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# ARTICLE 1 TITLE, PURPOSE AND INTENT

## Section 1.01 Title

This Ordinance shall be known and may be cited as the City of Hudsonville Downtown Zoning Ordinance.

## Section 1.02 Authority

This Ordinance is enacted under Act 207, Public Acts of 1921 (M.C.L. 125.581 et seq., MSA 5.2931 et seq.), as amended, governing the City of Hudsonville, Ottawa County, Michigan.

## Section 1.03 Purpose and Intent

This Ordinance translates the City of Hudsonville Downtown Master Plan goals and policies into prescriptive evaluation standards and guidelines, ensuring that new development projects exhibit the highest standards of urban design, architecture and landscaping while addressing downtown's character and scale, as mandated by the citizens of Hudsonville. This Ordinance is necessary to promote the public health, safety, morals and general welfare of the City of Hudsonville (City) as well as to:

- A. Create a downtown form that is compact, walkable and mixed-use;
- B. Promote a safe, comfortable, and sustainable downtown;
- C. Allow a mix of uses within each district, so that residents do not have to drive to fulfill everyday needs;
- D. Allow a variety of uses to create vitality and bring many activities of daily living within walking distances of homes;
- E. Regulate and restrict the location and use of buildings, structures and land for trade, industry, and residence and for public, semi-public and other specified uses;
- F. Regulate and limit the height and bulk of buildings

- and other structures;
- G. Regulate and determine size of yards, courts and open spaces;
- H. Regulate and limit the density of population, prevent overcrowding of the land and undue congestion of population;
- I. Meet the needs of the City's citizens for food, energy and other natural resources;
- J. Provide places for residence, recreation, industry, trade, services, and other uses of land;
- K. Facilitate adequate, efficient and economical public infrastructure and systems for transportation, sanitary and storm sewage collection and disposal, potable water, and other public services and amenities;
- L. Promote a balanced supply of land uses that are compatible with adjacent land uses and have good access to public infrastructure;
- M. Preserve the overall quality of life for residents and visitors;
- N. Protect the character and quality of established residential neighborhoods;
- O. Allow for and advance innovation in new residential development and redevelopment that meets the demand for housing with a greater variety in the type and design of dwellings;
- P. Maintain and enhance economically vibrant as well as attractive business and commercial areas;
- Q. Implement the themes, policies and goals contained in officially adopted plans, including The City of Hudsonville Downtown Master Plan;
- R. Promote pedestrian, bicycle and public transit use;

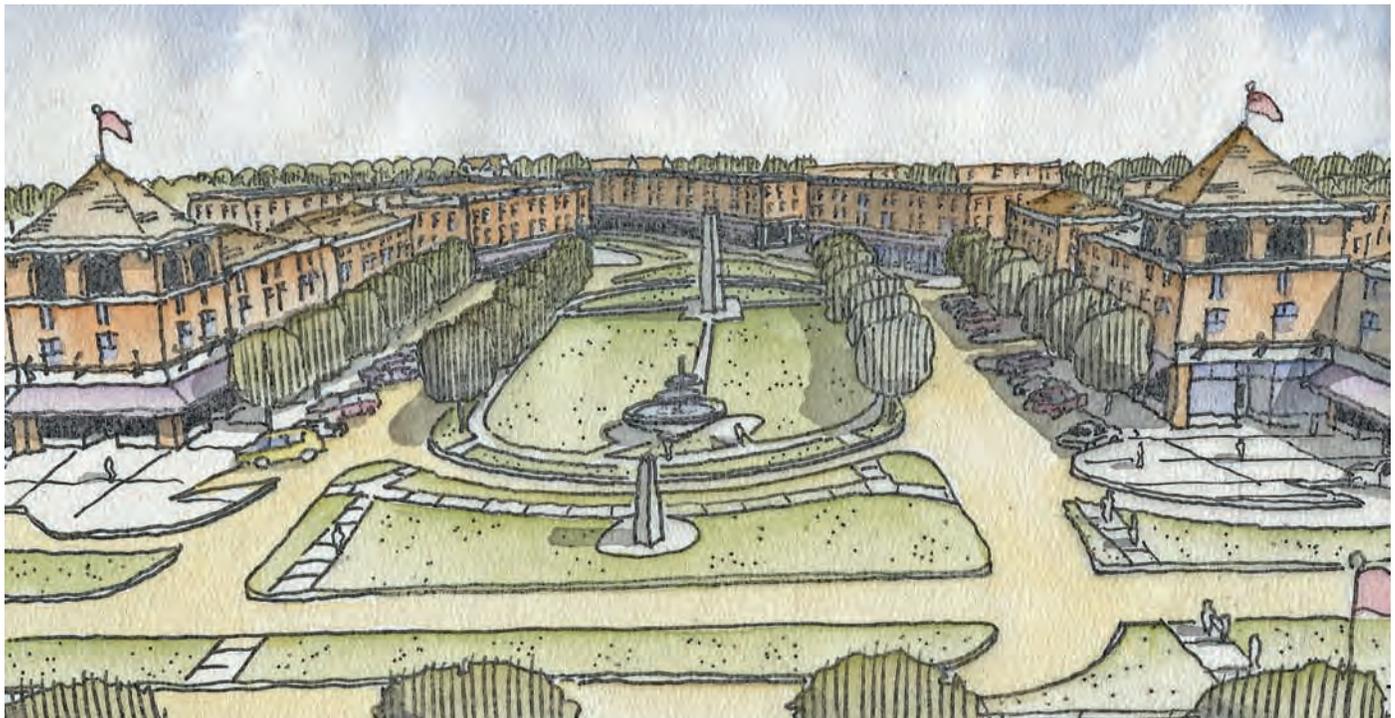


ILLUSTRATION 1.1

- S. Ensure adequate light, air, privacy, and reasonable access to property;
- T. Encourage environmentally responsible development practices;
- U. Establish clear, fair and efficient development review and approval procedures;
- V. Accommodate growth and development that complies with the previously stated purposes;
- W. Divide the municipality into Districts and establish boundaries thereof;
- X. Provide for changes in the regulations, restrictions and boundaries of such Districts;
- Y. Define certain terms used herein; and
- Z. Provide for enforcement, establish a board of appeals and impose penalties for violation of this Ordinance.

### Section 1.04 Repeal of Prior Ordinance

The Zoning Ordinance adopted by the City of Hudsonville Commission on September 8, 1992 and all subsequent amendments thereof, are hereby repealed for Downtown Hudsonville as defined with the boundaries established by the Boundary Plan in Article 4 of this Ordinance. All other areas of the City of Hudsonville shall remain under the regulation of the previously enacted Zoning Ordinance from September 8, 1992.

### Section 1.05 Adoption

This Ordinance was adopted at a regular meeting of the Hudsonville City Commission on May 10, 2011.

### Section 1.06 Effective Date

This Ordinance shall take effect and be in force on and after May 17, 2011.

### Section 1.07 Zoning Ordinance Amendments

Amendments or supplements to this Ordinance may be initiated by the City Commission, by the Planning Commission, or by any interested property owners by petition to the Planning Commission. Each proposed amendment or supplement not initiated by the Planning Commission shall be forwarded to said Commission.

#### A. Procedure on Amendments

1. Except for compliance with the expanded notice requirements set forth in Paragraph 2 of this Subsection, proposed amendments or supplements to this Ordinance shall be considered and acted upon as provided in the Michigan Zoning Enabling Act, 2006 PA 110, as amended.
2. Notice of hearing by the Planning Commission of any proposed amendment or supplement shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three-hundred (300) feet of the property and to the occupants of all structures within three-hundred (300) feet of the prop-

erty regardless of whether the property or occupant is located in the zoning jurisdiction.

B. *Fees.* Each petition for amendment to this Ordinance which is initiated by other than the City Commission or the Planning Commission shall be accompanied by payment of such fees as shall from time to time be established by resolution of the City Commission.

C. *Recommendation to the City Commission.* After the public hearing, the Planning Commission shall make a recommendation to the City Commission regarding the proposed amendment or supplement to the Ordinance, including but not limited to requests or recommendations to change the zoning district classification of property situated in the City. Before making a recommendation the Planning Commission shall consider the following:

1. The City of Hudsonville Downtown Master Plan and other City planning documents, and applicable state and federal statutes;
2. The probable impact on the surrounding area, including the effect of any resulting increase in traffic congestion and the probable impact on the overall pattern of land use;
3. The suitability of the area in question for the proposed change, after consideration of:
  - a. Appropriate alternate locations;
  - b. Alternative uses for the area under consideration; and
  - c. The probable impact of the proposed change on other areas similarly designated.
4. The appropriateness of the size of the boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development area.
5. The adequate and efficient provision of water and sewage disposal, or both, for property which is or will be affected by the proposed amendment or supplement to the Ordinance.

D. *Action by the City Commission.* Upon the receipt of the Planning Commission's recommendation, the City Commission shall act upon the proposed amendment or supplement to the Zoning Ordinance as provided by the Michigan Zoning Enabling Act, as amended from time to time.

### Section 1.08 Applicability

The City of Hudsonville Downtown Zoning Ordinance is applicable to all land located within the City of Hudsonville Downtown boundaries as described in the regulating plans in Article 4 of this Ordinance. Zoning affects every building, structure and use and extends vertically. This Ordinance shall apply to both new and existing development as indicated in Table 1.1 Applicability Matrix.

# ARTICLE 1 TITLE, PURPOSE AND INTENT

TABLE 1.1 APPLICABILITY MATRIX

	Full Compliance with Ordinance	Compliance with Article 6 Building Type Standards	Compliance with Article 7 Private Frontage Standards	Compliance with Article 9 Landscape Standards	Compliance with Article 12 Parking and Loading Standards	Compliance with Article 13 Sign Standards	Compliance with Stormwater Management (Section 14.05)	Discretionary Improvements *
<b>NEW DEVELOPMENT</b>								
New Construction and Development (includes development after tear down or demolition of existing buildings has occurred).	■							
<b>EXISTING DEVELOPMENT</b>								
Addition to an existing building that is greater than twenty-five percent (25%) of the existing gross square footage of the existing building.	■							
Addition to an existing building that is twenty-five percent (25%) or less than the existing gross square footage of the existing building.				■ #	■ #			■
Changing the front façade of the building by fifty percent (50%) or more in terms of signage, lighting, doors, windows and/or wall treatment.		■	■	■	■	■		■
Changing the front façade of the building by less than fifty percent (50%) in terms of signage, lighting, doors, windows and/or wall treatment.								■
Any change in building height.	■							
Any change in front yard setbacks.	■							
Any change in rear and/or side yard setbacks.								■
Change in Use (Minor) **								■
Change in Use (Major) ***	■							
Minor modifications & improvements to site-related elements, including, but not limited to landscaping, paving, fences and walls.				■ #				■
Modifications to parking lots and loading areas, including, but not limited to expansion.				■ #	■ #		■ #	■
Renovation Due to Disaster (fire, flood, tornado, etc.)								■
<b>PARKING AND TRAFFIC IMPACT</b>								
Any change in land use that impacts traffic or parking requirements.				■ #	■ #		■ #	■

\* The Zoning Administrator and/or Planning Commission may have discretion in required improvements based upon the circumstances of the property. In determining whether to impose discretionary improvements, the Zoning Administrator and/or Planning Commission shall determine whether those improvements are reasonably necessary to ensure compliance with the standards of Article 17 Special Uses.

\*\* A MINOR Change in Use occurs when one permitted land use is replaced by a different permitted land use.

\*\*\* A MAJOR Change in Use occurs when one permitted land use is replaced by a special land use, a special land use is replaced by a different special land use, or the property is rezoned to allow for a different permitted or special land use.

■ Indicates full compliance with Article indicated is required.

■ # Indicates partial compliance with indicated Article is required. Only the addition or areas modified or improved are required to comply with the Article indicated. Existing conditions that are not modified or improved are not required to meet the standards of the Article.

NO ■ Indicates compliance is NOT required.

Hatched columns indicate that those items are not applicable since full compliance is required.

## Section 1.09 Relationship to the City of Hudsonville Downtown Master Plan

The administration, enforcement and amendment of this Ordinance shall be consistent with the City of Hudsonville Downtown Master Plan. In the event this Ordinance becomes inconsistent with the aforementioned plans, then this Ordinance or the Hudsonville Downtown Master Plan shall be amended within a reasonable time to become or remain consistent.

## Section 1.10 Conditional Rezoning

A. *Intent.* It is recognized that there are certain instances where it would be in the best interests of the City of Hudsonville, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended (codified at MCL 125.3405 et seq;) by which an owner seeking a rezoning may voluntarily propose conditions regarding the by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. *Application and Offer of Conditions.*

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a Special Use Permit under the terms of this Ordinance may only be commenced if a Special Use Permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is

ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Commission provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. *Planning Commission Review.* The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. *City Commission Review.* After receipt of the Planning Commission's recommendation, the City Commission shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Commission's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the City Commission consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Commission shall, in accordance with Section 308(1) of the Michigan Zoning Enabling Act, MCL 125.3308, refer such amendments to the Planning Commission for a report thereon within a time specified by the City Commission and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. *Approval.*

1. If the City Commission finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this

# ARTICLE 1 TITLE, PURPOSE AND INTENT

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- Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Commission to accomplish the requested rezoning.
2. The Statement of Conditions shall:
    - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Commission.
    - b. Contain a legal description of the land to which it pertains.
    - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
    - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
    - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
    - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
  3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the County in which the land is located. The City Commission shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- F. *Compliance with Conditions.*
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- G. *Time Period for Establishing Development or Use.* Unless another time period is specified in the Ordinance conditionally rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the conditional rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the City Commission if
1. It is demonstrated to the City Commission's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
  2. The City Commission finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. *Reversion of Zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the City Commission requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. *Subsequent Rezoning of Land.* When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request the City Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

J. *Amendment of Conditions.*

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the City Commission, the City shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. *Right to Rezone.* Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the rezoning of all or any portion of land that is subject to a Statement of Conditions to another zoning classification; provided, however, that no such rezoning shall be effective prior to the expiration of the time period for commencement of the development or land use as specified under subsection G above. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, MCL 125.3308.

L. *Failure to Offer Conditions.* The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

### **Section 1.11 Relationship to Other Laws and Agreements**

- A. *Other Public Laws, Ordinances, Regulations or Permits.* This Ordinance is intended to complement other municipal, state and federal regulations that affect land use. Where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable standards imposed by other regulations, the provisions of this Ordinance shall govern.
- B. *Private Agreements.* This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards or requirements, the provisions of this Ordinance shall

control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance. The City shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

### **Section 1.12 Validity**

Should any article, section or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or part thereof, other than the part so decided to be unconstitutional or invalid.

If a provision of this Ordinance is determined to be invalid or unenforceable because of its scope or breadth, that provision shall be valid and enforceable to the extent of the scope or breadth permitted by law.

### **Section 1.13 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning district, or any permissible activities therein. Such uses, districts and activities are hereby declared to be subject to subsequent amendments or modification as may be necessary for the preservation or protection of public health, safety and welfare.

### **Section 1.14 Conflicts Between Ordinance Standards**

In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall not necessarily control. Rather, the Zoning Administrator shall determine which standard governs based on the degree to which a particular standard results in:

- A. Greater consistency with the goals and objectives contained within City of Hudsonville Downtown Master Plan;
- B. More supportive of the purposes of this Ordinance as described in Section 1.03 Purpose and Intent;
- C. Increased compatibility with adjacent development and surrounding community character;
- D. Higher quality of building form, design and/or architecture; and
- E. Higher quality of public space and urban form.

### **Section 1.15 Images and Illustrations**

This Ordinance is a highly visual graphics based document that utilizes, images (photographs), illustrations (drawings and diagrams) and tables in conjunction with text to convey regulation and intent. In the case of any difference of meaning or implications between the text of this Ordinance and any caption, illustration, or table, the text shall control.

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## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.01 Applicability

The provisions of this Article apply to all Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Districts, the regulations of the specific District shall govern.

### Section 2.02 Effect of Zoning

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

### Section 2.03 General Requirements

*General Lot Requirement.* No portion of a lot used to comply with the setback requirements, build to lines, public and private frontage requirements, site coverage, lot size, building occupation and disposition, or other site requirements of this Ordinance shall be counted toward the setback requirements, build to lines, public and private frontage requirements, site coverage, lot size, building occupation and disposition, or other site requirements for any other existing building or structure.

*Principal (Main) Building and Principal Use.* Except as otherwise specifically provided in this Ordinance, no lot may contain more than one (1) principal (main) building or principal use, except for groups of retail business buildings, apartment type buildings or other groups of buildings contained within a single integrated complex under a single approved plan.

*Integrated Complex.* An integrated complex may share parking, signs, access, and other similar features, which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use. Proposed parking arrangements and sign packages may be modified from the requirements of Articles 12 and 13 respectively, if presented as part of an integrated complex and approved by the Planning Commission.

### Section 2.04 Accessory Structures: Non-Single Family Lots

#### A. Approvals required.

1. All accessory structures that exceed nine-hundred-sixty (960) square feet in size shall require site plan review by the Planning Commission.
2. All accessory structures that are two-hundred-forty (240) square feet or larger in size and exceed five (5) percent of the square footage of the principal building shall require site plan review by the Planning Commission.
3. Accessory structures that are two-hundred-forty (240) square feet or larger in size and are five (5) percent or less of the square footage of the principal building shall only require the approval of the Zoning Administrator.

4. Accessory structures that are less than two-hundred-forty (240) square feet in size shall require the approval of the Zoning Administrator.

B. *Central Business District (HUD 7):* Accessory structures are not permitted in Central Business District

C. *In Conjunction with Principal Use.* Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory buildings and structures may only be maintained in conjunction with a principal building or structure on the same lot. If the principal building or structure is destroyed (and a building permit to replace it is not obtained within one (1) calendar year), demolished or removed, the accessory structure shall also be demolished or removed.

