

2) All required screens shall provide one (1) or both of the following:

a. A solid, sight-obscuring fence or wall six (6) feet high.

b. Landscaping consisting of hedges, densely planted trees and shrubs, trellises and other plantings that create an adequate screen.

c. Berms of adequate height, in combination with landscaping.

3) Screening shall be required on the subject property even if the surrounding area or adjacent properties are unimproved.

4) When any developed parcel changes to a more intense land use, screening shall be provided in compliance with this Section.

5) If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the Planning Commission may determine the character of the screen based on the following criteria:

a. Traffic access and circulation.

b. Building and parking lot coverage.

c. Outdoor sales, display, or manufacturing area.

d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.

e. Views and noise levels.

f. Public health, safety, and welfare.

6) Trash Receptacles and Dumpsters. Dumpsters and other trash and recycling receptacles shall be screened according to the requirements of Section 3.230.

7) Fences or Walls

a. A fence or wall used to meet the screening requirements shall be constructed of masonry, treated wood or other material approved by the Planning Commission if determined to be durable, weather resistant, rust proof, and easily maintained.

b. Fences and walls are subject to the location and height requirements of Section 3.90.

8) All other applicable standards of this Section shall be met.

d) **Landscaped Buffers** - The Planning Commission may require a landscaped buffer in conjunction with approval of a site plan, Planned Unit Development, or Special Land Use. When a buffer is required between a residential and a nonresidential use, it shall be placed on the nonresidential use property. The Planning Commission shall approve the location, size, shape, materials and other specifications for the buffer, subject to the requirements of this Section.

1) Buffer Requirements

a. The buffer may be comprised of berms, required plant material, additional plant material where the required landscaping materials do not provide a sufficient buffer, walls, fences, or any combination thereof.

b. No structures or parking may be located within a designated buffer.

c. Unless otherwise stated in this Ordinance, minimum width of the buffer shall correspond to the setback requirements for parking areas, but shall in no case be less than ten (10) feet.

d. All areas within the buffer zone that do not contain trees, shrubs or planting beds shall be covered with grass or other living ground cover.

2) Detention/retention areas shall be permitted within a required buffer, provided they do not hamper the screening intent of the buffer zone or jeopardize the survival of the plant materials.

e) **Landscaping General Requirements**

1) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

2) Unless used as street trees, all landscaped areas shall be arranged to simulate a natural setting such as staggered rows or clusters.

3) Landscaping shall be designed to blend with that on adjacent parcels where a road, walkway or other pathway flows between parcels.

4) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Native species are preferred.

5) Existing trees and other landscaping shall be protected from damage during construction. When existing trees are shown on the site plan to be preserved, the critical root zone shall be protected from construction traffic by fences and mulch beds. Construction materials shall not be stored within a critical root zone.

6) Minimum plant sizes at time of installation shall be according to the chart below.

Plant Type	Minimum Size
Deciduous Canopy Tree	2.5 in. caliper
Deciduous Ornamental Tree	2 in. caliper
Evergreen Tree	6 ft. height
Deciduous Shrub	18 in. height
Upright Evergreen Shrub	2 ft. height

Spreading Evergreen Shrub	18 to 24 in. spread

7) Mixing of Species: The overall landscape plan shall not contain more than twenty-five percent (25%) of any one (1) plant species.

8) Where a berm is provided for the purposes of screening and buffering, it shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance (1:3) with a crest area at least four (4) feet wide.

9) The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

PROHIBITED SPECIES FOR NEW LANDSCAPING	
Common Name	**Horticultural Name**
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola
Russian Olive	Elaeagnus-angustifolia

f) The Planning Commission may require a performance guarantee in accordance with the requirements of Section 13.60 of a sufficient amount to ensure the installation of all required landscaping.

[Ordinance No. 265, 10/4/10]

Section 6.80 Site Plan Review Standards

All site plans shall comply with all applicable provisions of this Ordinance and with each of the following standards:

a) **Building Relationships** - Where possible, buildings and structures shall be placed in an orderly, non-random fashion such that an uncrowded, open appearance is maintained. Open spaces shall be located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and aesthetic attractiveness to surrounding properties.

b) **Driveways, Parking and Circulation**

1) Vehicular and pedestrian circulation facilities shall be designed so as to provide for safe and efficient movement of vehicles and pedestrians, in a manner which avoids conflict.

2) Points of vehicular access to public streets shall be limited to the minimum number required to provide safe and efficient access. Points of access shall either be directly aligned or offset a minimum of one hundred and fifty (150) feet, whenever possible.

3) Based on the increase in electric vehicles, it is encouraged, but not required, that all new and expanded non-residential and multi-unit apartment dwelling development parking areas are EV-capable or EV-ready for Level-2 electric vehicle charging stations or are equipped with Level-2 electric vehicle charging stations. [Ordinance No. 325 12/5/22]

c) **Surface Water Drainage** - The removal of surface water shall not adversely affect neighboring properties or the public storm drainage system. Temporary on-site storage to reduce peak runoff from the site may be required. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in the paved areas.

d) **Utility Service** - All new utility distribution lines shall be placed underground.

e) **Emergency Access** - The site plan shall provide for adequate access to the site and to all buildings on the site by emergency vehicles.

f) **Exterior Lighting** - Exterior lighting shall be placed and designed so that illumination is directed away from adjacent properties. Lights shall generally be shielded such that resultant illumination is cast in a downward fashion to prevent off-site spillage and glare.

g) **Special Features** - Exposed storage areas, trash receptacles, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas shall be reasonably screened by view from adjoining streets and other public areas, or as required by this Ordinance.

h) **Character of Area** -When reviewing a site plan, consideration shall be given to the safety, environmental, economic, and aesthetic impacts of the proposed site layout on adjacent properties and the general area. Changes in the location of site features and the application of conditions so as to ensure that a harmonious relationship will result may be required.

Section 6.90 Construction in Conformity with Approved Site Plan Required

a) **Official Site Plan** - Upon approval of a site plan by the Planning Commission or City Council, the Zoning Administrator and the applicant shall sign and indicate the approval date of three (3) copies of the approved site plan. Signed copies shall be provided to the applicant and the Zoning Administrator, and one (1) signed copy shall be made a part of the record of approval and filed with the City Clerk. The site plan included as part of the record of approval and filed with the City Clerk shall be considered the Official Site Plan. The Official Site Plan shall be used in all matters of interpretation or dispute concerning approved site plan requirements.

b) **Conformity with the Approved Site Plan** - Following approval of a site plan by the Planning Commission or City Council, construction of all improvements and other subsequent actions relating to the activity authorized shall be in conformity with the approved site plan.

[Ordinance No. 265, 10/4/10]

Section 6.100 Time Limit for Approved Site Plans

a) **Plan Expiration** - A site plan approval granted pursuant to this Ordinance shall be valid for a period of one (1) year from the date of approval. If construction is not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant as outlined by subparagraph b) below, the site plan approval shall be deemed expired and no longer valid.

b) **Extension of Approved Site Plan** - The approving body (the Planning Commission or City Council, as applicable) may grant one (1) extension of the site plan approval for a one (1) year period, commencing from the date of the original site plan approval, upon submittal in writing by the applicant of a request for an extension. The approving body shall grant an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within one (1) year of the extension. The written request for an extension shall be made thirty (30) days prior to the expiration of the initial site plan approval.[Ordinance No. 265, 10/4/2010]

Section 6.110 Changes to Approved Site Plans

a) **Authority to Approve Minor Plan Amendments** - As outlined under subparagraph b) below, minor amendments to a site plan approved by the Planning Commission or the City Council may be authorized by the Zoning Administrator provided the amendments are in conformance with this Ordinance and are mutually agreed to by the applicant and the Zoning Administrator. Minor amendments shall generally be restricted to situations resulting from unforeseen site constraints or other unusual site conditions that were not recognized or known at time of the initial site plan approval by the Planning Commission or City Council.

1) If a request for approval of a minor amendment to the site plan is made by the applicant, then that request shall be submitted to the Zoning Administrator in writing by the applicant. If a request for an amendment to the site plan is made by the Zoning Administrator, then the request shall be initiated by the Zoning Administrator who shall, in writing, inform the applicant.

2) Minor amendments to conditions specifically imposed as part of site plan approval (including site plans for Special Land Uses and Planned Unit Developments) in accordance with the provisions of Section 5.60 b) are not subject to this Section. Requests for amendments or changes to conditions of approval of site plans require re-submission of the request in the same manner as the original submittal.

b) **Minor Amendments** - Minor amendments to an approved site plan may be approved by the Zoning Administrator provided the proposed revisions do not alter the basic intent and design of the plan. Minor amendments shall be limited to the following:

1) Movement of a building or buildings by no more than ten (10) feet, provided however, the movement shall not encroach on required setbacks.

2) Horizontal and/or vertical elevations may be altered by up to ten (10) percent, provided however, that any alteration shall not exceed the height limitations of the underlying zone district.

3) Approved plantings may be replaced by similar types and sizes of landscaping.

4) Changes in floor plans that do not alter the character of the use or have an exterior site impact.

5) Slight modification of sign placement or reduction of sign size or height.

6) Relocation of sidewalks to avoid natural features or other physical conditions and relocation of refuse storage stations.

7) Internal arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or general design.

8) Parking lot expansions of up to five (5) spaces that do not alter access locations or drive aisles.

9) Improvements to site access or circulation, such as inclusion of deceleration lanes,

boulevards, curbing, pedestrian/bicycle paths, and similar features.

10) Changes of building materials to others of higher quality. [Ordinance No. 316, 4/19/21]

c) **Notification of Minor Amendment** - The Zoning Administrator shall notify the Planning Commission, and City Council if responsible for the original final approval, in writing of the approved minor amendments. A record of approved minor amendments shall be placed on file with the original site plan review record. A notation shall be made on the Official Site Plan indicating that amendments have been made to the document with a description of same. The notation shall be signed and dated by the applicant and the Zoning Administrator with a copy of the amended plan forwarded to the Planning Commission, and City Council if responsible for the original final approval. The amended plan shall be filed with the Commission and Council within thirty (30) days of the signing, or the next regular meeting of the Commission and Council if less than thirty (30) days from the date of the signing. A copy shall also be filed with the City Clerk.

d) **Other Changes** - Other changes to an approved site plan shall be subject to review and approval by the Planning Commission and City Council following the procedures required for the initial site plan review.

Article 7. Parking and Loading Requirements

Section 7.10 Purpose and Application of Requirements

The purpose of this Article is to provide all districts at the time of erection, enlargement or change in use, of any principal building or structure, off-street parking space with adequate access to all spaces. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of zoning compliance as hereinafter prescribed. Due to the unique characteristics of the Service District, certain provisions of Article VI have been modified. These are detailed under Section 9.90, S Zone District - Service District.

Section 7.20 General Requirements

a) **Residential Off-Street Parking** - Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.

b) **Commercial District** - Off-street parking within the Commercial Districts shall either be on the same lot, contiguous lots under the same ownership, or open public (municipal) parking lots within three hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot. Provided however, the city may require that some or all of the required parking be provided outside of municipal parking lots if it is determined that sufficient capacity is unavailable within the municipal parking lot(s).

c) **Change in Parking Location** - Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change.

d) **Prohibited Use of Parking Area for Storage** - The use of parking areas for material storage, refuse storage stations and dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited, except during construction for which a building permit has been issued. The use of semi-trailers or similar vehicles for storage purposes on the premises for five (5) or more days is prohibited.

e) **Collective Parking Arrangements** - Except for single-unit dwellings, two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced by up to ten percent (10%) if a signed agreement is provided by the property owners, and the Zoning Administrator, after site plan review, determines that the peak usage will occur at different periods of the day. The agreement shall be recorded by the applicant with the Ottawa County Register of Deeds, shall run with the land and not the property owners or uses of record, and shall only be modified by consent of the Planning Commission

f) **More Than One Use on Premises** - Where two or more uses exist on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.

g) **Parking Lot Deferment and Reduction** –

1) Deferment. In any zoning district, where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this Article is retained as open space. The owner must agree to construct the additional

parking within six (6) months if the Planning Commission determines that the deferred spaces are necessary to alleviate unmet parking demand. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout. The Planning Commission may require the applicant to post a performance guarantee to ensure construction of the deferred parking if it is determined that the parking is needed.

2) Reduction. In the S and CC zoning districts, a waiver or reduction of required parking may be approved where the approval authority determines that the request is consistent with the Master Plan, appropriate for the site context, and will not result in adverse impacts to surrounding properties or public infrastructure because of resulting illegal or unsafe parking. The following factors shall be considered:

   a. The proposed use is limited in occupancy or low-intensity relative to standard parking assumptions.

   b. The dwelling units are designed to accommodate fewer average occupants per unit than conventional single-unit dwellings, reducing vehicle ownership and parking demand.

   c. The site is served by sidewalks, pathways, transit, or other non-automobile transportation options.

   d. The request supports reuse, rehabilitation, or infill development, where full compliance would require unnecessary demolition or site disruption.

   e. The site is constrained by lot size, shape, existing development, or natural features that limit parking feasibility.

   f. A parking analysis prepared by a qualified professional using documented industry standards and experience with similar uses in comparable locations demonstrates that the reduced parking supply is adequate.

   g. The reduction will not result in unsafe on-street parking, traffic congestion, or impediments to emergency access.

   h. Similar uses or developments in comparable contexts have operated successfully with reduced parking ratios.

h) **Use Enlargement or Change** - In the event an existing use is enlarged or changed to a different use, the available on-site parking provided shall be adjusted to reflect the parking requirements of the expanded use or new use, provided, however, should the expansion or new use require less parking than the former use, the applicant shall not be required to modify the existing parking.

i) **Excess Parking/Pavement** - In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than twenty-percent (20%) shall not be allowed, except as approved by the City Council. In granting this additional space, the City Council shall determine that the parking will be required, based on documented evidence. [Ordinance No. 265, 10/4/2010]

j) **Parking for Vehicles During Construction** - During construction, off-street parking (off the public right-of-way) shall be provided for all construction vehicles and employees. The parking shall be on the lot or parcel at which the construction is occurring or another lot or parcel. If parking is to occur on another lot or parcel, written permission shall be secured from the owner of the lot or parcel prior to the parking of vehicles. In all cases, the Zoning Administrator shall have the authority to require the rearranging and/or relocation of parking so as to assure the public safety.

k) **Uses Not Listed, Including Temporary and Seasonal Uses** - For uses not specifically listed in Section 7.40, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission or, in the case of a special land use or planned unit development, the City Council following a recommendation from the Planning Commission.

Section 7.30 Parking Units of Measurements

a) **Floor Area**

1) Gross Floor Area - Where floor area is the unit for determining the required number of off-street parking and loading spaces, the unit shall mean the gross floor area (GFA), unless otherwise noted.

2) Useable Floor Area - Where the floor area measurement is specified as useable floor area (UFA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not defined, useable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.

b) **Benches and Pews** - In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other seating, shall be counted as one seat.

c) **Number of Employees** - Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

d) **Fractional Spaces** - When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one (1) additional space.

Section 7.40 Parking Space Numerical Requirements (Parking Space Schedule)

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

A. General Residential	
Accessory dwelling unit	1.0 space per dwelling unit
Single-unit and two-unit dwellings	2.0 spaces per dwelling unit
Multiple-unit apartment dwellings, Multiple-unit attached dwellings and Dormitories.	1.5 spaces per each efficiency or one bedroom dwelling unit and 2.0 spaces per each unit with two or more bedrooms
Multiple-unit apartment dwellings and Mixed-use buildings in S and CC	1.0 space per dwelling unit
Manufactured homes in a mobile home park.	2.0 spaces per each manufactured/ mobile home unit or site

B. Senior Housing [Retirement Villages/Centers, Independent Care Units, Elder Care Housing. Intermediate Care Units, Convalescent Homes, and Nursing Homes]	
Housing for fully independent residents: Senior independent units and Independent Care Retirement Village or Center.	1.5 spaces per each room and living unit
Housing for residents requiring a moderate level of care: Senior "interim care", elder care", and "intermediate care" units.	1.0 space per each room, **plus** 1.0 space per employee
Housing for residents whose care is fully dependent on others: Convalescent homes, nursing homes, rest homes, etc.	1.0 space per each two rooms, **plus** 1.0 space per employee

C. Institutional/Civic [Religious, Municipal, Hospital, Child Care, Schools, and Halls]	
Churches, temples, synagogues and other places of worship.	1.0 space per each three seats or six feet of pews
Municipal office buildings.	4.0 spaces per 1,000 sq. ft. GFA, **plus** spaces required for any assembly hall, auditorium, and outdoor arena.
Hospitals.	2.5 spaces per each licensed bed, **plus** outpatient care and emergency care requirements
Outpatient care and emergency care services.	Refer to Office Parking Requirements
Child care centers.	2.0 spaces, **plus**, 1.0 additional space for each seven children of licensed authorized capacity
Primary schools (elementary and junior high schools).	1.0 space per each classroom, **plus** 3.5 spaces per each 1,000 square feet of gross office area, **plus** spaces required for any assembly hall, auditorium, and outdoor arena
Secondary (high) schools. Commercial/Trade schools. College/University.	5.0 spaces per each classroom, **plus** 3.5 spaces per each 1,000 square feet of gross office area, **plus** spaces required for any assembly hall, auditorium, outdoor arena, and dormitory or other on-campus housing
Auditoriums. Assembly halls. Outdoor arenas.	1.0 space per each three seats or six feet of bleachers
Public recreation centers	5.0 spaces per 1000 square feet of GFA
Dance hall. Union/Lodge hall. Fraternal hall/club. Similar uses	1.0 space per every two persons of capacity authorized by the City Building Code [or Fire Code if more stringent]

D. Office	
Medical/dental office/clinic.	7.0 spaces per 1,000 sq. ft. GFA, **plus** outpatient care, emergency, twenty-four hour med station requirements
Outpatient care. Emergency care. Twenty-four (24) hour med station.	2.0 spaces per exam or outpatient procedure/operating room, **plus** 1.0 space per laboratory or recovery room, **plus** 1.0 space for each two rooms for employee parking
General office building.	3.5 spaces per 1,000 sq. ft. GFA
Branch bank. Credit union. Savings and Loan.	5.0 spaces per 1,000 sq. ft. GFA, **plus** 4.0 stacking spaces per window and ATM

