

ARTICLE 2 GENERAL PROVISIONS

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Sec. 5.2.01. Applicability.

All Zone Districts. The provisions of this Article apply to all Zone Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Zone District, the Planning Director shall determine which requirements controls, in accordance with Section 5.1.09.

Sec. 5.2.02. General Requirements.

- A. Standards and Requirements. Standards and requirements for site layout and building placement, building elements, compatible uses, signs, lighting, landscaping and other related measures are considered necessary to promote and strengthen the defined character of city neighborhoods. It has been determined by the Master Plan that neighborhood character contributes to the unique and desirable identity of the city and therefore the measures set forth in this Chapter are necessary and appropriate to promote and strengthen those characteristics.
- B. Main Building and Principal Use. Except as otherwise specifically provided in this Chapter, no lot may contain more than one (1) main building or principal use, except for groups of multiple-family, retail, office, or other groups of buildings erected under a single approved plan, or developed in a coordinated fashion under multiple approved plans, as an integrated complex, as defined by this Chapter.

Sec. 5.2.03. Alterations, Enlargements and Demolitions.

- A. Alterations and Enlargements. Existing buildings or structures shall not be modified, converted, enlarged, reconstructed, demolished, moved or structurally altered, except as permitted by this Chapter.
- B. Demolition.
 - 1. To assure a legal replacement use, existing buildings or structures shall not be demolished in any Zone District unless the request satisfies one (1) of the following:
 - a. Site Plan and Reuse of a Lot. When a site plan for the redevelopment of a property in any Zone District has been approved pursuant to this Chapter or is permitted by this Chapter, and a Land Use and Development Services (LUDS) or building permit for the redevelopment of the property has been requested.
 - b. Building or Housing Code. When the demolition in any Zone District has been authorized by Chapter 131 General Building Regulations or Chapter 140 Housing of the City Code, or required by a court or governmental agency or official of competent jurisdiction. Obtaining a building, demolition or other permit does not ensure compliance with this provision.
 - 2. Any requested demolition not meeting the requirements of B.1. above shall require Director Review or approval as a Special Land Use, under the following conditions.
 - a. Nonconforming Lot. Demolition of structures on a parcel that is non-conforming due to lot width or lot area, and is to be used for an approved accessory use for a Permitted Use on an adjacent property, may be approved by the Director.
 - b. Conforming Lots. A Special Land Use. approval for demolition is required on lots that meet the lot width or lot area of the District unless the property is to be used for an approved accessory use for an adjacent property or use.
 - c. If the property is to be used for an approved accessory use for an adjacent property or use, any additional required zoning approval shall be obtained prior to demolition approval.

Sec. 5.2.04. Historic Landmark or Historic District.

A designated historic landmark or a property in a historic district as provided in Chapter 68 Historic Preservation Commission of the City Code, shall comply with the requirements for approval of a Certificate of Appropriateness from the Historic Preservation Commission in lieu of the Site Layout and Building Placement requirements and the Building Elements requirements contained in Article 5, Residential Zone Districts and Article 6, Mixed-Use Commercial Zone Districts.

Sec. 5.2.05. Lot and Yard Requirements.

- A. Measurements. Unless otherwise expressly stated, distances specified in this Chapter are to be measured as the length of an imaginary straight line joining two (2) described points.

B. Lot Requirements.

1. Minimum Lot and Street Frontage. Every lot created shall have the minimum lot area, and lot width and lot frontage upon an approved public or private street, as required by this Chapter. Flag lots are prohibited.
2. Reduction. No lot, or lots of common ownership, yards, parking areas, or other spaces required by this Chapter shall be reduced below the area or dimensional requirements of this Chapter. If already less than the minimum required under this Chapter, that area or dimension shall not be further divided or reduced. Actions by governmental agencies, such as street widening, shall not be considered reductions.
3. No lot or portion of a lot shall be used to meet the requirements of yard, lot area per unit, residential density, percentage of lot occupancy, or other site requirement for any other existing building or structure of this Chapter, for any other lot.
4. Two (2) or more lots may be combined into a single lot, provided that the all lots are within the same Neighborhood Classification and Zoning District and all requirements of Chapter 64, Subdivision Regulations are met. See also Section 5.3.02.B. Contiguous Nonconforming Lots of Common Ownership.
5. Established Areas. See Section 5.5.06. for site layout and building placement requirements for lots in established areas.
6. Administrative Departure. An Administrative Departure of not more than three (3) percent of the required lot area of the Zone District may be granted where unusual lot configurations, topography or natural features exist, or where the Departure would be in keeping with the character of the neighborhood.

C. Building Setbacks and Required Building Lines (RBL).

1. Building Setbacks.

- a. Except as noted in C.2, below, when this Chapter provides for a building setback, it is considered to be permissive, in that any portion of the main building may be placed anywhere at or behind the setback line. All setbacks extend for the full width of the lot.
- b. Rear Setback. Where any lot line exceeds forty-five (45) degrees from being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line shall be deemed the rear lot line for the purpose of measuring rear yard setbacks.
- c. Side Setback. The side setback shall extend from the side lot line between the front setback line and the rear lot line.

2. Required Building Lines (RBL).

- a. When this Chapter provides for a Required Building Line it is considered as a mandatory placement of the building façade, where the building must be “built to” the required line, except as permitted in Article 5 Residential Zone Districts and Article 6 Mixed Use Commercial Zone Districts.

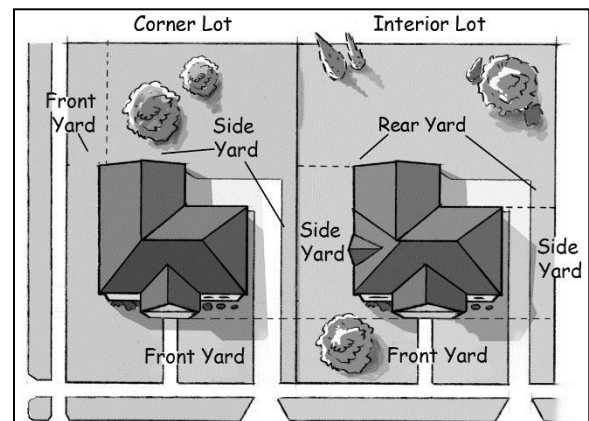
- b. RBL Measurement. RBLs shall be measured from the back of the curb along a public street to the building façade, irrespective of the lot line. RBLs are dependent upon the location of the street curb to avoid discrepancies in varying lot lines and to provide sufficient pedestrian circulation, access, and to maintain a consistent streetscape and street wall.
- c. Where a lot line abuts more than two (2) streets, the RBL provisions shall only apply for two (2) streets, as determined by the Director. To designate RBLs, the Director may consider all relevant factors and information, including but not limited to:
 - i. The existing or the intended character of existing or proposed streets on which the lot has, or is proposed to have, frontage;
 - ii. The locations of front and corner side property lines on adjacent lots or lots on the opposite side of the street; or
 - iii. Adjacency to the same or similar land uses.

D. Lot Widths.

- 1. Established Areas. See Section 5.5.06.B. for site placement and building layout requirements for lots in established areas.
- 2. Lot widths are measured at the front setback line or RBL, as applicable, and the minimum lot width shall be maintained throughout the depth of the lot. Lot width for a corner lot is measured at the horizontal distance between the shorter of the two (2) dimensions of the front lot line.
- 3. Minimum Lot Widths for Irregular Lots.
 - a. There shall be not less than thirty-six (36) feet between the two (2) side lot lines measured at the public or private rights-of-way, except as permitted in Tables 5.5.06.A. and 5.6.07.A. of this Chapter.
 - b. For cul-de-sac lots or other irregular lots, if the minimum lot width at the front setback line or RBL cannot be met, the minimum setback line or RBL shall be moved farther into the lot to the point at which the minimum lot width is met.

E. Yards – Corner, Through, and Waterfront Lots.

- 1. Corner and Through Lots. Corner and through lots shall have two (2) front lot lines, two (2) front yards, two (2) side yards, and no rear yard. For through lots, the main building or structure shall be oriented toward the predominant frontage based on the established or planned pattern of development, as determined by the Director.
- 2. Waterfront lots shall have front yards on both the street and waterfront sides, and two (2) side yards.



5.2.05.E. Yards.