D. *Public Right-of-Way or Easement.* In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.

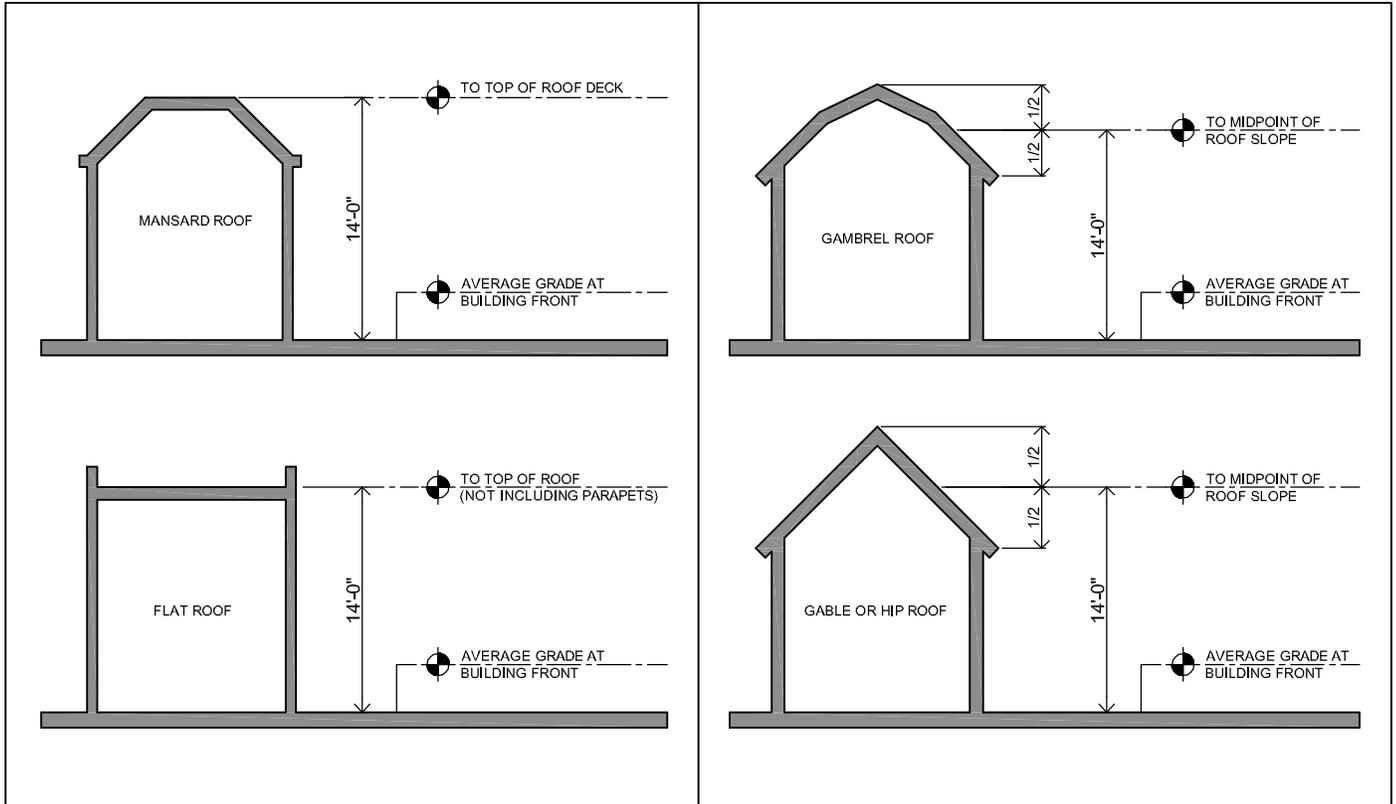
E. *Architectural Compatibility.* Any accessory structure that is two-hundred-forty (240) square feet or larger shall be similar in architecture to the principal building in its form and slope of roof. Exterior materials shall be similar and compatible with the exterior materials of the principal building and shall be installed similar in both placement and orientation to the principal building. No accessory structure shall be constructed with tube frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.

F. *Height.* Accessory structures shall not exceed the height of the principal building, and in no case shall the accessory building height exceed fourteen (14) feet in height unless a Special Use Permit is obtained per section 2.04, subsection H. Refer to Illustration 2.1.

G. *Location Requirements for Accessory Structures on Non-Single Family Lots.* All accessory structures on non-single family lots shall comply with the following requirements:

1. Accessory buildings or structures that are 200 square feet or less in area shall be set back a minimum of four (4) feet from all side and rear property lines (measured from the nearest point of the building wall).
2. Accessory buildings or structures that exceed 200 square feet in size shall meet all building setbacks required for the principal building.
3. No part of any accessory structure shall extend beyond the front of the principal building.

ILLUSTRATION 2.1 ACCESSORY STRUCTURE HEIGHT MEASUREMENT



4. No part of any accessory structure's roofline shall extend over an adjacent property, nor shall the drainage from any accessory structure's roof be drained onto an adjacent property.
5. Detached accessory structures shall be located at least ten (10) feet from the principal building (measured from the nearest point of the building wall).
6. Detached accessory structures shall be located a minimum of ten (10) feet from another accessory structure (measured from the nearest point of the building wall).
7. Paved areas for accessory building driveways and parking shall be permitted up to one foot from the property line.

H. *Accessory Structure.* Use Requirements.

1. Accessory buildings shall not be used for living or sleeping quarters, temporary or permanent, unless a Special Use Permit is issued from the Planning Commission for an Accessory Dwelling Unit.
2. Accessory Dwelling Units shall meet the requirements of Article 6 Building Type Standards within this Ordinance.
3. Height of Accessory Dwelling Unit. The maximum height of an accessory structure may be increased to twenty five (25) feet with permission from the Planning Commission as part of a Special Use Permit.

**Section 2.05 Accessory Structures: Single Family Lots**

- A. *In Conjunction with Principal Use.* Accessory structures may only be constructed at the same time as or after the construction of the principal building or structure on the same lot. Accessory buildings and structures may only be maintained in conjunction with a principal building or structure on the same lot. If the principal building or structure is destroyed (and a building permit to replace it is not obtained within one (1) calendar year), demolished or removed, the accessory structure shall also be demolished or removed. A temporary special Use Permit may be obtained for an extension of time per the requirements of subsection 17.04
- B. *Public Right-of-Way or Easement.* In no instance shall an accessory structure be located within a public right-of-way or easement, unless otherwise specified in the easement agreement.
- C. *Carport.* A carport shall comply with all requirements applicable either to an attached or detached accessory structure.
- D. *Location Requirements for Attached Accessory Structures.* All attached accessory structures shall comply with the following requirements:

## ARTICLE 2 GENERAL PROVISIONS

1. An attached accessory structure which is structurally attached to a principal building shall be subject to all setback regulations applicable to the principal building.

### E. Location Requirements for Detached Accessory Structures.

All detached accessory structures shall comply with the following requirements. Refer to Illustration 2.2.

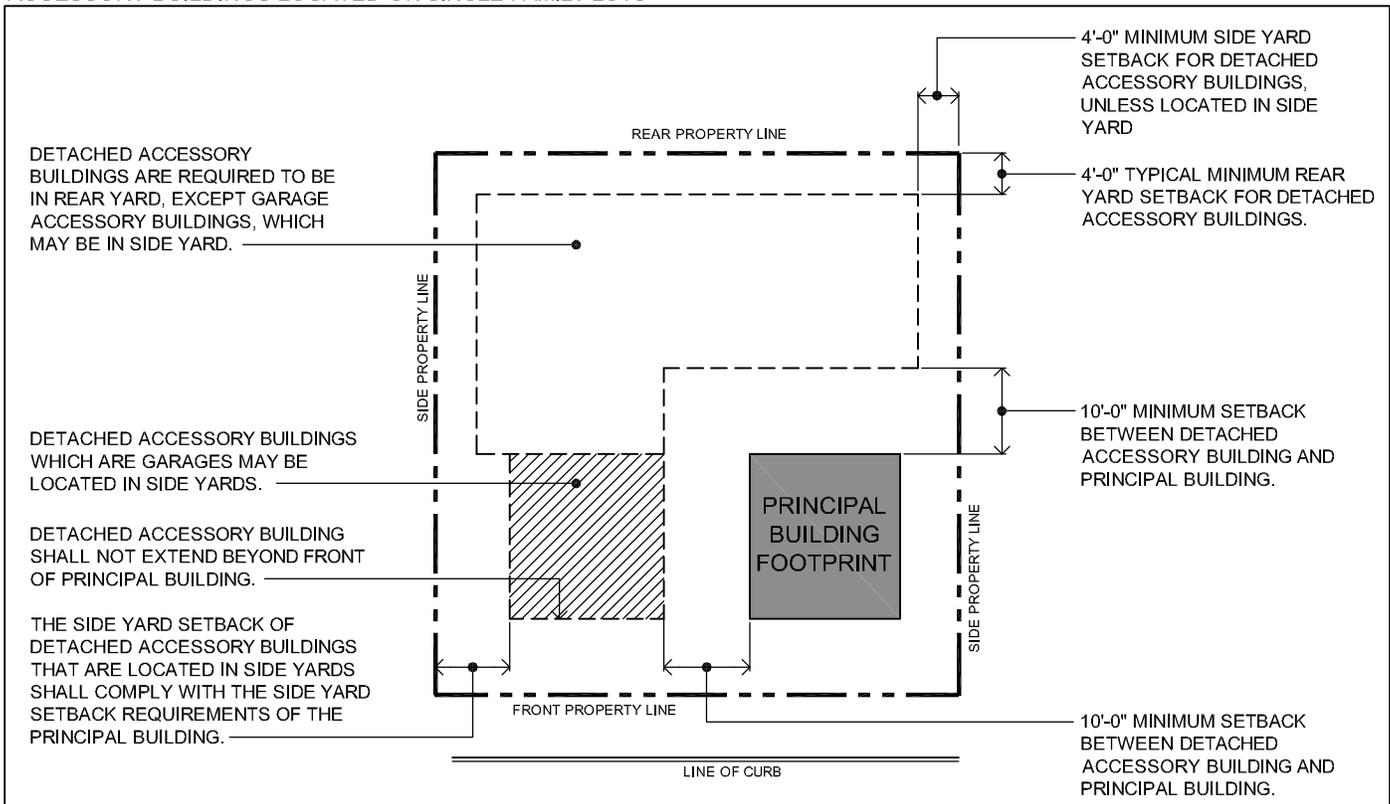
1. Detached accessory structures shall only be permitted in the rear yard with the exception of a garage accessory building, intended principally for the storage of automobiles, small trucks, vans and related uses customary and incidental to a single-family residential dwelling, which may be permitted in the side yard.
2. Detached accessory structures shall be set back a minimum of four (4) feet from all side and rear property lines (measured from the nearest point of the building wall) with the exception of a garage accessory building in the side yard, which shall meet the side yard setbacks of the principal building.
3. Detached accessory structures which are garage accessory buildings and are accessed directly from an alley shall be setback a minimum of ten (10) feet from the alley pavement to allow for vehicular ingress and egress.

4. No part of a detached accessory structure shall extend beyond the front of the principal building.
5. Detached accessory buildings shall be located at least ten (10) feet from the principal building. (measured from the nearest point of the building wall)
6. Detached accessory structures shall be located a minimum of ten (10) feet from another accessory structure.
7. No part of a detached accessory structure's roofline shall extend over an adjacent property, nor shall the drainage from any accessory structure's roof be drained onto an adjacent property.
8. Paved areas for accessory building driveways and parking shall be permitted up to one foot from the property line.
9. An Administrative Departure by the Zoning Administrator may be approved to allow a reduction in the side and/or rear lot setback requirements for a detached accessory structure when site constraints make it prohibitive to achieve these requirements.

### F. Number Permitted.

1. A single-family home shall be permitted two detached accessory buildings and one attached accessory building.

ILLUSTRATION 2.2 LOCATION REQUIREMENTS FOR DETACHED ACCESSORY BUILDINGS LOCATED ON SINGLE-FAMILY LOTS



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

*G. Size and Height Restrictions.*

1. Accessory buildings shall not exceed the height of the principal building, and in no case shall the accessory building height exceed 14 feet in height unless a Special Use Permit is obtained per section 2.05, subsection H. Refer to Illustration 2.1
2. The permitted size of accessory buildings shall be in accordance with Table 2.1.
3. Accessory buildings exceeding the provisions of Table 2.1 shall require a special use permit. When considering the issuance of a special use permit under this subsection 3, the Planning Commission may take into consideration screening provided by the topography and vegetation.

*H. Accessory Structure Use Requirements.* Accessory buildings shall not be used for living or sleeping quarters, temporary or permanent, unless a Special Use Permit is issued from the Planning Commission for an Accessory Dwelling Unit.

1. Accessory Dwelling Units shall meet the requirements of Article 6 Building Type Standards within this Ordinance.
2. Height of Accessory Dwelling Unit. The maximum height of an accessory structure may be increased to twenty five (25) feet with permission from the Planning Commission as part of a Special Use Permit.

**Section 2.06 Alterations, Enlargements and Demolitions**

*A. Alterations and Enlargements.* Existing buildings or structures shall not be modified, converted, enlarged, reconstructed, demolished, moved or structurally altered, except as permitted by or pursuant to this Ordinance.

*B. Demolitions.* Existing buildings or structures shall not be demolished, except as follows:

1. Site Plan and Reuse of Lot. Where a site plan for the redevelopment of the subject lot and the new use has been approved pursuant to this Ordinance or is permitted by this Ordinance without any approval; or
2. Public Hazard. Where the applicant or City has demonstrated that the building represents a hazard to the general public.

*C. Demolition Permits.* No building shall be demolished unless a permit is obtained from the Zoning Administrator or designated assignee. The permit issued shall prescribe the method of demolition to be used and time frame in which the demolition and site restoration shall be completed. The Zoning Administrator or designated assignee may also condition the permit on other reasonable regulations related to the health and safety of the public. If utility connections are involved, the City’s building inspector shall ensure that such utilities are properly disconnected and, where applicable, capped off.

**TABLE 2.1 PERMITTED SINGLE-FAMILY LOTS ACCESSORY BUILDING SPACE**

TYPE OF ACCESSORY STRUCTURE	MAXIMUM SIZE: Lot area under 22,000 square feet	MAXIMUM SIZE: Lot area of 22,000 square feet or greater
SINGLE DETACHED	The lesser of 576 square feet or 25% of the lot's rear yard.	The lesser of 864 square feet or 25% of the lot's rear yard.
SINGLE ATTACHED	100% of the ground floor area of the principal building	100% of the ground floor area of the principal building
ALL DETACHED AND ATTACHED COMBINED*	1,024 square feet total	1,536 square feet total

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

# ARTICLE 2 GENERAL PROVISIONS

## Section 2.07 Basement Dwellings

A. *Permitted Use of a Basement as Living Quarters.* The use of a basement as living quarters may be permitted if it meets the city's building code requirements as amended, including requirements for ingress and egress.

B. *Use of a Basement as Living Quarters.*

1. When not attached to any above-ground dwelling, the use of a basement for living quarters shall be prohibited.
2. The use of a basement of a partially completed building as a dwelling unit is prohibited.
3. The use of a basement within a building type that has a private frontage of a terrace or light-well is permitted by right. Refer to Article 7 for private frontages.

## Section 2.08 Bicycle Amenities

A. *Location.* Bicycle parking for commercial, residential and mixed-uses shall be conveniently located near building entry points. Bicycle parking placement shall not conflict with pedestrian travel. Any bicycle parking located in the public right-of-way shall be located in the furnishings zone. Refer to Article 8 Public Frontage Standards.

B. *Facility.* Bicycle parking shall be bicycle rack or locker-type parking facilities and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or the building.

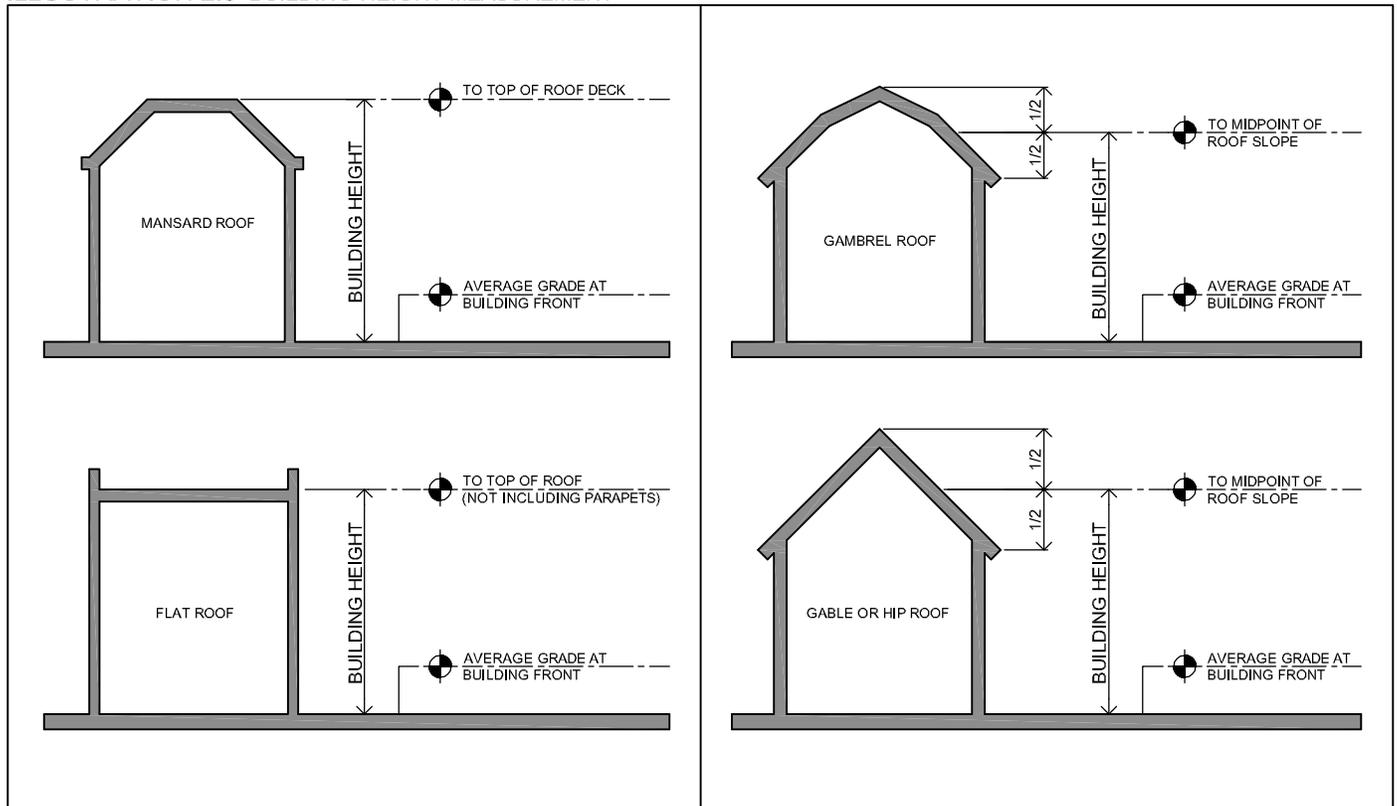
## Section 2.09 Building Height Measurement

A. *Height in Number of Stories.* Where specified in stories, building height shall be measured in the number of complete stories above the average grade at building front, including habitable attics, half-stories, and mezzanines. The following shall be excluded:

1. Spaces completely below grade, such as basements, cellars, and crawl spaces.
2. Spaces and features that are more than one-half (1/2) story below the average grade.

B. *Height in Feet.* Where specified in feet, building height shall be measured as the vertical distance from the average grade adjacent to the structure to the highest point of a flat roof (not including parapet), to the deck line of a mansard roof and to the average height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. Refer to Illustration 2.3.

ILLUSTRATION 2.3 BUILDING HEIGHT MEASUREMENT



C. *Exceptions.* The height requirements of all Districts shall not include parapet walls under four (4) feet in height, chimneys, cooling towers, elevator towers, utility penthouses, stacks, cupolas, domes, spires, and necessary mechanical appurtenances.

### Section 2.10 City Access

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

### Section 2.11 Clear Vision Areas

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

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

1. *Street corners.* For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended. Refer to Illustration 2.4.
2. *Driveways.* Refer to driveway design standards in Article 2.

C. *Landscaping or Structures.* No plantings, signs, fences, walls or other structures exceeding thirty (30) inches in height above the established sidewalk grade shall be established or maintained in clear vision areas, except as otherwise allowed in this Ordinance.