E. Commercial/Retail/Service	
Appliance store.	4.0 spaces per 1,000 sq. ft. UFA
Automobile service station and gasoline stations, with or without convenience goods.	2.0 spaces per each service bay, **plus** 1.0 space per employee, **plus** 1.0 space per each tow truck, **plus** 1.0 space for each 300 square feet devoted to sales of convenience goods, **plus** 2.0 spaces per pump
Vehicle repair, minor and oil change/quick lube.	2.0 spaces per service bay, **plus** 1.0 space per employee
Vehicle sales, with or without minor vehicle repair	1.0 space per 200 sq. ft. gross sales [showroom and office] floor area, **plus** 3.0 spaces per each auto service bay
Vehicle wash (automatic or semi-automatic).	2.0 spaces, **plus** 1.0 space per employee, **plus** stacking spaces as required by Section 4.80
Bar (Lounge).	16.0 spaces per 1,000 sq. ft. UFA, or 0.7 spaces per seat, whichever is greater
Barber shop/beauty salon/hair salon.	2.5 spaces per each barber or beautician's chair or station
Bed-and Breakfast Inn.	2.0 spaces, **plus** 1.0 space per guest room
Conference rooms, exhibit halls, and similar uses.	1.0 space per every two persons of capacity authorized by the City Building Code, or 10.0 spaces per 1,000 sq. ft. GFA, whichever is greater
Convenience store, with or without gasoline service.	4.0 spaces per 1,000 sq. ft. UFA, **plus** 2.0 spaces per pump
Discount retail store.	5.0 spaces per 1,000 sq. ft. UFA
Dry cleaners.	2.0 spaces per 1,000 sq. ft. UFA, **plus** 2.0 spaces per drive-up window
Equipment repair.	1.0 space per 4,000 sq. ft. UFA
Funeral homes.	1.0 space per 50 sq. ft. UFA devoted to service parlors, chapels, and reception areas, **plus** 1.0 space per each funeral vehicle stored on the premises
Furniture/carpet store.	1.5 spaces per 1,000 sq. ft. UFA
Hardware/paint/home improvement store	3.0 spaces per 1,000 sq. ft. UFA
Laundromat.	1.0 space per each two washing machines

E. Commercial/Retail/Service	
Mini/self-storage warehouse.	Minimum of 6.0 spaces, **plus** 1.0 space per each mini/self-storage unit with parking to be located adjacent to the front garage door of each unit
Motel/hotel with lounge, restaurant, conference or banquet rooms or exhibit facility.	1.0 space per guest room, **plus** 10.0 spaces per 1,000 sq. ft of lounge, restaurant, conference or banquet rooms or exhibit space
Manufactured/modular sales and service.	1.0 space per 800 sq. ft. UFA, **plus** 2.0 spaces per each vehicle sales service bay
Restaurant-sit-down type with liquor license.	16.0 spaces per 1,000 sq. ft. UFA, or 0.6 spaces per seat, whichever is greater
Restaurant - family type (without liquor license).	12.0 spaces per 1,000 sq. ft UFA or 0.5 spaces per seat, whichever is greater, **plus** 5.0 longer spaces [no less than 25 ft.] designated for recreational vehicles
Restaurant - fast food with drive-through window.	15.0 spaces per 1,000 sq. ft. UFA or 0.6 spaces per seat, whichever is greater, **plus** 10.0 designated drive-through short term waiting spaces, **plus** 5.0 longer spaces [no less than 25 ft.] designated for recreational vehicles
Restaurant - take out with less than six tables and/or booths.	6.0 spaces, **plus** 1.0 space per employee
Business center.	4.0 spaces per 1,000 sq. ft. UFA
Showroom of a plumber, cabinet maker, decorator, or similar trade.	1.0 space per 800 sq. ft. UFA
Supermarket.	4.5 spaces per 1,000 sq. ft. UFA
Mega-Market (combined grocery and department store).	4.0 spaces per 1,000 sq. ft. UFA
Video rental establishments.	1.5 spaces per 1,000 sq. ft. UFA, with a minimum of 8.0 spaces provided

F. Recreation/Entertainment	
Batting cages.	3.0 spaces per cage
Bowling centers.	5.0 spaces per lane, **plus** amount required for the bar if a bar or lounge is present
Commercial outdoor recreation not listed elsewhere.	5.0 spaces per 1,000 sq. ft. GFA, with a minimum of 10 spaces provided
Golf course driving range.	1.0 space per tee
Golf course, miniature.	1.0 space per course hole
Golf course, par three.	3.0 spaces per course hole
Golf course.	6.0 spaces per course hole
Golf course banquet hall/lounge.	0.5 spaces per seat, **plus** spaces required for golf course
Health fitness centers without swimming pool.	5.0 spaces per 1,000 sq. ft. UFA
Ice/roller skating rink.	6.0 spaces per 1,000 sq. ft. GFA

F. Recreation/Entertainment	
Marina	1.5 spaces per boat slip, **plus** 1.0 space for each four (4) boat racks in an "in-out" boat keeping building or facility, **plus** 1.0 space per 800 sq. ft. UFA for showroom sales, **plus** 2.0 spaces per each service bay
Swimming pool.	1.0 space per each three persons of capacity authorized by the City Building Code
Theater, cinema.	1.0 space per each four seats, **plus** 4.0 spaces per screen or stage
Racquetball/tennis centers.	1.0 space per 1,000 sq. ft. GFA or 6.0 spaces per court, whichever is greater
Video Arcade.	1.0 space per 50 sq. ft. UFA, with a minimum of 6.0 spaces required

G. Industrial	
Light industrial, manufacturing, testing labs, research and development centers, other industrial.	1.5 spaces per 1,000 sq. ft. GFA, or 1.2 spaces per employee, whichever is greater, **plus** 1.0 space for each corporate vehicle
Warehousing.	1.0 space per each 2,500 sq. ft. GFA, or 1.0 space per employee, whichever is greater, **plus** 1.0 space for each corporate vehicle [Note: separate standard provided for mini-storage]

H. Uses Not Specified
Refer to 7.20, k) for determining required parking for uses not specified under Section 7.40.

Section 7.50 Barrier Free Parking Requirements

a) **Barrier Free Spaces** - Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with state and federal law.

b) **Barrier Free Access** - Wheelchair access requirements shall be according to state or federal barrier free regulations, with the most restrictive requirements applying.

Section 7.60 Stacking Space Requirements

Where the requirements of Section 7.40, Parking Space Schedule, requires the reservation of space for the stacking of vehicles, the follows standards shall apply to the space:

a) **Conflict With Other Traffic** - Stacking spaces shall not conflict with traffic accessing the use, nor adjacent uses.

b) **Length** - Each space shall be at least twenty-five (25) feet in length.

c) **Blocking of Parking Spaces** - Parking spaces blocked by stacking spaces shall not be included in calculating the required number of parking spaces.

d) **Use of Public or Private Street** - The use of a public or private street for stacking of vehicles is prohibited.

e) **Additional Spaces Required** - Additional stacking spaces may be required if it is determined, during site plan review, that the spaces are necessary for proper traffic safety and control.

Section 7.70 Off-Street Parking Space Design Standards and Setback Requirements

Off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations.

a) **Ingress and Egress** - Ingress and egress to the parking facility shall be provided by clearly defined driveways. For purposes of public safety, ingress and egress movements may be restricted or otherwise regulated pursuant to vehicular movement (e.g. one-way, in-only, out-only, right-turn only, etc.), driveway openings and spacings, driveway size, and related factors.

b) **Construction Material Surface** - All parking lots shall have a concrete, asphalt, or brick paver surface. Pervious or semi-pervious hard surfacing materials, as part of a low-impact design for stormwater management approved as part of the site plan, are permitted and encouraged [Ordinance No. 265, 10/4/2010]

c) **Driveways - Surface Material**

1) Single-Unit Dwellings - All single-unit dwelling driveways shall have a concrete, asphalt, or brick paver surface, provided, however, a dwelling unit accessing a non-paved road, or with a driveway of two hundred (200) feet or greater in length, shall be permitted to install a driveway of compacted gravel or stone, except as follows:

   a. The paving exclusion detailed above shall not apply to that portion of a driveway located in a required setback. That portion of a driveway located in a required setback shall have a concrete, asphalt, or brick paver surface.

2) Other Driveways - All driveways, other than single-unit dwellings referenced above, shall have a concrete, asphalt, or brick paver surface.

d) **Driveways - Design and Construction Standards**

1) Single-Unit Dwellings, Two-Unit Dwellings, and Multiple-Unit Attached Dwellings - All driveways shall possess a curb opening and minimum width of sixteen (16) feet and shall be constructed of materials specified under Paragraph c), above.

2) Multiple-Unit Apartment Dwellings, Commercial, and Industrial - All driveways shall possess a curb opening and minimum width of thirty (30) feet and shall be constructed of materials specified under Paragraph c), above. Provided, however, more stringent design and construction standards may be required if determined necessary for the public safety and/or to maintain compliance with County or State requirements pursuant to connection with a County or State road.

e) **Maneuvering Lanes** - All spaces shall be provided adequate access by means of maneuvering lanes.

f) **Lighting** - All parking lot or display lighting shall be designed, located and/or shielded to prevent spill over 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 twenty (20) feet for any lot within one-hundred and fifty (150) feet of a residential district, and a maximum height of forty (40) feet in all other parking lots.

g) **Curbing** - Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.

h) **Use of Public Street** - Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.

i) **Right-of-Way Setback for Parking Lots and Maneuvering Aisles** - Parking lots and related maneuvering aisles shall have a minimum setback of ten (10) feet from any adjacent right-of-way line. Required parking lot setback areas shall be landscaped.

j) **Parking Lot Setback from Property Line**

1) Parking lots shall have a minimum setback of ten (10) feet from any property line that is not a street right-of-way line. This requirement may be waived where a shared access driveway, connected parking lots, frontage road, or rear service drive exists.

2) For the following residential land uses in the CC zoning district and in the GC zoning district west of 174th Avenue, parking shall not be located closer to the primary street frontage than principal mixed-use buildings, multiple-unit attached dwellings, or multiple-unit apartment dwellings on non-waterfront lots.

k) **Parking Lot Setback from Residential Zone** - Parking lots shall have a minimum rear and side yard setback of twenty (20) feet from any residential zoning district. This setback area shall include either a landscape berm or other landscaping and/or a wall to screen headlights. The design of the landscape or wall feature shall be compatible with the character the adjacent residential district.

l) **Parking Space Design** - All spaces shall be designed and marked with dimensions described below:

ANGLE	SPECIFICATION [Refer to Parking Diagrams - Figures 7-1, 7-2 and 7-3]
76 to 90 Degree	9 x 18 feet with 24 feet wide aisle for 2-way traffic or 18 feet for single-loaded 1-way aisle.
30 to 75 Degree	9 x 21 feet with 24 feet wide aisle for 2-way traffic or 15 feet for single- or double-loaded 1-way aisle.

Parallel Parking	9 x 25 feet with a 3 feet area striped for "No Parking" between each two spaces, and 22 feet for 2-way traffic aisle or 15 feet wide for 1-way aisle.

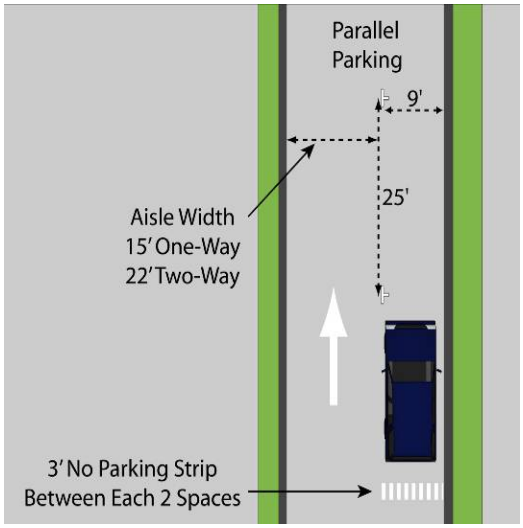


Figure 7-1: Parallel Parking

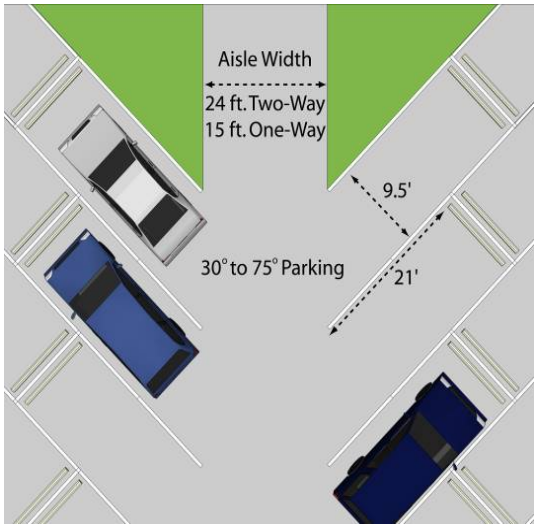
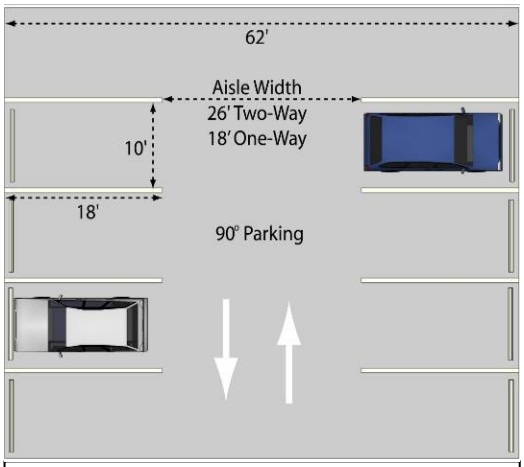


Figure 7-2: 35-75 Degree Parking Dimensions



90 Degree: measured perpendicular to the aisle centerline

Less than 90 Degree: Measure along the aisle centerline

Figure 7-3: 90-Degree Parking Dimensions

m) **Space Width Reduction Option** - Required width of parking spaces may be reduced by six (6) inches per space if the parking lot is marked with double (or loop) stripes at three (3) or four (4) inches wide and spaced eighteen (18) to twenty four (24) inches apart.

n) **Use of Front Yard for Parking**

1) Single-Unit Dwellings- On any single-unit dwelling lot, the parking of vehicles shall be

restricted to the driveway, carport, or garage. Except for the parking of recreational vehicles as provided for under Section 3.190, and as provided above, the front yard shall not be used for the parking of vehicles.

2) Other Than Single-Unit Dwellings - Parking shall be restricted to those locations (e.g. driveways and parking lots) approved for the use based on the provisions of this Ordinance and subject to site plan review and approval.

Section 7.80 Parking Lot Construction and Maintenance

a) **Plans and Review and Approval** - Plans and specifications for parking areas shall be submitted to the Zoning Administrator prior to the issuance of a Building Permit. These plans shall be reviewed by the Zoning Administrator for compliance with this Ordinance and the Building Official for compliance with City Construction Codes. If the parking lot is to be constructed in conjunction with a building project, the following information may be submitted as part of an overall project site plan which incorporates all project elements. The plan shall include:

1) Existing and proposed locations, sizes, and grades of the parking lot(s).

2) Sufficient engineering design detail, including run-off calculations, to demonstrate that storm water will be accommodated on-site through approved drainage facilities, including catch basins, proper pipe sizes, and connections to existing drainage structures.

3) Design detail of surface and base materials to be used during construction.

4) Curb cut and deceleration and acceleration lane detail, including size, design, relationship to curb cuts on adjacent property, turning radius, and traffic flow.

5) Perimeter and interior landscaping including location, size, and setbacks of planting areas, type and size of plant materials, irrigation, architectural screens or walls, and other features.

6) Signs, including placement, purpose, size, type, and method of illumination.

7) Lighting detail including location, size, and type(s) of fixture(s). Fixtures used for the lighting of parking lots shall be of a cut-off (or comparable) design to prevent the spillage of light/glare onto adjoining residential properties. (See Figure 7-4).

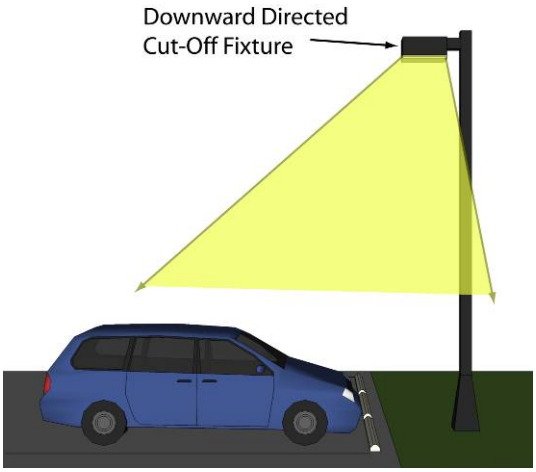


Figure 7-4: Cut-Off Lighting

b) **Installation Period** - Approved parking lots shall be installed and completed before issuance of a building occupancy permit. The Zoning Administrator may grant a temporary occupancy permit, combined with an extension for up to six (6) months to hard surface the parking in the event of adverse weather conditions or unusual delays beyond the control of the property owner. In granting a temporary occupancy permit, the uncompleted parking lot must be sufficiently improved to permit safe use by the public. In granting the extension, the Zoning Administrator may require the applicant to file a performance guarantee to ensure construction of the parking lot as approved.

c) **Pavement Markings** - All parking spaces, aisles, loading and unloading areas, pedestrian crossings, and directional control shall be marked. The visibility of pavement markings shall be of high quality and well maintained. Pavement markings shall be maintained on a regular basis to ensure lasting visibility.

d) **General Maintenance** - All parking lots shall be maintained. Zoning approval is not required for normal maintenance such as cleaning, sealing, and/or patching.

Section 7.90 Off-Street Loading and Unloading Areas

On the premises, space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods based on the following criteria:

a) **Size and Location (General)** - The loading area shall be of sufficient size, and properly located, to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.

b) **Alley Location** - Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.

c) **Visible to a Public Street** - Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street.

d) **Visible to a Residential District** - Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.

e) **May Not Be Used in the Calculation of Off-Street Parking** - Required loading areas shall not be included in calculations for off-street parking space requirements.

f) **Space Size and Clearance** - The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five-hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

g) **Construction Material** - Loading dock approaches shall be constructed of an asphalt or cement binder with a base sufficient to accommodate expected vehicle weight.

h) **Required Spaces** - The minimum number of loading spaces shall be provided in accordance with the following table:

Required Loading and Unloading Spaces Institutional, Commercial and Office Uses	
Up to 2,000 sq. ft. GFA	None Required
2,001 to 20,000 sq. ft. GFA	1.0 space
Exceeding 20,000 sq. ft. GFA	1.0 space per each 20,000 sq. ft. GFA, with a maximum of 5 spaces required

Required Loading and Unloading Spaces Industrial Uses	
Up to 5,000 sq. ft. GFA	1.0 spaces
5,001 - 25,000 sq. ft. GFA	2.0 spaces
25,001 - 100,000 sq. ft. GFA	1.0 space per each 25,000 sq. ft. GFA, but no less than 2.0 spaces
100,001 sq. ft. GFA and over	1.0 space per each 30,000 sq. ft. GFA, but no less than 4.0 spaces

Section 7.100 Electric Vehicle Charging Stations

a) **Intent** - To plan for the increase of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, this section authorizes required or excess parking spaces to be used as electric vehicle charging stations.

b) **Accessory Use and Accessory Structures** - Electric vehicle charging station spaces are classified as accessory uses, and electric vehicle charging stations are classified as accessory structures. Electric vehicle charging station spaces and electric vehicle charging stations and equipment are permitted in all public and private parking lots.

c) **Review** - The conversion of standard parking spaces to electric vehicle charging station spaces and the installation of electric vehicle charging station equipment shall be reviewed and approved administratively in accordance with this section. For new and expanded parking lots subject to site plan review, the Planning Commission shall review and approve electric vehicle charging station spaces and the installation of electric vehicle charging station equipment.

d) **Encouragement of New Electric Vehicle Charging Stations**

1) All new and expanded public and private parking lots are encouraged to include electric vehicle charging stations or be EV-capable or EV-ready.