F. Permitted Encroachments into Setbacks and Yards.

1. General. Encroachments permitted by this Section following may be within setbacks or yards. All permitted encroachments are subject to meeting the minimum greenspace requirements for the lot. Other encroachments are permitted under the applicable Sections of this Chapter as noted below, provided the minimum greenspace requirements for the lot are met.
 - a. Garages and other accessory structures – see Section 5.2.08.
 - b. Driveways – see Section 5.10.03.F.
 - c. Fences and walls – see Section 5.2.11.
 - d. Landscaping, except as required for clear vision areas of Section 5.2.15.C.
 - e. Private sidewalks.
 - f. Swimming pools – see Section 5.2.09.
2. Architectural Elements, Porches and Stoops.
 - a. Front Yard.
 - i. Architectural Elements. Architectural elements may project into the front yard by not more than three (3) feet.
 - ii. Unenclosed Porches and Stoops. Unenclosed porches and stoops (not including steps) may project into the front yard by no more than ten (10) feet, but shall be no closer than five (5) feet from the front sidewalk. For porches and stoops in Traditional Neighborhoods - See Section 5.5.07.E.3.
 - iii. Balconies. Upper level balconies may project into a front yard by no more than six (6) feet.
 - b. Side Yard.
 - i. Architectural Elements. Architectural elements may project into the side yard by not more than two (2) inches for each one (1) foot of width of the side yard, except that a chimney may be permitted where the Director determines it will not obstruct light or ventilation. In no case shall an architectural element be permitted within five (5) feet of a lot line.
 - ii. Unenclosed Porches and Stoops. An unenclosed porch or stoop (including steps) may project into the side yard, provided it is at least five (5) feet from the side lot line.
3. Decks and Patios.
 - a. Interior Lot.
 - i. A ground-level deck or patio may be in the side yard, provided it meets the minimum side setback for the Zone District, is set back at least ten (10) feet from

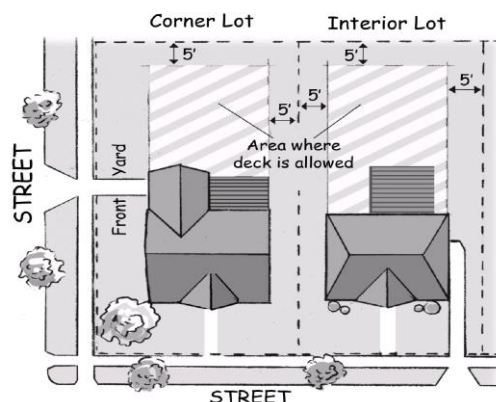
the front building façade, and is screened from view of the public right-of-way by landscaping or permitted fencing.

- ii. A ground-level deck or patio may be located in the rear yard, provided it is at least five (5) feet from all lot lines.
- iii. A deck with a platform over four (4) feet in height may be in the rear yard, subject to rear and side yard building setbacks.
- iv. A deck or patio is not permitted within the front yard.

b. Corner Lot.

- i. A ground-level deck or patio may be in the side yard, provided it is at least five (5) feet from the yard lot lines, and is not in a front yard.
- ii. A deck with a platform over four (4) feet high shall meet required side yard setbacks.

- c. Administrative Departure. An Administrative Departure may be approved to reduce the minimum side or rear setback of a ground-level deck or patio to not less than three (3) feet where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the City's building codes are met.



5.2.05.F.4 Decks and Patios.

4. Wheelchair Ramps.

- a. The Director may permit wheelchair ramps used for persons with mobility impairments in a front or rear yard, provided the location does not create a hazard, or impede access for operations related to safety, such as access for fire personnel or equipment. In no case shall a ramp be placed nearer than three (3) feet from any side lot line.
- b. Administrative Departure. An Administrative Departure may be approved to permit a ramp, or any additional modifications needed, nearer than three (3) feet to the side lot line, where it is demonstrated that no other feasible location is practical.

5. Basement Egress Window Wells. Basement egress window wells are permitted in all yards, provided the following conditions are met:

- a. Setback. A window well shall be set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the front lot line.
- b. Front Yard Screening. When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the window well. If screened with a building material, the material shall be compatible with the materials and colors used for the main building.
- c. Building Code. The requirements of Chapter 131 of the City Code shall be met.

6. Athletic Courts – Residential Lots.
 - a. Interior Lot. An athletic court shall only be in a rear yard and at least seven (7) feet from the rear and side lot lines.
 - b. Corner Lot. An athletic court may be in a side yard, at least seven (7) feet from the side lot line, but not in a front yard.

- G. Below Grade Features. Below-grade or underground features shall not extend into any yard, unless otherwise allowed in this Chapter.

- H. Projections into the Public Right-of-Way. The following projections are permitted, subject to approval of an encroachment permit from the City Engineer.
 1. Balconies. A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend up to five (5) feet over a public sidewalk.
 2. Awnings. An awning with a minimum ground clearance of eight (8) feet may extend over a public right-of-way.
 3. Canopies. Canopy support posts shall not be permitted in a public right-of-way unless specifically permitted by Traffic Engineering. See also Section 5.2.18.
 4. Arcades. An arcade shall be permitted only in the TN-TOD, CC, TCC, and TBA Zone Districts.
 - a. An arcade shall be open accessible to the public at all times for its entire length to the street line or publicly accessible open area except for building columns, and unobstructed to a height of not less than twelve (12) feet.
 - b. Except for corner lots, an arcade shall have a depth not less than ten (10) feet nor more than thirty (30) feet measured perpendicular to the street line or boundary of the publicly accessible open area on which it fronts, and extend for at least fifty (50) feet, or the full length of the street line or boundary of the publicly accessible open area on which it fronts, whichever is the lesser distance.
 - c. On a corner lot, an arcade shall have an area of not less than five-hundred (500) square feet and a minimum horizontal dimension of ten (10) feet.
 - d. No part of the arcade shall be above the traveled portion of the street or publicly accessible open area that it adjoins.
 - e. No off-street parking spaces, passenger drop-offs, driveways, or off-street loading berths are permitted anywhere within an arcade.

- I. Roof-Mounted and Ground-Mounted Mechanical Equipment (e.g. air conditioning condensers; swimming pool and spa heaters, pumps and filters; transformers and generators; and similar equipment).
 1. Residential Zone Districts.
 - a. All ground mounted mechanical equipment shall be incorporated within the footprint of a main or accessory structure, or placed in a side or rear yard at least three (3) feet from any side or rear lot line, and be fully screened from view from a public

street and adjacent properties using one (1) of the following options.

- i. Landscape material which provides a minimum of fifty (50) percent year round opacity;
 - ii. A living wall or vertical garden which is covered by vegetation to provide a minimum of fifty (50) percent year round opacity; or
 - iii. A decorative wall or fence that incorporates at least one (1) of the primary materials and colors of the nearest wall of the main building and that provides eighty (80) percent year round opacity.
- b. A wall or screen shall be at least one (1) foot taller than the height of the mechanical equipment being screened, provided the screen need not exceed a height of twelve (12) feet.
- c. The screening requirements shall not apply if it is demonstrated that the only feasible location for screening would impede the functioning of solar, wind or geothermal energy equipment or other similar systems.
- d. To the maximum extent practicable utility boxes shall be oriented with access doors facing away from the street right-of-way or adjacent property.
2. All Other Zone Districts. All mechanical equipment shall be incorporated within the footprint of a principal or accessory structure or mounted on the roof structure.
- a. All roof-mounted mechanical equipment (including, but not limited to, HVAC equipment, exhaust fans, cooling towers, and related guard rails or safety equipment) shall be fully screened from view from a public street at ground level and, to the extent practicable, from adjacent buildings of similar height. Screening shall be provided by one (1) or more of the following options.
 - i. A parapet wall or similar feature that is an integral part of the building's architectural design;
 - ii. A screening structure erected around the equipment that incorporates at least one (1) of the primary materials and colors on a street-facing façade of the main building and designed to assist in buffering noise;
 - iii. A living wall or vertical garden which is covered by vegetation to provide a minimum of fifty (50) percent year round opacity.
 - b. The parapet wall or screening structure shall be fully opaque year round and shall be at least as tall as the height of the mechanical equipment being screened provided the screen need not exceed a height of twelve (12) feet.
3. Administrative Departures.
- a. Mechanical equipment may be placed in an alternate area, including ground mounted equipment, in any Zone District where it is demonstrated that the required location is not feasible, and provided the unit is properly enclosed or screened with vegetation from view of a public street.
 - b. Alternate locations for solar, wind or geothermal energy equipment or systems may

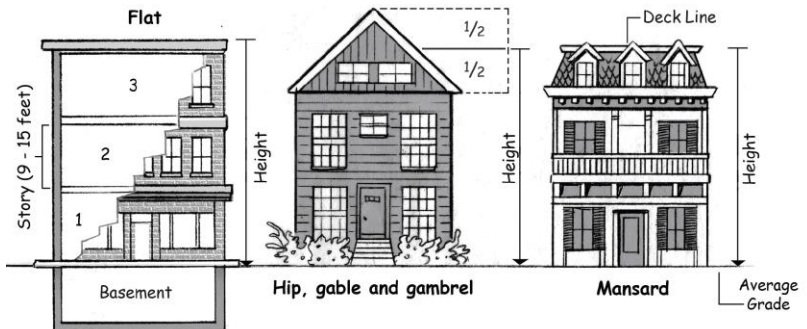
be permitted if it is demonstrated that the required location or screening would impede their proper functioning.