D. *Administrative Departure.* The Zoning Administrator or the Planning Commission may allow a new building or structure to encroach into a clear vision area, provided the following conditions are met:

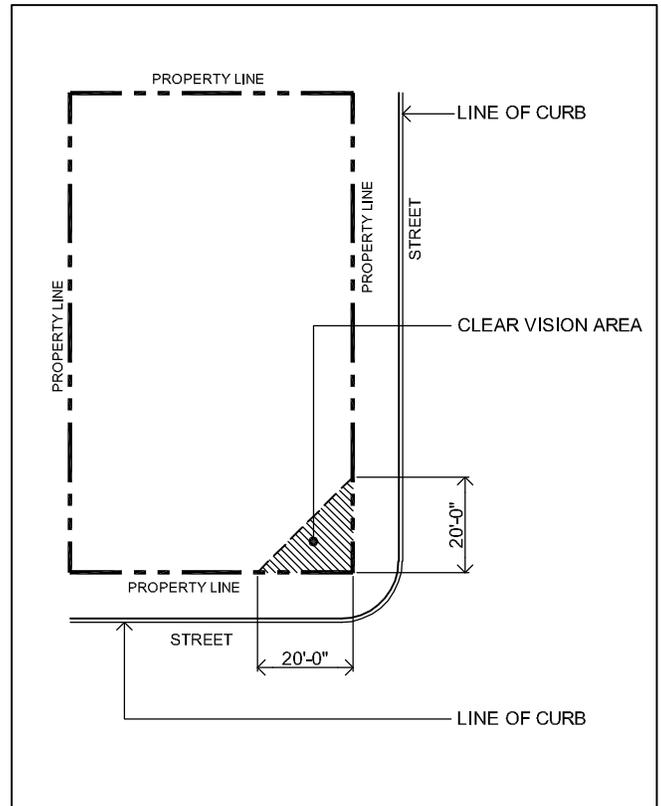
1. The Zoning Administrator or Planning Commission determines that the clear vision area is not consistent with the Hudsonville Downtown Master Plan; and

2. The establishment of clear vision areas does not allow for implementation of the District Standards (Article 5) and/or Building Type Standards (Article 6) established within this Ordinance; and
3. The project is in one of the Urban Mixed-Use Districts established within this Ordinance.
4. In addition to meeting all of the above conditions, the Zoning Administrator or Planning Commission may require the applicant to provide an independent engineering study that demonstrates that the new building or structure shall allow proper stopping sight distance as defined in A Policy on Geometric Design of Highways and Streets, as amended, by the American Association of State Highway and Transportation Officials (AASHTO).

### Section 2.12 Conflicting Standards with Other Laws or Ordinances

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

ILLUSTRATION 2.4 CLEAR VISION AREAS



## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.13 Continued Conformance with Standards

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

### Section 2.14 Decks and Patios

- A. No part of a deck or patio with roof cover, privacy screen, screen room or sunroom shall extend beyond the front of a principal building.
- B. Decks and patios that are thirty (30) inches in height or less, measured from average adjacent grade to the top of the deck (exclusive of the handrail) shall be set back a minimum of four (4) feet from all side and rear property lines.
- C. The following decks and patios shall be subject to all setback regulations applicable to the principal building:
  1. Decks that exceed thirty (30) inches in height, measured from average adjacent grade to the top of the deck (exclusive of the handrail).
  2. Decks or patios with a roof cover, privacy screen, screen room, sunroom

### Section 2.15 Detached Single-Family and Two-family Dwelling Units Outside Mobile Home Parks

All detached single-family and two-family dwellings and any additions or alterations thereto, other than manufactured housing located in a licensed manufactured housing community, shall conform to the following, in addition to all other regulations of this Ordinance.

- A. *Neighborhood Character.* The dwelling unit shall comply with the standards in this Section and shall be generally compatible in mass, scale, character, design and appearance to other residential dwellings located within its surrounding neighborhood.
- B. *Exterior Finish.* The exterior finish of the dwelling unit shall not cause reflection that is greater than that caused from siding coated with clean, white, gloss exterior enamel.
- C. *Roof Pitch.* The roof pitch of the main roof of the dwelling unit shall not be less than four feet of rise for each 12 feet of horizontal run.
- D. *Minimum Ceiling Height.* Dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7.5) feet.

E. *Minimum Dimension of Single-Family Dwelling.* Each detached single-family dwelling shall have a minimum dimension of twenty-four (24) feet in any horizontal dimension.

*Exception:* Cottage House Building Type as indicated in Article 6 Building Type Standards within this Ordinance.

F. *Minimum Dimension of Two-Family Dwelling.* Each detached two-family dwelling shall have a minimum dimension of twenty-eight (28) feet in any horizontal direction.

G. *Minimum Floor Area of Single-Family Dwelling.* Each detached single-family dwelling shall have a minimum Gross Floor Area of seven hundred and fifty (750) square feet.

H. *Primary Entrance.*

1. Each primary building entrance shall be provided with a step, stoop, porch or approved handicapped ramp which is attached to the building foundation, or provided with a foundation of its own. Porches and stoops shall comply with Article 7 Private Frontage Standards within this Ordinance.
2. An Administrative Departure from this requirement may be granted by the Zoning Administrator for dwellings that shall accommodate persons with mobility impairments.

I. *Storage Area.* An enclosed storage area of not less than three hundred-eighty-four (384) square feet shall be provided in conjunction with the dwelling unit. The storage area may consist of a basement or an attached or detached accessory structure that is in compliance with all other applicable provisions of this ordinance.

J. *Foundation.* The dwelling unit shall be firmly attached to a permanent frost free foundation with a wall of the same perimeter dimensions as the dwelling unit. The foundation shall be constructed of such materials and type as required by the building code, as amended from time to time, enforced within the city for on-site constructed single-family dwelling units.

K. *Foundation Depth.* The foundations for all dwelling units shall have a minimum depth of forty-two (42) inches below grade and a minimum exposed foundation above grade of eight inches.

L. *Crawl Space.* All dwelling units without basements shall provide a "broom finished" crawl space below the entire floor of the dwelling unit at least two feet in depth with a

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

M. *Chimneys*. Chimneys for fireplaces, furnaces, wood burning stoves and similar devices may be on the outside of the dwelling unit, provided the vent pipe is enclosed with materials compatible with the exterior finish.

N. *Manufactured House*. Dwelling units that are manufactured homes located outside of a licensed manufactured housing community shall conform to the following, in addition to other regulations of this Ordinance:

1. Manufactured homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission and shall have a foundation wall as required by all applicable building and fire codes.
2. Manufactured homes shall be one of the following:
  - a. New and certified by the manufacturer or appropriate inspection agency as meeting the United States Department of Housing and Urban Development Regulations entitled "Manufactured Home Construction and Safety Standards" at the time the manufactured home is located in the city; or
  - b. Used and certified by the manufacturer or appropriate inspection agency as meeting the above-referenced standards and found, upon inspection by the building inspector or his/her designee, to be safe and fit for residential occupancy.
3. Manufactured homes shall be at least 14 feet in width and have a minimum of 840 square feet of living area, exclusive of porches or other unconditioned spaces.
4. Manufactured homes shall be firmly attached to a permanent frost free foundation with a wall of the same perimeter dimensions as the manufactured home. The foundation shall be constructed of such materials and type as required by the building code, as amended from time to time, enforced within the city for on-site constructed single-family dwelling units. The foundation shall fully enclose the chassis and undercarriage.

- a. In the event the soil or topography conditions of the manufactured home site are such that other foundations or supports are appropriate, and the developer provides to the city building inspector a report by a certified engineer that piers are equal to or superior to concrete pads as specified above, such foundations may be approved by the building inspector, provided proper drainage and ground covering under each manufactured home.

5. Manufactured homes shall be installed with the wheels, towing mechanism and hitch removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
6. No manufactured house shall be placed, parked, or installed until such a time as a building permit is obtained from the building inspector. Such permit shall be issued upon a finding from the building inspector or designated agent that all construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured house is of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, 24 CFR 3280, as amended, and comply with all applicable building and fire codes.
7. No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot and has been inspected by the city building inspector or designated agent and issued an occupancy permit.
  - a. Such inspection shall include the placement and interconnection to utilities, and review for compliance with all necessary state, city or other municipal ordinances and regulations.
  - b. Such permit shall be issued by the building inspector upon payment of an inspection fee as may be authorized by resolution of the City Commission from time to time.
  - c. In the event said manufactured home is moved to another lot, or another manufactured home is placed on the specific lot, a new certificate of occupancy must be obtained.

## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.16 Driveway Standards: General

A. *Purpose.* Driveways, much like intersecting streets, create points of conflict with through traffic and pedestrian activity. Thus, driveways can interfere with the intended function of the roadway to move traffic safely and efficiently while also impacting the safety of pedestrians. The potential impacts generated by driveway traffic are dependent on a number of factors, including the number of vehicles using the driveway, driveway placement and design, the number of lanes in the roadway, the traffic volumes on the roadway and the level of pedestrian activity at the sidewalk driveway intersection. A driveway serving a large commercial or mixed-use area can be viewed much like a major intersecting street, while a single-family residential driveway has a much less detrimental effect. To reduce the negative impacts created by driveway operations, the standards outlined in this ordinance are intended to:

1. Identify driveway design criteria that promote safe and efficient ingress and egress at driveways;
2. Reduce the number of driveways, increase the spacing between driveways and between driveways and intersections, and reduce the number of poorly aligned driveways;
3. Encourage driveway access that is adjacent to the rear or sides of buildings in Urban Mixed-Use Districts;
4. Encourage alley access to parking in Urban Mixed-Use Districts;
5. Discourage driveway access that is adjacent to the fronts of buildings in Urban Mixed-Use Districts;
6. Reduce the frequency of conflicts or the area of conflict at some or all driveways by limiting or preventing certain maneuvers;
7. Reduce both the frequency and severity of conflicts by providing separate paths and storage areas for turning vehicles and queues;
8. Acknowledge that substantial public funds have been invested to develop a network to move traffic safely and efficiently; and
9. Recognize that property owners have an inherent right to access public roadways, although reasonable access may be indirect in some instances;

B. *Purpose of Location Standards.* Driveway spacing simplifies driving by reducing the amount of information a driver must process and react to. Locating a driveway away from the operational area of a signalized intersection decreases the potential for congestion and accidents for both through traffic and vehicles using the driveway. Adequate spacing between driveways and unsignalized roadways or other driveways can reduce confusion. Inadequate spacing requires drivers to watch for ingress and egress

traffic at several points, while simultaneously trying to control their vehicle and monitor other traffic ahead of and behind them.

C. *Design Standards.* The various design features described herein with illustrations and tables, as shown in Illustrations 2.6 through 2.15 and Tables 2.2 through 2.5, shall be used by the applicant in designing proposed driveways or driveway systems. These standard dimensions shall be used, unless the City determines that conditions require a deviation or the applicant can demonstrate cause for deviation. The City reserves the right to determine whether this deviation shall be granted. The City may request changes or specify particular dimensions to ensure safe operations, based upon anticipated traffic volumes on the driveway(s) and the roadway, type of traffic to use the driveway, type of development, District Standards, Building Standards and other safety and / or operational considerations. Design dimensions for widths in Illustrations 2.6 through 2.15 are from edge of pavement to edge of pavement. They do not include curb or gutter.

D. *Roadway Classification.* The Roadway Classification Plan can be referenced in Article 4 of this Ordinance.

E. *Section Standards.* The standards of this section provide basic principles for access design and control. The standards will address most design concerns. Engineering judgment, however, will be required on a case-by-case basis when special circumstances arise.

F. *Curb-Cut Permit.* The construction of any new driveway or the creation of any new curb-cut shall require that a permit be obtained from the Zoning Administrator. When a curb-cut permit is issued, existing curb cuts that are no longer in use shall be filled in with curb and gutter pursuant to City standards. Curb and gutter shall be installed together as a unit. The Zoning Administrator may waive or vary this curbing requirement where unique circumstances exist.

G. *Distance from Lot Line.* Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and / or when the City has determined that such encroachment is necessary to preserve safe roadway conditions.

H. *Surface.* There shall be a hard-surfaced driveway from the public or private right-of-way to the required parking space. The surface must be permanent, and completely covered with concrete, bituminous surface, brick or other similar surface. A pervious surface may be used, subject to Article 14 Environmental and Sustainability Standards and / or applicable City policies.

I. *Alley Access.* Where an alley is present, access to parking areas shall be obtained from the alley. Additional curb cuts on the public street shall be prohibited. An Administrative Departure may be requested where, due to special conditions, this requirement cannot be satisfied.

J. *Minimum Width.* Residential driveway width shall be per the requirements of Section 2.17.B and as indicated in Illustration 2.6. Commercial driveway width shall be per requirements of Section 2.18.B and as indicated in Illustrations 2.8 and 2.9.

K. *Driveway with Garage.* When garages are accessed directly from a public street, the driveway shall extend to the face of the garage. Garages shall be set back a minimum of twenty (20) feet beyond the street facing elevation of the principal building.

L. *Residential Driveway without Garage.* The driveway of a residential property shall extend a minimum of twenty (20) feet beyond the street facing elevation of the principal building.

M. *Administrative Departure.* An Administrative Departure from the requirements of Subsection A. above may be approved for shared driveways of abutting properties provided both property owners grant written permission for joint use and access.

4. Field entrance and utility structure driveways will be reviewed on a case-by-case basis. The City review will take into the proximity of the adjacent driveways and intersecting streets, as well as traffic volumes along the roadway.
5. Residential driveways shall be setback a minimum distance of twenty-five (25) feet from any street intersection, measured from the closest point of the driveway approach to the closest right-of-way line of the intersecting street.
6. In Urban Mixed-Use Districts driveways shall be located on secondary streets and adjacent to the rear or sides of buildings with a minimum distance of fifty (50) feet from the frontproperty line. Refer to Illustration 2.5.

### **Section 2.17 Driveway Standards:**

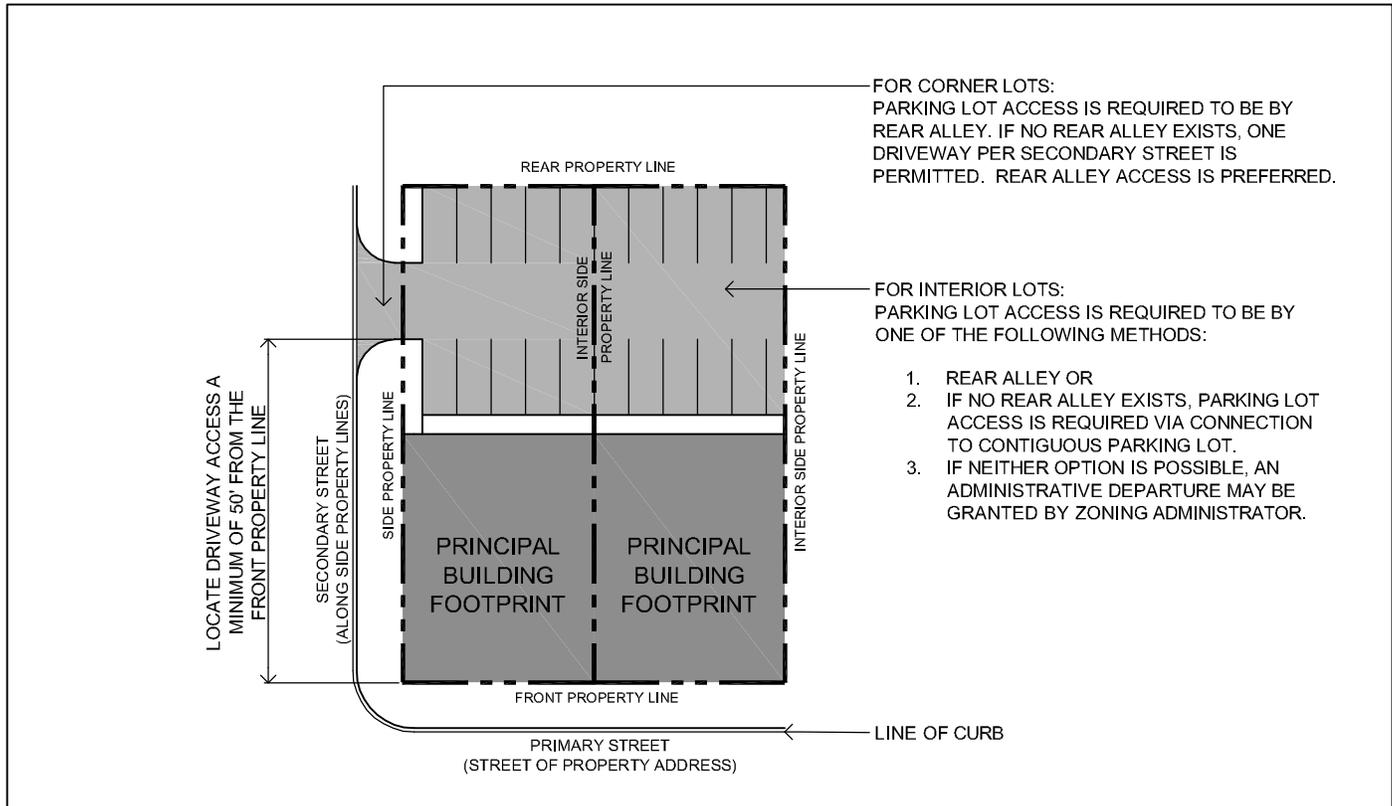
#### **Residential, Utility and Field**

##### *A. Location.*

1. One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one-hundred (100) feet of frontage.
2. One additional residential driveway may be permitted along a local street for residential property with more than one-hundred (120) feet of frontage.
3. In lieu of the above, two residential driveways may be permitted on the same property to serve as a one-way circle driveway if the frontage of the property is one-hundred (100) feet or more along a local street.

## ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.5 DRIVEWAY LOCATION: IN URBAN MIXED USE DISTRICTS



### B. Design Standards.

1. All residential and utility driveways shall be paved in their entirety, per section 2.16.H.
2. Field driveways shall only be required to be paved from the roadway edge of pavement to the roadway right-of-way line.
3. All residential, utility, and field driveways shall be constructed with concrete curb and gutter along the entire required entry and exit radii for the driveway if this portion of the driveway is to be paved with asphalt. Concrete curb and gutter shall not be required if this portion of the driveway is to be paved with concrete.
4. The dimensions of a residential driveway shall conform to those given in Illustration 2.6.
5. Field entrances may be permitted for cultivated land, timber land, or undeveloped land. The dimensions of a field entrance and of a utility structure driveway shall conform to those given in Illustration 2.7.
6. Clear vision areas (triangular in shape) shall be maintained on both sides of all residential, utility, and field drives. A clear vision area shall be determined using the following three points:
  - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
  - b. Two points, fifteen (15) feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.
7. Zoning Administrator or Planning Commission may waive clear vision area requirements in cases where District Standards and/or Building Type Standards are in conflict with clear vision area; and, in the opinion of the Zoning Administrator or Planning Commission, the intended character of the District (as established by the Hudsonville Downtown Master Plan and this Ordinance) is compromised by the clear vision area. Refer to Section 2.11 for Administrative Departures regarding waiving the requirements for clear vision areas.