2) All new dwellings are encouraged to be constructed with a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

e) **Requirements for Electric Vehicle Charging Stations**

1) An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces required in accordance with Section 7.40. There is no limit on the number of electric vehicle charging stations. However, the applicant shall demonstrate by the historical usage of the parking area for internal combustion engine vehicles and the anticipated demand for electric vehicle charging stations that there is sufficient parking for both drivers of electric vehicles and internal combustion engine vehicles. At a minimum, the applicant shall provide the number of existing parking spaces and the average number of available parking spaces at peak business hours for one week. The Zoning Administrator or Planning Commission, as applicable, shall make all final determinations regarding the minimum number of parking spaces for internal combustion engine vehicles to ensure compliance with Section 7.40.

2) Electric vehicle charging station spaces shall comply with the dimensional requirements of Section 7.70 l.

3) Electric vehicle charging station equipment may be located on any part of a property but shall be no less than 10 feet from property lines and public right-of-way and shall not be located within a clear sight triangle per Section 3.90 i. Electric vehicle charging station equipment approved for on-street parking within the public right-of-way is exempt from the setback requirement.

4) Electric vehicle charging station equipment shall be protected with bollards or a comparable method. If curbing is used, the equipment shall be located at least two (2) feet behind the face of the curb.

5) At least five (5) feet of clear area shall be maintained if installed on or adjacent to an internal sidewalk, walkway, or another area accessible to pedestrians, cyclists, or wheelchair users abutting a parking lot. Electric vehicle charging station equipment shall not obstruct these passageways.

6) Any parking space located in a public or private parking lot that is designated as an electric vehicle charging station or electric vehicle parking space shall have a sign posted that includes the maximum charging time allowed by the property owner and a notice that the parking of non-electric vehicles is prohibited. This does not apply to single-unit dwellings and two-unit dwellings.

7) Commercial electric vehicle charging stations are prohibited on residential properties.

[Ordinance No. 325 12/5/22]

Article 8. Signs

Section 8.10 Statement of Purpose

The sign regulations of this chapter are intended to protect free speech; to eliminate visual clutter; to reduce of the number and types of distractions experienced by drivers; to provide safer conditions for pedestrians; and to direct customer, client, and delivery traffic to commercial and industrial zoned areas.

Section 8.20 Definitions

a) **Sign** - An emblem, name, identification, description, illustration, device, structure, fixture, or placard using graphics, symbols, color, and/or written copy designed specifically for the purpose of advertising, identifying, and/or drawing attention to an establishment, product, service, activity, object, person, institution, organization, business, or piece of land.

b) **Awning or Canopy Sign** - An awning or canopy is a retractable or fixed shelter constructed of rigid or non-rigid materials on a supporting framework that projects more than twelve (12) inches from the exterior wall of a building to which it is attached. An awning or canopy sign is a sign which is painted on, printed on or attached flat against the surface of an awning or canopy. Refer also to Wall Sign and Projecting Sign. [Ordinance No. 247, 12/01/08]

c) **Balloon Sign** - A sign composed of a non-porous bag of material filled with air.

d) **Banner Sign** - A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework. A banner sign includes pennants. [Ordinance No. 322 5/2/22]

e) **Billboard Sign Face** - A static, trivision or digital sign panel, that is attached to a billboard structure.

f) **Billboard Structure** - The pylon(s), pole(s), foundation, framework, supporting members, skirting, lighting and other electrical equipment and all other components and elements used to mount, support or operate a billboard sign face, whether or not a billboard sign face is present on the billboard structure at any given time.

g) **Billboard, Trivision** - A billboard that has a sign face composed of a series of vertical or horizontal cylinders, each of which has a triangular cross section. A rotation of the triangular cylinders produces the display of a different image.

h) **Electronic Display** - A sign or portion of a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. [Ordinance No. 265, 10/4/2010]

i) **Freestanding Sign** - A sign supported by uprights, poles, or braces in or upon the ground surface and not attached to a building or wall. [Ordinance No. 190, 4/15/02]

j) **Government Sign** - A temporary or permanent sign erected by the City of Ferrysburg and the Michigan Department of Transportation.

k) **Ground Mounted (Monument) Sign** - A low level ground mounted sign typically attached to, or resting on, the ground on a solid base with no open space between the base (ground) and sign face.

l) **Incidental Sign** – A small, secondary sign for used for general purposes on a lot, parcel, structure, or building.

m) **Marquee** - A permanent structure constructed of rigid materials that projects from the exterior wall of a building.

n) **Marquee Sign** - A sign affixed flat against the surface of a marquee.

o) **Mural** - A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity. Murals are not considered signs.

p) **Placard Sign** - A sign not exceeding two (2) square feet.

q) **Portable Sign (Temporary Signs)** - A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building. A sign constructed on a frame with wheel and axle(s), or of similar construction, and made to be transportable shall be classified as a portable sign, even if the wheels and/or axles have been removed.

r) **Projecting Sign** - A double-faced sign attached to a building or wall that extends more than twelve (12) inches.

s) **Reader Board** - A portion of a sign on which copy is changed manually.

t) **Roof Line** - The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

u) **Roof Sign** - Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

v) **Sign Copy** - Letters, numerals, words, symbols, pictures, emblems, or other characters that constitute a message in either permanent or removable form. [Ordinance No. 316, 4/19/21]

w) **Sign Face** - A solid background or panel on which sign copy is affixed or located that is attached to a sign cabinet or other mounting structure. [Ordinance No. 316, 4/19/21]

x) **Special Event Sign** - A non-commercial temporary and portable sign established by a governmental or non-profit organization. [Ordinance No. 300, 1/7/19]

y) **Wall or Flat Sign (Refer also to Awning Sign)** - A sign which is attached directly to or painted upon a building wall or dropped roof and which does not extend more than twelve (12) inches therefrom, with the exposed face of the sign in a plane parallel to the building wall. An awning sign projecting twelve (12) inches or less shall be classified as a wall sign.

z) **Window Sign** - A sign installed on the interior (inside) surface of a building window and intended to be viewable from outside the building.

Section 8.30 General Sign Provisions

a) **Permit Required to Install Sign Unless Exempted** - No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a sign permit, including payment of necessary fees, provided the following signs, as defined in Section 8.20, shall not require a sign permit:

1) Signs used for directional purposes no more than six (6) square feet in size or less.

2) Government signs and state historic markers.

3) Murals.

4) Placards.

5) Temporary yard signs.

6) Window signs, unlimited in non-residential districts, no more than one (1) window sign per principal building in residential districts and not exceeding two (2) square feet.

7) Memorial signs and tablets located in cemeteries.

8) Signs with address and/or owner or occupant name, not to exceed two (2) square feet in area and located on the premises to which the sign address and/or name refers.

9) Incidental signs, no more than one (1) square foot in size.

[Ordinance No. 322 5/2/22]

b) **Maintenance** - Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.

c) **Sign Hazards** - Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.

d) **Illumination** – Except for home occupation signs, all signs may be illuminated subject to the following requirements:

1) External Illumination. Externally lighted signs are allowed in all commercial and industrial districts and for non-residential uses in residential districts, subject to the following requirements:

a. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.

b. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.

2) Internal Illumination. Sign faces shall be opaque so individual lamps are muted and cannot be distinguished behind the sign face.

3) Window Sign Illumination. Indoor neon, LED, or electronically illuminated window signs are restricted to the CC, GC, and S Districts and are subject to the following requirements.

a. Signs are limited to four (4) square feet.

b. A building is limited to one (1) neon-illuminated sign per tenant or business entity.

c. Illumination shall be static and stationary in nature. There shall be no movement, appearance of movement, intermittent illumination, blinking at any interval, or changing of color.

4) Electronic displays: An electronic display is permitted, subject to the following requirements:

a. General requirements

1. An electronic display is permitted only on freestanding or ground signs, except that an electronic display that displays time and temperature only may be allowed as part of a wall sign.

2. An electronic display is not permitted on a sign that has a reader board.

3. The entire sign face shall only convey a single product or message at any one time.

4. Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be stationary. No elements of the display may move, flash or scroll, except to change from one display to the next.

5. Displays may change no less than five seconds apart.

b. An electronic display strictly for the purpose of stating gasoline prices and that is stationary (except when updating prices) is exempt from these requirements; however the area of any such display shall be included in the total permitted area of the sign of

which the display is a part.

c. District requirements.

1. In the residential districts and in residential planned unit developments, an electronic display is permitted for an allowed non-residential use only. The electronic display shall consist of no more than 40 percent of the sign area.

2. In the GC, CC, S, LI and PI districts and any commercial or mixed use planned unit development, an electronic display is permitted for nonresidential uses, provided that the electronic display shall consist of no more than 50 percent of the sign area.

[Ordinance No. 265, 10/4/10]

e) **Right-of-Way Encroachment** - No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Ordinance.

f) **Placement Restriction** - No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for the use.

g) **Hazard or Nuisance** - No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.

h) **Use of Vehicle as Sign** - No vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area or lot abutting the street, unless no other parking area is available on the area or lot. No vehicle functioning as a sign shall be parked in the public right-of-way.

i) **Moving or Flashing Signs** – Except for electronic displays as allowed by this Article, no sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.

j) **Moving Signs** - No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.

k) **Miscellaneous Signs** - Balloons, strings of light bulbs, pennants, and streamers hung overhead to draw attention to a business or its merchandise on display shall be prohibited. [Ordinance No. 322 5/2/22]

l) **Wall Sign Placement Extension** - No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.

m) **Above Roof Line** - No sign attached to a building shall be erected above the roof line of that building.

Section 8.40 Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses

a) Every permanent sign which does not conform to the height, size, area, or location requirements of this Article as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.

b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign. The inclusion of an electronic display on a sign is considered to be an alteration.

c) For the purposes of this Ordinance, a nonconforming sign may be diminished in size or dimension, a static sign face may be replaced by a static sign face of the same dimensions, or the copy of the sign may be amended or changed without jeopardizing the privilege of nonconforming use.

d) Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.

e) A sign accessory to a nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.

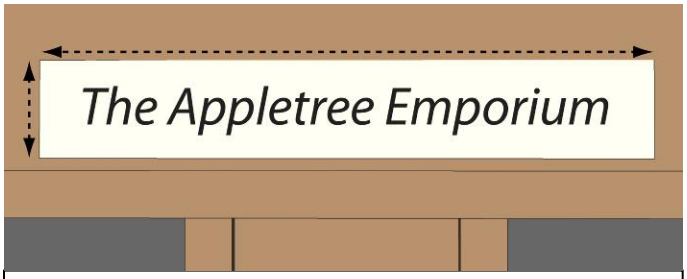
[Ordinance No. 316, 4/19/21]

Section 8.50 Signs – Units of Measurement

a) **Sign Area** – (see Figures 8-1 and 8-2) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

Dotted line (straight line geometric figure) depicts sign area for sign comprised of lettering attached to a wall, awning, or other structure.

Figure 8-1: Area of Sign, Example 1



Sign mounted or material or enhanced by background color and attached to a wall, awning, or other structure. Sign area based on outer limits of background material or color to which the lettering is attached.

Figure 8-2: Area of Sign, Example 2

b) **Area and Multiple Sign Faces** – The area of all sign faces on a freestanding or projecting sign structure shall count against the maximum area permitted. In the case of sign structures with two (2) back-to-back sign faces that are twelve (12) inches or less apart, only one (1) side is counted against the maximum area permitted if the sign faces are of equal size. This method of measurement does not apply to billboard sign faces.

c) **Height** – (see Figure 8-3) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

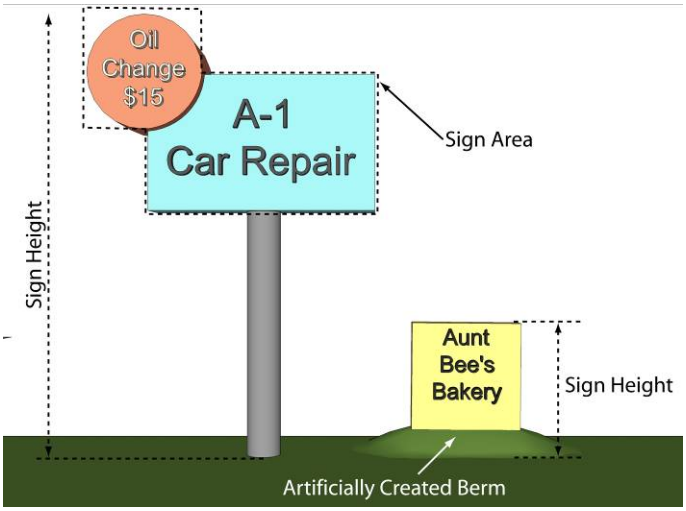


Figure 8-3: Height of Sign

d) **Apportioning Sign Area for Multiple Tenants** - For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

Section 8.60 Sign Regulations Applicable to All Districts

a) The following sign regulations are applicable to all Districts:

1) Portable signs and balloon signs are not permitted except for special events as noted under Section 8.70. [Ordinance No. 300, 1/7/19]

2) All ground, wall and freestanding signs may include reader boards.

3) Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.

4) Directional signs are permitted subject to the following restrictions:

a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.

b. No directional sign shall exceed six (6) square feet in area or four (4) feet in height.

c. Directional signs shall be limited to traffic control functions only.

Section 8.70 District Sign Regulations

Residential Districts - Permitted Signs	
Temporary Yard Signs	
Number	One (1) temporary yard sign per lot or parcel. One (1) extra temporary yard sign is permitted during any one (1) of the following timeframes. However, no more than two (2) temporary yard signs are permitted at any one (1) time per lot or parcel. 1. From a date when a home, lot or parcel is listed for sale to the date of closing 2. From a date of a building permit issuance for construction on a lot or parcel to the date of issuance of an occupancy permit or final approval Notwithstanding the above limitations, there is no limit on the number of extra temporary yard signs that may be placed on a lot or parcel during a timeframe thirty (30) days prior to an election to seven (7) days after an election.
Size	No greater than six (6) square feet per sign
Location	Minimum five (5) feet from any public street right-of-way or private street easement and two (2) feet from any side and rear property line
Height	No higher than six (6) feet
Other	Off-site commercial advertising temporary yard signs are prohibited
Special Event Signs (Banners, temporary yard signs, portable signs)	
Number	No more than one (1) sign shall be displayed for a special event
Size	No greater than thirty-two (32) square feet
Location	The sign shall be located on the lot on which the special event is to be held. Minimum fifteen (15) feet from front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Duration	A maximum of twenty-one (21) days
Ground Signs for Non-Residential Uses Residential Subdivisions, Manufactured Home Parks, and Multiple-Unit Apartment Dwellings	
Number	One (1) per non-residential lot or parcel One (1) per major entrance for residential subdivisions, manufactured home parks, and multiple-unit apartment dwelling complexes
Size	No greater than thirty-two (32) square feet
Location	Minimum five (5) feet from front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Directional Signs for Non-Residential Uses	
Number	One (1) per driveway
Size	No greater than six (6) square feet per sign
Height	No higher than four (4) feet
Wall signs for Home Occupations	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet
Location	On wall of house facing street, unilluminated
Wall Signs for Non-Residential Uses	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed.
Location	On wall of building facing street

S - Service and C – Commercial Districts – Permitted Signs	
Wall and Projecting Signs (see Figure 8-4)	
Number	One (1) per street frontage, per tenant
Size	S - No greater than five percent (5%) of the wall area to which the sign is affixed. C - No greater than ten percent (10%) of the wall area to which the sign is affixed. The bottom edge of projecting signs shall be at least eight (8) feet above the ground and the sign shall not extend more than thirty-six (36) inches from the exterior building wall.
Location	On wall of building facing street
Multi-Tenant	See section 8.50 d) for number and size requirements

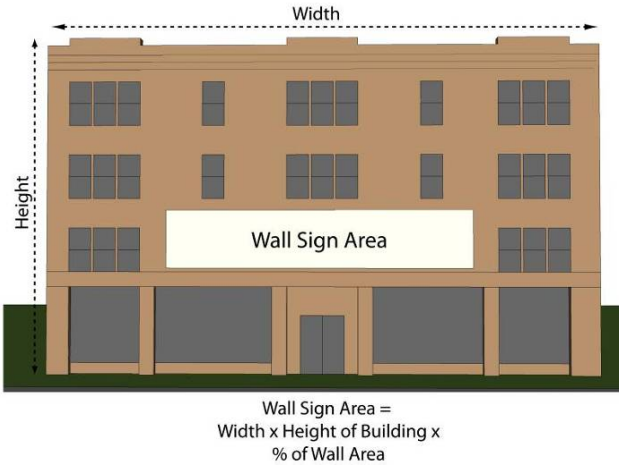


Figure 8-4: Area of Wall Signs

Awning or Canopy Signs [Ordinance No. 247, 12/01/08]	
Number	1 per awning or canopy
Size	Not to exceed 1/3 of awning or canopy; any sign area on an awning or canopy shall be included in the calculations of maximum wall sign square footage.
Location	No awning or canopy sign shall extend above the awning or canopy structure to which it is attached
Temporary Yard Sign	
Number	Two (2) per lot or parcel
Size	No greater than thirty-two (32) square feet total between signs
Location	Minimum five (5) feet from the front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Special Event Sign (Banners, temporary yard signs, portable signs)	
Number	No more than one (1) sign shall be displayed for a special event.
Size	No greater than thirty-two (32) square feet
Location	The sign shall be located on the lot on which the special event is to be held. Minimum fifteen (15) feet from front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Duration	A maximum of twenty-one (21) days

S - Service and C – Commercial Districts – Permitted Signs	
Directional Signs for Non-Residential Uses	
Number	One (1) per driveway
Size	No greater than six (6) square feet per sign
Height	No higher than four (4) feet
Freestanding Signs	
Number	S - None permitted C - One (1) per lot or parcel, except for parcels with two (2) or more public street frontages equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign. A business center on a parcel in the C District with public street frontage(s) equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign [Ordinance 232, 8/21/06]
Size	One and one-half (1½) square feet for each one (1) foot of lot frontage up to a maximum of fifty (50) square feet, for each sign allowed For business centers, One and one-half (1½) square feet for each one (1) foot of lot frontage up to a maximum of seventy-five (75) square feet, for each sign allowed or, if only one (1) sign is erected on a lot with public street frontage(s) equaling or exceeding three-hundred (300) feet, one (1) sign not-to-exceed 120 square feet. [Ordinance 232, 8/21/06]
Location	Minimum five (5) feet from front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than twenty (20) feet
Ground Signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel. A business center on a parcel in the C District with public street frontage(s) equaling or exceeding three hundred (300) feet shall be permitted two (2) signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign
Size	S – No greater than thirty two (32) square feet for each sign allowed C – No greater than fifty (50) square feet for each sign allowed. For business centers, One and one-half (1 ½) square feet for each one (1) foot of lot frontage up to a maximum of seventy-five (75) square feet, for each sign allowed or, if only one (1) sign is erected on a lot with public street frontage(s) equaling or exceeding three-hundred (300) feet, one (1) sign not-to-exceed 120 feet.
Location	Minimum of five (5) feet from the front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet [Ordinance 232, 8/21/06]

Industrial and PI - Port Industrial Districts - Permitted Signs	
Ground Signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Wall Signs	
Number	One (1) per street frontage
Size	No greater than five percent (5%) of the wall area to which the sign is affixed
Location	On wall of building facing street
Temporary Yard Sign	
Number	Two (2) per lot or parcel
Size	No greater than thirty-two (32) square feet total between signs
Location	Minimum five (5) feet from the front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Special Event Sign (Banners, temporary yard signs, portable signs)	
Number	No more than one (1) sign shall be displayed for a special event.
Size	No greater than thirty-two (32) square feet
Location	The sign shall be located on the lot on which the special event is to be held. Minimum fifteen (15) feet from front right-of-way line and fifteen (15) feet from any side and rear property line
Height	No higher than six (6) feet
Duration	A maximum of twenty-one (21) days
Directional Signs for Non-Residential Uses	
Number	One (1) per driveway
Size	No greater than six (6) square feet per sign
Height	No higher than four (4) feet
Billboards - Subject to Section 8.80	

Section 8.80 Billboards

a) Billboard structures shall be permitted in the Industrial Districts subject to the following:

1) Billboards structures within the Industrial Districts shall be classified as a permitted use but shall be subject to review and approval by the Planning Commission under the Site Plan Review provisions of Article 5 of this Ordinance.