Sec. 5.2.06. Building Height Measurements and Exceptions.

A. Measurement.

1. Stories. Where specified in stories, building height shall be measured in the number of stories entirely above the finished grade for any elevation fronting on a public street, including habitable attics, half-stories, and at-grade structured parking.
 - a. Unless otherwise specified, story height is measured in feet between the floors of a story to the floor of the story above it.
 - b. For the uppermost story, story height shall be measured from the floor of the story to the eave line on pitched roofs and to the tallest point of the roof deck on parapet and flat roofs.
 - c. A mezzanine level counts as a story.
 - d. For the purposes of this Chapter, the usable floor area of a half story is only that area having at least four (4) feet clear height between floor and ceiling.
 - e. Unless otherwise specified, one (1) story shall be measured as not less than nine (9) feet nor more than fifteen (15) feet. The following shall be excluded:
 - i. Spaces completely below the finished grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures; and
 - ii. A story shall not be counted as a story when more than fifty (50) percent of its cubic content is below the finished grade of the adjoining ground.

2. Height. When measured in feet, building height shall be measured as the vertical distance from the finished grade adjacent to the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof.



5.2.07. Building Height (Measurement).

3. Average Grade. See Section 5.16.02.G. for definitions of grade. When the terrain is sloping, the finished grade shall be the average of the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure.

- B. Exceptions. The height requirements of all Zone Districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, utility penthouses, stacks, stage towers or scenery lofts, monuments, cupolas, domes and spires and necessary mechanical appurtenances.
- C. Airport Zoning Act. Proposed buildings or structures or modification to existing buildings or structures with a height greater than one hundred (100) feet require a permit from the Kent County Department of Aeronautics, pursuant to the Airport Zoning Act, Public Act No. 23 of 1950.

Sec. 5.2.07. Single-Family Dwellings, Detached.

- A. A detached single-family dwelling and any additions or alterations thereto, other than manufactured housing in a licensed manufactured housing community, shall meet the requirements of this Section in addition to all other regulations of this Chapter.
- B. Conversion.
 - 1. An existing detached single-family dwelling exceeding five thousand (5,000) square feet in gross floor area may be converted to permit additional dwelling units, provided the Director first determines that the size of the structure is substantially out of character with other houses within a three (3) block radius and a Special Land Use application is approved.
 - 2. In considering the Special Land Use, the Planning Commission shall:
 - a. Determine the appropriate number of units to be permitted; and
 - b. Ensure that adequate parking as required by Article 10 can be provided in a location that does not create an adverse effect on adjacent properties.
- C. Minimum Dimension. Each dwelling shall have a minimum of ~~eighteen~~ fourteen (14) feet in any horizontal dimension.
- D. Minimum Floor Area. Each dwelling shall have a minimum gross floor area of seven hundred and fifty (750) square feet.
- E. Neighborhood Classification. The dwelling shall comply with the requirements of this Section and shall be generally compatible in character, design and appearance to other residential dwellings within the same Neighborhood Classification.
- F. Primary Entrance.
 - 1. The primary entrance for the main building shall have a step, stoop, or porch which is attached to the building foundation, or provided with a separate four (4)-inch deep masonry foundation. A stoop or landing shall project at least three (3) feet from the building (not including steps). A porch shall project at least six (6) feet from the building (not including steps).
 - 2. Section 5.2.05.F.4 provides regulations related to handicap ramps and other modifications to a dwelling's primary entrance for housing intended to accommodate persons with mobility impairments.
- G. Manufactured House. If the dwelling is a manufactured house, it shall:

1. Be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a foundation wall as required in this Section.
2. Be installed with the wheels removed and not have any exposed towing mechanism, undercarriage or chassis.
3. Have all construction and plumbing, electrical apparatus and insulation within and connected to the manufactured house be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as amended, and comply with all applicable building and fire codes.

Sec. 5.2.08. Accessory Structures.

- A. Permits. All accessory structures shall require a Zoning Permit prior to construction.
- B. Mixed-Use Commercial Zone Districts, Neighborhood Office Service District, and Special Districts.
 1. Accessory structures shall comply with applicable setback and height ~~restricts~~ restrictions specified for the Zone District in which the accessory use or structure is located.
 2. Not more than one (1) detached accessory building is permitted per lot. The area of the permitted accessory building shall not exceed twenty-five (25) percent of the ground level gross floor area of the main building.
- C. Principal Use Required.
 1. Unless otherwise expressly allowed in this Chapter, accessory structures shall be permitted and maintained only in conjunction with a principal use and a main building or structure on the same lot.
 2. Accessory structures may only be constructed at the same time as or after the construction of the main building or structure on the same lot.
 3. If the main building or structure is destroyed, demolished or removed, any accessory buildings or structures on the same lot shall be removed within sixty (60) days, unless a permit for construction of a new main building has been approved.
- D. Public Right-of-Way or Easement. In no instance shall an accessory structure be within a public right-of-way or easement, unless otherwise permitted in an easement agreement.
- E. Architectural Compatibility.
 1. Any accessory structure that is one hundred twenty (120) square feet or larger shall be similar in architecture to the main building in its form and slope of roof. Exterior finish materials shall be those materials customarily used for residential construction, and shall be similar in placement and orientation to the main building.
 2. No accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.

F. Carport. A carport shall comply with the location requirements applicable to either an attached or detached accessory structure.

G. Attached Structures. An accessory structure which is structurally attached to a main building shall be subject to all setback regulations applicable to the main buildings. In addition, attached garages within the Traditional Neighborhood (TN) and Mid-20th Century Neighborhood (MCN) Zone Districts shall be at least five (5) feet behind the façade of the main building.

G.H. Residential Accessory Buildings.

1. Single-Family and Two-Family Dwellings.

- a. One (1) detached and one (1) attached accessory structure is permitted.
- b. Except as permitted in Section 5.9.03, and as noted below, the height and combined gross floor area for all attached and detached accessory structures shall not exceed the dimensions based on the requirements of Table 5.2.08.G.1.

Table 5.2.08.G.1. Residential Accessory Structures for Single- and Two-Family and Non-Residential Uses		
Lot Area (sq. ft.)	GFA (sq. ft.) Total	Height (ft.)
Traditional Neighborhood (TN)		
Less than 5,000	624	14
5,000—7,499	832	14
7,500—10,999	936	14
11,000—21,999	1,000	16
22,000 or more	1,200	16
Mid-Century Neighborhood (MCN)		
Less than 5,000	624	14
5,000—7,499	832	14
7,500—10,999	936	14
11,000—21,999	1,000	16
22,000 or more	1,200	16
Modern Neighborhood (MON)		
Less than 5,000	832	14
5,000—7,499	936	14
7,500—10,999	1,000	16
11,000—21,999	1,200	16
22,000 or more	1,500	16
All Neighborhoods		
Lots of 1 acre or more	1,200 (each structure) by Administrative Departure (see Section 5.2.08.G.3.)	16

2. Multiple-Family Uses.

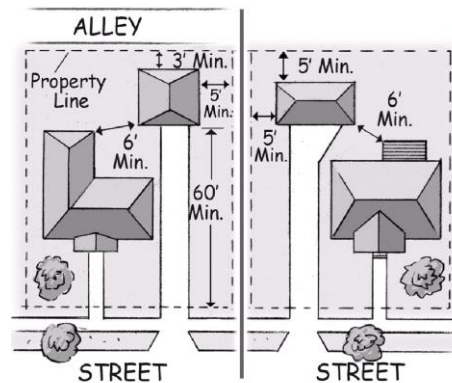
- a. Accessory structures may exceed the gross floor area of Table 5.2.08.G.1. for total garage or carport space up to the necessary GFA to meet the required number of parking spaces in Article 10. All other requirements of this Chapter shall be met.
- b. Administrative Departures. An Administrative Departure may be approved to permit additional GFA for garage or carport space for multiple-family uses above the minimum requirements of Article 10 for up to two (2) spaces per dwelling unit, provided the applicant can demonstrate a need for the space and all other requirements of this Chapter are met.