ILLUSTRATION 2.6 RESIDENTIAL DRIVEWAY DIMENSIONS

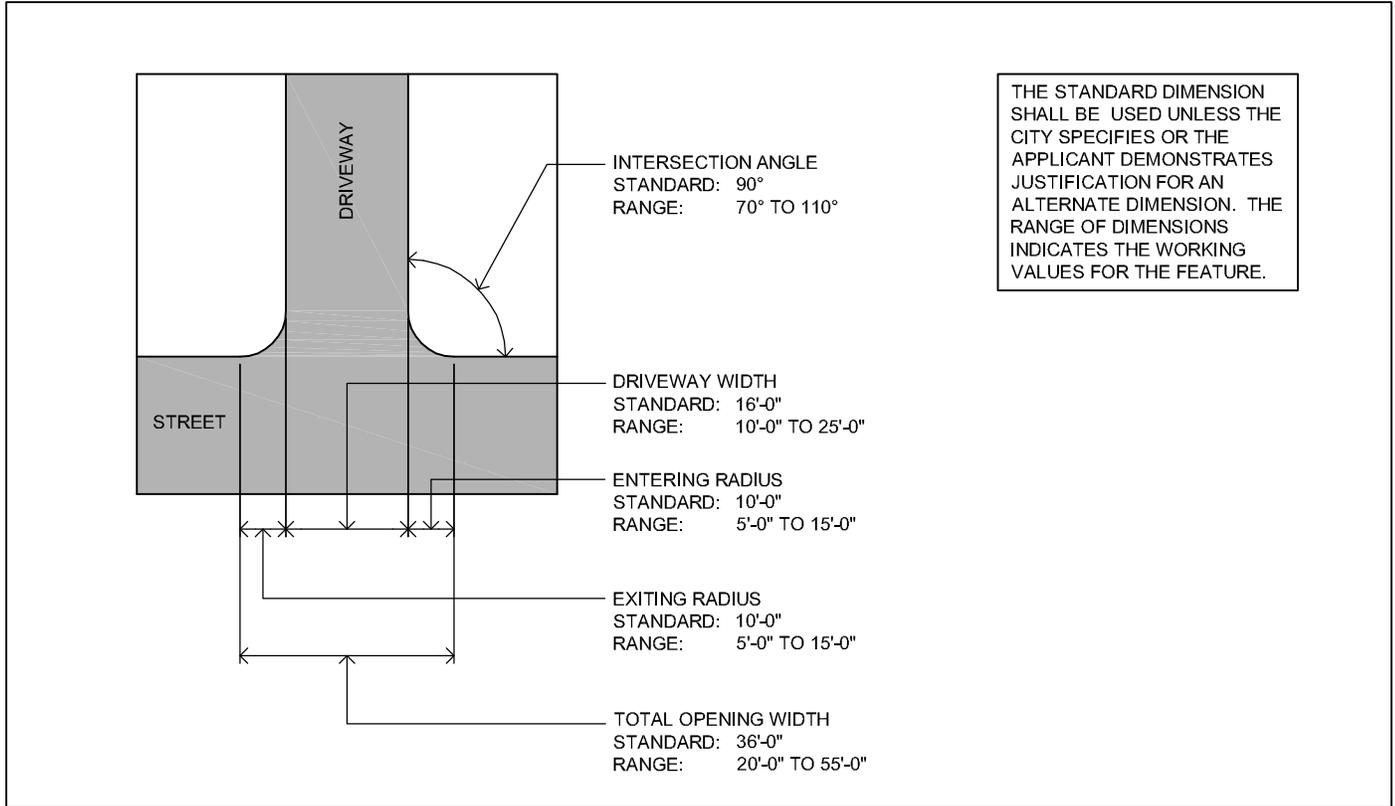
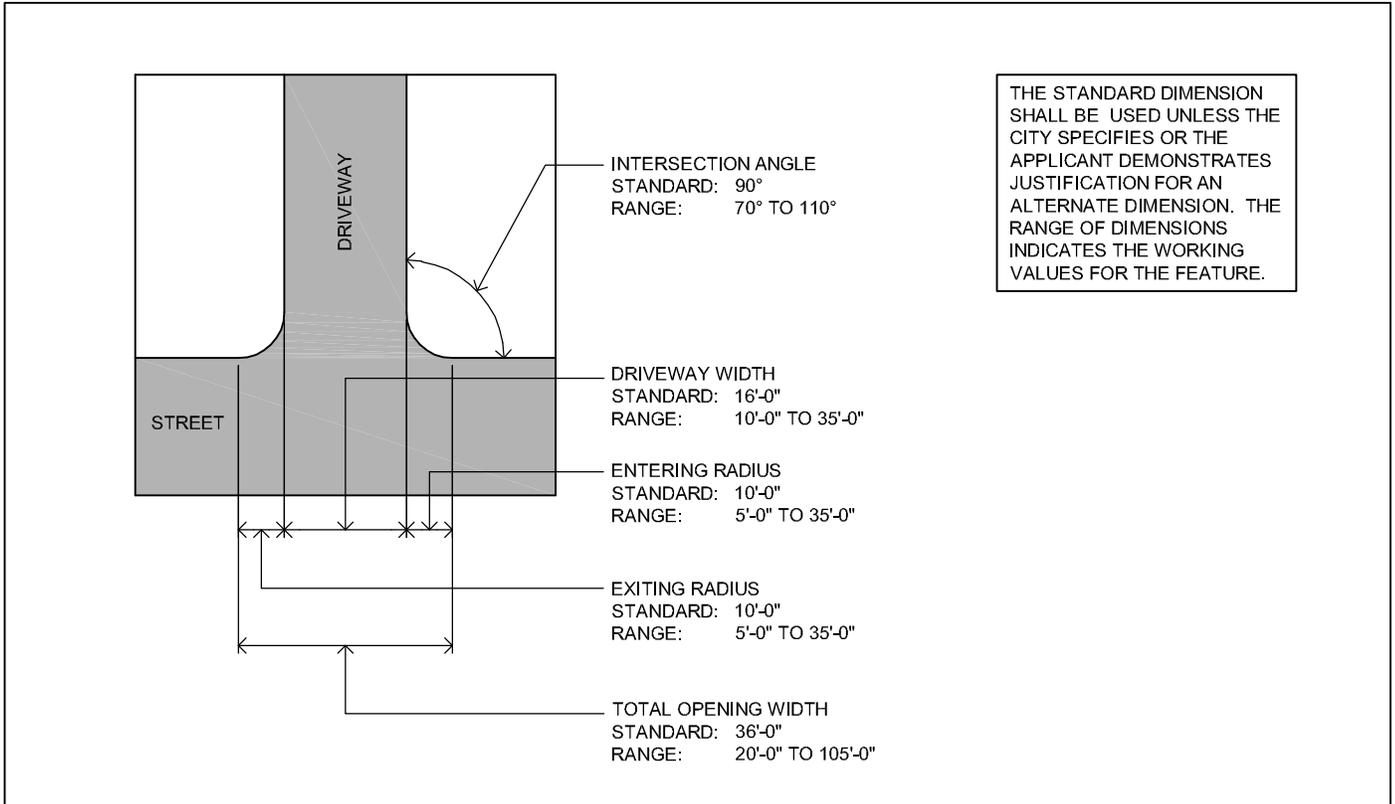


ILLUSTRATION 2.7 FIELD ENTRANCES AND UTILITY STRUCTURE DIMENSIONS



# ARTICLE 2 GENERAL PROVISIONS

## Section 2.18 Driveway Standards: Commercial

### A. Location.

1. Driveways shall be located so as to limit undue interference with the free movement of road traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
2. Driveways, including the radii, but not including right-turn lanes, passing lanes, and tapers, shall be located entirely within the applicant's right-of-way frontage. This right-of-way frontage is determined by projecting the lot lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certifications from the adjacent property owner(s) (agreeing to such encroachment) and/or when the City has determined that such encroachment is necessary to preserve safe roadway conditions.
3. Driveways shall not be constructed along the acceleration or deceleration lanes and tapers connecting to interchange ramp terminals.
4. Minimum spacing requirements between a proposed driveway and an adjacent intersection shall be those listed in Tables 2.2 and 2.3. Spacing requirements will vary depending upon the roadway classification (Refer to Roadway Classification Plan in Article 4) and intersection control. The spacing measurements in Table 2.2 and Table 2.3 are from the center line of the proposed driveway to the near right-of-way line of the intersecting street.
5. In those cases where an intersection setback for a driveway cannot be met, the Planning Commission may require that the drive be constructed on an alternative street, or be provided through a shared driveway which meets the applicable intersection setback. Where no other alternatives exist, the Planning Commission may allow construction of the drive along the lot line farthest from the intersection.
6. Driveway spacing requirements (distance between two driveways) shall be determined based upon posted speed limits. The driveway spacing indicated in Table 2.4 is measured from center line to center line. The Planning Commission may reduce the spacing distance requirements in Table 2.4, but in no case will the spacing be less than eighty (80) percent of those figures.
7. For lots or parcels existing prior to the adoption of this ordinance, one driveway may be permitted for each separately owned parcel with less than one-hundred (100) feet of frontage, provided that the parcel is wide enough for the minimum driveway width, plus the required radii. Where parcel size is insufficient, a shared driveway or other means of access may be required.

**TABLE 2.2 MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG REGIONAL ARTERIALS**

INTERSECTING STREET CLASSIFICATION	MINIMUM DISTANCE TO FULL-MOVEMENT DRIVEWAY	MINIMUM DISTANCE TO CHANNELIZED DRIVEWAY (RIGHT IN / RIGHT OUT)
ARTERIAL	250 FEET	100 FEET
SIGNALIZED NON-ARTERIAL	125 FEET	75 FEET
OTHER STREET	100 FEET	75 FEET

**TABLE 2.3 MINIMUM DRIVEWAY SPACING BETWEEN COMMERCIAL DRIVEWAYS AND ADJACENT STREET INTERSECTIONS ALONG OTHER THAN REGIONAL ARTERIALS**

INTERSECTING STREET CLASSIFICATION	MINIMUM DISTANCE TO FULL-MOVEMENT DRIVEWAY	MINIMUM DISTANCE TO CHANNELIZED DRIVEWAY (RIGHT IN / RIGHT OUT)
ARTERIAL	200 FEET	100 FEET
SIGNALIZED NON-ARTERIAL	100 FEET	75 FEET
OTHER STREET	75 FEET	75 FEET

8. Additional driveways may be permitted for commercial property as follows:
  - a. One additional driveway may be allowed for a site with continuous frontage of three-hundred (300) feet or more if no other access opportunities are available; or
  - b. Two additional driveways may be allowed for a site with continuous frontage of six-hundred (600) feet or more if no other access opportunities are available.
9. Additional access such as that outlined above may be allowed if the applicant provides justification based upon standard traffic engineering criteria that encompass analysis of trip generation, distribution and level of service. The City has the final decision regardless of conclusions drawn from these analyses.
10. Two commercial driveways may be permitted, in lieu of the above, to serve as a one-way circle drive if the frontage is one-hundred-twenty-five (125) feet or more.
11. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one-hundred-fifty (150) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected, inbound left-turn volumes of the driveways.
12. In the case of expansion, alteration or redesign of an existing development, where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards, the City may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than seventy (70) feet (center line to center line).
13. Adjacent property owners may, and are encouraged to, consolidate their driveways by using either a joint driveway system or a frontage road. All frontage roads are to be placed on private property outside of the right-of-way. Easements from participating property owners must be submitted to the City.
14. Requirements for minimum, corner or intersection sight distance for all road approaches shall be in accordance with American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets, 1984, as amended. Where special circumstances are present (frontage limitations, etc.), the minimum sight distances may be reduced to those shown in Table 2.5. Intersection sight distance will be measured fifteen (15) feet from the edge of pavement on paved roads. The eye height will be assumed to be 3.5 feet and the object height will be 3.5 feet if the above-reduced values are used.

**TABLE 2.4 DRIVEWAY SPACING REQUIREMENTS**

POSTED SPEED	DRIVEWAY SPACING
25 MPH	145 FEET
30 MPH	185 FEET
35 MPH	245 FEET
40 MPH	300 FEET
45 MPH	350 FEET

**TABLE 2.5 MINIMUM INTERSECT OR CORNER SIGHT DISTANCES UNDER SPECIAL CIRCUMSTANCES**

POSTED SPEED	DRIVEWAY SPACING
25 MPH	250 FEET
30 MPH	300 FEET
35 MPH	350 FEET
40 MPH	400 FEET
45 MPH	450 FEET

## ARTICLE 2 GENERAL PROVISIONS

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15. All traffic signage and pavement markings at the proposed commercial driveway shall conform to the current Michigan manual of Uniform Traffic Control Devices.
16. In Urban Mixed-Use Districts driveways shall be located on secondary streets and adjacent to the rear or sides of buildings with a minimum distance of fifty (50) feet from the front property line. Refer to Illustration 2.5.

### B. *Design Standards.*

1. All non-residential driveways shall be paved in their entirety, per section 2.16.H.
2. All non-residential driveways shall be constructed with concrete curb and gutter along the entire required-entry and exit radii for the driveway.
3. Two-way, undivided commercial driveways shall be designed to accommodate at least one lane of traffic in each direction. The dimensions of a two-way commercial driveway shall conform to those given in Illustration 2.8.
4. A divided commercial driveway shall have a curbed island (with concrete curb and gutter), separating the entrance drive and exit drive. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. Illustration 2.9 indicates the required dimensions for a divided commercial driveway.
5. In certain instances, particularly on higher speed arterials, the applicant may be encouraged to consider the benefits of auxiliary right-turn deceleration lanes and left-turn passing lanes. These additional lanes, located at the driveway, will enhance the accessibility, safety and image of the proposed development. Traffic volumes may warrant the prohibition of left-turns at driveways on two-way two-lane roads without passing lanes.
  - a. Illustration 2.10 shows when the left-turn prohibition is warranted. The dimensions of left-turn passing lanes are indicated in Illustration 2.11.
  - b. Illustration 2.12 shows when a right-turn deceleration lane and/or taper are warranted. Illustration 2.13 indicates the dimensions of right-turn deceleration lanes and tapers.
6. The dimensions of one-way commercial driveway systems shall conform to those given in Illustration 2.14.
7. Directional commercial driveways are considered to be special cases, and each such driveway shall be designed individually. Directional driveways shall be designed to facilitate the desired turning movements and to discourage prohibited movement. Radii shall be, as approved by the city, based on the intersecting angle and the turning path of the largest vehicle that will normally use the driveway. Standard dimensions for a right-turn-in/right-turn-out-only driveway are shown in Illustration 2.15.
8. Clear vision areas (triangular in shape) shall be maintained on both sides of all commercial drives. A clear vision area shall be determined using the following three points:
  - a. The point of intersection of the side line of a driveway projected to the roadway edge of pavement, and
  - b. Two points, twenty-five (25) feet in distance from that point of intersection. One shall be measured outward from the driveway along the edge of pavement. The other shall be measured along the side driveway line leading onto the subject property.
9. Zoning Administrator or Planning Commission may waive clear vision area requirements in cases where District Standards and/or Building Type Standards are in conflict with clear vision area; and, in the opinion of the Zoning Administrator or Planning Commission, the intended character of the District (as established by the Hudsonville Downtown Master Plan and this Ordinance) is compromised by the clear vision area. Refer to Section 2.11 for Administrative Departures regarding waiving the requirements for clear vision areas.

ILLUSTRATION 2.8 TWO-WAY COMMERCIAL DRIVEWAYS

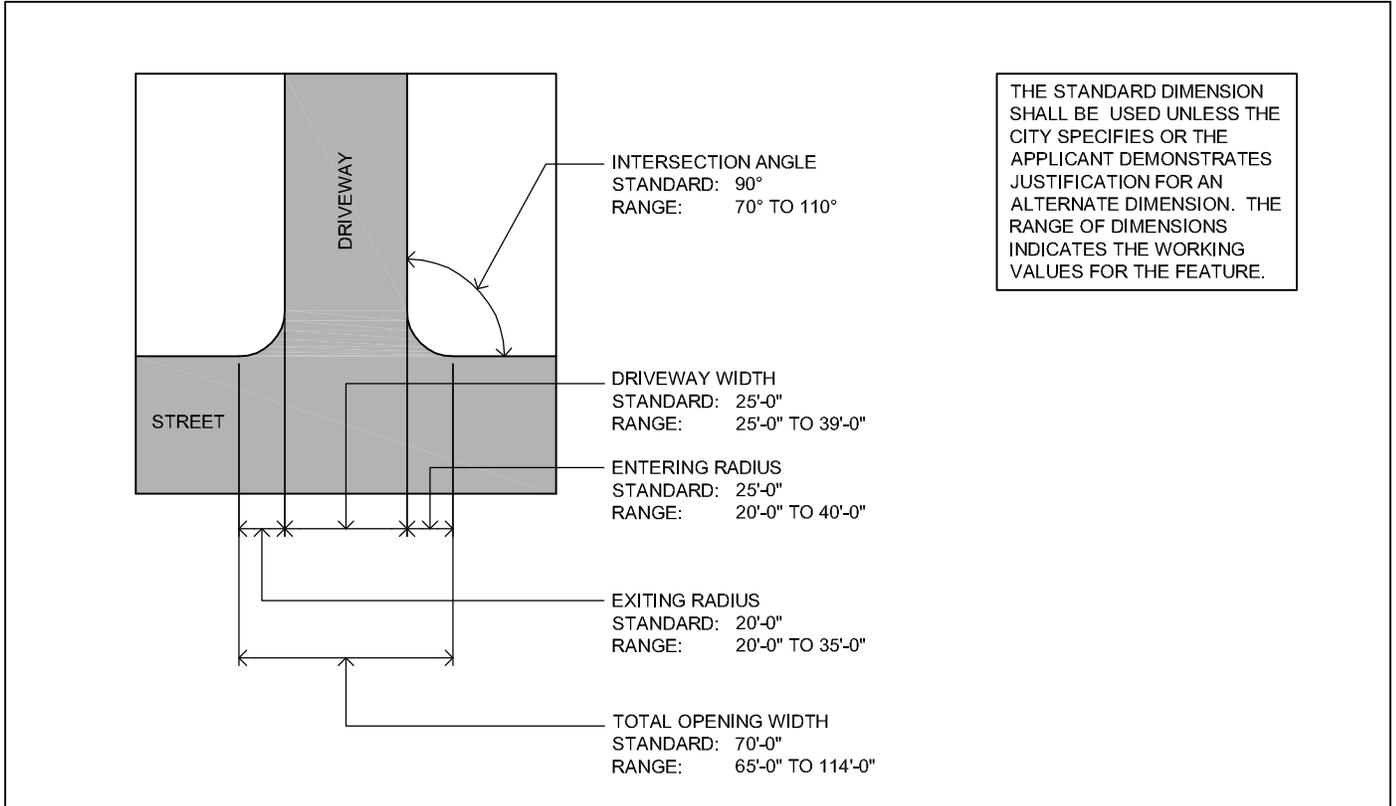
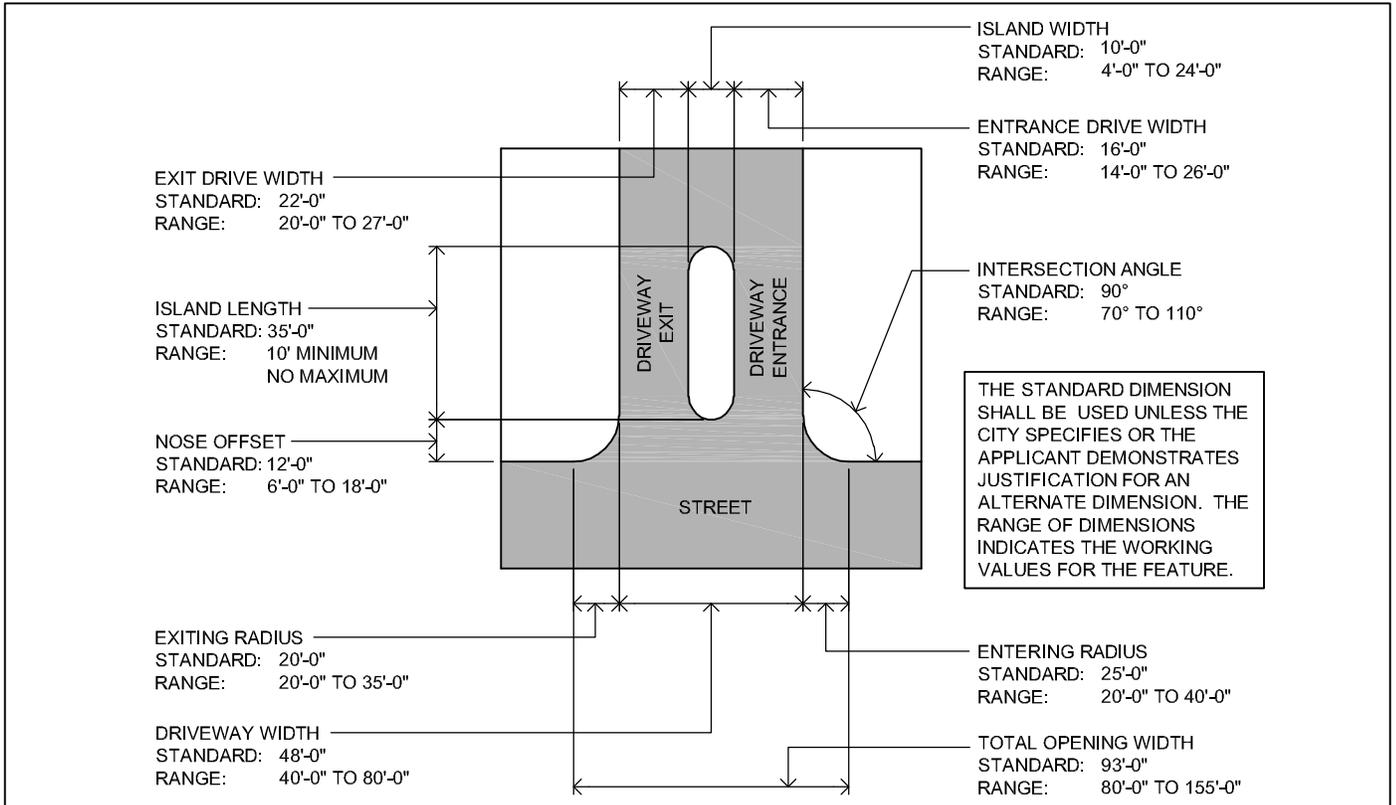
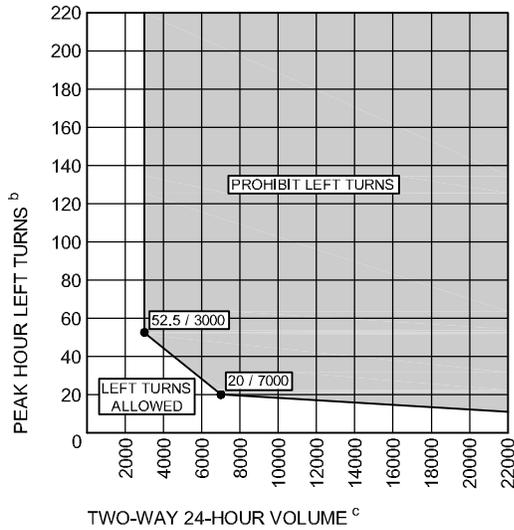