2) The maximum number per parcel shall not exceed one (1) billboard structure. The sign shall be in addition to the other signs permitted for an existing use located on the same site on which the billboard structure is to be placed.

3) The maximum billboard sign face area shall not exceed three hundred (300) square feet.

4) The billboard sign face shall not exceed a height of thirty-five (35) feet.

5) The sign may be illuminated. To minimize glare, light shall be directed upon the sign and shall not be visible to motorists on an interstate highway, except as reflected from the sign.

6) Billboard sign structure placement shall be regulated as follows:

a. Shall not be located within five hundred (500) feet of an interchange or intersection.

b. Shall not be located within five hundred (500) feet of Spring Lake or the Grand River.

c. Sign shall not be located within five hundred (500) feet of an residential Zone District.

d. Shall not be located closer than seventy five (75) feet from the nearest edge of the main traveled portion of Highway U.S. 31, nor greater than six hundred sixty (660) feet from the main traveled portion of Highway U.S. 31.

e. Shall not be located within five hundred (500) feet of another billboard sign structure on the same side of the highway, including official and off-premise signs as defined in Section 131 [c] of Title 23 of the United States Code. The spacing measurement shall apply separately to each side of the highway and shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.

7) A billboard sign face shall not be located or maintained on trees or painted or drawn upon rocks or other natural resources.

8) When voluntarily removed, or required to be moved, the entire billboard sign structure, including supports, foundation, electrical apparatus, and other sign components and related materials shall be removed from the site.

9) Billboard sign structures and billboard sign faces shall be subject to all state and federal permitting requirements.

10) Electronic graphic display billboard sign faces. A billboard sign face meeting all other requirements of this Section may consist of an electronic graphic display, subject to the following:

a. Each message shall be static and not animated in any way.

b. Minimum duration of a message shall be seven seconds.

c. Transition from one message to the next shall be instantaneous and shall not fade, scroll or otherwise be animated.

d. Maximum brightness of the electronic graphic display billboard shall not exceed illumination of 5,000 nits (candelas per square meter) during daylight hours, nor 540 nits between dusk and dawn, as measured from the billboard sign face at maximum brightness. The billboard sign face shall have an automatic dimmer switch control to produce a distinct illumination change from a higher illumination level to a lower illumination level for the period of time between one-half hour before sunset and one-half hour after sunrise.

e. An electronic graphic display billboard sign face shall be equipped with automatic dimmer features to adjust brightness levels for ambient light during daylight hours. The illumination system shall be set to "automatic" in order to comply with levels of brightness as set forth in this section.

f. An electronic graphic display billboard sign face may only be constructed to replace an existing billboard sign face.

[Ordinance No. 265, 10/4/10; Ordinance No. 290, 7/3/17]

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Article 9. Planned Unit Development (PUD)

Section 9.10 Intent

a) **Purpose and Public Benefit** - The purpose of this article is to provide a flexible development framework that enables high-quality, well-designed Planned Unit Development (PUD) projects that advance the City's adopted housing goals while ensuring a clear and measurable public benefit. This article is intended to allow creative and innovative approaches to site planning, building design, and land use that would not be feasible under conventional zoning standards, particularly where such flexibility supports the provision of needed housing types and living environments.

b) **Housing Focus for Residential and Mixed-Use Developments** - For residential and mixed-use developments, this article is intended to facilitate projects that expand housing opportunity and diversity, improve housing attainability, support age-friendly and accessible living options, encourage infill and redevelopment of constrained or underutilized sites, and promote residential development in downtown, commercial, and mixed-use areas consistent with the City's Master Plan and documented housing needs within Ottawa County.

c) **Zoning Flexibility and Review Standards** - To achieve the City's overall planning objectives, this article permits the modification or waiver of certain zoning district requirements when an applicant demonstrates that the proposed PUD clearly advances one or more of the City's planning and development goals in a meaningful and measurable manner and that the public benefit provided justifies the requested flexibility. All Planned Unit Developments shall be reviewed for consistency with this purpose and shall comply with the procedures, standards, eligibility requirements, and conditions outlined in this article.

d) **Overlay District Rezoning** - PUD is an overlay zoning district that requires rezoning of land and an associated preliminary PUD plan. All future development of the property, reviewed as final PUD plans, shall be consistent with the preliminary PUD plan for the subject property. Unless modified through this article, a PUD is subject to the base zoning district requirements applicable to the property.

Section 9.20 Qualifying Conditions and Modifications

a) **General Qualifying Conditions** - Any development that fails to meet the following qualifying conditions, at a minimum, shall not qualify for application as a PUD.

   1) All PUDs shall be served by public water and public sanitary sewer facilities or a private system approved by the City Council, the Ottawa County Health Department, or other agencies, as applicable.

   2) The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties and/or their agent. If the PUD application is filed by a prospective purchaser or option holder, written consent of all property owners must be submitted as evidence of their concurrence with the PUD application.

   3) The proposed uses and densities of the PUD must be consistent with the Master Plan for the subject property, unless otherwise noted in this article.

b) **Minimum Acreage** - There is no minimum acreage to qualify for PUD review.

Section 9.30 Base Districts and PUD Types

a) **Base Zoning District**

1) Requirements. A base zoning district or districts set the land use, building, lot, and dimensional requirements for the PUD. Development within a PUD shall comply with the requirements of the base district or districts unless modified in accordance with Section 9.40.

2) Base Zoning District Rezoning. The base zoning district shall be the closest and most compatible district required for the proposed use. A base district rezoning to the most compatible district may be required. The rezoning of the base zoning district may be considered concurrently with the PUD overlay rezoning.

b) **PUD Types**

1) Residential PUD. A Residential PUD includes residential principal land uses and has underlying residential base zoning district(s).

2) Mixed-Use PUD. A Mixed-Use PUD includes both residential and commercial principal land uses and has underlying base zoning district(s) that allow both residential and commercial uses.

3) Non-Residential PUD. A Non-Residential PUD includes commercial principal land uses and has underlying base zoning district(s) that allow commercial uses. Although some base zoning districts may allow residential uses, the proposed PUD does not include a residential component.

c) **Provisions for Each Type of PUD** - The following table outlines the types of PUDs, the allowable corresponding base zoning districts, dimensional requirements, allowable uses, and density bonus provisions.

PUD Types			
Provisions	**Residential PUD**	**Residential or Mixed Use PUD**	**Non-Residential PUD**
Corresponding Base Zoning District	R-1, R-2, R-3, R-4, R-5	CC, GC, S	CC, GC, S, LI-1, LI-2, LI-3, PI
Density Bonus	Yes	No	No
Dimensional Requirements	See base district requirements unless modified in accordance with Section 9.40		
Allowed Uses	Any use allowed as a permitted or special land use within the base district is allowed unless specifically restricted as part of PUD approval. If a special land use is proposed or contemplated in the future and acknowledged in the approval, a separate special land use review process is not required for that particular future use. Any use that is not proposed or contemplated in the future within the PUD approval is not permitted unless the PUD is changed through a major amendment- See Section 9.120 a)		

Section 9.40 Modifications

a) **Modifications for Residential and Mixed-Use PUDs**

1) Achieving Housing Goals. Planned Unit Development (PUD) proposals that request zoning modifications related to housing, including but not limited to modifications of density, use, lot area, setbacks, height, parking, or dimensional standards, shall demonstrably achieve one or more of the housing goals set forth below. Each PUD with residential dwelling units shall be reviewed for compliance with the City's adopted housing goals of the Master Plan and shall demonstrate how the proposed development achieves at least one such goal in a manner that also supports the overall documented housing needs of Ottawa County as identified in the most recent Ottawa County Housing Needs Assessment.

2) Required Finding. No zoning modification shall be approved for a Residential PUD unless the Planning Commission and City Council find that the proposed development clearly advances at least one of the above housing goals in a measurable and meaningful way and that the public benefit achieved justifies the requested zoning modification.

3) Housing Goals for Planned Unit Developments. The applicant shall clearly identify which of the following goal or goals are being achieved and how the development specifically advances such goal(s). At least one (1) shall be met.

a. Housing Diversity. Introduce a mix of housing types, including but not limited to single-unit dwellings, two-unit dwellings, multiple-unit attached dwellings, multiple-unit apartment dwellings, accessory dwelling units, or senior-oriented housing.

b. Attainable and Workforce Housing. Incorporate design, unit size, lot size, shared infrastructure, or site planning efficiencies that reduce per-unit development costs, reduce resulting sales prices, and improve housing attainability.

c. Downtown and Mixed-Use Residential Development. Provide residential units within designated downtown, commercial, or mixed-use areas in a manner that supports walkability, year-round activity, reinvestment, and access to services and employment.

d. Age-Friendly and Senior Housing Options. Provide housing designed to support aging in place, accessibility, or senior living in appropriate locations and contexts.

e. Infill and Redevelopment Housing. Redevelop underutilized, constrained, or previously developed sites for residential use that could not be reasonably developed under conventional zoning standards to increase the housing supply in areas that are unreasonable to development based on zoning constraints.

b) **General Considerations for All PUDs** - When an applicant requests the modification or waiver of one or more underlying zoning district requirements as part of a Planned Unit Development, the Planning Commission and City Council shall, in addition to the general standards of approval, consider whether the requested relief is warranted based on the purpose of the PUD, the housing-related qualifying conditions, and the specific public benefits to be achieved. These considerations are intended to guide the evaluation of zoning flexibility.

1) Public Benefit Justification. Whether the public benefit achieved by the waiver is clear, measurable, and sufficient to justify deviation from base zoning requirements.

2) Site Constraints and Development Practicality. Whether physical conditions, prior development, or site constraints make strict compliance with base zoning standards impractical or inconsistent with the PUD intent.

3) Design Quality and Innovation. Whether the quality of site planning, architecture, and design offsets the reduced or modified zoning standard.

4) Infrastructure and Service Capacity. Whether infrastructure and public services can adequately support the development as modified.

5) Enforceability. Whether the waiver is clearly documented and enforceable through the preliminary and final PUD plans and PUD agreement, and whether it is consistent with other applicable codes (fire, building, state statute, etc.).

c) Height Restriction – Height modifications may only be requested for lots with a CC, S, and GC base zoning district for proposals that satisfy two (2) or more housing goals of Section 9.40 a). In these cases, modifications are limited to a building height of 45 feet and four (4) stories.

Section 9.50 Site Development Requirements

a) **Residential PUD**

1) Maximum Density. The maximum number of dwelling units permitted by the City Council, upon recommendation by the Planning Commission, shall be determined by the designation of the Master Plan and/or the underlying zoning for the property on which the PUD is proposed, and the following table. In any case, residential densities shall not exceed the following limits, unless otherwise permitted through the density bonus provisions of Section 9.60.

Zoning	Units Per Gross Acre
R-1	3.5
R-2	4
R-3	8
R-4	8
R-5	12

2) Open Space. A Residential PUD shall have a minimum of 25% open space.

b) **Mixed Use PUD**

1) Design. All residential uses shall be integrated into the design of the Mixed-Use PUD through similar site development elements, such as architectural style, signage, and landscaping.

2) Open Space.

a. A Mixed-Use PUD with a GC or S base zoning district shall have a minimum of 25% open space.

b. A Mixed-Use PUD with a CC or S base zoning district shall have a minimum of 10% open space.

c) **Non-Residential PUD**

1) Dimensional Requirements: Dimensional requirements as required by the base zoning district shall not be modified by more than 25% in accordance with Section 9.40.

2) Open Space. A Non-Residential PUD shall have a minimum of 25% open space.

3) Buffers. The plan shall address adequate buffers for any site adjacent to properties in any residential district or a Residential or Mixed-Use PUD.

d) **Open Space Requirements**

1) Design. The City Council, after recommendation by the Planning Commission, shall find that, to the extent possible, designated open space is large enough and of proper dimensions to contribute significantly to the intent of the PUD. The open space shall be designed so that all residents of the PUD shall have reasonable access to it.

2) Maintenance.

a. All open spaces shall be jointly owned by the property owners within the PUD. A property owners' association or similar arrangement for common ownership or maintenance agreement shall be formed, which shall take responsibility for the maintenance of the open space. Alternatively, evidence shall be given that satisfactory arrangements will be made to relieve the City of future maintenance of the open space.

b. The maintenance requirements of natural areas designated as open space are not necessarily intended to require regular clearing, mowing, or other active maintenance. For the purposes of this article, a maintenance requirement for natural areas is intended to include such items as the removal of any accumulation of trash or waste material, cleanup of storm damage, or removal of dead or diseased plant materials.

3) Protection. Open space shall be deed restricted, placed in a conservation easement, or otherwise held as open, undeveloped land in perpetuity. Suitable recorded instruments shall be submitted to the City Attorney for review prior to final approval of the PUD.

4) Waiver or Reduction. The City Council may reduce or waive the open space requirement after considering the following factors:

a. The site is directly adjacent to publicly owned parks, trails, conservation lands, or permanently protected open space that provides equivalent or superior recreational or environmental benefits to residents.

b. The development redevelops an underutilized, constrained, or previously developed site where strict application of the open space requirement would prevent reasonable development consistent with the Master Plan.

c. The reduction in open space is necessary to accommodate housing types, site layouts, or infrastructure arrangements that advance adopted housing goals, including housing diversity, attainable housing, or age-friendly design, while maintaining overall neighborhood compatibility.

d. The overall site design, architectural quality, landscaping, stormwater management, and pedestrian connectivity are sufficiently high in quality or innovative to offset the reduced amount of open space.

e) **All Other Zoning Requirements Apply** - All other applicable requirements of the Zoning Ordinance shall apply to all PUDs unless specifically modified in accordance with Section 9.40.

Section 9.60 Residential Density Bonus

a) **Intent** - To further promote the benefits of a Residential PUD for the City and the property owner, an optional density bonus may be requested, which is intended to provide added incentive to utilize the PUD process, through increased densities beyond Section 9.50 a)1). The residential bonus density may be awarded in exchange for substantial community benefits and to promote the City's goals and policies, as expressed in the Master Plan.

b) **City Council Decision** - At the discretion of the City Council, PUD proposals that demonstrate that multiple housing goals under Section 9.40 a)3) are achieved are eligible for a density bonus of up to twenty percent (20%).

Section 9.70 Review Process

a) **Applicability**

1) New PUDs and Major Amendments.

a. Submittals. New PUDs and major amendments to existing preliminary or final PUD plans shall be processed in accordance with this section.

b. Concurrent Review. At the applicant's option, a preliminary subdivision plat or preliminary condominium plan may be filed along with the preliminary PUD plan.

2) Minor Amendments. See 9.120 b).

3) Final PUD Plans. All final PUD plans shall be processed in accordance with Article 6 Site Plan Review Requirements.

b) **Application Requirements**

1) Deadline. All PUD review applications shall be made by submitting the following materials to the Zoning Administrator at least 30 days prior to the meeting at which the PUD is to be considered:

2) Application. One (1) copy of a completed site plan review application on an approved form provided by the Office of the Zoning Administrator.

3) Site Plan. Fourteen (14) copies of the submittal documents and preliminary PUD site plan drawing containing all of the information required in Section 9.80.

4) Fee. Payment of an application fee, which shall be non-refundable, and which shall be established from time to time by resolution of the City Council.

c) **Steps**

1) Pre-application Conference. Prior to filing a formal application for a PUD, the applicant shall meet with the Planning Commission to review the general character of the proposed development, i.e., its scope, nature, and location. At this time, the applicant shall be advised of the PUD review procedures and the information, studies, and other materials that may be required as part of the review.

2) Submittal by the Applicant. See Section 9.80.

d) **Completeness Review**

1) If incomplete, the applicant is notified of deficiencies, and the review does not proceed until all required checklist materials are received.

2) If complete, the review proceeds.

e) **Planning Commission Review**

1) The Planning Commission shall hold a public hearing with advance notice in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.

2) After the public hearing, at the same meeting or a subsequent meeting, the Planning Commission shall review the PUD application and provide a recommendation to the City Council.

3) Conditions may be recommended in accordance with Section 9.100.

f) **City Council Review**

1) The City Council shall hold at least one (1) public hearing with advanced notice in accordance with Section 103 of the Michigan Zoning Enabling Act, as amended.

2) After the public hearing, at the same meeting or a subsequent meeting, the City Council shall act on the rezoning and associated preliminary PUD plan.

3) Conditions may be applied in accordance with Section 9.100.

g) **Final PUD Plan**

1) Final Plan Submittal. Within 12 months of the City Council's approval of the rezoning and preliminary PUD plan, the applicant shall submit a final PUD plan for the entire PUD, or one (1) or more phases, to the Zoning Administrator, in accordance with the requirements of Article 6.

2) The City Council may approve a 12-month extension if the applicant submits a written request within 12 months of the original PUD approval.

h) **Expiration Based of Failure to Submit a Final PUD Plan** - If an application for final PUD plan approval has not been submitted prior to the expiration of the original 12 months or an approved extension, the rezoning and preliminary PUD plan (including any associated base zoning district when such rezoning was effective only upon concurrent rezoning to a PUD District) shall be null and void and the land shall thereafter be included in the zoning district applicable immediately prior to such concurrent rezonings, as if such rezonings had never occurred.