H.I. Residential Detached Structures.

- 1. The structure shall be placed at or behind the front wall of the main building, and at least six (6) feet from the main building, excluding decks and patios. The structure shall be at least three (3) feet from a side lot line or another accessory structure, excluding decks and patios.

2. Interior lots.

- a. If less than sixty (60) feet from the front lot line, a detached accessory structure shall not encroach into the required front yard and side yard setbacks.
- b. If sixty (60) feet or more from the front lot line and no nearer the front lot line than the main building, the wall(s) of a detached accessory structure shall be a minimum of three (3) feet from the side and rear lot lines.



5.2.08.H. Accessory Structures, Detached

- c. City building codes require fire safety measures if less than five (5) feet from the lot line.
3. Corner, Through and Waterfront Lots.
- a. Corner Lots. Detached accessory buildings shall not be within a front yard and shall be set back a minimum of three (3) feet from a side lot line.
 - b. Through and Waterfront Lots.
 - i. Side yard setback requirements shall be met.
 - ii. For through lots, front yard setbacks shall be met on the frontage deemed by the Director to be the less predominant frontage as provided Section 5.2.05.E.2.
 - iii. For waterfront lots, all front yard setbacks shall be met.
4. Alley. An accessory structure shall be at least three (3) feet from an alley right-of-way. See also Section 5.10.03.F. regarding driveways.

5. The following shall not be counted toward the number or area of permitted detached accessory structures.
 - a. Trellises, pergolas arbors or other similar structures;
 - b. Gazebos that are two-hundred and fifty (250) square feet in area or smaller;
 - c. Landscape features, such as small ponds, outdoor kitchens, spas, and fire pits;
 - d. Sport courts;
 - e. Swimming pools or hot tubs and changing rooms that are two-hundred and fifty (250) square feet in area or smaller,
 - f. Solar panels;
 - g. Decks, patios; and
 - h. Other similar structures as determined by the Director.
6. Administrative Departure. An Administrative Departure may be approved to allow the wall(s) of a detached accessory structure to within one (1) foot of the side or rear lot line, where topography, natural features, or other site constraints exist, where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of the City's building codes are met. A property survey and scaled site plan shall be submitted.

J. Additional Accessory Structures.

1. In addition to the accessory structure(s) provided for in this Section, one (1) accessory structure, such as an enclosed play structure or storage structure, of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be permitted in the rear yard on a lot with a residential use. A setback of at least three (3) feet from any lot line shall be provided.
2. For community gardens and other similar uses, one (1) accessory structure of one hundred twenty (120) square feet or less and up to fourteen (14) feet high may be erected for storage of supplies and materials related to the use. An additional structure of the same size and height may be added for properties exceeding three (3) acres. The structure(s) shall meet all setback requirements of the Zone District.

K. Prohibited Structures.

1. No mobile home, trailer, vehicle, tank, boat, container, railroad car, dumpster, barrels, crate, furniture, tent, junk object or salvage materials or similar items shall be used as an accessory structure or storage structure.
2. Living or sleeping quarters, temporary or permanent, in an accessory structure or other building (except as an Accessory Dwelling Unit as provided in Section 5.9.03), travel trailer, motor home or other recreation vehicle, auto chassis, boat or portable building, are prohibited.

L. Minimum Greenspace. Accessory structures are subject to minimum greenspace calculations as established within each Zone District.

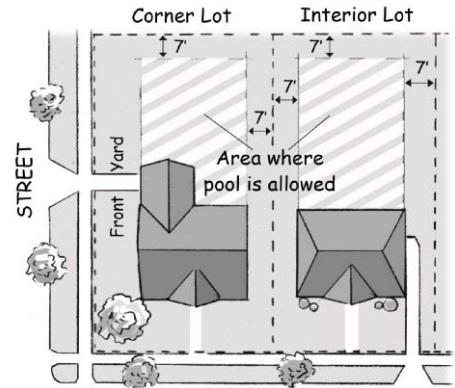
Sec. 5.2.09. Swimming Pool Placement.

A. In addition to the provisions of this Section, all applicable requirements of Chapter 131 General Building Regulations shall apply.

B. Residential Lots.

1. Interior Lots. A swimming pool shall only be in the rear yard, and the pool wall/edge set back at least seven (7) feet from the rear and side lot lines.
2. Corner Lots. A swimming pool may only be in the side yard, with a setback of at least seven (7) feet from the pool wall/edge to a side lot line, and no nearer to a street than the main building.

C. Patios, decks, concrete surrounds, or the like shall comply with the setback requirements of Section 5.2.05.F.3.



5.2.09.B. Swimming Pool Placement.

Sec. 5.2.10. Arbors and Trellises.

- A. Arbors, trellises, pergolas and similar structures may be in any yard provided they comply with clear vision requirements and are at least three (3) feet from front and side lot lines.
- B. Arbors, trellises and pergolas may not be higher than six (6) feet in the front yard or fourteen (14) feet in other yards, and set back at least five (5) feet from the side or rear lot lines.

Sec. 5.2.11. Fences and Walls.

A. Permits. All fences and walls higher than thirty (30) inches shall require a Zoning Permit.

B. Requirements.

1. Workmanship, Materials, and Maintenance.
 - a. Walls and fences shall be constructed using quality workmanship.
 - b. Walls shall be made of masonry, decorative block, poured concrete, brick, stone or other high-quality, appropriate material. The material used shall be compatible with material used in construction of the main building.
 - c. No fence or wall shall be left in an unfinished state, such as openings on top of walls, uncapped fence posts (unless so designed), or other similar condition.
 - d. The finished side of a fence shall face outward toward abutting lots and rights-of-way.
 - e. Wrought iron or decorative aluminum fences shall not have exposed pointed ends, but may have finials with flat ends.
 - f. Fences shall be made of ornamental metal, rot-resistant wood, chain link or other high-quality, durable materials.
 - g. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered a fence when they have the effect or accomplish the

purposes normally associated with fences, such as creating privacy or separation. See Section 5.11.12. Landscape Buffers.

- h. Maintenance. Walls and fences shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials and removal of graffiti.
- i. Prohibited Material.
 - i. Chain link fence material is not permitted in a front yard unless otherwise permitted in this Section.
 - ii. Chain link fences with slats are not permitted unless approved by the Planning Director and only where the fence location will not be generally visible from the public right-of-way.
 - iii. Unless otherwise required by a public entity or utility to protect power, food or water supplies, Except for the SD-IT Zone District, barbed, razor, concertina, electrified, or other similar wire is not permitted. ~~except as required by a public entity or utility to protect power, food or water supplies.~~
 - iv. In the SD-IT District an additional two (2) additional feet of height to accommodate barbed and similar wire fencing is permitted, not to exceed a maximum or overall height of ten (10) feet and only in the side and rear yard.

2. Front Yard Fences.

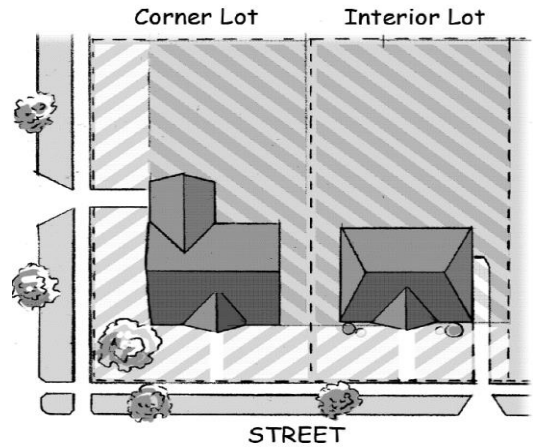
- a. Residential Zone Districts. The first five (5) feet of the side yards of a lot shall comply with the fence and wall requirements for a front yard in Table 5.2.11.C. where the front setback is ten (10) feet or less.
 - b. Non-Residential Uses. Any fence in a front yard of a non-residential use shall consist of a decorative aluminum or wrought iron picket fence.
 - c. Waterfront Lots. The area of a waterfront lot between the main building and the natural body of water is a front yard per Section 5.2.05.E. and shall follow the requirements for front yard fences, except that a solid fence, wall or screening of any kind shall not be permitted in this yard area.
3. Clear Vision Areas. No fence, wall, screen or planting material shall be erected or maintained in any location that shall obstruct the vision of motorists at street intersections or driveways, per Section 5.2.15. of this Chapter.
4. Setbacks and Right-of-Way. Fences shall be outside of the public right-of-way and set back at least one (1) foot from the right-of-way line. Fences may otherwise be on the property line.