ILLUSTRATION 2.9 DIVIDED COMMERCIAL DRIVEWAYS



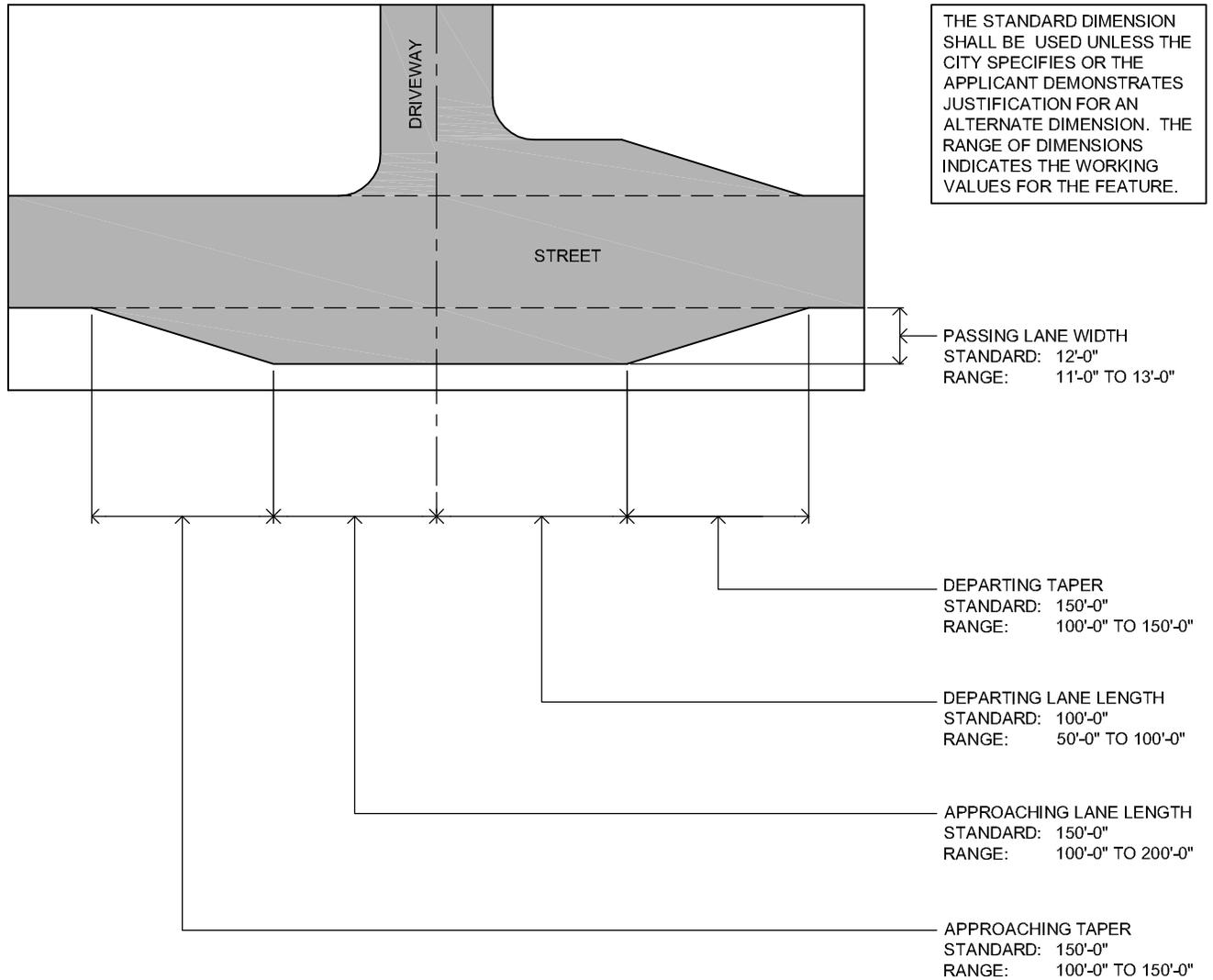
# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.10 WARRANT FOR PERMITTING INBOUND LEFT TURNS



- a. WHERE CONDITIONS INDICATE LEFT TURN INGRESS SHOULD BE PROHIBITED, THE APPLICANT WILL HAVE THE OPTION OF CONSTRUCTING A BY-PASS LANE OR DESIGNING A DRIVEWAY TO PROHIBIT INBOUND LEFT TURNS.
- b. LEFT TURN VOLUME INTO DRIVEWAY BASED ON TOTAL DEVELOPMENT TRIP GENERATION AND DISTRIBUTION ANALYSIS.
- c. BASED ON EXISTING TRAFFIC VOLUME DATA.

ILLUSTRATION 2.11 PASSING LANE



# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.12 WARRANT FOR RIGHT TURN DECELERATION LANE OR TAPER

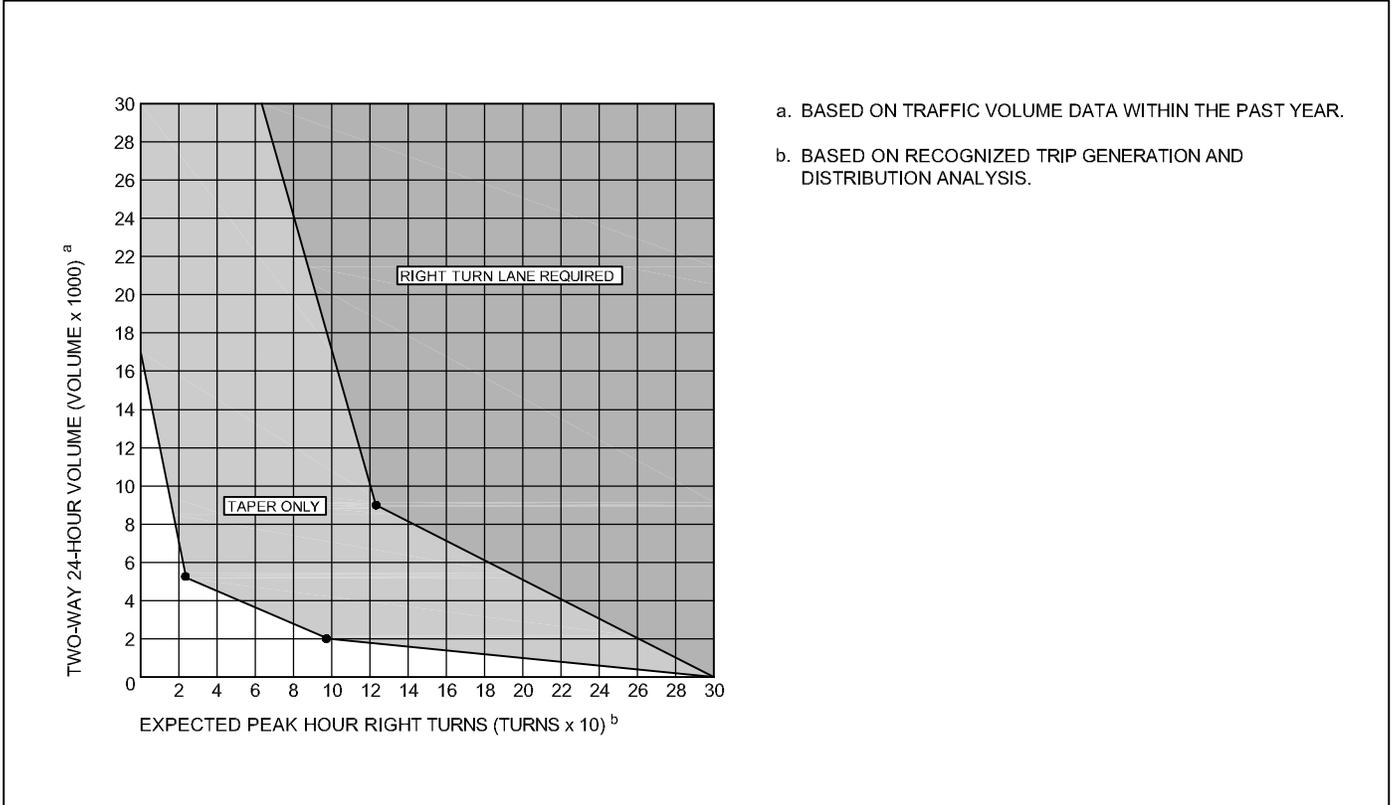
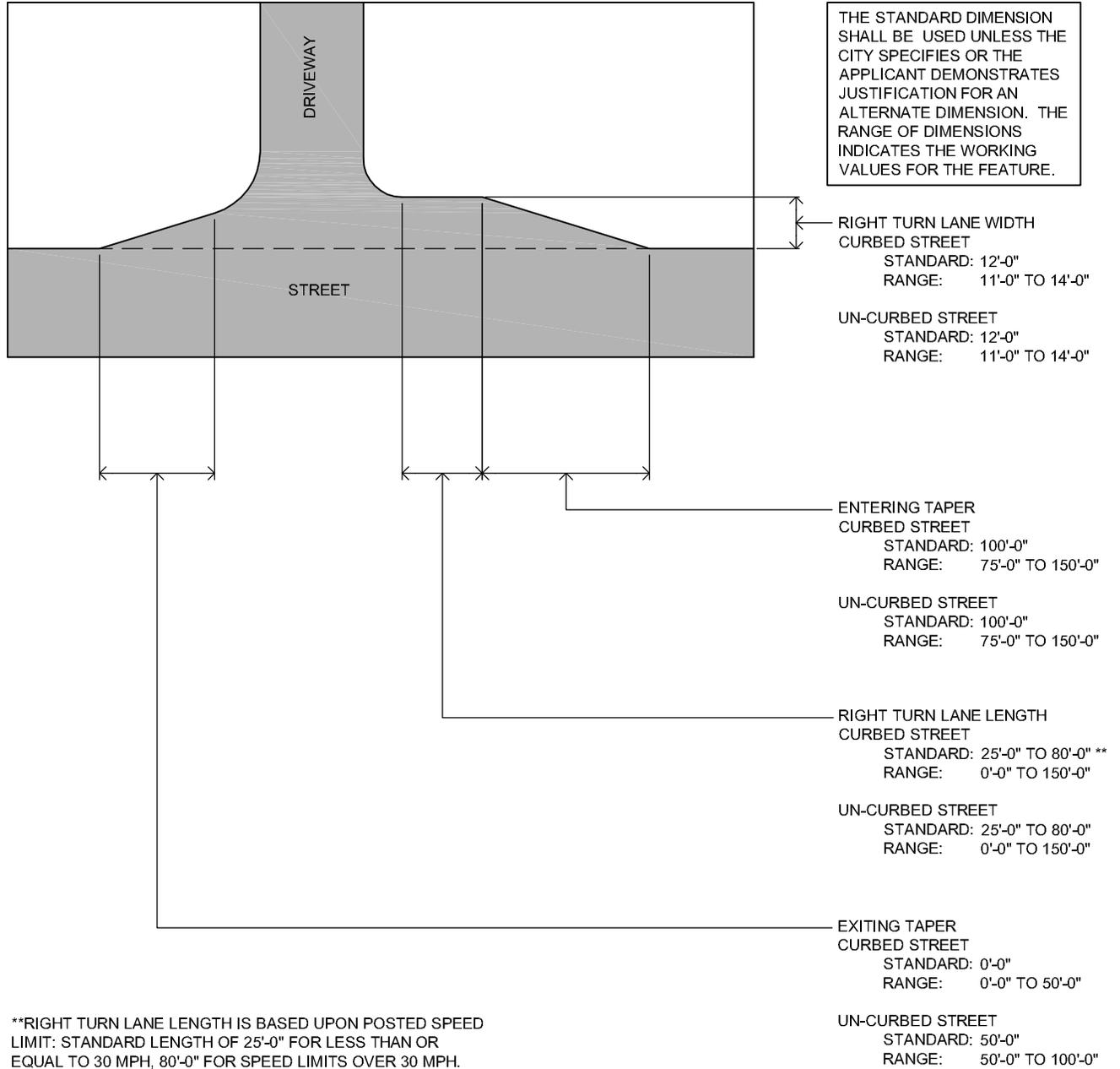


ILLUSTRATION 2.13 COMMERCIAL RIGHT TURN LANE AND TAPER



# ARTICLE 2 GENERAL PROVISIONS

ILLUSTRATION 2.14 ONE-WAY COMMERCIAL DRIVEWAYS

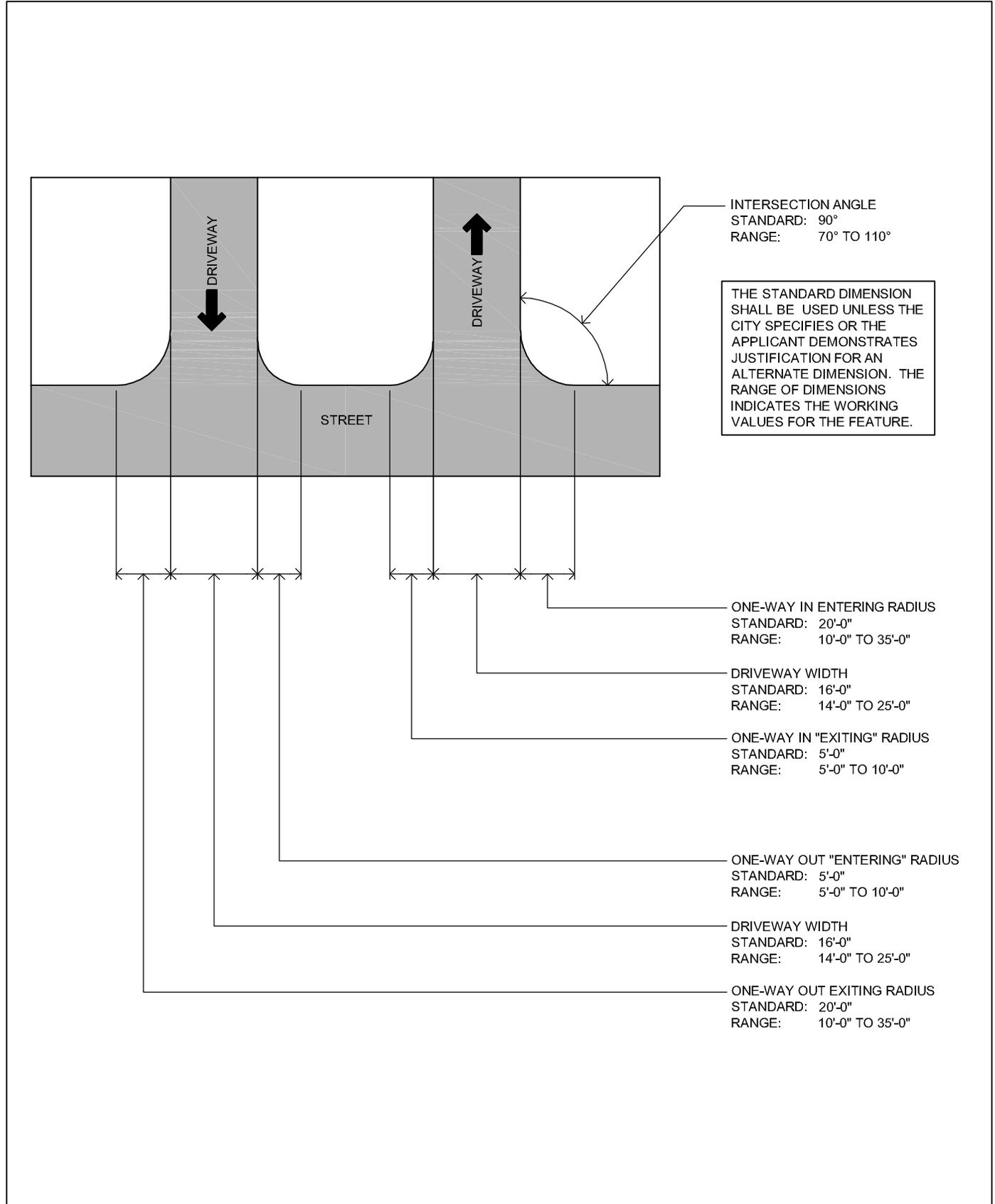
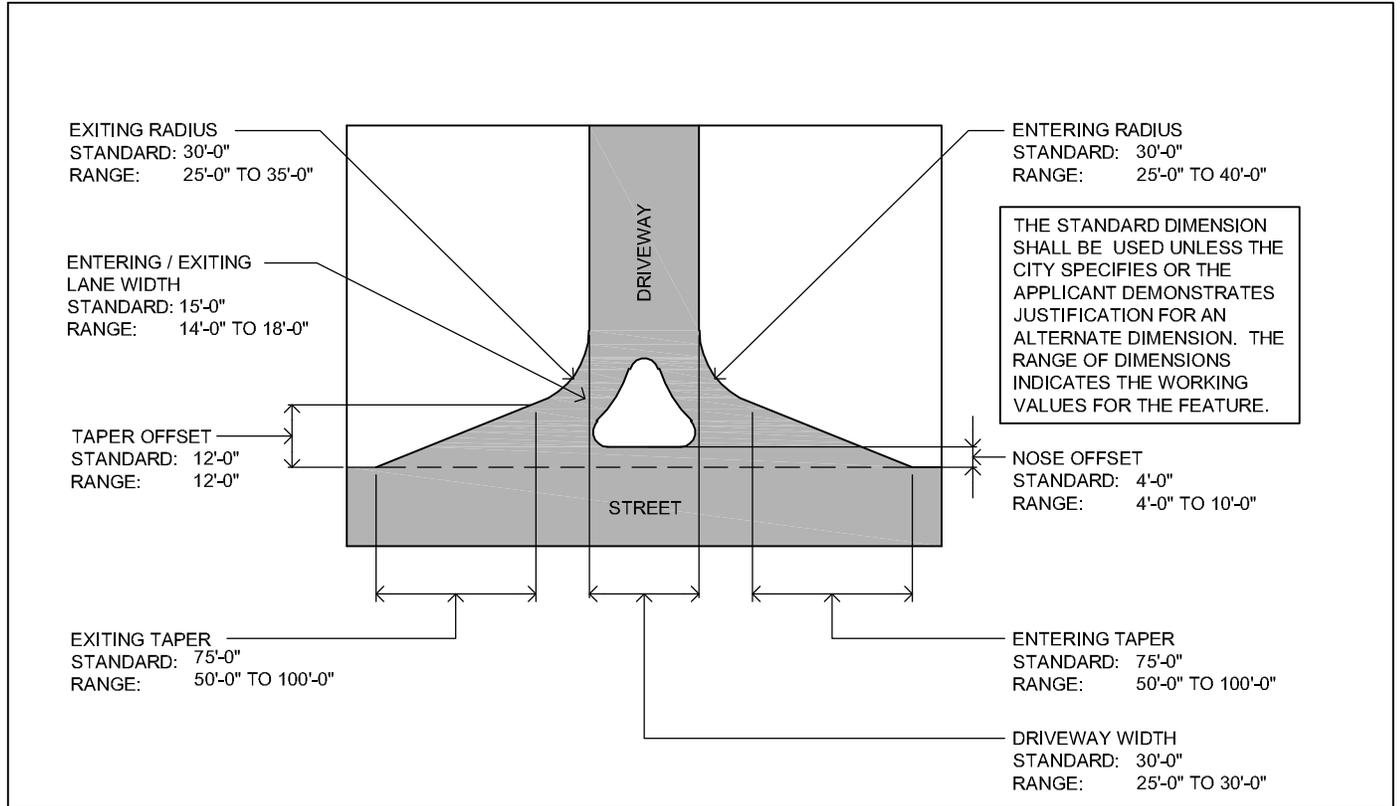