Section 9.80 PUD Application Requirements

Applicants seeking approval of a PUD rezoning and preliminary PUD plan shall submit a complete application, including the following:

Preliminary PUD Submittal Requirements
A. Application and Site Information
Application - A completed application on a form supplied by the City
Fee - Payment of the required PUD plan review fee and any other fees required by the City.
Name and address of the applicant and property owner
Address and common description of the property and property ID number
Legal description
Total acreage and net acreage (land minus public or private right-of-way)
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable
Name and contact information for the firm or individual who prepared the site plan
Evidence of property ownership or written power of attorney when the applicant is acting as an agent of the property owner
B. Site Plan Descriptive and Identification Data
Plans shall consist of an overall layout for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be sufficient to show adequate detail. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included

Preliminary PUD Submittal Requirements
Title block with sheet number/title name, address and telephone number of the applicant and firm or individual who prepared the plans and date(s) of submission and any revisions (month, day, year)
Scale and north-point
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings
Zoning classification of applicant's parcel and all abutting parcels
Proximity to section corner and major thoroughfares
C. Site Data
Conceptual layout of buildings and uses proposed within the PUD
Existing lot lines, building lines, structures, parking areas and other improvements on the site
Existing lot lines, building lines, structures, parking areas and other improvements within 100 feet of the site
Topography on the site and within 100 feet of the site at 2 foot contour intervals, referenced to a U.S.G.S. benchmark
Site conditions, including existing drainage courses, floodplains, lakes, streams, wetlands and woodlands
Location of existing natural features, including woods, streams, ponds, wetlands, and steep slopes (25 percent or greater)
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site
D. Building and Structure Details
Location, height, and outside dimensions of all proposed buildings or structures
Details on accessory structures
Size, height and method of shielding for all site and building lighting
Building facade elevations for all sides, drawn at an appropriate scale, or photos of representative building types, indicating the proposed architectural style and appearance
Description of exterior building materials
Location, height, and outside dimensions of all outdoor storage areas and facilities.
E. Access and Circulation
General location of proposed interior streets, drive aisles, connectivity, and access to abutting streets
Opposing driveways and intersections within 250 feet of site
Parking lot layout
Sidewalk and pathway network
F. Landscape Plans
General location and canopy outline of all existing woodlands
General landscaping concept plan
Description of methods to preserve existing trees
Location and area calculations for all required common open space
G. Information Concerning Utilities, Drainage and Related Issues
Concept grading, drainage, and stormwater plan
Location of existing and proposed sanitary sewer lines
Location of existing and proposed water lines
H. Additional Information Required for Residential Development
The number and location of each type of residential unit

Preliminary PUD Submittal Requirements
Density calculations by type of residential unit (dwelling units per acre)
Garage and/or carport locations and details, if proposed
Mailbox clusters
Concept building elevations
Location and size of recreation and open space areas and an indication of type of recreation facilities proposed for recreation area
I. PUD Narrative
Explanation of the character of the proposed development, including but not limited to: types and numbers of buildings; land use by acreage; architectural style and building materials; open space; streets and connectivity, and public vs. private; daily traffic estimates; residential density, as applicable
General statement of the proposed development schedule and progression of each phase or stage if the PUD is proposed to be developed in phases
Outline of intended agreements, provisions, and covenants to govern the development
Description of any requested modifications in accordance with Section 9.40 (e.g., the setback is 25 feet, but 10 feet is proposed)- in addition to any dimensional requirement that will exceed the minimum requirements for the base zoning district (e.g., the setback is 25 feet, but 50 feet is proposed)- provided in table format
Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed
Responses to all approval standards of Section 9.90

Section 9.90 PUD Approval Standards

In reviewing a Planned Unit Development application, the Planning Commission and City Council shall evaluate the proposal against the general standards of approval outlined in this Section to determine whether the PUD, as a whole, is consistent with the intent of this article and the City's Master Plan.

a) **Qualification** - The preliminary PUD plan shall qualify for submittal and review in accordance with Section 9.20.

b) **Consistency with the Master Plan** - The preliminary PUD plan is consistent with the City's Master Plan, including applicable future land use design and general development principles.

c) **Housing** - Residential and Mixed-Use PUDs shall demonstrate compliance with the housing-related qualifying conditions outlined in Section 9.40 a), including the identification and achievement of at least one (1) adopted housing goal in a measurable and meaningful manner and a demonstration that the public benefit provided justifies the PUD request.

d) **Natural Feature Preservation** - Where feasible, natural features shall be preserved and integrated into the overall site design. In the event the integration of these features is not practicable, the PUD shall incorporate a site development and landscape program of sufficient quality, character, and mass to mitigate the loss of the site's natural characteristics.

e) **Compatibility** - The PUD shall be designed so that the proposed character, density, and placement of buildings and other structures, as well as proposed parking, lighting, signs, refuse storage, landscaping, and other site elements, are compatible with the surrounding area as a whole. Where appropriate, it shall incorporate appropriate buffers, transitions, and related site design features that minimize potential adverse impacts on neighboring properties.

f) **Modifications and Waivers** - Waivers and/or relaxation of underlying zone district requirements will not be detrimental to the internal elements of the PUD, the surrounding area, and the City as a whole, and shall be acceptable when reviewed against Section 9.40.

g) **Access and Circulation** -The preliminary PUD plan shall be designed to provide safe and efficient ingress and egress, with particular attention to safety and convenience related to pedestrian and bicycle travel, traffic flow, and control, and ease of access. Multiple structures and uses shall be connected by a network of streets, drives, sidewalks, and pathways, as appropriate and feasible.

h) **Preservation of Public Health, Safety, and Welfare** -The preliminary PUD plan does not negatively affect public health, safety, and welfare, and does not create adverse impacts on the City or surrounding properties.

i) **Public Services** -The PUD shall not result in a significant increase in the demand for public services or infrastructure, nor shall it place an undue burden on existing facilities. Adequate utilities, emergency access, and stormwater management systems must be provided to support the proposed development.

j) **Internal Functionality** - The overall layout and design of the preliminary PUD plan function cohesively, including the relationships among buildings, open space, circulation, and utilities.

Section 9.100 Conditions of Approval

a) **Authority to Grant Conditions** - The City Council may apply reasonable conditions to the approval of a preliminary PUD plan and rezoning. Conditions can be applied to accomplish any one (1) of the following:

1) Ensure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and facility loads resulting from the land use or activity.

2) Protect the natural environment and conserve natural resources and energy.

3) Ensure compatibility with adjacent land uses.

4) Promote the use of land in a socially and economically desirable manner.

b) **Requirements of Conditions** - Conditions imposed shall meet all of the following requirements. Conditions shall be:

1) Designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2) Related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.

3) Necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and necessary to ensure compliance with those standards.

Section 9.110 PUD Agreements

a) **Construction Must Conform to Approved Plan** - Following approval of a PUD, all related final PUD plans shall substantially conform to the design of the preliminary PUD plan, all provisions within the Ordinance approving the PUD rezoning and preliminary PUD plan, conditions of approval, if applicable, and the terms of a PUD agreement, if required by the City Council.

a) **City Council Decision Regarding PUD Agreement** - Prior to issuance of any building permits for construction of any portion of a PUD, the City Council may require the applicant to enter into an agreement with the City Council setting forth the applicant's obligations with respect to the approved PUD.

b) **Contents** - If required, the agreement shall describe all improvements to be constructed as part of the PUD, incorporate by reference the preliminary PUD plan and other documents comprising the PUD, and include all conditions attached to the approval by the City Council. The agreement shall also establish the remedies of the City Council in the event of default by the applicant in carrying out the planned unit development, and shall be binding upon all successors in interest to the applicant. These remedies may include, but shall not be limited to, performance guarantees in conformance with the requirements of Section 13.60.

c) **Considerations** -The decision to require a PUD agreement shall be based on the complexity of the development, the degree of zoning flexibility granted, and the nature of the obligations and public benefits associated with the PUD

1) A PUD agreement may be required by the City Council when the approved PUD includes one (1) or more of the following:

   a. The applicant has offered specific public benefits or housing outcomes.

   b. The development will be phased, or a delay in the installation of public or private infrastructure, facilities, or improvements is proposed.

   c. There are conditions or voluntary offers that require ongoing performance, timing commitments, or future actions beyond the issuance of building permits.

   d. There is common open space, shared facilities, or private streets that require long-term ownership, maintenance, or operational responsibility.

   e. Performance guarantees and financial assurances are determined to be necessary to ensure completion of the PUD in accordance with the approved plans.

   f. There are other circumstances in which additional documentation is necessary to clearly define and enforce the approved PUD and to protect the City's interests.

2) A PUD agreement may not be required when the City Council determines that the approved PUD can be fully implemented and enforced through existing Zoning ordinance provisions, approved preliminary and final PUD plans, recorded plats, condominium documents, easements, and standard site plan approval procedures, and where:

   a. The PUD substantially complies with the requirements of the underlying base zoning district.

   b. No density bonuses or significant zoning waivers are granted.

   c. All conditions of approval are satisfied prior to or concurrent with site plan approval or issuance of building permits.

   d. The development is not phased or does not involve long-term or ongoing obligations beyond those customarily addressed through recorded development documents.

e. Additional contractual enforcement mechanisms are not necessary to ensure compliance with the approved PUD.

Section 9.120 Changes to an Approved Planned Unit Development

a) **Changes to an Approved PUD Plan** - With the exception of minor amendments, no changes to an approved final development plan for a PUD shall be made, except by mutual agreement between the applicant and the City Council after recommendation by the Planning Commission. Revisions not considered minor to an approved PUD final development plan or to any conditions imposed shall be processed in the same manner as an original PUD application.

b) **Minor Amendments** - Minor amendments may be made to the PUD plan under the provisions of Section 6.110 of this Ordinance, provided, however, modification of a specific condition attached to the PUD shall only be changed according to the provisions of paragraph a), above.

Section 9.130 Time Limit for Construction

a) **Construction Commencement** – Construction of the PUD or the first phase of development shall commence and proceed meaningfully toward completion within twelve (12) months from the date on which the Planning Commission approved the final PUD plan. At a minimum, "proceeding meaningfully toward completion" shall refer to the active construction or completion of infrastructure (e.g., roads, water, sanitary sewer, storm sewer, street lights, buffers, soil stabilization, and so forth) and conditions, if any, necessary to support the PUD land uses.

b) **PUD Extension of Time for Construction** - The owner or applicant of the PUD may apply to the City Council for one (1) extension from the timeframe noted in paragraph a) for an additional term of one (1) year. The City Council may, in its discretion, authorize this extension. In approving an extension, the City Council shall consider the following factors:

1) The approved planned unit development, or approved phase thereof, has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.

2) The approved PUD, or an approved phase thereof, is likely to proceed within the extended time period.

c) **Voiding of PUD Approval Due to Non-Construction** - If the PUD, or approved phase thereof, has not commenced and proceeded meaningfully towards completion at the end of the initial twelve (12) month time period, or any extension thereof, then the PUD approval shall be automatically null and void. Thereafter, additional construction on the site will require the filing of a new PUD application, or other appropriate zoning application if the project is no longer to continue as a PUD. The City Council may exercise the full benefits of any existing performance guarantee as determined necessary and appropriate. Additionally, the City Council may initiate a formal process to rezone the property to remove the PUD overlay designation.

Section 9.140 Phasing the PUD

a) **Request for PUD Site Development Phasing** - At the request of the applicant, coincident with the filing of the original PUD application, the City Council may consider and approve a PUD to be constructed in phases (differing sequences of time). If a phased PUD is approved, only approved phases shall receive the necessary City permits for construction purposes. The City is not obligated to approve a phasing plan.

b) **Final PUD Plans for Phased Construction** – A final PUD plan is required for each phase of a phased PUD.

c) **Installation of Improvements and Performance Guarantees** - In approving a phased PUD, the City may permit the project's infrastructure and conditions, if any, to be constructed in time frames consistent with the construction of approved phases; or, the City may require immediate installation of any or all of the infrastructure and/or other public elements and conditions necessary to serve the entire PUD site. Similarly, for a phased PUD, the City may permit performance guarantees in accordance with the provisions of Section 13.60 to be allocated and submitted as the various phases are approved for construction, or may require a performance guarantee to cover multiple phases or the entire project.

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Article 10. Districts and District Requirements

Section 10.10 Zoning Districts

For the purposes of this Ordinance, the City of Ferrysburg is hereby divided into the following Zoning Districts.

Section	District Name	District Symbol
10.50	Low Density Dune Residential	R-1
10.60	Low Density Residential	R-2
10.70	Medium Density Residential	R-3
10.80	Medium Density Lakefront Cottage Residential	R-4
10.90	High Density Residential	R-5
10.100	Manufactured Home Park	MHP
10.110	Service	S
10.120	Commercial Core Commercial General Commercial	 CC GC
10.130	Industrial Light Industrial - 1 Light Industrial - 2 Light Industrial - 3	 LI-1 LI-2 LI-3
10.140	Port Industrial	PI
10.150	Parks and Preserves	P

Section 10.20 Zoning District Map

a) **Boundaries** - The boundaries of the districts identified in Section 10.10 are hereby established as shown on a map entitled "The Zoning Map of the City of Ferrysburg, Michigan" which accompanies this Ordinance and is made a part of this Ordinance. Except where referenced on the map to a street line, water body, or other designated line by dimensions shown on the map, the district boundary lines follow lot lines or the center lines of streets or alleys or railroad rights-of-way as they existed at the time of adoption of this Ordinance.

b) **Boundary Interpretation** - Matters of interpretation concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals.

Section 10.30 Lot Divided by Zoning District Boundary Line

Where a district boundary line, as established in this Ordinance or as shown on the Zoning Map, divides a lot or lots in common ownership and of record at the time of enactment of this Ordinance the least restrictive use shall be considered as extending to the entire lot, if the more restrictive portion of the lot is entirely within twenty-five (25) feet of the dividing district boundary line. The use so extended shall be deemed to be conforming. If the more restrictive portion of the lot is not entirely within twenty-five (25) feet of the dividing district boundary line, the various portions of the lot shall be zoned according to the underlying zoning district classifications (see Figure 10-1).

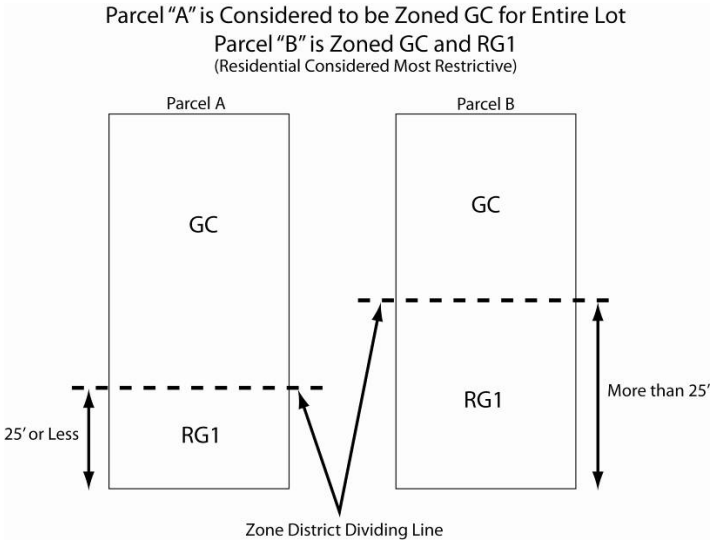

Figure 10-1: Lot Divided by Zoning Boundary

Section 10.40 Zoning Districts and District Standards

Zoning districts and district standards are enumerated and described in Sections 10.50 through 10.150.

Section 10.50 Low Density Dune Residential (R-1)

a) **Statement of Purpose** - The ecology of the dunes and Lake Michigan shoreline are unique, but fragile, environmental features that provide character and lifestyle quality to the residents of Ferrysburg. The purpose of the R-1 Low Density Dune Residential zoning district is to permit the establishment of a tenable balance between the delicate dunes and shoreline ecologies and human use. Improper and shortsighted development in dune and shoreline areas can result in large-scale despoliation of property with resultant waste and depreciation of property values. Therefore, the preservation of the dune and shoreline ecology and the regulation of development in the dune and shoreline areas are designed to promote the general welfare of the City and residents thereof.

b) **Principal Permitted Uses**

1) Single-unit dwellings.
2) Day care family home.
3) Adult foster care family home.
4) Foster family home.
5) Home occupations.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.
2) Attached accessory dwelling units (accessory to a single-unit dwelling).
3) Detached accessory dwelling units (accessory to a single-unit dwelling) on non-waterfront lots.

d) **Special Land Uses** (see Article 4)

1) Day care group home.
2) Adult foster care small group home.
3) Foster family group home
4) Community service buildings and facilities [e.g. fire station, city offices, clubhouse of a private property owners association, non-profit recreational buildings, tennis courts, public parks and playgrounds, and building and facilities of a similar nature.]
5) Golf course.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

Section 10.60 Low Density Residential (R-2)

a) **Statement of Purpose** - The R-2 Low Density Residential zoning district recognizes has been established to provide locations oriented to residential development of single-unit dwellings with homes placed in neighborhood settings. Housing density is relatively low and the range of non-residential uses very limited. It is the primary goal of the R-2 District to support and protect single-unit dwellings and the residential neighborhoods within which the homes exist or are likely to be constructed.

b) **Principal Permitted Uses**

1) Single-unit dwellings.
2) Day care family home.
3) Adult foster care family home.
4) Foster family home.
5) Home occupations.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.
2) Attached and detached accessory dwelling units (accessory to a single-unit dwelling).

d) **Special Land Uses** (see Article 4)

1) Churches, synagogues, temples, and other similar places of religious worship.
2) Public and private schools.
3) Public parks and playgrounds.
4) Day care group home.
5) Adult foster care small group home.
6) Foster family group home.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

Section 10.70 Medium Density Residential (R-3)

a) **Statement of Purpose** - The R-3 Medium Density Residential zoning district recognizes the importance of accommodating a variety of housing types consistent with the needs and demands of the populace. These include housing of a low-density character and residential facilities oriented to populations with special needs. Certain non-residential uses are also permitted. Due to the variety of potential uses and impact on surrounding development, many of the R-3 zoning district uses are subject to special review and approval.

b) **Principal Permitted Uses**

1) Single-unit dwellings.
2) Day care family home.
3) Adult foster care family home.
4) Foster family home.
5) Home occupations.
6) Two-unit dwellings.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.
2) Attached and detached accessory dwelling units (accessory to a single-unit dwelling).

d) **Special Land Uses** (see Article 4)

1) Churches, synagogues, temples, and similar places of religious worship.
2) Public and private schools.
3) Public parks and playgrounds.
4) Day care group home.
5) Adult foster care small group home.
6) Foster family group home.
7) Profit and non-profit day care centers.
8) Bed and breakfast facilities.
9) Nursing homes.
10) Senior citizen housing.
11) Libraries, fire stations, police stations, and other municipal offices and facilities, but not including penal institutions, halfway houses, work release facilities, or facilities of a similar nature.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

Section 10.80 Medium Density Lakefront Cottage Residential (R-4)

a) **Statement of Purpose** - The R-4 Medium Density Lakefront Cottage Residential zoning district has been established to encourage the conservation and redevelopment of the older, waterfront residential neighborhood on inland Spring Lake. Since the area includes a wide variety of lot sizes, the intent is to support the continued use and improvement of small lot, single-unit dwellings while ensuring new homes are consistent with the area.

b) **Principal Permitted Uses**

1) Single-unit dwellings.
2) Day care family home.
3) Adult foster care family home.
4) Foster family home.
5) Home occupations.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.
2) Attached accessory dwelling units (accessory to a single-unit dwelling).
3) Detached accessory dwelling units (accessory to a single-unit dwelling) on non-waterfront lots.
4) Boat lots, according to Section 3.130, h).

d) **Special Land Uses** (see Article 4)

1) Churches, synagogues, temples, and other similar places of religious worship).
2) Public and private schools.
3) Public parks and playgrounds.
4) Day care group home.
5) Adult foster care small group home.
6) Foster family group home.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

f) **Reconstruction**.

1) Notwithstanding the applicable requirements of Article 11, Nonconforming Uses and Structures, and because of the historic cottage nature of dwellings within the R-4 district and the unique nature of the neighborhood, an existing nonconforming single-unit dwelling may be completely demolished voluntarily, and a new single-unit dwelling may be reconstructed within the original nonconforming building footprint. Nonconforming accessory buildings on a lot may be completely demolished and reconstructed within their original nonconforming building footprints or anywhere on the lot. However, any newly reconstructed single-unit dwelling or accessory building shall not extend beyond lot lines, even if the original footprint extended beyond lot lines onto an abutting lot. Further, there shall be no increase in ground-

floor building area beyond the size of the original building footprint, nor any increase in resulting lot coverage from the original conditions.