5. Vacant Lot. The placement of a fence or wall on a vacant lot shall be permitted. The requirements for walls and open fences shall apply. The requirements of Table 5.2.11.C shall be met when a fence or wall is erected between the lot line and the required setbacks of the District.

6. Buried Electronic Fences. Electronic fences buried beneath the ground are permitted in all Zone Districts outside of public rights-of-way.

C. Maximum Height. Height shall be measured from grade at the lowest point within three (3) feet of the fence or wall, perpendicular from its plane. Height shall be measured from the established grade line to the highest point, including posts and finials. The use of a berm or other feature to artificially increase height is prohibited.

-  Front Yard: Open Fence - 4' max. Solid Fence - 3' max.
-  Back Yard: Open Fence - 6' max. Solid Fence - 6' max.



5.2.11.C. Maximum Fence Height.

Maximum Height by Type (ft.)	Residential Uses ⁶		Non-Residential and Other Uses ⁵	
	Yards			
	Front	Side/Rear	Front	Side/Rear
Open fences ¹	4	6	4	6
Solid fences and walls ²	3	6	3	6
Retaining wall ³	3	8	6 ³	10
Parking lot screen along ROW ⁴	Minimum	3	3	
	Maximum	4	4	

¹ Open fences shall be considered chain link (side/rear yard only), aluminum or wrought iron or other decorative metal fence, as well as picket or board fence with spacing between boards equivalent to the board width of that fence.

² Solid fences and walls are constructed of opaque materials and block the passage of light. An Administrative Departure is required to permit chain link fences with slats.

³ Retaining walls may be tiered with separate spacing equivalent to the height of each installed wall section (e.g. wall height is three (3) feet, spacing to next wall shall be three (3) feet) to allow for the planting of vegetation. A single row of shrubs with a maximum on-center spacing of five (5) feet shall be located at the base of a retaining wall that is greater than three (3) feet tall within the front yard. Shrubs shall be a minimum of thirty (30) inches at the time of planting and at least four (4) feet high within four (4) years. Climbing plants, such as ivy may be permitted as an alternative with Director approval.

⁴ See Section 5.11.11. for parking lot screening requirements.

⁵ See Section 5.7.04.E. for required screening of outdoor storage in the SD-IT District, as well as Section 5.2.11.B.1. Prohibited Materials.

⁶ See Section 5.2.11.B.2. for waterfront lots.

D. Administrative Departures.

1. The height, opacity and retaining wall requirements of this Section may be modified where an adequate clear vision area is present, no detriment to neighboring properties would be created and it is clearly demonstrated that due to topography, natural features, lot configuration or other site-related issue that the requirements of this Section cannot be satisfied.
2. In Mixed-Use Commercial Zone Districts, two (2) feet may be added to the maximum fence height in side or rear yards where it is demonstrated topography, natural features, lot configuration or security makes the additional height necessary and would not be detrimental to neighboring properties.
3. Vinyl coated chain link fencing may be permitted in the front yard of a property in a SD-IT or other non-residential Zone District where the fence would not be visible from a public right-of-way or materially affect the character of a neighborhood.

Sec. 5.2.12. Repair and Storage of Vehicles in Residential Zone Districts.

A. Repair. In all residential Zone Districts, mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:

1. Not more than one (1) vehicle shall be under repair at any given time.
2. There shall be no outside storage of vehicle parts or equipment.
3. Repair activities shall not create excessive noise, vibration, odor or other nuisances to neighboring properties.

B. Outdoor Recreational Vehicle Storage.

1. Number Permitted.
 - a. Outdoor storage or use of one (1) operable recreational vehicle, not exceeding a length of twenty-five (25) feet (excluding the hitch, bumper and other towing attachments), is permitted within a Residential Zone District in accordance with this Section.
 - b. One (1) additional operable vehicle shall be permitted on any lot over twenty-two thousand (22,000) square feet.
2. Recreational vehicle storage shall only be permitted on a lot on which a principal use is present.
3. Location.
 - a. Except as expressly provided in this Section, vehicle storage shall only be in the rear yard. The vehicle may be stored in the side yard if storage in the rear yard is not possible on an interior lot because of specific conditions related to the lot, such as lot size, topography, or other natural features. Vehicles shall not be closer than four (4) feet from the side lot line and shall be screened from the adjacent property by a six (6) foot high solid fence or hedge.
 - b. On corner lots, the recreational vehicle may be parked or stored in a side yard no closer than four (4) feet from the side lot line, provided it is not closer to a street than

the main building, is not in a front yard, and is screened from the adjacent property by a solid fence or hedge six (6) feet in height.

4. One (1) recreational vehicle may be parked on a driveway from May 1 through October 31, provided the vehicle is maintained in good condition, is parked a minimum of six (6) feet from any structure on an adjacent property, is at least fifteen (15) feet from the front lot line and clear vision for pedestrians and vehicles is otherwise maintained, and is not being occupied or repaired.

C. Commercial Vehicles. No commercial vehicle shall be parked or stored on any property in a Residential Zone District unless within a completely enclosed building, except that one (1) commercial vehicle of three-quarter (¾) ton size or smaller may be parked in a residential driveway. Commercial vehicles are permitted to park temporarily while engaged in the delivery, pickup or service to the subject property.

Sec. 5.2.13. Commercial Waste Receptacles and Enclosures.

A. Applicability. The requirements of this Section shall apply to all properties using a receptacle, other than a residential waste container, that is used for the purpose of waste removal, recycling, or reuse of household waste, household goods, clothing, or similar materials.

B. Enclosure.

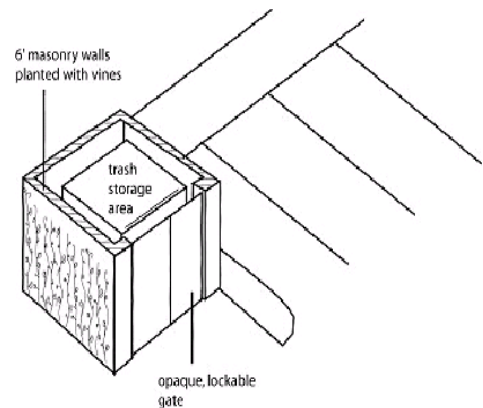
1. All outdoor waste, recycling and compost receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate, made of wood, vinyl, or other high quality material, as determined by the Director. If the waste receptacle is a dumpster, it shall have an enclosing lid or cover which shall remain closed when not in use.

2. Residential compost receptacles shall be subject to the provisions of Section 9.108 of the City Code.

C. Materials. The enclosure shall be constructed of brick or decorative textured block wall to recognize the permanence of the structure, reduce maintenance requirements and lessen the opportunity for graffiti or vandalism. The enclosure shall be consistent with the building materials of the main building. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure.

D. Size. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure shall have at least three (3) feet of space on each side of the waste receptacle.

E. Placement.



5.2.13. Waste Receptacles & Encloses

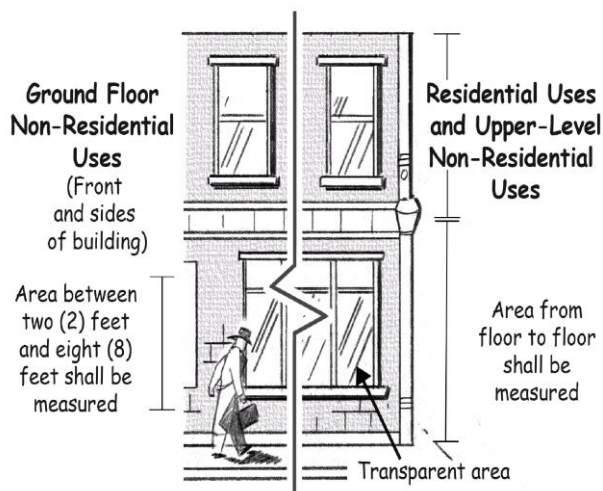
1. Preferred placement. When possible, the back side of the waste receptacle enclosure should be placed against the building, which may act as one (1) side of the enclosure.
 2. Front yard. Waste receptacles and enclosures shall not be placed in the front yard.
 3. Rear and side yards. Waste receptacles and enclosures shall be in the rear or side yard and not closer than three (3) feet from the rear or side lot line, unless otherwise approved by the Director where no other practical location is present.
 4. Residential use adjacent. Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from an adjacent residential use.
 5. Landscape Buffer. A waste receptacle enclosure shall not be placed within a required landscape buffer area, as described in Section 5.11.12.
- F. Access. Waste receptacles shall be easily accessed by refuse vehicles without the potential to damage vehicles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- G. Administrative Departure. An Administrative Departure for enclosure materials and the placement of an enclosure may be granted. In granting a waiver from the placement requirements, the Director shall take into consideration the proximity of adjacent residential structures, topography, natural features, existing screening or other barriers, and operational requirements for trash removal that would mitigate potentially adverse effects.