ILLUSTRATION 2.15 DIRECTIONAL DRIVEWAYS



## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.19 Duration of Approvals

Unless otherwise specified in this Ordinance, the duration of approvals shall be as follows:

- A. *One Year Period.* Approval of any project shall be valid for a period of one (1) calendar year, in which time a building permit shall be obtained and substantial progress achieved.
- B. *Extension.* Upon written request, one (1) extension of up to twelve (12) calendar months may be granted by the Zoning Administrator if the applicant can show good cause.
- C. *Change of Ownership.* Permitted time frames do not change with successive owners.
- D. *Expiration.* After the one (1) calendar year approval period, if a building permit is in effect and substantial progress has not occurred, project approval shall expire when the building permit expires.
- E. *Reconsideration of Denial.* Unless otherwise specified, any project denial shall not return for reconsideration by the reviewing body prior to one (1) calendar year from the date of denial. If a request is submitted that is substantially different from the original request, then this requirement shall be waived and the project submittal considered as a new request.

### Section 2.20 Essential Public Services

The construction, alteration, or maintenance of essential public services shall be permitted in any District. If the provision of essential public services involves the construction or alteration of above-ground buildings, plans for such buildings shall be submitted for site-plan review. Above-ground buildings required for the provision of essential public services shall be constructed in compliance with all applicable zoning ordinance regulations where feasible.

### Section 2.21 Existing Platted Lots not Meeting District Standards

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

- A. All requirements of the District shall apply where no practical difficulties exist.
- B. If a variance is required, the Zoning Board of Appeals shall seek the maximum compliance possible.
- C. If more than one lot is owned by the same owner and they are contiguous, and use of more than one lot enables compliance with the zoning ordinance, then such compliance shall be required.

### Section 2.22 Family Day Care Homes

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

- A. The family day care home shall be licensed by the State of Michigan under Act 116 of the Public Acts of 1973.
- B. The Planning Commission may require any site improvement which they feel is necessary to ensure the health and safety of the children to be present on the premises.

### Section 2.23 Free-Standing Outdoor Furnaces

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

### Section 2.24 Frontage on Private or Public Streets

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

### Section 2.25 Home Occupations

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

1. The home occupation shall not involve any person not residing at the home.
2. The home occupation shall not involve any outdoor activities.
3. The home in which the occupation is proposed must be used principally for residential purposes except as allowed for in the Live-Work Building Type in Article 6 of this Ordinance.
4. The home occupation shall not involve the storage of any significant amount of materials for which there is high risk of inflammability or explosion.
5. The home occupation shall be permitted one sign of not more than two square feet in size. Such sign shall be attached to the dwelling.

*Exception:* Live work building types may have signs as allowed by Article 6 and Article 13.

6. The home occupation shall not result in the exterior of the home having other than a residential appearance except as allowed for in the Live-Work Building Type in Article 6 of this Ordinance.
7. The home occupation shall not involve deliveries by trucks greater than 25 feet in length.
8. Noise emanating from the home occupation dwelling as a result of the home occupation shall not exceed 65 DNL as defined by the U.S. Department of Housing and Urban Development.

B. *Approval of Home Occupation not an Acceptance of Commercial uses in Residential Zones.* The allowance of any home occupation by the City, subject to the regulations contained in this section of the Ordinance, shall not in any way constitute an acceptance of, or give validity to, the introduction of nonresidential uses into any residential zoning district.

**Section 2.26 Landscaping**

All developments or uses shall comply with the landscaping regulations contained in Article 9 of this Ordinance.

**Section 2.27 Lot and Yard Measurements**

A. *Distance Measurement.* Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two (2) points.

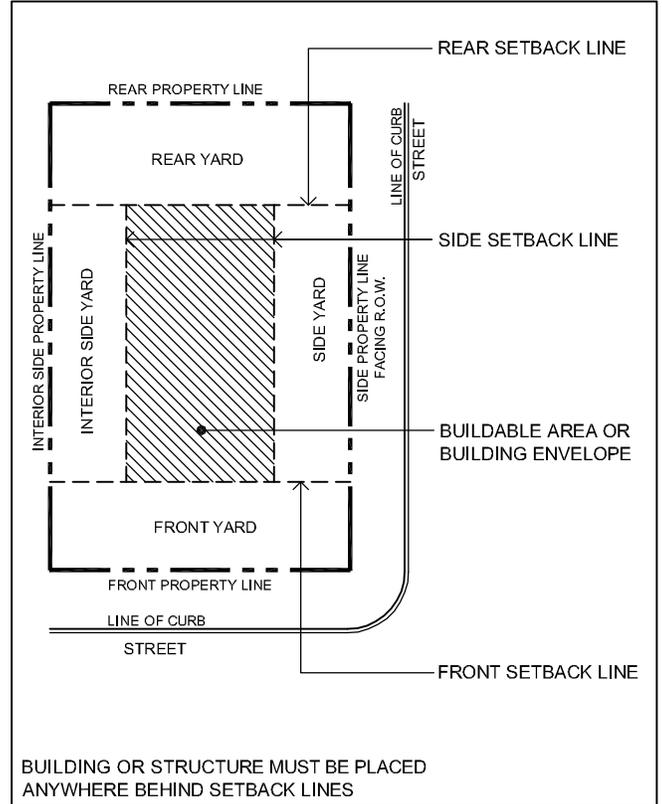
B. *Lot Area Measurement.*

1. *Measurement.* The area of a lot includes the total horizontal surface area within the lot lines of the lot, not to include public or private rights-of-way.
2. *Administrative Departure.* An Administrative Departure of not more than five (5) percent of the required lot area, as described in each District Standard, may be granted where unusual lot configurations, topography or natural features exist, or where the departure would be in keeping with the character of the District.

C. *Building Setbacks.* Refer to Illustration 2.16.

1. *Measurement.* Building setbacks, or setback lines, are the measurements that define the buildable area of a lot. Building setbacks are the minimum horizontal distances required from the front, side or rear lot lines specified in Articles 5 and 6 of this Ordinance. The front, rear and side setback lines are parallel from the relevant lot line, between which no buildings or structures may be erected. The buildable area, located in between these lines, is also known as the building envelope.
  - a. *Front Setback.* The front setback shall extend the full width of the lot.

ILLUSTRATION 2.16 SETBACKS AND YARDS



# ARTICLE 2 GENERAL PROVISIONS

- b. Rear Setback. The rear setback shall extend the full width of the lot.
- c. Side Setback. The side setback shall extend from the side lot line between the front setback line to the rear setback line.

D. *Required Build-to-Lines.* Refer to Illustration 2.17.

1. *Measurement.* Required build-to-lines are the measurements that define the edge in which the street facing building walls are required to be built to. Build-to-lines are the horizontal distances required from the front and/or side lot lines specified in Articles 5 and 6 of this Ordinance. Build-to-lines are parallel from the relevant lot line.
  - a. Front build-to-line shall extend as follows:
    - i. Internal Lots: From internal side setback line to internal side setback line or from side property line to side property line if no side setback lines are required.
    - ii. Corner Lots: From internal side setback line to side build-to-line or to side property line if no side build-to-line is required.
  - b. Side build-to-line shall extend from the front build-to-line (or front property line if no front build-to-line is required) to the rear setback line or rear property line if no rear setback line is required.

E. *Required Build-to-Zones.* Refer to Illustration 2.18.

1. *Measurement.* Required build-to-zones are the measurements that define the zone in which the street facing building walls are required to be built within. Build-to-zones are the horizontal distances required from the front and/or side lot lines specified in Articles 5 and 6 of this Ordinance. Build-to-zones are parallel from the relevant lot line.
  - a. Front build-to-zone shall extend as follows:
    - i. Internal Lots: From internal side setback line to internal side setback line or from property line to property line if no side setback line is required.
    - ii. Corner Lots: From internal side setback line to side build-to-line or to side property line if no side build-to-line is required.
  - b. Side build-to-line shall extend from the front build-to-line (or front property line if no front build-to-line is required) to the rear setback line or rear property line if no rear setback line is required.

ILLUSTRATION 2.17 BUILD-TO-LINES

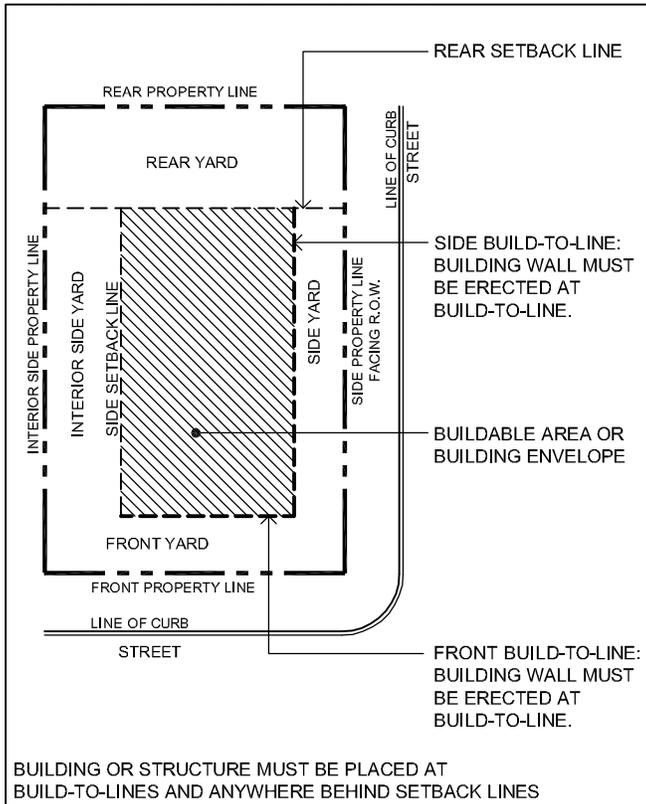
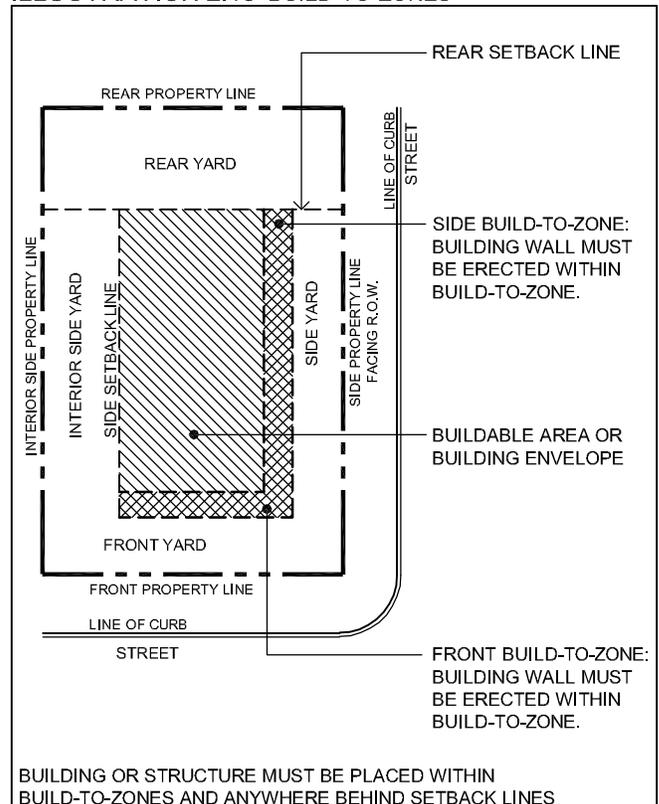


ILLUSTRATION 2.18 BUILD-TO-ZONES



F. Lot Widths.

1. *Measurement.* Lot width is the horizontal distance between the side lot lines, measured parallel to the front lot line
  - a. At the required front yard setback line; or
  - b. At the required front build-to-line; or
  - c. At the nearest edge (closest to the front property line) of a build-to-zone
2. *Minimum Lot Widths for Irregular Lots.*
  - a. The minimum distance between the two (2) side lot lines at the public right-of-way; or
  - b. The minimum distance at the front setback line or required build-to-line / zone between the two (2) side lot lines; or
  - c. If the minimum lot width at the front setback line or required build-to-line / zone cannot be met, the minimum setback line shall be moved further into the lot to the point at which the minimum lot width is met.

Exception: In Urban Mixed-Use Districts, build-to line / zone is required to match adjacent compliant properties.

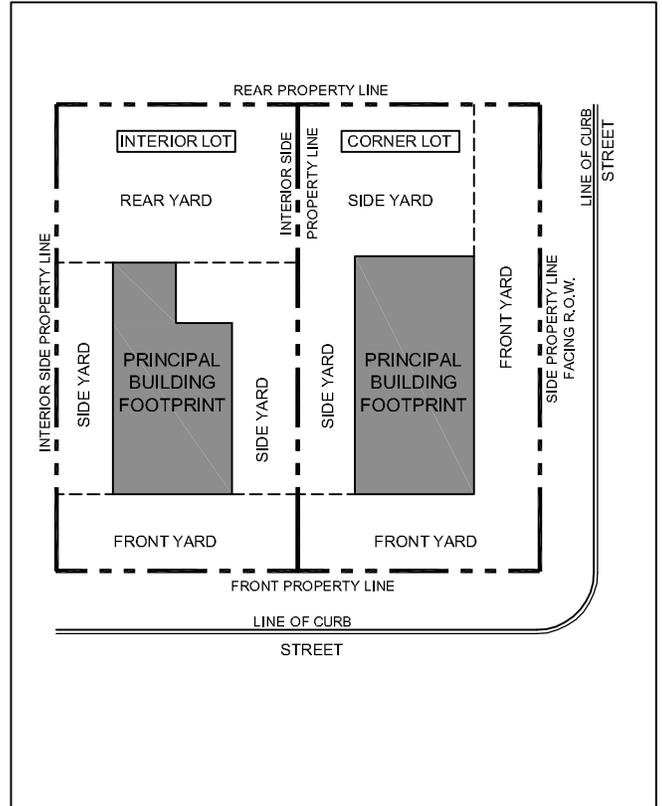
G. Yards. Yards are the open spaces that lie between the nearest lot line and the principal building or structure, as further defined below. The term yard shall only be used in relation to a lot on which a principal building or structure has been placed. Refer to Illustration 2.19.

1. *Front Yard.* A front yard is the open space extending the full width of the lot between the front lot line and the principal building.
2. *Rear Yard.* A rear yard is the open space extending the full width of the lot between the rear lot line and the principal building.
3. *Side Yard.* A side yard is the open space between the side lot line and the principal building, extending from the inner edge of the front yard to the inner edge of the rear yard.
4. *Corner and Through Lots.* Corner and through lots shall have two (2) front lot lines and two (2) front yards. The remaining yards shall be considered side yards. There shall be no rear yards.

H. Encroachments into Setbacks and Yards. The following may be located within setbacks or yards, as permitted under applicable Articles and Sections of this Ordinance and as indicated in this Section (2.27.H).

1. Architectural elements including bay windows, awnings, canopies, eaves and cornices may project into setbacks or yards as follows:
  - a. Front yard: Architectural elements may project into the front yard setback by not more than two (2) inches for each one (1) foot of width of the front yard, except that a chimney may be permitted where it does not obstruct light,

ILLUSTRATION 2.19 YARDS



ventilation, or vision as determined by the Zoning Administrator.

- b. Side yard facing a public right-of-way: Architectural elements may project into the side yard setback by not more than two (2) inches for each one (1) foot of width of the side yard, except that a chimney may be permitted where it does not obstruct light, ventilation, or vision as determined by the Zoning Administrator.
- c. Refer to Article 6 Building Type Standards and Article 7 Private Frontage Standards for additional requirements for projection of architectural elements related to specific building types and frontage types.

2. Unenclosed porches and stoops may project into setbacks or yards in the HUD 7, HUD 6 and HUD 5 districts as follows:

- a. Front yard: Unenclosed porches and stoops (not including steps) may project into the front yard by no more than ten (10) feet, but shall be no closer than five (5) feet from the front property line.
- b. Side yard facing a public right-of-way: Unenclosed porches and stoops (including steps) may project into the side yard provided that it is not closer than five (5) feet from the front property line.

## ARTICLE 2 GENERAL PROVISIONS

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- c. Refer to Article 6 Building Type Standards and Article 7 Private Frontage Standards for additional requirements for projection of unenclosed porches and stoops related to specific building types and frontage types.
  3. Decks and patios may project into setbacks or yards as allowed in Section 2.14.
  4. Driveways may project into setbacks or yards as allowed in Sections 2.16, 2.17 and 2.18.
  5. Private sidewalks may project into setbacks or yards when connecting to a public sidewalk.
  6. Landscaping may project into setbacks or yards except as required by clear vision areas per Section 2.11.
  7. Walls and fences may project into setbacks or yards as allowed in Article 9 Landscape Standards.
  8. *Handicap Ramps.* The Zoning Administrator may permit ramps used for persons with mobility impairments in any yard, provided the location shall not create a hazard or otherwise impede access for operations related to safety, such as access for fire personnel or equipment. Ramp location is preferred in the rear or side yards of a building. Front yard placement shall only be allowed if rear and side yard options are not practical due to site constraints or building access requirements.
  9. *Basement Egress Window Wells.* Basement egress window wells are permitted in side and rear yards, provided:
    - a. The window well is not located within three (3) feet of the side or rear lot line.
    - b. The requirements for all applicable building and fire codes are met.
  10. *Below Grade Features.* Below-grade or underground features shall not extend into any front, side or rear yard, unless otherwise allowed in this Ordinance
- I. *Projections into the Public Right-of-Way.* For zero setback buildings in Urban Mixed Use Districts, the following may project into the public right-of-way, as permitted under applicable Articles and Sections of this Ordinance and as indicated in this Section (2.27. I).
1. *Balconies.* A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend five (5) feet over a public sidewalk, provided an encroachment permit is obtained from the Zoning Administrator.
  2. *Awnings.* An awning with a minimum ground clearance of eight (8) feet may extend over a pub-

lic right-of-way to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.