2) A demolition permit for the original (existing) single-unit dwelling or accessory building and a building permit for the new single-unit dwelling or accessory building must be obtained, and construction must begin within one (1) year after demolition.

3) Reconstruction rights transfer with ownership.

Section 10.90 High Density Residential (R-5)

a) **Statement of Purpose** - The R-5 High Density Residential zoning district recognizes the broadest range of housing types and housing density in high-quality settings.

b) **Principal Permitted Uses**

1) Single-unit dwellings.
2) Day care family home.
3) Adult foster care family home.
4) Foster family home.
5) Home occupations.
6) Two-unit dwellings.
7) Multiple-unit attached dwellings (6 units max. per building).
8) Multiple-unit apartment dwellings (8 units max. per building).

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.
2) Attached and detached accessory dwelling units (accessory to a single-unit dwelling).

d) **Special Land Uses** (see Article 4)

1) Day care group home.
2) Adult foster care small group home.
3) Foster family group home.
4) Churches, synagogues, temples, and similar places of religious worship.
5) Public parks and playgrounds.
6) Bed and breakfast facilities.
7) Nursing homes.
8) Senior citizen housing.
9) Libraries, fire stations, police stations, and other municipal offices and facilities, but not including penal institutions, halfway houses, work release facilities, or facilities of a similar nature.
10) Boat slips accessory to permitted and special uses.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

Section 10.100 MHP Manufactured Home Park District

a) **Statement of Purpose**

1) The purpose of this Section is to establish areas within the city where manufactured home parks can be located and regulated to assure compatibility with adjacent uses and to provide decent, safe, and physically attractive residential environments. To that end, this Section requires that manufactured home parks provide adequate space and facilities for healthful living conditions and be located abutting a major thoroughfare roadway for easy accessibility. Furthermore, suitable water and sewer facilities shall also be available in accordance with State, County, and City health regulations and statutes.

2) It is the intent to format this Section to be consistent with the other parts of the Zoning Ordinance, while keeping the regulations pertaining to manufactured home parks the same as those of the Manufactured Housing Commission Act (PA 96 of 1987, as amended).

b) **Principal Permitted Uses**

1) Manufactured homes within manufactured home parks.

2) Day care family home.

3) Adult foster care family home.

4) Foster family home.

5) Home occupations.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.

2) Buildings and uses accessory to manufactured home park management, including sales and leasing offices, post offices, community rooms, and community recreational facilities

d) **Special Land Uses** (see Article 4)

1) Day care group home.

2) Adult foster care small group home.

3) Foster family group home.

4) Churches, synagogues, temples, and similar places of religious worship.

5) Public parks and playgrounds.

6) Libraries, fire stations, police stations, and other municipal offices and facilities, but not including penal institutions, halfway houses, work release facilities, or facilities of a similar nature.

e) **Required Conditions for Manufactured Home Parks**

1) Manufactured home communities shall meet the requirements of the Michigan Public Act 419 96 of 1987, as amended and the Manufactured Housing Community Rules as promulgated by the Manufactured Housing Commission.

2) A manufactured home park shall have its primary access on a major thoroughfare.

f) **Site Plan Review** - For all uses permitted in an MHP District, except manufactured home sites, a site plan must be submitted to the Planning Commission in accordance with Article 6.

g) **Area, Height, And Placement Requirements** - For all uses other than manufactured homes within a manufactured home community, the applicable requirements of the R-2 zoning district.

Section 10.110 S Zoning District - Service District

a) **Statement of Purpose** - The Service District is intended to accommodate a compatible mix of commercial, service, light-industrial, and residential uses within a mixed-use setting in close proximity to the downtown core of Ferrysburg. The district supports the continued use and adaptive reuse of existing buildings and businesses while allowing new development that contributes to a cohesive, functional environment. Multiple-unit residential buildings and mixed-use buildings with residential and nonresidential uses are permitted where they can be designed to be compatible with surrounding uses, maintain neighborhood scale, and reinforce a vibrant, active district. Standards in this district are intended to maintain public health and safety while providing flexibility for site design, building form, and use arrangement that reflect the district's established character and promote its continued evolution as a unique and productive area of the City.

b) **Principal Permitted Uses**

1) Light industrial, including light manufacturing, in which operations are conducted within an enclosed building. [Refer to Section 10.130, a), 1) for definition of Light Industrial.]

2) Service and repair shops in which operations are conducted within an enclosed building.

3) Minor vehicle repair, subject to Section 5.20. [Ordinance No. 265, 10/4/10]

4) Executive and administrative offices including communication, accounting, Real Estate, insurance, stockbroker, employment agencies, data processing, secretarial, and similar business services.

5) Banks, credit unions, and savings and loan offices, but not to include financial institutions with drive-through facilities.

6) Personal service businesses including hair salons, nail care salons, health and fitness salons and spas, photographic studios, travel agencies, and similar personal care services.

7) Offices providing legal, architectural, engineering, community planning, and similar professional services.

8) Medical and dental offices and clinics, not including: veterinarian hospitals, any type of medical facility providing overnight in-patient care, or the business of caregivers registered pursuant to the Michigan Medical Marihuana Act. [Ordinance No. 269, 2/7/11]

9) Manufacturing and equipment sales offices.

10) Office supply, printing, and copy services.

11) Sales offices of industrial products which do not require outside storage or display.

12) Pre-existing single-unit dwellings, including the alteration and expansion of such dwellings, subject to R-3 Medium Density Residential zoning district standards provided for under Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts.

13) Mixed-use building.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.

d) **Special Land Uses** (see Article 4)

1) Offices of construction services provided that products, equipment, and related goods are housed within an enclosed building.

2) Enclosed warehousing.

3) Accessory drive through facilities serving any permitted or special land use. [Ordinance No. 265, 10/4/2010]

4) Fire stations, police stations, and other municipal offices and facilities, but not including penal institutions, halfway houses, or facilities of a similar nature.

5) Private clubs, lodge halls, civic halls, and fraternal organizations except for any association organized for the purpose of growing, distributing or using medical marihuana on the site.

[Ordinance No. 269, 2/7/2011]

6) Newspaper, magazine, and book sales, but not including adult book stores.

7) Restaurants without drive-through service.

8) Veterinary offices, but not to include outdoor kennel, run, or exercise facilities.

9) Profit and non-profit day care centers.

10) Underground storage of gasoline and similar fuels.

11) Small animal grooming of common household pets (e.g. dogs and cats), but not to include outdoor kennels, run, or exercise facilities.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts.

f) **Parking and Access Standards** - The following standards shall prevail over the more restrictive standards found in this Ordinance:

1) Required Parking - One (1) space per employee, based on the number of employees per the maximum shift.

2) Ingress and Egress - Ingress and egress to a parking facility shall be provided in a safe and efficient manner.

3) Curbing - Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks, or required setback areas, provided, however, the curbing and blocks shall not be required at the street (e.g. between a parking area and abutting street).

4) Maneuvering in the Public Right-Of-Way - The use of public right-of-way for ingress, egress, and other maneuvering of vehicles shall not result in a traffic or safety hazard. Any maneuvering shall be subject to the Traffic Safety Codes of the City of Ferrysburg.

5) Section 7.70, i) [Right of way Setback for Parking Lots and Manuevering Aisles]- Section not applicable to the Service District. [Ordinance No. 221. 12/20/04]

6) Section 7.70 j) [Parking Lot Setback from Property Line]- Section not applicable to the Service District. [Ordinance No. 221, 12/20/04]

7) Parking Space Dimension - Nine (9) feet wide by eighteen (18) feet deep. [Ordinance No. 221, 12/20/04; No. 265, 10/4/10]

8) Section 7.90 c) [Re: Visibility of loading areas] - Section not applicable to the Service District.

9) Section 7.90 e) [Re: Loading areas and use for parking] - Section not applicable to the Service District.

10) Section 7.90 f) [Re: Size of loading area] – The Zoning Administrator may reduce or waive the loading area size requirements for site plan approval on site where the existing arrangement of buildings and/or parking areas or other factors prevent provision of a loading space that meets the requirements of Section 7.90, f).

Section 10.120 Zoning Districts - Core Commercial (CC) and General Commercial (GC)

a) **Statement of Purpose** - The Commercial designation provides opportunity for a wide variety of business and service uses oriented to the local and regional markets. It is the intent of the commercial districts to encourage the concentration of compatible business uses to the mutual advantage of consumers and merchants, while avoiding marginal strip development along the City's heavily traveled streets. The districts also allow multiple-unit apartment dwellings, mixed-use buildings containing residential and nonresidential uses, and multiple-unit attached dwellings, all designed to reinforce a cohesive development pattern, maintain compatibility with surrounding uses, and support a vibrant commercial environment.

In fostering the above Statement of Purpose, and in recognition of the differing geographic and economically diverse zones within which commercial development is found, the commercial districts have been divided into two (2) classifications.

1) Core Commercial (CC) - The Core Commercial District encompasses the concentrated business district located in the core area of the City.

   a. The Core Commercial District is intended to serve as the historic and civic heart of the City, where development and redevelopment reinforce a walkable, small-town character. The district supports a mix of commercial, service, and residential uses in a compact pattern that encourages pedestrian activity and strengthens downtown Ferrysburg as a community-serving destination. New buildings and site improvements should be designed with thoughtful, context-sensitive scale, form, and density to ensure compatibility with existing development patterns and enhance downtown's unique sense of place.

   b. Residential development, including multiple-unit apartment dwellings, multiple-unit attached dwellings, such as townhomes, and mixed-use buildings with upper-story residential units, is encouraged when it contributes to a diversity of housing options at a variety of price points. Residential development should reflect traditional walkable neighborhood patterns, including smaller blocks, interconnected streets, and buildings oriented toward the street or public spaces.

   c. Commercial, mixed-use, and residential buildings in the Core Commercial District are expected to meet high standards of architecture and appearance, ensuring that new development contributes lasting value and aligns with the established and desired community vision. Public spaces, waterfront access, and streetscape improvements should be incorporated to support gathering and activity, and to support the continued evolution of Pine Street and the downtown area into a vibrant and welcoming neighborhood center.

2) General Commercial (GC) -

   a. The General Commercial District is intended to accommodate professional, service, office, retail, and business uses that serve a broader regional market area. While much of the district is within walking and biking distance of surrounding neighborhoods, uses in this district typically function in an auto-oriented environment and are designed to serve both local residents and the greater region.

   b. Residential options may be incorporated where compatible with surrounding uses and corridor character. These housing types may include multiple-unit apartment buildings, mixed-use buildings with upper-story or integrated residential units, and multiple-unit attached dwellings, including townhomes. Such development should support housing

choice and availability, reinforce an orderly development pattern, and ensure safe and efficient circulation for pedestrians, bicycles, and vehicles.

c. New commercial and mixed-use buildings in the General Commercial District should be designed to contribute to a cohesive corridor appearance and to ensure that development reflects quality architecture, coordinated access, and appropriate landscaping. While flexibility is permitted to accommodate a range of business and service activities, development should be arranged to minimize conflicts between uses, reduce the visual impacts of parking and loading areas, and maintain the health, safety, and welfare of the community.

b) **Permitted and Special Land Use** - Principal permitted land uses and special land uses for the commercial districts are listed in the following table (Table 10.120). A use classified as a Principal Permitted Use is designated by the letter "P", while a Special Land Use is designated by the letter "S" (see Article 4 for special land use standards and requirements). A use designated by "NP" is not permitted. [Ordinance No. 265, 10/4/10]

Table 10.120
Principal Permitted Uses (P) and Special Land Uses (S) (Note: NP = not permitted)
Commercial Districts

USE			CC	GC
1. GROCERY, FOOD STUFFS, PHARMACIES AND RELATED USES				
a.	Grocery, convenience and specialty food store	Under 2,500 s.f. GFA:	P	P
		2,500 s.f. and over:	NP	
b.	Bulk food sales (retail)		S	P
c.	Bakery and donut shop (retail)		P	P
d.	Pharmacy, without drive-through service		S	P
e.	Medical supplies		S	P
f.	Liquor sales		S	S
2. AUTOMOTIVE, MOBILE HOME, R.V., AND MARINE SALES AND SERVICE				
a.	Vehicle sales, (automobiles, light trucks and recreational vehicles) with or without minor vehicle repair as an accessory use		NP	S
b.	Manufactured/modular home sales and service		NP	S
c.	Gasoline station, with or without convenience goods		S	S
d.	Automobile service stations including minor vehicle repair, with or without convenience goods		S	S
e.	Vehicle repair, minor, without fuel sales		NP	S
f.	Vehicle wash, automatic or manual		NP	S
g.	Automobile and light truck parts sales		NP	P
h.	Marine supplies, not including water craft sales and service		P	P
i.	Marine supplies, including water craft sales and service		S	S
3. OFFICES				
a.	Executive, professional, and administrative offices		P	P
b.	Medical offices and out-patient clinics and emergency medical centers, not including the business of caregivers registered pursuant to the Michigan Medical Marihuana Act. [Ordinance No. 269, 2/7/11)		P	P
c.	Veterinary office, but not including outdoor kennels, run, or exercise facilities		NP	S

Table 10.120 Principal Permitted Uses (P) and Special Land Uses (S) (Note: NP = not permitted) Commercial Districts				
USE			**CC**	**GC**
d.	Municipal offices and facilities, but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character		S	S
e.	Banks, credit unions, savings and loan, mortgage, stock brokerage, including facilities, including facilities without drive-through facilities		P	P
4. RESTAURANTS, LOUNGES, BARS, AND PUBS				
a.	Restaurant, cafes, ice cream shops, retail bakeries without drive-through service		P	P
b.	Restaurant, cafes, ice cream shops, retail bakeries with drive-through service		S	S
c.	Bar, lounge, and pub, but not including adult entertainment		S	S
d.	Banquet halls [Ordinance No. 270, 5/2/2011]		S	S
5. GENERAL AND SPECIALITY RETAIL AND PERSONAL SERVICES				
a.	Sporting goods, not including recreational vehicle sales and service		P	P
b.	Bait shops		S	P
c.	Retail merchandise sales conducted entirely within an enclosed building and limited to new merchandise.	Under 2,500 s.f. GFA:	P	P
		2,500 s.f. and over:	S	
d.	Used retail merchandise sales conducted entirely within an enclosed building and handing product lines classified as antiques, used, second-hand, surplus, or factory seconds.		P	P
e.	Business center containing multiple stores, either detached or attached		S	P
f.	Service of small appliances, computers, office equipment		P	P
g.	Printing and mailing services, not including commercial delivery services maintaining a fleet (in excess of 2 vehicles) of trucks, vans, or cars		P	P
h.	Hair salons, nail care salons, beauty and barber shops, health and fitness salons and spas, photographic studios, travel agencies, locksmith, and personal services of a similar character		P	P
i.	Tattoo parlors and body piercing		NP	S
j.	Massage clinics, massage services		NP	S
k.	Laundromats and dry-cleaning (non-industrial) outlets		S	S
l.	Funeral homes		NP	S
m.	Lumber and building supply		NP	S
n.	Lawn and garden sales and services		NP	S
o.	Florist, without greenhouse		P	P
p.	Florist, with greenhouse		S	S
q.	Books, magazine, and video sales and rental, not including adult entertainment material		P	P

Table 10.120 Principal Permitted Uses (P) and Special Land Uses (S) (Note: NP = not permitted) Commercial Districts			
USE		**CC**	**GC**
6. RECREATION, LEISURE, HOTELS, AND MOTELS			
a.	Marinas and yacht clubs	S	NP
b.	Bowling alley, with or without sale of food and alcoholic beverages	NP	P
c.	Miniature golf	NP	S
d.	In-door movie theater, not including adult entertainment	NP	S
e.	Lodge halls, social clubs, fraternal organizations, and other similar uses not involving: residential occupancy, adult entertainment, or growing distributing or using medical marihuana on the site. [Ordinance No. 269, 2/7/11]	NP	S
f.	Public parks and playgrounds	P	P
g.	Hotel or motel	S	S
j.	Bed and breakfast	S	S
7. RESIDENTIAL AND MIXED USE			
a.	Accessory dwelling unit (accessory to a non-residential use)	NP	P
b.	Multiple-unit apartment dwelling	S	S
c.	Multiple-unit attached dwelling	P (not fronting Pine Street)	P
d.	Mixed-use building	P	P
8. MISCELLANEOUS			
a.	Public utility buildings and uses, but not including storage yards	NP	S
b.	Accessory outdoor storage, display and sales (unless specifically exempted)	S	S
c.	Small animal grooming of common household pets (e.g. dogs and cats), but not to include outdoor kennels, run, or exercise facilities.	NP	S
d.	Pre-existing single-unit dwellings, including the alteration and expansion of such dwellings, subject to R-5 High Density Residential zoning district standards provided for under Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts	P	NP
e.	Accessory drive through facilities for any use other than a restaurant	S	S
f.	Churches, synagogues, temples and similar places of worship [Ordinance No. 270, 5/2/2011]	NP	S
g.	Personal and commercial storage suites [Ordinance No. 325 6/5/23]	NP	S (not fronting Van Wagoner Street)

Table 10.120 Principal Permitted Uses (P) and Special Land Uses (S) (Note: NP = not permitted) Commercial Districts			
USE		**CC**	**GC**
h.	Self-storage facility [Ordinance No. 325 6/5/23]	NP	S (not fronting Van Wagoner Street)

c) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts.

Section 10.130 LI Zoning Districts - Light Industrial District (LI-1, LI-2, and LI-3)

a) **Statement of Purpose** - The intent of the LI Light Industrial District is to permit in planned areas of the City, certain industries which are primarily light manufacturing in character and do not create an adverse impact on the environment or pose the probability of creating a heavy demand on public services or utilities. To ensure that the uses may be properly integrated with nearby land uses, such as commercial and residential uses, limitations are placed on the degree of acceptable noise, smoke, glare, waste, and other impacts so as to avoid adverse effects. The Light Industrial District also recognizes certain industrial locations which, according to the City Master Plan, are proposed for eventual transition to non-industrial use.

The LI Light Industrial District is divided into three (3) sub-categories:

1) LI-1 Industrial District - LI-1 is defined as wholesale, warehousing, and manufacturing uses and facilities whose external effects (e.g. noise, vibration, odor, smoke, heat, etc.) have minimal or no detrimental effect on surrounding properties and zoning districts. LI-1 Districts permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

   This district provides opportunity to locate a limited range of industrial uses within close proximity of areas experiencing residential and commercial growth. The spatial orientation of the LI-1 District is based on the potential for identified locations to support a select range of industrial uses, as well as the historic development of lands so designated. Due to the proximity of LI-1 sites to non-industrial development, the range of uses is, however, limited in scope. Certain compatible commercial uses are also provided for in the LI-1 District.

2) LI-2 District - LI-2 is defined as manufacturing, assembly, and fabrication activities, including large scale or specialized industrial operations, whose external effects (e.g. noise, vibration, odor, smoke, glare, etc.) have greater potential to be felt/experienced by surrounding land uses and zoning districts (when compared to LI-1 uses). These effects have a potential to be detrimental to surrounding properties unless carefully regulated.