Sec. 5.2.14. Building Transparency.

A. Clear Glass. Glass in windows, doors, and display windows shall be transparent to insure a safe, pedestrian-oriented environment. Glass shall be clear or lightly tinted and have a measurement of seventy (70) percent or greater VLT. A glass sample must be provided with the performance values listed on the sample as needed for project review.

B. Measurement. Transparency requirements shall apply as follows:

1. For non-residential ground-floor uses, the area of the front and sides of a building between two (2) and eight (8) feet above the sidewalk (or ground level adjacent the building if a sidewalk is not present) shall be used to measure transparency.
2. For residential uses and for upper level non-residential uses, the area from floor to floor shall be used to measure transparency. For single-family and two-family dwellings, main entrance doors (not including storm doors) which contain a window shall be counted toward the minimum transparency requirement for the building wall facing the street.



5.2.14.B. Transparency Measurement

3. Only those windows and door areas arranged so that active uses within the building are visible from or accessible to the street

shall be counted toward meeting transparency requirements. Enclosed product display windows and other similar elements that do not permit clear visibility into the interior of the building shall be omitted from transparency calculations.

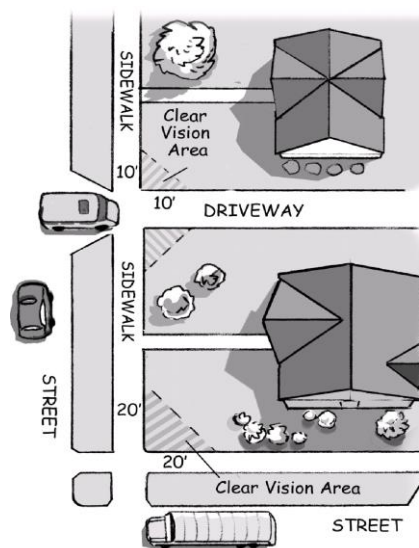
- C. Reflective Surfaces. The use of highly reflective surfaces, including reflective glass and mirrors, is prohibited on the ground floor.
- D. Security Shutters. Exterior steel barriers, hurricane curtains and other security devices are not permitted on the exterior of the building. If placed located inside a building, they may not be visible from the sidewalk or public right-of-way during business hours.
- E. Parking Areas. A minimum of six (6) square feet of clear window area for every forty (40) linear feet or portion thereof of the wall(s) of a building that faces a parking area shall be required. The window shall be placed so that the parking area may be readily viewed from inside the building.
- F. Stairwells. Where stairwells are introduced to the outer building wall of a development, the exterior of the stairwell and exit door shall be at least seventy (70) percent transparent.
- G. Cash Register Viewing Window. The cash register for a convenience/package goods store use shall be clearly visible from the street. The viewing window shall be at least twenty (20) square feet in size and consist of clear glass. No signs shall be posted on the viewing window.
- H. Exceptions. Transparency requirements do not apply to portions of structures in assembly area of theaters, auditoriums, religious institutions, and similar uses, provided that the building wall is enhanced by architectural detailing, artwork, landscaping or similar features. Façade variation requirements contained elsewhere in this Chapter shall be met.
- I. Administrative Departures.
 - 1. Administrative Departures may be granted for any requirement of this Section.
 - 2. Approved Administrative Departures may be required to provide mitigation measures such as the addition of architectural elements, display windows with a minimum 12-inch depth, a green wall or landscaping.
 - 3. Administrative Departures may be granted where:
 - a. It is demonstrated by the applicant that transparency would be significantly detrimental to the operation or security of the proposed use;
 - b. Sloping grades would make the introduction of windows impractical;
 - c. All sides of a building are adjacent to the public right-of-way and/or an urban open space;
 - d. Any side of a building abuts an outdoor service area, such as loading spaces, trash removal operations, ground level mechanical facilities, or similar use; or
 - e. A building that has a side yard setback less than five (5) feet which abuts an interior lot and transparency requirements are in conflict with the City's building codes.

Sec. 5.2.15. Clear Vision Areas.

A. Requirement. Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations identified in this Chapter and in Chapter 51 Streets, Article 8 of the City Code.

B. Measurement. At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:

1. Street Corners. For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.
2. Driveways. For driveways, ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway, and connected by a straight line to form a triangular area.
3. Other Required Areas. For other required clear vision areas, refer to the standards established in Chapter 51, Article 8 of the City Code.



5.2.15. Clear Vision Areas

C. Landscaping or Structures.

1. No plantings, signs, fences, walls or other structures exceeding thirty (30) inches in height shall be established or maintained in clear vision areas, except as otherwise allowed in this Chapter or in Chapter 51, Article 8 of the City Code.
2. The Traffic Engineering Department may require a reduction in the height of any screening improvement or a different location of a new building or structure otherwise required in this Chapter to ensure an adequate clear vision area for driveways and streets. These limitations shall be required only for that portion of the building, structure or screening improvement necessary to provide an adequate clear vision area.

D. Administrative Departure. A new building or structure may be located within a clear vision area, provided the Traffic Engineering Department concurs with the findings of an independent engineering study provided by the applicant that demonstrates that the siting of the new building or structure allows proper stopping sight distance as defined in *A Policy on Geometric Design of Highways and Streets*, as amended, by the American Association of State Highway and Transportation Officials (AASHTO).

Sec. 5.2.16. Street and Intersection Widening.

Any project that would widen a street or intersection within a Street Conservation Area shall be submitted to the Planning Commission for review and recommendation prior to final authorization by the City Commission in accordance with *Administrative Policy 97-01 Street and Intersection Widening - Planning Commission Review Procedures*.

Sec. 5.2.17. Essential Services.

- A. **Applicability.** Essential services shall be permitted in all Zone Districts subject to Director Review to determine that the yard, parking, landscaping and screening and other requirements are met, and are designed to be compatible with surrounding uses.
- B. **Authority.** Accessory facilities, which are determined by the Director, Public Works Director and City Engineer to be necessary in support of essential services, may be permitted in any Zone District.
- C. **Concealed Enclosure.** The outdoor enclosure of above-ground essential service utilities shall be screened using a permanent brick or decorative textured block wall to recognize the permanence of the new infrastructure, reduce maintenance requirements and lessen the opportunity for graffiti or vandalism.
- D. **Administrative Departure.** An Administrative Departure may be granted and alternative enclosure or screening materials used in the operation of the utility would be adversely affected by this requirement.

Sec. 5.2.18. Outdoor Canopies.

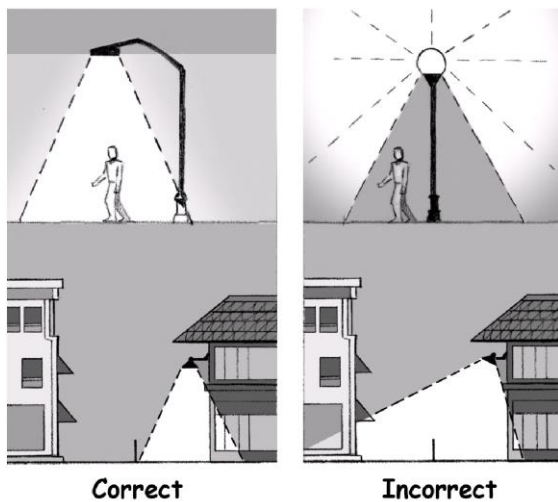
- A. **Design.**
 - 1. A canopy may be either attached or detached from the main building.
 - 2. A canopy shall have an architectural and design treatment, including materials and colors, which is substantially similar to the main building. A canopy shall use a similar roof form, pitch, and materials in order to resemble the roof covering of the main building. Any supporting columns shall be coordinated with the design of the main building.
 - 3. A canopy shall not cover architectural details, transparency or the expression line of the main building.
 - 4. A canopy structure shall not be enclosed.
 - 5. If any part of the canopy is illuminated, highly reflective material shall not be installed on the underside of the canopy.
- B. **Height.** A canopy shall have a minimum ground clearance of eight (8) feet over public sidewalks and a minimum ground clearance of fourteen (14) feet over any vehicular driveway or parking area. A canopy shall not exceed the height of the main building.
- C. **Setback/RBL Requirement.** A canopy structure shall comply with all minimum building setback requirement or Required Building Line applicable to the main building.
- D. **Sides.** Each side of a pump canopy shall be considered a separate façade.
- E. **Lighting.** See also Section 5.2.19. Outdoor Lighting.
 - 1. All lighting on the underside of a canopy shall be fully recessed.
 - 2. No portion of any canopy may be externally illuminated.
 - 3. **Fuel station canopy.** A maximum of twenty-five (25) percent of a fuel station canopy visible from a public street may be internally illuminated.