3. *Canopies.* A canopy with a minimum ground clearance of eight (8) feet may extend over a public right-of-way to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.
4. *Eaves.* Building eaves with a minimum ground clearance of twelve (12) feet above finished grade may extend to within five (5) feet of curb, provided an encroachment permit is obtained from the Zoning Administrator.
5. *Projecting Signs.* Projecting signs with a minimum ground clearance of eight (8) feet above finished grade may five (5) feet over a public sidewalk and as allowed in Article 13 Sign Standards, provided an encroachment permit is obtained from the Zoning Administrator.

### Section 2.28 Lot Coverage

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

### Section 2.29 Lot to Building Relationship

There shall not be more than one principal structure permitted on any one lot in any residential district.

### Section 2.30 Lot Width of Cul-de-sac Lots

The planning commission may reduce the minimum lot width for cul-de-sac lots by up to 40%.

### Section 2.31 Outdoor Lighting

For definitions pertaining to Section 2.31 refer to Lighting, Outdoor definitions in Article 21.

A. *Purpose.* The purpose of this Section is to provide reasonable regulations to direct the location, design, illumination level and use of outdoor lighting to minimize its undesirable effects. Specifically, this Section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare of the City of Hudsonville:

1. Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
2. Eliminate intrusive outdoor light and lighting that unnecessarily contributes to artificial “sky glow” and energy consumption.
3. Maintain safe night-time driver performance on public streets by minimizing both brightly lit surfaces and lighting glare.
4. Promote lighting that provides security but protects the privacy of adjacent properties.
5. Allow lighting that is not unduly intrusive or a nuisance to nearby residents, property occupants, pedestrians and drivers.

6. Curtail and reverse the degradation of the night-time visual environment and the night sky.

B. *Lighting Prohibitions.* No lights shall shine directly into windows or onto streets and driveways in such a manner as to interfere with or distract driver vision or the privacy of adjacent uses.

C. *Lighting Plan.* The following information shall be included for all Site Plan Reviews. Where site plan approval is not required, one or more of the following items may be required by the Zoning Administrator prior to lighting installation:

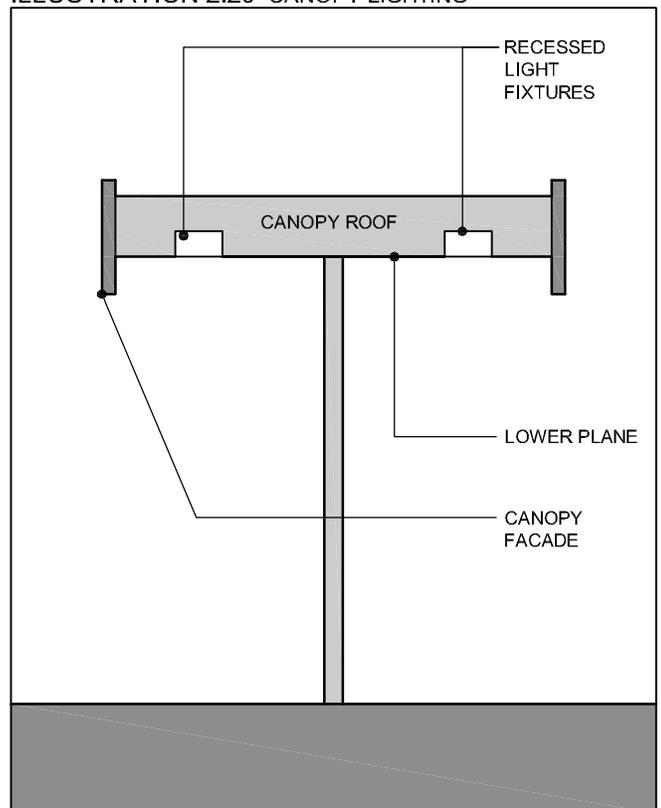
1. A site plan drawn to a scale of one (1) inch equaling no more than thirty (30) feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.
2. A description of the proposed luminaires, including lamps, poles or other supports, mounting heights and shielding devices, which may be provided as catalogue cut sheets from the manufacturer.
3. Specifications for all proposed lighting fixtures including photometric data, designation as Illuminations Engineering Society of North America (IESNA) “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures such as that furnished by the manufacturer.
4. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Section. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five (25) foot on-center grid and shall project twenty-five (25) feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels shall also be measured for all surrounding streets at the public right-of-way.
5. The lighting plan shall provide a design for illuminations in accordance with this Section.

D. *Exterior Lighting.*

1. All exterior lighting, including free-standing, canopy, pole, and building mounted, shall be fully shielded or fitted with opaque hoods, louvers, shades, or other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line. The term “light source” includes the light bulb and all refractive, reflective and translucent light transmitting parts of the fixture.

2. Canopy lighting shall be fully recessed. Refer to Illustration 2.20.
3. No exterior lighting shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property.
4. No exterior lighting shall illuminate any public or private road or public right-of-way.
5. The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any lot line, except where it abuts a Residential District or residential use, where a maximum of 0.5 footcandles is permitted. The only exception is with vehicle service use canopies and new or used vehicle sales lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above requirements shall apply to intensity at the property line.
6. Except as otherwise required, the mounting height of fixtures that are located within one-hundred and fifty (150) feet of a Residential District shall not exceed twenty (20) feet. Mounting height shall not exceed thirty (30) feet in any other circumstance.

ILLUSTRATION 2.20 CANOPY LIGHTING



## ARTICLE 2 GENERAL PROVISIONS

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### E. *Fixtures*

1. All outdoor fixtures, including building mounted fixtures, shall be full cut-off, shielded fixtures as defined by IESNA.
2. High Intensity Discharge (HID) fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent “sky glow.”
3. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.

### F. *Architectural Lighting*. When buildings and structures are to be illuminated, the Zoning Administrator shall approve a design for the illumination using the following standards:

1. **Direction of Lights.** Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets, streets or properties, and light shall not trespass onto surrounding properties.
2. **Facade Lighting.** Lighting fixtures mounted on the building and designed to “wash” the facade with light are permitted.
3. **Landscaping Lighting.** The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.

### G. *Other Lighting*.

1. Indirect or front-lighted illumination of buildings is permitted provided that there is no glare.
2. Indirect or front-lighted illumination of signs, canopies and awnings shall be as required in Article 13, Sign Standards.
3. Changeable message signs and dynamic displays on signs shall be as required in Article 13, Sign Standards.
4. The use of a laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited, except as permitted in Article 13 Sign Standards.
5. Lighting shall not consist of or have the appearance of movement or flashing components, except as permitted in Article 13 Sign Standards

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

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

1. Outdoor light fixtures installed prior to the effective date of this Ordinance and replacements of the luminaire or lamp of those fixtures. The Zoning Administrator may require that existing light fixtures be re-directed in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.
2. Streetlights located within a public right-of-way.
3. Outdoor light fixtures which use an incandescent light bulb of, or light level equivalent to, one hundred fifty (150) watts or less, except where they create a hazard or nuisance from glare or spillover light.
4. Lighting necessary for street or utility construction or emergencies.
5. Holiday lighting, and lighting for doorways and walks.
6. Lighting necessary for baseball, softball, football and soccer fields, or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be extinguished within one half (1/2) hour of the completion of the event.

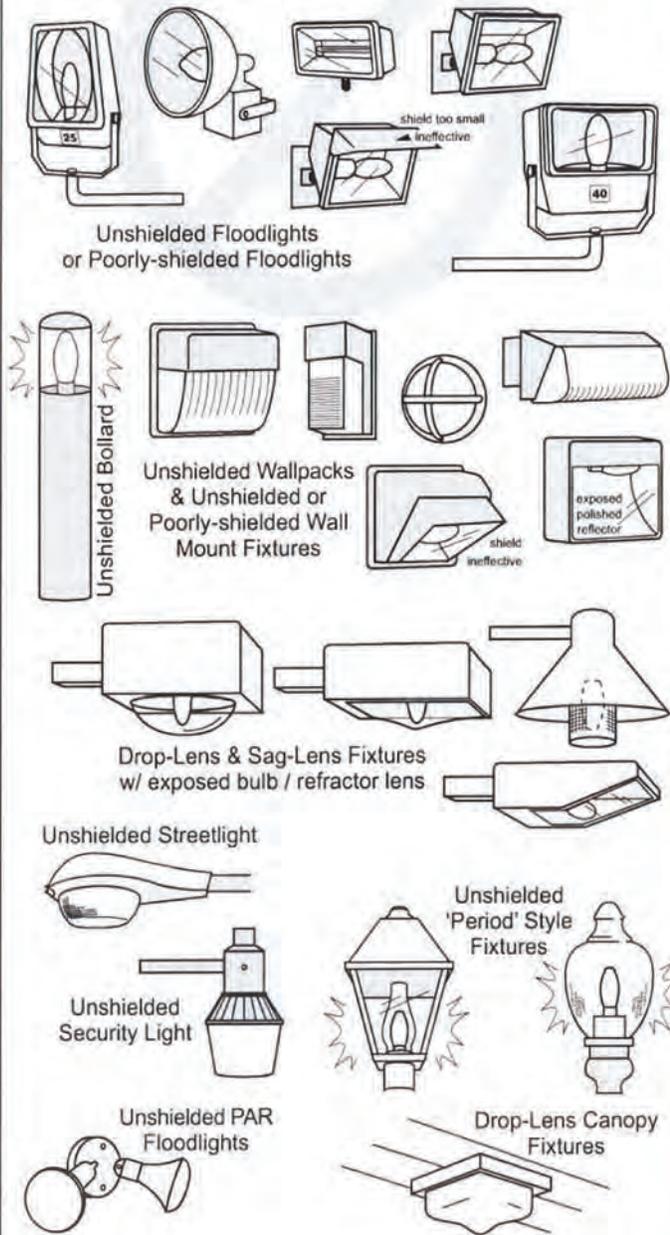
### J. *Administrative Departure*. The Zoning Administrator may grant an Administrative Departure from the requirements of this Section if it is determined that in so doing, it shall not contradict the purposes of this Section or negatively affect the health, safety and welfare of the public.

### K. *Luminaire (Light Fixture) Illustrations*. The following luminaire illustrations (Illustration 2.21) shall be used as a guideline to help determine the appropriate lighting fixtures, which offer different levels of shielding. Note that these graphics do not represent a complete inventory of permitted and prohibited fixtures.

ILLUSTRATION 2.21 LUMINAIRES

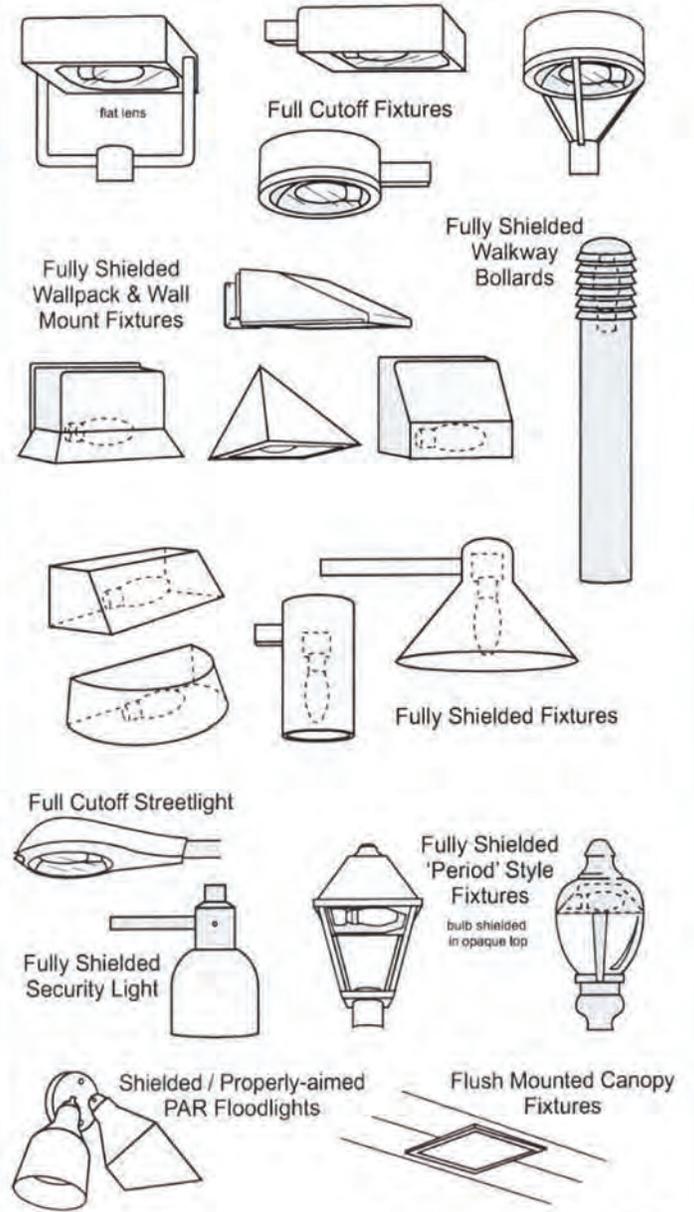
**Prohibited Fixtures**

Fixtures that produce glare and light trespass



**Permitted Fixtures**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



BC 9/03

SOURCE: DARK SKY SOCIETY, [www.darkskysociety.org](http://www.darkskysociety.org)

## ARTICLE 2 GENERAL PROVISIONS

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### Section 2.32 Parcel or Lot Division

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

### Section 2.33 Parking

All developments or uses shall comply with the parking and loading standards contained in Article 12 of this Ordinance.

### Section 2.34 Pedestrian Access

- A. *New Construction.* All sites on which any new construction occurs shall provide sidewalks conforming to City standards along all portions of the property which border a public street, excluding alleys.
- B. *Walkways in Parking Lots.* Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots through raised walkways, marked crosswalks or similar methods.
- C. *Minimum Clearance for Pedestrians.* At least five (5) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians at all times.

### Section 2.35 Performance Guarantee

- A. *Purpose.* To ensure compliance with the zoning ordinance, relative to the approval of a site plan, the Planning Commission, Zoning Board of Appeals, City Commission or Zoning Administrator may require the applicant to deposit a performance guarantee or surety as set forth in this section. The purpose of the performance guarantee is to ensure completion of improvements required by this Ordinance and contained on the approved site plan.
- B. *Performance Guarantee Definition.* Performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond, as determined by the applicant and verified by the Planning Commission or city consultant, in the amount of the estimated cost of the improvements, plus the amount of any applicable fee established from time to time by resolution of the City Commission to cover the City's costs related to determining compliance with the zoning ordinance in connection with performance guarantee.
- C. *Acceptance of Performance Guarantee.* No performance guarantee will be accepted by the City without the applicant first obtaining a zoning compliance permit (if no other permit is filed) from the Zoning Administrator pursuant to Section 20.03.

D. *Deposit Requirements.* Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the city treasurer prior to the issuance of a building permit for the development and use of the land, or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. Upon the deposit of the performance guarantee, the City shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the applicant.

E. *Time of Completion for Performance-Guarantee-Backed Improvements.* An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

F. *Rebate of Performance Guarantee to Applicant.*

1. In the event the performance guarantee deposited is a cash deposit or certified check, the City shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed, as confirmed by the Zoning Administrator. The remaining fifty (50) percent of the deposited funds will be rebated when one-hundred (100) percent of the required improvements are completed, as confirmed by the Zoning Administrator.
2. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to assure compliance with the zoning ordinance standards and the specifications of the approved site plan.
3. Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

G. *Defaults in Making Performance-Guarantee-Backed Improvements.*

1. In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or other means.

The City shall specifically have the right to enter upon the subject property to make the improvements.

2. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
3. Should the City use the performance guarantee, or a portion thereof, to complete the required improvement, any amounts remaining after said completion shall be applied first to the City's administrative costs in completing the improvement. Any balance remaining shall be refunded to the applicant.
4. At the time the performance guarantee is deposited with the City, and prior to the issuance of a building permit or occupancy permit, the applicant shall enter into an agreement with the City incorporating the provisions of the performance guarantee.

### Section 2.36 Private Streets

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

B. *Eligibility.*

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

C. *Approval*

1. Private streets shall be permitted where there is no opportunity or potential to establish a public street or plat the land.
2. No private street may be constructed, extended, or otherwise improved without the approval of the Planning Commission.
3. A permit shall be required from the Zoning

Administrator prior to the start of any construction related to private streets.

D. *Application Requirements.* The following shall be submitted to the Zoning Administrator:

1. *Application Form.* A completed application form, supplied by the City, containing the name(s) and address(es) of the owner(s) and all other parties having any access interest in the private street.
2. *Identification of Involved Properties.* Identification by parcel number of all properties having any legal interest in the private street shall be included in the application.
3. *Street Name.* The proposed name of the street.
4. *Planned Map.* A map, drawn to scale, prepared by a registered engineer or surveyor, showing the precise location, route, dimension and design of the private street shall be included in the application. The map shall identify existing and proposed elevation contours within all areas to be disturbed or altered by the construction of the private street.
5. *Location of Utilities.* The location of all public or private utilities to be located within the private street right-of-way or easement, or within twenty (20) feet thereof, including, but not limited to, water, sewer, storm, telephone, gas, electricity, and cable television shall be included in the application.
6. *Location of Streams, Drainageways and Wetlands.* The location of any streams, drainageways, or wetlands, as determined by the Michigan Department of Natural Resources, within the proposed private street right-of-way or easement or within one-hundred (100) feet thereof shall be included in the application.
7. *Maintenance Agreement or Covenant.* A copy of a recorded maintenance agreement or restrictive covenant which provides for the continued maintenance and repair, and the financing thereof, of the private street by the parties in interest shall be included in the application. Such agreement or covenant shall comply with the requirements of this section.
8. *Application Fee.* An application fee, established by the Hudsonville City Commission shall be included in the application.

E. *Construction.* All private street construction shall comply with the following standards and requirements:

1. *Maximum Grade.* The grade of a private street shall not exceed eight percent, with the exception that the private street shall have a maximum grade of three percent for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private street.

## ARTICLE 2 GENERAL PROVISIONS

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2. *Minimum Grade.* The minimum grade for a private street shall be 0.6 percent.
3. *Minimum Setback From Adjoining Lots.* The improved surface of a private street shall be a minimum of twenty (20) feet from any adjoining lot or parcel which does not derive access from the easement or private street.
4. *Surface and Base Requirements.* Private streets shall have an improved surface of two inches of bituminous aggregate which is at least twenty-four (24) feet in width, with a minimum of six (6) inches of aggregate base meeting Michigan Department of Transportation Specification 22A.
5. *Cul-de-sac Length Restrictions.* A private cul-de-sac shall not exceed eight-hundred (800) feet in length. However, the Planning Commission may permit a cul-de-sac up to 1,320 feet ( 1/4 mile) in cases where such a cul-de-sac would serve four (4) or fewer dwelling units. The length of a private cul-de-sac shall be measured along its center line, from its intersection with either the centerline of a public street, or the centerline of a private street that has more than one outlet to a public street, to the terminal end of the private cul-de-sac.
6. *Turn-around Provision.* A private street shall be provided with a means for turn-around of vehicles, either by use of a cul-de-sac having an improved surface as required for the associated street surface and having a minimum outside radius of forty (40) feet, or by use of a continuous-loop street layout.
7. *Repair of Damaged reas.* All areas disturbed by the construction of the private street shall be provided with topsoil, seeded with perennial grass, and protected against erosion.