   LI-2 uses include, but are not limited to, many of the uses provided for within the LI-1 District as well as the manufacturing, processing, and/or compounding of finished or semi-finished products from raw materials. This district is located in close proximity to the US-31 Freeway/VanWagoner Road Interchange. In addition to the buffering effect of these major road systems, the LI-2 District is segregated from areas of higher density development as a result of extensive wetlands bordering the southern and westerly sides of the district. The isolation of the LI-2 District from non-industrial uses affords greater opportunity to support a larger, more diverse, range of industrial development. Certain compatible commercial uses are also provided for in the LI-2 District.

While both districts provide for many of the same land uses, their individual location and site characteristics offer opportunity to focus a select number of specific uses unique to each sub-category.

3) LI-3 District - This is a transitional industrial district. The district recognizes the pre-existence of historic industrial development on sites likely to experience a transition to non-industrial use over time. The transitional character of LI-3 District locations is recognized as such by the City Master Plan. Due to their relatively large size, location, and general relationship to surrounding development, LI-3 District sites do not exhibit the general characteristics of spot zones. Uses programmed for the LI-3 District include pre-existing industrial development and a range of non-industrial transitional uses.

b) **Principal Permitted Uses - LI-1 and LI-2**

1) Light manufacturing and processing industries enclosed entirely within a building, not including the baking or processing of food or food products, processing of organic wastes, recycling, or similar activities employing plant or animal products or other goods, materials, or products or procedures likely to result in the off site transmission of odor, dust, light, glare, noise, vibration, or other external impacts of a similar nature. Examples of permitted light industrial uses include the assembly of pre-manufactured electronic, computer, vehicular, communication, furniture, or other components; fabrication of signs and sheet metal products; production of clothing from pre-manufactured materials; silk screening; commercial and industrial packaging and mailing services; and, delivery services (e.g. United Parcel Service).

2) Warehousing of new materials and products when enclosed entirely within a building.

3) Moving and storage operations, with no outside storage.

4) Indoor boat storage facilities.

5) Printing and copy services of a high volume commercial nature (as opposed to services oriented to day to day, walk-in, pedestrian traffic).

6) Public utility facilities.

7) Gasoline service stations, including those with convenience stores.

8) Taxi and limousine services [Ordinance No. 217, 11/15/04]

9) Service and repair shops enclosed entirely within a building, except those classified as Special Land Uses.

10) Accessory dwelling unit (accessory to a non-residential use) in the LI-1 district.

c) **Principal Permitted Uses - LI-3**

1) Manufacture of boilers and related appurtenances.

d) **Accessory Buildings and Uses - LI-1, LI-2, and LI-3**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.

e) **Special Land Uses** - LI-1 (see Article 4)

1) Light industrial uses having a potential to result in the limited transmission of off-site odor, dust, light, glare, noise, vibration, or other external impacts or those possessing large quantities of explosives, fuels, or other materials potentially detrimental to surrounding uses and the overall environment unless properly stored and handled. For purposes of this section, large quantities shall mean quantities in excess of one thousand (1,000) gallons for liquid or semi-liquid products and five hundred (500) pounds for dry products. The above light industrial uses may be permitted subject to the provisions of this Ordinance and after demonstration that all potential off-site impacts may be mitigated through appropriate design controls.

2) Automobile, truck tractor and trailer sales, rental, and service.

3) Machinery and transportation equipment sales and service.

4) Heavy equipment rental.

5) Freight and trucking terminals.

6) Warehousing of new materials and products involving outside storage.
7) Moving and storage operations involving outside storage.
8) Outdoor boat storage facilities.
9) Vehicle repair, major [Ordinance No. 265, 10/4/2010]
10) Self-storage facility [Ordinance No. 325 6/5/23]
11) Personal and commercial storage suites [Ordinance No. 325 6/5/23]

f) **Special Land Uses** - LI-2 (see Article 4)

1) Light industrial uses having a potential to result in the limited transmission of off-site odor, dust, light, glare, noise, vibration, or other external impacts or those possessing large quantities of explosives, fuels, or other materials potentially detrimental to surrounding uses and the overall environment unless properly stored and handled. For purposes of this section, large quantities shall mean quantities in excess of one thousand (1,000) gallons for liquid or semi-liquid products and five hundred (500) pounds for dry products. The above light industrial uses may be permitted subject to the provisions of this Ordinance and after demonstration that all potential off-site impacts may be mitigated through appropriate design controls.
2) Manufacturing, processing, and/or compounding of finished or semi-finished products from raw materials.
3) Adult entertainment uses.
4) Automobile, truck tractor and trailer sales, rental, and service, including major and minor vehicle repair. [Ordinance No. 265, 10/4/2010]
5) Machinery and transportation equipment sales and service.
6) Heavy equipment rental.
7) Freight and trucking terminals.
8) Warehousing of new materials and products involving outside storage.
9) Moving and storage operations involving outside storage.
10) Outdoor boat storage facilities.
11) Communication towers and antennas.

g) **Special Land Uses** - LI-3 (see Article 4)

1) Hotels (including bar, restaurant, and lounge).
2) Marinas and yacht clubs.
3) Restaurants (not including fast food).
4) Residential condominiums.
5) Public parks and playgrounds.

h) **Area, Height, Bulk and Placement Requirements - LI -1, LI-2, and LI-3** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts.

Section 10.140 PI Zoning District - Port Industrial District

a) **Statement of Purpose** - The Port Industrial District has been established to accommodate the demand and special requirements for the outdoor bulk storage of industrial materials which are received via large waterborne craft. The district also permits other uses having a water related orientation and/or capable of being designed to avoid conflicts with the district's primary use.

b) **Principal Permitted Uses**

1) Indoor and outdoor bulk storage of non-hazardous material which is temporarily stored and distributed for wholesale such as aggregate, salt, fertilizer, and products of a similar nature or character. The above materials being delivered by large waterborne craft and trucks.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.

d) **Special Land Uses (see Article 4)**

1) Processing of materials permitted under b), 1), above. This shall not include any hazardous materials, including, but not limited to, dredge materials containing hazardous substances.

2) Boat storage.

3) Marinas and yacht clubs.

4) Hotels (including bar, restaurant, and lounge).

5) Public parks and playgrounds.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified as are provided in Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts.

Section 10.150 P Zoning District - Parks and Preserves

a) **Statement of Purpose** - The principal purpose of the P District is to preserve and protect natural areas, wildlife habitat, open space, and recreation areas throughout the City of Ferrysburg. It is intended that this district will provide open space for a variety of purposes, such as permanently preserved national areas, passive recreational areas, and active recreational areas. The P District shall be applied only to land dedicated to public agencies and conservation groups, or to private property, upon consent of its owner.

b) **Principal Permitted Uses**

1) Nature preserve.

c) **Accessory Buildings and Uses**

1) Accessory buildings or uses customarily incidental to a principal permitted use or special land use.

d) **Special Land Uses** (see Article 4)

1) Public open space.

2) Public park.

e) **Area, Height, Bulk and Placement Requirements** - Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts.

Section 10.160 Schedule of District Standards

a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts

Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts

Standard	Dwelling Type	R-1	R-2	R-3	R-4	R-5
Minimum Lot Area	Single-Unit Dwelling	12,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.
	Two-Unit Dwelling	Not applicable	Not applicable	4,000 sq. ft. per dwelling unit	Not applicable	2,500 sq. ft. per dwelling unit
	Multiple-Unit Attached Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	3,630 sq. ft. per dwelling unit
	Multiple-Unit Apartment Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	3,630 sq. ft. per dwelling unit
	Non-Residential Use	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Minimum Lot Width	Single-Unit Dwelling	100ft.	100ft.	60ft.	60 ft.	40ft.
	Two-Unit Dwelling	Not applicable	Not applicable	35ft. per unit	Not applicable	25ft. per unit
	Multiple-Unit Attached Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	25 ft. per unit
	Multiple-Unit Apartment Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	20 ft. per unit
	Non-Residential Use	100ft.	100ft.	100ft.	100ft.	100ft.
Minimum Front Setback (note 1)	Single-Unit Dwelling	25 ft.	25 ft.	20 ft.	15 ft.	10 ft.
				25 ft. for street-facing attached garages		
	Two-Unit Dwelling	Not applicable	Not applicable	20 ft.	Not applicable	10 ft.
				25 ft. for street-facing attached garages		25 ft. for street-facing attached garages
	Multiple-Unit Attached Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	10 ft.
						25 ft. (street-facing attached garages)

Table 10.160 a) Lot, Setback, Height, and Lot Coverage Requirements for Residential Zoning Districts						
Standard	**Dwelling Type**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**
	Multiple-Unit Apartment Dwelling	Not applicable	Not applicable	Not applicable	Not applicable	10 ft. 25 ft. (street-facing attached garages)
	Non-Residential Use	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Setback	Single-Unit Dwelling	10 ft.	10 ft.	10 ft.	5 ft. min on one side and 15 ft. total between both sides (note 2)	5 ft. min on one side and 15 ft. total between both sides (note 2)
	Two-Unit Dwelling	Not applicable	Not applicable	10 ft.	Not applicable	5 ft. min on one side and 15 ft. total between both sides (note 2)
	Multiple-Unit Attached Dwelling	Not applicable	Not applicable	10 ft.	Not applicable	10 ft.
	Multiple-Unit Apartment Dwelling	Not applicable	Not applicable	10 ft.	Not applicable	10 ft.
	Non-Residential Use	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Rear Setback- All Uses (note 1)		40 ft.	40 ft.	30 ft.	25 ft. for lots less than 7,500 square feet 30 ft. for lots 7,500 square feet or greater	30 ft.
Maximum Building Height		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum Lot Coverage		35%	35%	40%	40%	60% (note 3)

b) **Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts**

Table 10.160 b) Lot, Setback, Height, and Lot Coverage Requirements for Mixed-Use and Non-Residential Zoning Districts						
Standard	**S**	**CC**	**GC**	**I-1, I-2 & I-3**	**PI**	**P**
Minimum Lot Area	12,000 sq. ft.	8,712 sq. ft.	8,712 sq. ft.	15,000 sq. ft.	22,500 sq. ft.	No min.
Minimum Lot Width	100 ft.	66 ft.	66 ft.	100 ft.	100 ft.	No min.
Minimum Front Setback- Mixed-Use Buildings, Multiple-Unit Attached Dwellings, and Multiple-Unit Apartment Dwellings	0 ft.	0ft.	10 ft. west of 174th Ave., otherwise 20 ft.	Not applicable	Not applicable	Not applicable
Minimum Front Setback- All Other Buildings	25 ft.	20 ft.	20 ft.	40 ft.	40 ft.	25 ft.
Minimum Side Setback	10 ft.	7 ft. min on one side and 17 ft. total between both sides	7 ft. min on one side and 17 ft. total between both sides	25 ft.	25 ft.	10 ft.
Minimum Rear Setback - Non-Waterfront Lots	15 ft.	15 ft.	25 ft.	25 ft.	25 ft.	40 ft.
Minimum Rear Setback (note 1)- Waterfront Lots	30 ft.	25 ft.	25 ft.	25 ft.	25 ft.	40 ft.
Maximum Building Height	35 ft.	35 ft.	35 ft.	50 ft. and 2 Stories	50 ft. and 2 Stories (note 4)	35 ft.
Maximum Building Width	No max.	60% (waterfront lots only)	No max.	No max.	No max.	No max.
Maximum Lot Coverage	90% (note 3)	GC 75% (note 3) CC 90% (note 3)	GC 75% (note 3) CC 90% (note 3)	75% (note 3)	75% (note 3)	35%

c) Notes for Lot, Setback, Height, and Lot Coverage Requirements

1) See Section 3.270, "Basis for Determining Front Setbacks and Waterfront Lot Setbacks and Averaging of Setbacks" for front setbacks. The front setback provisions of Section 3.270 do not apply to waterfront lots along Cecelia Lane. For waterfront lots on Cecelia Lane in R-4, the front setback for all dwellings, accessory buildings, and garages is 10 feet.

2) For corner lots, there is one (1) side setback, and the minimum is five (5) feet.

3) The Planning Commission may increase maximum lot coverage on a case-by-case basis. The following factors may be considered during review:

a. The project implements the City's Master Plan

b. The lot coverage of the site is already nonconforming and a modification is necessary for redevelopment.

c. Open public space is provided on the site.

d. Stormwater management is accommodated underground, by a shared system between parcels, or through other innovative means.

4) The height of material storage silos may be increased one (1) foot per each instance in which required front, side, and rear yard setbacks have all been increased by one (1) foot. Provided, however, no silo shall exceed a total height of one hundred fifteen (115) feet. Permitted outdoor storage piles shall not exceed eighty (80) feet in height.

d) Maximum Number of Dwelling Units within a Dwelling

1) Single-Unit: one (1).

2) Two-Unit: two (2).

3) Multiple-Unit Attached Dwelling:

a. R-5: 6

b. CC, GC: 8

4) Multiple-Unit Apartment Dwelling:

a. R-5: 8

b. S, GC: No limit

5) Mixed-Use Building: No limit

e) **Minimum Floor Area Requirements for Residential Dwelling Units**

1) All dwelling units, exclusive of a basement or attic, shall contain a minimum dwelling unit floor area according to the following table. For single-unit dwellings, at least one-half (1/2) of the dwelling unit floor area shall be located on the first floor.

2) All dwellings shall have front, rear, and side elevations shall have minimum horizontal dimensions in accordance with the following table, as applicable.

Minimum Area in Square Feet (Gross Area)			
Dwelling Type		**Min. square feet per dwelling unit**	**Minimum horizontal dimensions (per dwelling unit)**
Accessory Dwelling Unit		No minimum	Not applicable
Single-Unit Dwelling		440	20 feet
Two-Unit Dwelling		600	18 feet
Multiple-Unit Attached Dwelling		600	18 feet
Multiple-Unit Apartment Dwelling and Dwelling Units in Mixed-Use Buildings	Efficiency/Studio Dwelling Unit	300	Not applicable
	One Bedroom Dwelling Unit	400	Not applicable
	Two Bedroom Dwelling Unit	600	Not applicable
	Three or More Bedroom Dwelling Unit	800	Not applicable

Article 11. Nonconformities

Section 11.10 Intent

Upon the adoption of this Ordinance or subsequent amendments, there may exist lots, sites, structures, and uses of land and structures which were lawfully established prior to the adoption of the Ordinance, or amendment thereto, but which are not in conformance with the provisions of this Ordinance, or amendment thereto. It is the intent of this Ordinance to permit these nonconformities to continue, but not to encourage their prolonged existence. Because nonconformities prevent the full realization of the goals and objectives of the City of Ferrysburg Master Plan, the spirit of this Ordinance is to reduce, rather than increase, the nonconformance.

Section 11.20 Nonconforming Lots

a) **Existing Lot of Record** - In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where an existing lot of record which does not abut any lot or lots of record in the same ownership, fails to meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which it is located, the lot may be used for the permitted uses of the zoning district, provided that all other dimensional requirements not involving lot area, lot width, or both, of the zoning district in which the lot is located are met.

b) **Abutting Lots of Record Under Single Ownership** - In any zoning district, where one or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which the lots are located, the lots shall be considered as one lot for the purposes of this Ordinance, including subparagraph a), above. Contiguous lots so combined shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this Ordinance.

Section 11.30 Nonconforming Structures

Structures that do not conform to the spatial and dimensional requirements of this Ordinance, or amendment thereto, are subject to the following restrictions.

a) **Alteration of Nonconforming Structures** – Except as otherwise permitted in this Article, nonconforming structures shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in conformance with the spatial and dimensional requirements of this Ordinance.

b) **Reconstruction and Restoration after Damage**

1) Except for certain nonconforming single-unit dwellings as outlined below, if a nonconforming structure is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one-half (½) the value of the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of such structure for purposes of taxation, the structure may be reconstructed or restored only if it conforms with the provisions of this Ordinance.

2) Residential dwellings and accessory structures serving residential dwellings damaged or destroyed more than one-half (½) the value of the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, may be re-established upon the same footprint and to the same dimensions,

provided that:

a. With regard to lot, setback, lot coverage, height or other requirements pertaining to the structure, the new structure shall not increase any nonconformity or result in any new nonconformity;

b. Notwithstanding the location of the original footprint, the new structure shall not extend beyond lot lines, even if the original footprint extended beyond lot lines onto an abutting lot.

c) **Repairs and Maintenance**

1) Basic Repairs. Within any period of twelve (12) consecutive months, ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment, or plumbing, to an extent not exceeding twenty percent (20%) of the current replacement value of the structure as based on the records of the City Assessor, are permitted, provided that the structure is not enlarged, extended, moved or structurally altered.

2) Safety Improvements. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health, upon order of the official.

d) **Building Permits Issued Prior to Ordinance Changes**

1) Any structure on which actual construction was lawfully begun prior to the effective date of this Ordinance, or amendment thereto, but, which under this Ordinance, or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction the demolition or removal shall be deemed actual construction. All construction shall be done pursuant to the issuance of a building permit by the City of Ferrysburg.

2) Incomplete Projects. If a permitted construction project is not completed within the time authorized by the building permit and any extensions of the permit approved by the Building Official, the completion of the building must conform to the spatial and dimensional requirements of this Ordinance.

Section 11.40 Nonconforming Sites

This section applies to multiple-unit apartment dwellings, commercial, office, and industrial sites that do not comply with the requirements of Article 3 General Provision, Article 5 Specific Use Requirements, Section 6.70 Landscaping, and Article 7 Parking, as applicable.

a) **General Provisions** - The use of nonconforming sites may be continued, and sites are not required to be upgraded to conformance with this Ordinance, so long as no site development improvements are initiated.

b) **Conformance** - Conformance with all applicable site development requirements shall be demonstrated during site plan amendment review or plan reviews for the complete redevelopment of sites. However, for site plan amendments, only the affected area of a site must be brought to conformance.

Section 11.50 Nonconforming Use

Land uses lawfully established on or prior to the effective date of this Ordinance, or amendment thereto, may be continued, even though the use does not conform with the provisions of this Ordinance, or amendment thereto, subject to the following provisions:

a) **General Changes** - There may be a change of tenancy, ownership or management of any existing non-conforming use of land, structures and premises, however, there shall be no change in the nature or character of the non-conforming use without approval of the Zoning Board of Appeals

b) **Extending and Relocating Use**

1) Within Structures and Buildings. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the effective date of this Ordinance, or amendment thereto, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for the use at the effective date of this Ordinance, or amendment thereto, nor shall the use be extended to occupy any land outside the building.

2) Not Involving Structure and Buildings.

a. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance, or amendment thereto.

b. No nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by the use on the effective date of this Ordinance, or amendment thereto.

c) **Re-establishment of Nonconforming Use** - If a nonconforming use of any structure is terminated and replaced by a permitted use, a nonconforming use shall not be later re-established.

d) **Abandonment**

1) Within Structures and Buildings. When a nonconforming use of a structure is discontinued or ceases to exist for twelve (12) consecutive months, with an intent to abandon the use, the structure shall no longer be used except in conformance with the regulations of the district in which it is located.