F. Signs. Signs on canopies are subject to the requirements of Article 15.

Sec. 5.2.19. Outdoor Lighting.

- A. Purpose. The purpose of this Section is to provide reasonable regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects. Specifically, this Section is intended to promote the public health, safety and general welfare of the City of Grand Rapids by:
1. Maintaining safe night-time driver performance on public streets by minimizing both brightly lit surfaces and lighting glare;
 2. Promoting lighting that provides security but protects the privacy of adjacent properties;
 3. Allowing lighting that is not unduly intrusive or a nuisance to nearby residents, property occupants, and drivers; and
 4. Eliminating intrusive artificial light and lighting that unnecessarily contributes to sky glow and energy consumption.
- B. Lighting Plan. The following information shall be included for all Director Reviews and Site Plan Reviews. Where neither type of approval is required, any of the following items may be required by the Director prior to lighting installation.
1. A site plan drawn to a scale of no more than one (1) inch to thirty (30) feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting, including the building lighting.
 2. A photometric grid overlaid on the proposed site plan. A photometric plan shall indicate lighting levels at ground level based on no greater than a twenty-five (25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
 3. An analysis showing that the proposed installation conforms to the lighting level standards in this Chapter. All lighting shall have the intensities and uniformity ratio consistent with the *Lighting Handbook* of the Illuminations Engineering Society of North America (IESNA).
 4. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as sharp cut-off fixtures by IESNA, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
- C. Outdoor Lighting.
1. Type. All outdoor lighting, including freestanding, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare and illumination. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield, with the exception of pedestrian lighting
 2. Intensity - General. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts or faces a Residential Zone District or residential use, a maximum of 0.5 footcandles is permitted.
 3. Intensity - Vehicle Fuel or Outdoor Sales Areas.

- a. In areas where lighting levels from existing, similar vehicle fuel stations or outdoor vehicle sales areas or other illuminated areas are on both sides of the lot and across the street, up to eighty (80) percent of the existing light levels may be used.
 - b. For vehicle fuel station canopies and outdoor vehicle sales areas that do not meet the location requirement in Subsection C.3.a. above, an Administrative Departure may be granted for a maximum of twenty (20) footcandles within the site, provided the requirements of Subsection C.2. above apply at the lot line.
4. Uniformity Ratios. To maintain uniformity in light levels across a development and prevent or minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot is measured in footcandles at ground level, and shall not exceed a ratio of fifteen-to-one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.
5. Height. Height shall be measured from the ground to the top of the light fixture. Except as otherwise required, the height of fixtures in a Residential Zone District or within two hundred (200) feet of that district shall not exceed the following light source to ground level height limits, except as may be permitted by the Planning Commission.
- a. Twenty-two and one-half (22½) feet for parking lots.
 - b. Twenty (20) feet for sidewalks and pathways.
6. Fixtures.
- a. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures as defined by IESNA.
 - b. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.
 - c. High Intensity Discharge (HID) fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow." High pressure sodium fixtures shall be prohibited.
 - d. The Director may approve decorative light fixtures as an alternative to shielded fixtures when it can be demonstrated that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.



15.2.19.C Outdoor Lighting.

7. Light Poles. The base of light poles in parking areas shall be either flush with grade or mounted on a concrete foundation projecting no more than thirty-six (36) inches above grade. The base of light poles in non-parking areas shall be either flush with grade or mounted on a concrete foundation projecting no more than six (6) inches above grade.

D. Lighting Reduction.

1. Hours.

- a. On all non-residentially developed lots which contain a minimum of four (4) parking lot light poles, parking lot lighting levels for ground surface parking lots and the top levels of parking decks or structures must be reduced by at least fifty (50) percent of full operational levels within thirty (30) minutes after the close of business.
- b. Lighting levels may be reduced by turning off fifty (50) percent of the parking lot lights or by dimming parking lot lighting levels to no more than fifty (50) percent of the levels used during business or activity hours within thirty (30) minutes of the close of business, or by some combination thereof.

2. Security.

- a. Given that a certain minimum lighting level is recommended for safety and security purposes, this provision does not require parking lot lighting levels to be reduced to less than 0.2 footcandles as measured horizontally at the surface on which the light pole is mounted.
- b. The need for security lighting (e.g. the lighting for safety of persons and property) shall be demonstrated. To the extent that an area is illuminated for other purposes, independent security lighting is not allowed.
- c. All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include full cut-off shields that prevent the light source or lens from being visible on adjacent lots and streets. The use of general floodlighting fixtures is not allowed.

E. Architectural Lighting. When buildings and structures are to be illuminated, the Director shall approve a design for the illumination using the following requirements.

1. Direction of Lights. Lighting fixtures shall be carefully sited, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, streets or properties, and light shall not trespass onto surrounding properties.
2. Façade Lighting. Lighting fixtures mounted on the building and designed to wash the façade with light are permitted. Ground or pole-mounted floodlights are not permitted for façade lighting.
3. Accent Lighting. Luminous tube (neon), string lighting, LED or fluorescent lighting may be allowed as an architectural detail on the exterior of any structure, provided that such lighting shall not completely outline or define property lines, sales areas, roofs, doors, windows or similar areas in a manner that is not primarily for safety purposes. Accent lighting may be approved by a Director Review upon determining that the accents would not cause off-site glare or light pollution and that lighting is not intended to be used as the equivalent of a sign. Notwithstanding, seasonal lighting displays, including string lighting, may be allowed without Director Review in conjunction with a nationally recognized holiday provided such displays are strung no sooner than sixty (60) days before the holiday and shall be removed within twenty (20) days following the holiday.

4. Landscape Lighting. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.

F. Temporary Light Display in TN-CC Zone District.

1. Temporary light displays are permitted in connection with planned events at the following uses only.
 - a. An arena with a seating capacity of ten thousand (10,000) persons or more; and
 - b. A convention center having one hundred thousand (100,000) square feet or more of floor area.
2. These displays shall only be permitted on the premises in which the event is held.
3. For each qualifying use, these displays shall be permitted for up to ten (10) events each year and may be displayed for a maximum of eight (8) days for each event. The location, number, size and general character of these displays shall be approved by the Director.
4. Sign Permit. A sign permit is required for all temporary light displays allowed in this Section.

G. Other Lighting Requirements.

1. Indirect illumination of signs, canopies, bollards and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is used and placed or shielded to prevent glare.
2. Electrical feeds to lighting standards shall only run underground.
3. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited, except as permitted in the TN-CC Zone District under Section 5.2.19.F.
4. Lighting shall not consist of or have the appearance of movement or flashing components, except as otherwise permitted in this Chapter.

H. Public Street Lighting. The cost of installing and operating approved street lighting on any public street shall be through a financial method approved by the City or by the Michigan Department of Transportation. The costs of all other lighting systems shall be borne by the developer/property owner.

I. Exemptions. The following outdoor light fixtures are exempt from the provisions of this Section.

1. Outdoor light fixtures installed prior to the effective date of this Chapter. Fixture replacements shall comply with the requirements of this Section in accordance with the provisions of Section 5.3.06.C. to the extent that the overall appearance of the site is not adversely affected. The Director may require that existing light fixtures be re-directed in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.
2. Streetlights within a public right-of-way.

3. Pedestrian walkway ground lighting.
4. Outdoor light fixtures which use an incandescent light bulb of one hundred fifty (150) watts or less, except where they create a hazard or nuisance from glare or spillover light.
5. Lighting necessary for street or utility construction or emergencies.
6. Lighting necessary for designated recreational fields or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use, following IESNA standards. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be turned off within one-half (½) hour of the completion of the event.
6. Government facilities, parks and open areas, public utility facilities, and other uses where sensitive or dangerous materials are located may submit a Site Security Plan to the Director requesting deviations from the requirements of this Section. The Plan may be approved, or approved with conditions, upon finding that:
 - a. The lighting is necessary for adequate protection of the public;
 - b. The condition, location, or use of the land, or history of activity in the area, indicates the land or any materials stored or used on it are in greater danger of theft or damage, or members of the public are at greater risk for harm than on other property; and
 - c. The deviations do not have a significant adverse effect on neighboring areas.
- J. Administrative Departure. An Administrative Departure from the requirements this Section may be granted if it is determined that proposed lighting otherwise meets the purposes of this Section and does not adversely affect the health, safety and welfare of the public.

Sec. 5.2.20. Infrastructure and Service Needs.

A. Purpose and Intent.

1. The purpose of this Section is to permit development projects the ability to proceed at a faster pace than current City resources are capable of constructing, installing, modifying, or improving existing infrastructure and/or service capacities to accommodate the development project. The project may itself be the sole reason for the infrastructure and service needs, or it may contribute to a heightened demand for infrastructure and services which are nearing or already at capacity. Inadequately sized infrastructure or insufficient service to the development project would result in one (1) or more declining levels of traffic safety, roadway capacity, reduced Level of Service (LOS) or water, sewer, energy, communications or other utility service reductions in the system. It is the intent of this Section to allow for development while ensuring that the project site and all customers that use and rely upon sufficient infrastructure and services within the community are properly accommodated.
2. The inability of the City to provide or enhance the available level of infrastructure or services to accommodate the development project may serve as the basis to deny a project request due to insufficient or increasingly insufficient infrastructure capacity if the project were to be constructed. Project denial due to insufficient infrastructure or services is not a desired outcome as development and redevelopment projects often improve neighborhoods and, over the long-term, improve the economic capacity of the

neighborhood and the community by raising property values and employment opportunities. Alternatives to improve infrastructure and/or service insufficiency are preferable to project denial. In these cases, the City may offer an alternative to project denial by accepting the offer of voluntary support by the project's owners to undertake or contribute towards the cost of providing the needed infrastructure or service changes for future conditions created or contributed to as a result of the development project.

3. In general, infrastructure or service changes are quantifiable in terms of capacity and cost. Needed changes may require study, planning, design, phasing or other efforts before being undertaken. In these situations, the City Commission could, by contract with the project's owners, accept contributions to fund the work. The City would set aside the funds for use only to address the particular infrastructure and/or service changes associated with the development project. For example, in the situation where area streets and intersections are or will be functioning at low levels, undertaking or funding street and intersection improvements may be appropriate. Sometimes, however, street and intersection improvements may not be practical or may be insufficient to address the concerns. Due to topography, the impracticality of acquiring needed additional right-of-way, area-wide traffic patterns, jurisdictional issues or other limitations, different approaches such as additional transit services, remote parking lots, pedestrian overpasses, shared parking structures, reversible traffic flows at peak times, or other, less common, and more cooperative approaches may be the only feasible and reasonable alternatives to ameliorate anticipated infrastructure and service burdens imposed by the development upon customers and citizens within the service area. A particular project may provide the necessary impetus for these alternative approaches, particularly in relation to public health and safety, while itself providing insufficient support or justification. However, together with reasonably foreseeable additional projects, it may form the basis for addressing the need by these approaches.
- B. Existing and Future Conditions Evaluation. The applicant or property owner shall be informed of any inadequately sized infrastructure or insufficient services within the proposed project area that currently exists or that will be created or contributed to by the proposed development project. The Director, Traffic Engineering Director, Planning Commission or City Commission will provide a basis for the determination that a development project, either by itself or in conjunction with other reasonably foreseeable projects, will:
1. Overload infrastructure or municipal services;
 2. Measurably degrade the level of infrastructure or public services to levels that adversely affect public health, safety or quality of life; or
 3. Place additional strains on infrastructure or public services that already are at levels that adversely affect public health, safety or quality of life.
- C. Alternatives Evaluation. The Director may encourage the applicant to propose particular designs or improvements, cost estimates and other related information to recommend or identify changes on the project site, in the immediate project area or in locations which would assist in supporting the necessary infrastructure or services to sustain the development. Where the Director does not have specific information about needed changes readily available because they are not easily ascertainable given the characteristics of the situation, the Director may identify possible ways and anticipated costs of addressing the conditions.

- D. Determination. Upon review of the alternatives to support the needed infrastructure and/or services to support the development project, the applicant may:
1. Appeal a determination made by the Director to the Planning Commission.
 2. Discontinue the project.
 3. Redesign the project to address the concerns.
 4. If it is acceptable to all City and other governmental officials of competent jurisdiction, agree to:
 - a. Undertake and construct the needed infrastructure improvements according to plans and specifications approved and overseen by the City;
 - b. Fund the needed infrastructure or service improvements pursuant to a written agreement approved by the City Commission with the amount of the payment determined based on the actual costs of the improvements;
 - c. Contribute to a fund to be used by the City to address the infrastructure or service concerns pursuant to a written agreement approved by the City Commission with the amount of that contribution determined based on what the City Commission reasonably determines to be the applicant's proportionate share of the reasonably anticipated costs of the improvements.

Sec. 5.2.21. Satellite Dish Antennas.

- A. Roof-Mounted Satellite Dish Antennas. The following roof-mounted satellite dish antennas and similar devices shall not be subject to the requirements of this Article.
1. In Residential Zone Districts, a device that is two (2) meters (or 6.7 feet) or less in diameter.
 2. In all other Zone Districts, a device that is two (2) meters (or 6.7 feet) or more in diameter, provided the device complies with the height requirements of the Zone District.
- B. Ground-Mounted Satellite Dish Antennas. Ground-mounted satellite dish antennas and similar devices shall be permitted in all Zone Districts, subject to the following conditions:
1. The maximum height shall be fifteen (15) feet.
 2. The devices shall not be permitted in front and side yards and shall comply with all setback requirements of the Zone District.
 3. All electrical and antenna wiring shall be placed underground.
 4. Evergreen screening shall be provided in sufficient concentration to reasonably conceal the device. Alternative screening that achieves the same effect may be approved by the Director.
 5. The devices shall be sited and designed to withstand a wind force of ninety (90) miles per hour. The device shall be securely mounted and anchored in accordance with manufacturer specifications and the Building Code.

6. The surface of the device shall be painted or treated so that it does not reflect glare from sunlight, and shall use to the extent practicable, materials and colors that blend with the surroundings.
 7. The surface of the device shall not be used as a sign or message board.
- C. Administrative Departure. An Administrative Departure may be approved to vary any provision of this Section if its application inhibits or prevents the reasonable operation of the satellite dish antenna or similar device. If so approved, the Director may require additional screening or other reasonable conditions to reduce the visibility of the device from adjacent properties.

Sec. 5.2.22. Backyard Chickens.

- A. The regulations of this Section shall be met, in addition to the regulatory provisions of Article 4, Chapter 155 of the City Code.
- B. One (1) covered enclosure for the keeping of chickens is permitted, not to exceed six (6) square feet in area per chicken, and not higher than eight (8) feet. This square footage shall not count against the allowable square footage or number of accessory structures permitted by Section 5.2.08.
- C. The area of the permitted enclosure may be treated as Greenspace for the purposes of meeting the requirements of Section 5.5.06.H., and is exempt from the vegetation requirements of Section 5.11.07.A. of the General Standards for Landscaping.
- D. Fencing used to enclose chickens is exempt from the approved fence material requirements of Section 5.2.11.B.1.

Sec. 5.2.23. State Universities.

- A. Purpose.
 1. State universities created pursuant to the constitution and laws of the state of Michigan are unique entities the boards of which are charged with operating the universities to carry out their respective educational missions for the benefit of the people of this state. It is the policy of the City to collaborate with and support state universities in the development of state university owned property.
 2. The City also recognizes development of state university owned property can affect residential or other neighborhoods in its vicinity. Accordingly, this Section is intended to enable a collaborative process that provides appropriate deference to the state university while ensuring neighborhood concerns and effects are appropriately considered in the development of a state university's property.
- B. Applicability and Process.
 1. In addition to, or in lieu of, other ways a state university and the City have collaborated in the development of state university owned property in the City a state university may elect to pursue the approach provided in this Section.
 2. If requested by a state university, the City may, with City Commission approval, enter into a written memorandum of understanding or other written document with a state university that provides for:

- a. Submission of a written plan for the development of one (1) or more parcels of state university owned property in furtherance of the university's mission in any Zone District;
 - b. Engagement of the neighborhood association or others in the residential or other neighborhood in the vicinity of the university-owned property for purposes of hearing and considering their comments;
 - c. A public meeting conducted by the Director, notice of which is provided in the same manner as a public hearing under this Chapter, and
 - d. Director's approval. The Director's approval of the plan(s) pursuant to a memorandum of understanding or other written document, the approval of which shall constitute an approval of the state university's development of the state university owned property addressed by that memorandum of understanding or other written document.
3. A memorandum of understanding or other written document entered into pursuant to this provision may provide a process for appeal of the Director's denial of a plan proposed by the state university by other City officials as provided by the memorandum of understanding or other written document.