2) Not Involving Structure and Buildings. If any nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of the land shall conform to the requirements of this Ordinance. Maintenance of the land or buildings or structures, including the provision of maintaining utility service or postal service, shall not constitute a continuation of the use of land.

3) A determination that a nonconforming use has ceased, with an intent to abandon the use, shall be made by the City based upon any one or more of the following:

a. City or county government records, such as inspection reports, dated photographs/aerial photographs or notarized statements that provide clear evidence that the nonconforming use has ceased.

b. Changes to listings in telephone directories providing clear evidence that the nonconforming use has ceased.

c. Changes to utility records providing clear evidence that the nonconforming use has ceased.

d. Dated advertising or other information published in a newspaper, magazine or website, such as a "going out of business sale," "moving sale," or "grand opening" at a new location providing clear evidence that the nonconforming use has ceased.

e) **Change in Use (Substitution)**

1) A nonconforming use may be changed to another nonconforming use, subject to prior approval of the Zoning Board of Appeals. The Board may approve this change only if it complies with all of the following standards:

a. The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create or result in, impacts which are considered more objectionable than the use to be replaced. These impacts shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation, noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage, and other factors.

b. No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will render the structure more conforming to the underlying zone district standards.

2) In approving a change in use, the Zoning Board of Appeals may require reasonable conditions in order to increase the degree of conformity. These conditions shall include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation, and other conditions to bring about a greater degree of conformity.

Section 11.60 Exceptions

a) **Errors and Violations** - The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this Ordinance shall be valid.

b) **Illegal Nonconformity** - Any lot, use, building or structure established in violation of the provisions of this ordinance or any prior ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this article.

[Ordinance No. 306, 4/1/19]

Article 12. Zoning Board of Appeals

Section 12.10 Creation and Membership

There is hereby created a Zoning Board of Appeals, herein referred to as the "Board of Appeals," the membership, powers and duties of which are prescribed in this Ordinance.

Section 12.20 Composition and Alternate Members

a) **Membership** – The Board of Appeals shall consist of five (5) members appointed by the City Council, and shall include one (1) member from the City Council and one (1) member of the Planning Commission.

   1) One (1) of the first members shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter, each member shall be appointed for a full term of three (3) years, provided, however, the term of a member who is also an elected official of the City shall cease upon termination of the elected position.

   2) A member of the City Council shall not serve as Chairperson of the Zoning Board of Appeals.

   [Ordinance No. 248, 12/1/08]

b) **Alternate Members** - Two (2) alternate members to the Board of Appeals may also be appointed by the City Council. Alternate members shall be appointed for a term of three (3) years. The alternate members of the Board of Appeals may be called as specified herein, to sit as regular members of the Board of Appeals, if a regular member is absent from or unable to attend two or more consecutive meetings of the Board of Appeals, or for a period of more than thirty consecutive days. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest. The alternate member having been called to serve on a case shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals. The decision of whether an alternate member shall sit in the absence of a regular member shall be determined by the Chairperson of the Board of Appeals, and if there is no Chairperson, by a majority of the Board of Appeals' members then in attendance at a duly called meeting of the same, and the records maintained by the Board of Appeals shall reflect the attendance and participation of any alternate member.

c) **Compensation** - All members of the Board of Appeals, including alternate members, shall serve without compensation as members thereof.

Section 12.30 Rules of Procedure

Rules of procedure prescribing the Board of Appeals process for the performance of its authorized powers shall be adopted by the Board of Appeals.

Section 12.40 Jurisdiction and Limitations

a) **Jurisdiction** - The Board of Appeals shall have all jurisdiction and powers granted by the Zoning Act, all jurisdiction and powers prescribed in other sections of this Ordinance, and the following specific jurisdiction and powers:

   1) Appeals - To hear and decide appeals from and review any order, requirement, permit, decision or determination made by the Zoning Administrator, Planning Commission, and City

Council enforcing the provisions of this Ordinance, except as otherwise provided for. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as in the Board's opinion ought to be made in the premises, and to that end shall have all the powers of the official from whom the appeal is taken.

2) Matters Referred - To hear and decide matters referred to the Board of Appeals or upon which the Board of Appeals is required to pass under this Ordinance.

3) Non-Use Variances - If there are practical difficulties in the way of carrying out the strict letter of the dimensional requirements of this Ordinance applicable to a property, the Board of Appeals shall have power in granting a variance to relax or modify any of the rules or provisions of this Ordinance relating to the construction, structural changes in, equipment, or alteration of buildings or structures, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

b) **Limitations** -The Zoning Board of Appeals shall not have the power to hear and decide upon the following:

1) Variances in the use of land.

2) Appeals of the decision of the City Council regarding special land uses.

3) Appeals of the decision of the City Council regarding Planned Unit Developments.

Section 12.50 Granting of Variances

a) **Standards for Granting of Variance** – No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

1) That compliance with the Zoning Ordinance would result in practical difficulties to be exceptional, extraordinary or unique circumstances or conditions of the land or parcel, such as:

a. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape.

b. Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, water, existing significant trees or other unique or extreme physical conditions of the land.

c. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.

d. Other exceptional or extraordinary dimensional conditions or characteristics of land, lot or parcel.

2) That the unusual circumstances do not apply to most or other lots or parcels in the same manner or to the same extent to other lots or parcels in the same zoning district.

3) That the variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

4) That the granting of the variance will not be of substantial detriment to adjacent and nearby land uses and properties.

5) That the applicant shall not have created the problem for which the variance is being sought.

6) That the granting of the variance will not be contrary to the public interest and that the spirit

of this Ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.

b) **Minimum Variance Necessary** – In approving a variance, the Zoning Board of Appeals shall only approve the minimum variance necessary to relieve the practical difficulty.

[Ordinance No. 265, 10/4/10; Ordinance No. 288, 3/21/16]

Section 12.60 Application

Application Requirements - All applications for consideration by the Zoning Board of Appeals shall be made by submitting the following materials to the Zoning Administrator at least twenty one (21) days prior to the meeting at which the application (request) is to be considered:

a) **Application** - A completed application form signed by the applicant or his/her agent. Applicants other than the owner of the property must submit written evidence that the owner of the property is aware and approves of the application.

b) **Fee** - Payment of a fee which shall be established by the City Council, and which shall be non-refundable.

c) **Legal Description** - A legal description of the property involved in the request.

d) **Narrative and Site Plan** - A narrative and, where applicable, a site plan drawn to scale, sufficient to show the nature and extent of the requested variance. For purposes of a variance, the narrative must fully describe how the request complies with the Standards for Granting of Variance, Section 12.50.

e) Other information as determined by the Board of Appeals to be necessary in order make a determination of findings.

Section 12.70 Information from Prior Zoning Actions

In addition to the complete application, the Zoning Administrator shall transmit to the Board of Appeals other information and evidence relevant to the requested appeal. This shall include, but is not limited to, prior actions taken by the Zoning Administrator, Planning Commission, or City Council on the matter under consideration for appeal or variance.

Section 12.80 Submission of Application to the Zoning Board of Appeals

The Zoning Administrator shall take the actions necessary to place the appeal on the agenda of the Zoning Board of Appeals.

Section 12.90 Applicant Representation

Appellants for variances or other actions by the Board of Appeals shall be required to appear before the Board or be represented by a party who can speak for and make commitment on behalf of the applicant.

Section 12.100 Voting Requirements

Votes Needed to Authorize a Variance, Appeal, or Other Affirmative Action - The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board of Appeals is required to pass under a provision of this Ordinance, or to effect a variation from the requirements of this Ordinance, except that a concurring vote of four (4)

members of the Board of Appeals shall be necessary to grant a variance from uses of land permitted in any zoning district.

Section 12.110 Time of Hearing and Notice of Hearing

The Board of Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice thereof to the persons to whom real property within three hundred (300) feet of the premises in question shall be assessed, and to the occupants of dwellings within three hundred (300) feet. 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 tenants name is not known, the term occupant may be used. The notice shall include:

a) Nature of the appeal.

b) Property location, including address and legal description.

c) Location (address) of the public hearing.

d) Public hearing date and time.

e) Address and timing for receipt of written comments.

f) Other information as determined relevant to the matter.

Section 12.120 Conditions on Variance and Other Approvals

Conditions - The Board of Appeals may impose conditions upon an affirmative decision. Conditions shall:

a) Be designed to protect natural resources; the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration; the residents and landowners immediately adjacent to the proposed land use or activity; and, the City as a whole.

b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

c) Be necessary to meet the intent and purpose of the zoning regulations; be related to standards established in the Ordinance for the land use or activity under consideration; and, be necessary to insure compliance with those standards.

Section 12.130 Official Record and Findings of Fact

The Board of Appeals shall prepare an official record for all appeals and shall base its decisions on this record. The official record shall include the following:

a) The relevant administrative records and orders issued relating to the appeal.

b) The notice of the appeal.

c) Any documents, exhibits, photographs or written reports as may be submitted to the Board of Appeals for its decision.

d) Factual information received at the public hearing.

e) Determination of compliance with the provisions of Section 12.50.

f) The official vote of the Board of Appeals stating the conclusions of the Board relative to the appeal, the basis for the decision, and any conditions imposed.

Section 12.140 Decisions of the Board of Appeals

a) **Official Record**

1) The decision and orders of the Board of Appeals in disposing of the appeal shall be entered in the official record after they have been signed by the Chair of the Zoning Board of Appeals, or, in the absence of the Chair, the Vice Chair. Written notice of the disposition shall be served, whether in person or by mail, upon the parties to the appeal, the Zoning Administrator, and the City Clerk.

2) The decision and orders of the Board shall be signed by the Chair at the next meeting of the Zoning Board of Appeals, unless the applicant requests, at the meeting when the decision is rendered, that the decision be provided at an earlier date, in which case the decision shall be signed and presented to the applicant within ten (10) business days after the meeting at which the decision is rendered, or by a date requested by the applicant, whichever occurs later.

b) **Effective Date** - The decision and orders of the Board of Appeals shall become effective upon the recording and signing by the Chair (or, in the absence of the Chair, the Vice Chair) of the official record of the appeal, unless the Board shall find immediate effect is necessary to preserve property or personal rights and shall so certify on the record.

[Ordinance 248, 1/12/08]

c) **Copy of Official Record** - A copy of the official record of the appeal shall be made available to the parties to any appeal upon request and after payment of a reasonable fee, as set by the City Council, sufficient to recover the costs of duplicating this material.

d) **Construction Timeframe** - If the Board of Appeals grants a variance to the appellant, the variance shall be exercised (construction commenced and actively continued) within one year from the date of the approval action, unless more time is specifically granted by the Board of Appeals. Failure to exercise the variance within the time frame as specified above shall cause the variance approval to be terminated.

e) **Reapplication** – Following denial of any variance, no request for the same variance on the same property may be requested for a period of one (1) year, unless the Zoning Board of Appeals finds that new evidence can be provided or changes have occurred that could lead to a different result. [Ordinance No. 265, 10/4/10]

Section 12.150 Stay of Proceedings

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

Section 12.160 Rehearing and Appeal of Decision to Circuit Court

The decision of the Board of Appeals shall be final, provided that the Board may, on its own motion or at the request of any interested party, at any time subsequent to a decision on an appeal, grant a rehearing, subject to Section 12.140 e), above. In such a case, notice of the rehearing shall be made according to the process for an original hearing and the provisions of this Ordinance and shall be treated as a new hearing. Any person having an interest affected by a final decision on the appeal shall have the right of appeal to the Circuit Court as provided by the Zoning Act. [Ordinance No. 265, 10/4/10]

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Article 13. Administration and Enforcement

Section 13.10 Zoning Administrator Duties

a) **Deputy Administrator** - Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, this act or function may also be carried out by a deputy or deputies designated by the City Manager.

b) **Basic Duties** - The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.

c) **Official Zoning Map** - The Zoning Administrator shall be responsible for maintaining the Official Zoning Map.

d) **Violations** - The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

Section 13.20 Zoning Ordinance Amendments, Initiation

a) **Timeframe for Application Submittal** - All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least twenty-one (21) days prior to the first consideration by the City Planning Commission.

b) **Initiation of Amendments and Application Requirements** - Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the City Planning Commission or the City Council through official action of the Commission or Council taken at a public meeting which has been properly noticed as required by law.

In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

1) Completion of a Zoning Amendment Application as provided by the Zoning Administrator. The application shall include:

   a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.

   b. In the case of a text amendment, the specific section to be amended and the proposed text change.

   c. If the requested amendment requires a change in the zoning map, the common address, legal description or property identification number (as assigned by Ottawa County) of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by map form, the location of the property requested for rezoning. Twelve (12) copies of the map shall accompany the original application. [Ordinance No. 265, 10/4/2010]

   If, in the opinion of the Zoning Administrator, Planning Commission, or City Council, the information submitted does not provide a clear delineation of the specific area to be rezoned, the Zoning Administrator, Planning Commission, or City Council shall require the applicant to submit a boundary survey of the property in question. The survey shall

include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor registered by the State of Michigan. Twelve (12) copies of the boundary survey shall be provided.

d. The nature of the amendment shall be fully identified in writing.

e. Payment of all fees as required by the City of Ferrysburg.

Section 13.30 Amendment Procedure

After submission of the application and fee, amendments to this Ordinance shall be processed as provided for in the Zoning Act.

Section 13.40 Consideration of Amendment

The following guidelines shall be used by the Planning Commission and City Council pursuant to consideration of amendments to the Zoning Ordinance:

a) **Text Amendment**

1) As applicable, the amendment shall be consistent with the City Master Plan.

2) In the event the amendment will add a use to a district, this use shall be fully consistent with the character of the range of uses provided for within the district.

3) The amendment shall not result in problems of incompatibility among land uses within a zoning district, or among adjacent districts.

4) As applicable, the proposed change shall be consistent with the City's ability to provide adequate public facilities and services.

5) The proposed change shall be consistent with the public health, safety, and welfare.

b) **Map Amendment**

1) The change shall be consistent with the City Master Plan.

2) The range of uses permitted by the proposed change shall be consistent with the character of the area.

3) The existing or planned infrastructure including streets, sanitary sewers, storm sewer, sidewalks, and street lighting shall have sufficient capacity to support those uses provided for within the proposed zoning district classification.

4) Existing City facilities and services including, but not limited to, police and fire protection, recreational facilities, educational facilities, and waste collection shall have sufficient capacity to support those uses provided for within the proposed zoning district classification.

5) The proposed change shall not result in the economic decline of adjoining property values.

6) The proposed change shall be governed by sufficient standards to ensure that the potential for problems of incompatibility between the proposed and adjoining districts shall be minimal.

7) The proposed change shall not endanger the public health, safety, or welfare.

Section 13.50 Conditional Rezoning

a) **Intent** - It is recognized that there are certain instances where it would be in the best interests of the City, 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 (MCL125.3405) 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 land use permit under the terms of this Ordinance may only be commenced if a special land use permit for the 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 the 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 the 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 entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if the 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 in accordance with the Zoning Act and consideration of the factors for rezoning set forth in Section 13.40, may recommend approval or denial of the rezoning. The Planning Commission's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 13.40. Should the recommendation be for denial, the Planning Commission may informally communicate to the applicant any conditions that may be considered necessary for the Planning Commission to recommend approval; however, this communication shall not be considered a

tacit approval. Any changes to the offer of conditions must be acceptable to and voluntarily offered by the owner.

d) **City Council Review**

1) After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 13.40.

2) Should the City Council consider amendments to the proposed conditional rezoning that have been offered by the owner but were not part of the offer of conditions as recommended by the Planning Commission, then the City Council shall refer the amendments to the Planning Commission for a report and recommendation thereon within a time specified by the City Council and proceed thereafter in accordance with the Zoning Act to deny or approve the conditional rezoning with or without amendments.

3) The City Council may, at its own discretion, determine that the amendments are different enough from those considered by the Planning Commission at the public hearing so that a new public hearing before the Planning Commission shall be required, followed by a new recommendation.

e) **Approval**

1) If the City Council 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 to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment to the ordinance adopted by the City Council to accomplish the requested rezoning.

2) The Statement of Conditions shall:

a. Be in a form recordable with the Register of Deeds of Ottawa County 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 Council.

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 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 Ottawa County.

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 Ottawa County. The City Council 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 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 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 rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Council if both of the following apply:

1) It is demonstrated to the City Council'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 Council 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. The reversion process shall be initiated by the City Council 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 Ottawa County 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 Council, 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) **City Right to Rezone** - Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq.)

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.

[Ordinance No. 245, 08/11/08]

Section 13.60 Performance Guarantee

a) As a condition of approval of a site plan, special land use, planned unit development, variance, or other zoning action, the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements", may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.

b) Performance guarantees shall be processed in the following manner:

1) The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred (100) percent of the following costs:

a. Purchase and/or construction of improvements.

b. Installation of improvements.

c. Architectural and/or engineering design or related professional costs.

d. Reasonable amount for contingencies, but in no case less than five (5) percent of total costs for a. through c. above.

2) The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring the guarantee.

3) Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity.

4) The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.

5) When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of all improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, approval, partial approval, or rejection of the improvements with a statement of the reasons for any

rejections.

6) The Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, shall either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action of the Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, within thirty (30) days after the official action of the Commission, Council, or Zoning Board of Appeals. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

7) A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 13.70 Recording of Site Plans, Planned Unit Developments, and Other Instruments

After final City approval, the City may record with the Ottawa County Register of Deeds approved site plans and other similar instruments that include more than one (1) platted lot, planned unit developments, and other zoning actions and approvals as determined necessary and appropriate. The recording fee shall be borne by the applicant who shall remit same prior to receipt of a Permit for Zoning Compliance. This provision shall not be construed to replace any recording requirement mandated by other statues, ordinances, or regulations. [Ordinance No. 265, 10/4/10]

Section 13.80 Ordinance Violations

a) Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.

b) After an order to correct the violation has been issued by the Zoning Administrator, the property owner (owner of the property upon which the violation is located) shall have five (5) days to correct the violation. If the violation cannot be corrected within five (5) days the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.

In the event a longer period of time is required:

1) The Zoning Board of Appeals, upon petition, may grant up to six (6) additional months to correct the violation if conditions warrant an extended period of time. The six (6) period shall commence at the end of the extended period as approved by the Zoning Administrator (as referenced above).

2) If the violation involves a special land use or planned unit development, the request for the extended period of time shall be made to, and approved by, the City Council. Any violation not corrected within the required time frame shall be reported to the City Council.

In all cases, a request for extending the period of time for correcting a violation shall be made by the applicant. The request shall be in writing to the Zoning Administrator and shall include specific detail on why the violation occurred, the requested timeframe for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation. The written request shall be delivered to the Zoning Administrator no less than twenty-one (21) days prior to the expiration of the extended timeframe as originally approved by the Zoning Administrator.

In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, the Zoning Administrator may require that immediate measure be taken to correct the violation.

c) Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or City Council issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth below. Each day which a violation continues, may be deemed a separate infraction.

d) The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994.

e) The Zoning Administrator, the Building Inspector, together with the police officers of the City of Ferrysburg, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.

f) A violation of this Zoning Ordinance shall be a civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. The civil fine for a first offense is Fifty Dollars ($50.00). The civil fine for the first repeat offense is Two Hundred Fifty Dollars ($250.00) The civil fine for the second repeat offense is Five Hundred Dollars ($500.00). The City shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the City pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended at the present time or in the future.