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

G. *Maintenance.*

1. The private street shall be continuously maintained in such a manner that it does not constitute a danger to public health, safety and welfare. All costs associated with the repair of the private street shall be the responsibility of the individuals and/or the property owners association(s) comprised of land owners served by the street.
2. Ongoing maintenance issues to be addressed shall include the physical condition of the roadway and associated utilities, proper functioning of all associated drainage systems and timely snow removal.
3. The above shall be accomplished through use of a recorded agreement between the parties of inter-

est to the private street, or through a restrictive covenant which shall run with the land. A copy of said agreement or restrictive covenant shall be provided to the Zoning Administrator prior to issuance of a permit for construction of the private street.

H. *Lot Subdivision.* Lots may be created with frontage on private streets, provided that the lots conform to all requirements of the Zoning District where the land is located, and further, that the lots shall not be created until an easement agreement for the private street is executed in full compliance with this Article.

I. *Access and Occupancy.* The private street shall be readily accessible to and usable by emergency vehicles in all weather. An occupancy permit for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been constructed with sufficient width, surface and grade to insure the safe passage and maneuverability of emergency service vehicles.

J. *Disclosure.* The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: “*This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not required to be maintained by the City of Hudsonville or Ottawa County.*”

K. *Performance Guarantee.* As a condition of approval of a private street and the issuance of a permit, the City may require that the applicant provide a performance guarantee or surety acceptable to the City, the release of which is conditioned upon the satisfactory performance by the applicant of the terms of this Section and any conditions of approval.

L. *Effect on New and Existing Private Streets.*

1. The provisions of this Section shall apply to all private streets designated or constructed on and after the effective date of this Ordinance.
2. If one or both of the following occurs after the effective date of this Ordinance, the entire private street, including the portion thereof existing prior to the adoption of this Ordinance, shall comply with all requirements of this Section:
  - a. An existing private street is extended by an increase in its length.
  - b. Lots or parcels of land are added to the existing private street.

**Section 2.37 Relocation of Existing Buildings on Parcels or Lots in the City**

- A. *Special Use Permit requirements.* A special use permit shall be required if any building from either inside or outside of the city is to be relocated upon any parcel or lot in the city.
- B. *Design Compatibility.* Any building proposed to be relocated within the City shall be compatible in design and construction with buildings and other structures already existing in the immediate area of the proposed building relocation site. In Urban Mixed Use Districts the relocated building shall adhere to one of the types listed in Article 6 Building Type Standards.
- C. *Compliance with Zoning Ordinance Requirement.* Any building proposed for relocation shall conform to all other requirements of the District in which the relocation site is located.
- D. *Bond Requirement.* The City may require a bond to insure against damage to City streets or other public property and also to provide for proper relocation of any building.
- E. *Route Approval.* The route to be taken within the City must be approved by the City.
- F. *Responsibility for Payment of Public Expenses Incurred.* The permittee shall be responsible to pay for all costs incurred by the City which are attributable to the building relocation.

**Section 2.38 Repair and Storage of Vehicles in Residential Districts**

- A. *Permitted Repair and Maintenance.* In all Residential Districts, mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant is permitted with the following conditions:
1. Not more than one (1) vehicle shall be under repair at any given time.
  2. There shall be no outside storage of automobile parts or equipment.
  3. Repair activities shall not create excessive noise, vibration, odor or other nuisances to neighboring properties.
  4. Mechanical and maintenance work includes changing oil, tune ups, etc.
  5. Repair involving major body work or major engine repair shall only be permitted if performed within an enclosed building.
- B. *Prohibited Repair and Maintenance.*
1. When not performed within an enclosed building, repair involving body work or major engine repair shall be prohibited.

2. Commercial repair (repair being conducted for monetary compensation on vehicles or equipment owned by other than residents of home where the repair activity is taking place) shall be prohibited.
3. Repair and maintenance activities being performed outside of an enclosed building shall not be permitted for more than two days in any week.

- C. *Prohibited Vehicle Storage.* Inoperable vehicles and vehicles without a valid license plate shall not be permitted to be stored in a residential district unless within an enclosed building.

**Section 2.39 Rooftop Accessory Structures**

- A. *Allowance for Exceeding Maximum Building Height.* The height of accessory structures, such as chimneys, air conditioning units, and other mechanical appurtenances, may exceed the maximum building height for the District in which it is located by a maximum amount of fifteen (15) feet.
- B. *Required Screening.* Where rooftop appurtenances are within fifteen (15) feet of a building edge, the Planning Commission may require that they be screened to a height of three (3) feet above roof grade. The Planning Commission shall base their decision to require screening on the aesthetic quality of the rooftop appurtenances and degree of visibility to adjacent uses and the general public.

**Section 2.40 Satellite Dish Antennae**

- A. *General Standards Applying to all Satellite Dish Antennae and Similar Devices.*
1. *Permanent Installation.* Satellite dishes and similar devices must be permanently installed on a building, in the ground or on a foundation, not on a portable or movable structure, such as a trailer.
  2. *Appearance.* The surface of the device shall be painted or treated so that it does not reflect glare from sunlight, and shall use to the extent practicable, materials and colors that blend with the surroundings.
  3. *Signage.* The surface of the device shall not be used as a sign or message board.
  4. *Wiring and Cables.* All electrical, antenna wiring, and cables serving ground-mounted satellite dish antennae must be located underground. Cables and lines serving building mounted satellite dish antennae must be firmly attached to the building and installed in a location that is the least visible from the public right-of-way.
  5. *Electromagnetic Interference.* Satellite Dishes must be filtered or shielded to prevent radio-frequency energy emissions that would cause harmful interference with radio or TV reception or broadcasting on neighboring properties.

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6. *Construction, Installation and Operation:* Compliance with all Federal, State and local regulations is required.

### B. *Roof-Mounted Satellite Dish Antennae.*

1. Roof-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts.
2. Roof-Mounted Satellite Dish Antennae or similar devices that are more than one (1) meter (or 39 inches) in diameter are not permitted in any District.

### C. *Building-Mounted Satellite Dish Antennae.*

1. Building-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts.
2. Building-Mounted Satellite Dish Antennae or similar devices that are more than one (1) meter (or 39 inches) in diameter are not permitted in any District.

### D. *Ground-Mounted Satellite Dish Antennae.*

1. Ground-Mounted Satellite Dish Antennae or similar devices that are one (1) meter (or 39 inches) or less in diameter may be installed without a permit in all Districts, subject to the following conditions:
  - a. The maximum height shall be fifteen (15) feet.
  - b. The dish antennae and devices shall comply with all setback requirements of the District.
  - c. The dish antennae and devices shall not be permitted in front yards or side yards that are adjacent to public right-of-way, except in cases where the applicant can demonstrate that locating the dish antennae in the rear yard or side yard (that is not adjacent to a public right-of-way) is impractical or would prevent the otherwise proper functioning of the satellite antennae. The applicant is required to submit a letter stating these conditions to the Zoning Administrator.
  - d. Evergreen screening shall be provided in sufficient concentration to reasonably conceal the device. Alternative screening that achieves the same effect may be approved by the Zoning Administrator.
  - e. The devices shall be located and designed to withstand a wind force of ninety (90) miles per hour. The device shall be securely mounted and anchored in accordance with manufacturer specifications and the Building Code.
2. Ground-Mounted Satellite Dish Antennae or similar

devices that are more than (1) meter (or 39 inches) in diameter may be installed without a permit in all Districts, subject to the following conditions:

- a. The maximum height shall be fifteen (15) feet.
- b. The dish antennae and devices shall comply with all setback requirements of the District.
- c. The dish antennae and devices shall not be permitted in front yards or side yards.
- d. Evergreen screening shall be provided in sufficient concentration to reasonably conceal the device. Alternative screening that achieves the same effect may be approved by the Zoning Administrator.
- e. The devices shall be located and designed to withstand a wind force of ninety (90) miles per hour. The device shall be securely mounted and anchored in accordance with manufacturer specifications and the Building Code.

- E. *Administrative Departure.* An Administrative Departure may be approved by the Zoning Administrator to vary any provision of this Section if its application inhibits or prevents the reasonable operation of the satellite dish antenna or similar device. If so approved, the Zoning Administrator may require additional screening or other reasonable conditions to reduce the visibility of the device from adjacent properties.

### **Section 2.41 Sidewalks**

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

### **Section 2.42 Soil Removal, Grading and Filling**

#### *A. Intent*

1. It is the intent of this section to regulate the removal of soil, the grading and leveling of soil, and the filling of soil within the City of Hudsonville. These regulations are necessary because of the potential for adverse impacts and damages including:
  - a. Noise,
  - b. Dust,
  - c. Odors,
  - d. Alteration of topographical and geographical characteristics of the land,
  - e. Elimination of topsoil,
  - f. Erosion,
  - g. Filtration of soil into city storm sewers,
  - h. Shifting earth, and
  - i. Standing water.
2. The regulations are also intended to preserve city resources, prevent nuisances and hazards, and require reasonable control of the above-stated activities.

B. *Requirements for Permit.* It shall be unlawful for any person to undertake any fill project upon any land in the city without a permit issued by the zoning administrator pursuant to the terms of this section. Exceptions to this regulation shall include:

1. Projects which are a part of uses or activities approved under site plan review or special use permit;
2. Projects incidental to development of land subject to the Subdivision Control Act, Act 288 of 1967, as amended, when final preliminary plat approval has been obtained; and
3. Projects involving any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interests of good land husbandry.

C. *Requirements for Obtaining a Permit.*

1. The application for a permit shall be filed with the Zoning Administrator. The Zoning Administrator may request such information from the applicant as is necessary to determine that the fill project for which approval is requested will meet the requirements of this section. The Zoning Administrator may consult with the city engineer to make such a determination. The Zoning Administrator shall issue the permit requested if he/she is satisfied that the following provisions have been met:
  - a. The fill project will not impede drainage.
  - b. The fill project will not alter the topographical features of the applicant's property, causing a change in the natural flow of surface waters with respect to adjoining properties.
  - c. The fill project will not be in violation of any condition of this Ordinance or other city ordinance or state law.
  - d. The fill project uses only soil as defined in Article 21 Definitions of this Ordinance.
  - e. The fill project does not endanger health, safety or welfare of any individual.
  - f. The proposed operation will not create an unreasonable hazard, annoyance, or inconvenience to the owners or occupants of nearby property; will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby properties; and will not adversely affect implementation of the zoning ordinance or city master plan.
2. Where necessary for proper consideration of the factors listed in subpart C.1 of this Section, the Zoning Administrator is authorized to require the applicant to furnish any or all of the following information:

- a. A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted;
- b. The residence and business address of the applicant;
- c. The exact nature of the proposed soil to be used in the project and an estimate of the approximate number of cubic yards involved;
- d. The proposed route where soil is to be transported;
- e. The location of the place and the name and address of all persons and firms from whom the soil and any materials to be used in the project are to be obtained;
- f. The start and completion date for the project, including the hours during which the soil will be transported;
- g. A topographic map of existing land features prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at a scale not smaller than one-hundred (100) feet to one (1) inch, indicating the following:
  - i. A legal survey of the property wherein filling is proposed,
  - ii. The existing ground surface elevations for involved property and adjacent contiguous areas within three-hundred (300) feet of said property, bounded by accurate contours at intervals not exceeding two feet U.S.G.S. datum,
  - iii. All existing surface and subsurface improvements to include such features as buildings, roads, driveways, fences, culverts, pipe lines, electric and telephone lines, etc.,
  - iv. The existing drainage courses with channel cross-section and profile information,
  - v. The permanent parcel (sidwell) number on record with the County of Ottawa of the subject site and all abutting properties with ownership, and
  - vi. The seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof; and
- h. A map or drawing of the proposed land fill/land balancing project, prepared under the supervision of a land surveyor or professional civil engineer registered in the State of Michigan, at the same scale as the topographic map indicating:
  - i. The proposed finished surface eleva-

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- tions and slopes, by contours at intervals not exceeding two feet U.S.G.S. datum, with cross-sections as necessary to clearly indicate proposed slopes and drainage provisions around the periphery of proposed site;
- ii. A clear delineation of limits of proposed grade changes,
  - iii. The location of proposed access roads,
  - iv. The stormwater-drainage provisions (both during and following completion of operations, including drainage pattern, run-off calculations, and detailed information for proposed, new or improved drainage facilities),
  - v. The type of proposed fill material and proposed placement and compaction methods,
  - vi. The details of provisions for controlling soil erosion and for controlling sedimentation onto contiguous properties and into water courses (both during and following completion of operations), and
  - vii. Seal of the surveyor or engineer that supervised the preparation of the map on each sheet thereof.

D. *Violations and Zoning Administrator Powers.* The Zoning Administrator may attach such conditions to the granting of the permit which may be necessary to insure that the intent and purpose of this Ordinance is in all respects observed. Any violation of a condition(s) included in the permit shall be construed as a violation of this Ordinance, shall give rise to the penalties provided in this ordinance, and shall be grounds for revoking the permit. The permittee shall submit a written request to the Zoning Administrator for approval of changes to the original plans, specifications, reports, and methods of operation submitted with a permit application. No such change shall be initiated until the written approval of the Zoning Administrator has been obtained.

E. *Payment of fees and Issuance of Permits.* At the time of application, the applicant shall pay an application fee as established by the Hudsonville City Commission. If the application is approved and all fees paid, the Zoning Administrator shall issue a permit.

F. *Expiration, Termination, Suspension and Revocation of a Permit.*

1. When a fill project is completed, as described in the application, the permit granted shall terminate and no further materials may be deposited or moved on the site until a new application has been filed and a permit granted in the same manner as provided for the original application and permit.

2. In the event that any fill project for which a permit has been granted is not started within three months from the date the permit is issued, the permit will expire. The permit shall also expire on the date stated in the permit, unless the applicant formally requests an extension from the Zoning Administrator, and such request is approved.
3. Failure of a permit holder to conform the fill project to the activities described in the approved permit application and plans upon which granting of the permit was based (and any approved amendments thereto) shall result in the suspension or revocation of the permit, forfeiture of any and all bonds furnished, and prosecution under the terms of this ordinance.

G. *Bond.* The Zoning Administrator may require a bond or similar financial surety as a condition to issuing a permit under this section. In establishing the amount of the bond, the Zoning Administrator shall consider the scale of operation, the costs to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses.

### Section 2.43 Street Performers

Street performers can provide a public amenity that enhances the character of downtown Hudsonville while at the same time affecting the health, safety and welfare of the residents of the city because certain activities can create congestion, excessive noise, illegal activity and/or diminished aesthetics. The City acknowledges that its interest in regulating street performers shall be accommodated within the parameters of the First Amendment of the United States Constitution.

This Section seeks to encourage street performances to the extent that they do not interfere with the reasonable expectations of residents to the enjoyment of peace and quiet in their homes or to the ability of businesses to conduct their business uninterrupted. This Section seeks to impose reasonable requirements and restrictions on street performers to the extent necessary to ensure the safety of performers, their audiences and the general public and seeks to balance the interests of the performers with those of the residents and businesses of the City.

A. *Prohibition.* No person may perform in a public area without obtaining a permit and complying with the requirements of this Section and the Zoning Ordinance.

B. *Permit.*

1. A permit shall be issued by the Zoning Administrator upon receipt of a completed application and a fee of twenty dollars (\$20.00).
2. A completed application for a permit, and the permit itself, shall contain the following:
  - a. The applicant's name, address, and telephone number;

- b. Whether the applicant is eighteen (18) years or older;
  - c. A description sufficient for identification of the subject matter and method of the performing in which the applicant will engage;
  - d. A description of the approximate area where the performance will occur, per the requirements of this Section.
  - e. The date, or approximate date, of the last permit that was issued to the applicant under this Section;
  - f. A statement as to whether or not any city permit or license issued to the applicant (or any related organization or entity) has ever been revoked, and if so, the reason for the revocation;
  - g. Applicant’s driver’s license or personal identification number;
  - h. Indemnification clause per the requirements of subsection D of this Section.
  - i. Such other information the Zoning Administrator deems necessary to approve the application; and
  - j. Applicant’s signature.
3. A permit shall be valid from the date on which it is issued through the end of that calendar year.
  4. A permit shall be nontransferable, and shall contain the permit number of the applicant and the year in which the permit is valid.
  5. Each member of a group of performers who play together shall be required to obtain an individual permit. In no event shall any group of performers, identified as such in their application and noted on their permits, be charged more than eighty dollars (\$80.00) total for permits for group members.
  6. Upon issuing a permit, the Zoning Administrator shall also give the performer a copy of this Section.
  7. If a performer loses his or her permit, one replacement permit per year may be obtained for a fee of ten dollars (\$10.00).

C. *Review of Application*

1. Upon filing of the application for a permit, the Zoning Administrator shall review and evaluate the application. In determining whether a permit should be issued, the Zoning Administrator shall evaluate whether the application and the applicant meet all of the following:
  - a. Whether the proposed activities comply with all of the provisions of this Section and the Zoning Ordinance;
  - b. Whether the proposed activities involve the safe use of the streets by the public for vehicles and pedestrians;
  - c. Whether the proposed activities would be ob-scene; and

- d. Whether the applicant has not previously violated two (2) or more provisions of this Section or the Zoning Ordinance.
2. An applicant must be eighteen (18) years or older to obtain a permit. Notwithstanding, the Zoning Administrator may approve a permit for a minor if that minor is performing in a group with other performers who are eighteen (18) years or older.
  3. The Zoning Administrator shall not approve a permit unless all previous year’s tickets for violation of this Section are paid.
  4. If the applicant is a corporation, limited liability company, co-partnership, or other such business entity, the person who will act as the principal in charge of the business to be licensed shall sign the application and all of the owners of the business entity shall meet all of the requirements for individual applicants.
  5. The Zoning Administrator shall approve, deny, or approve with conditions an application for a street performer’s permit within fifteen (15) days of it being filed.

D. *Conditions for Issuance.*

1. Upon approval by the Zoning Administrator, the permit shall be issued. If the approval by the permit includes conditions of the applicant, all conditions shall be met prior to the issuance of the permit.
2. Prior to the issuance of a permit, a street performer shall agree to indemnify the City and the Hudsonville Downtown Development Authority, their officials, employees, and agents from any liability arising out of the performer’s street performance.
3. Permits granted shall be issued upon payment of the fees required and compliance with the requirements of this Section.
4. The permit shall bear the name and address of the person performing, the type of performance and the location of performing, and a statement that the permit does not constitute an endorsement by the City of the performance or of the person or group conducting the performance.
5. A permit shall be valid from the date on which it is issued through December 31 of the year that it was issued. A permit shall be nontransferable.

E. *Display of Permit.* A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any police officer or City official.

F. *Rules and Regulations of Permitted Performances.*

1. *Performance Locations.* Performances may take place in the following locations within HUD-7, HUD-6 and HUD-5 Districts:
  - a. In public areas, except within one hundred

## ARTICLE 2 GENERAL PROVISIONS

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- (100) feet of an elementary and/or secondary school, library, or church while in session, and except public areas excluded by the City Commission, the Public Works Department, or the Police Department.
- b. In public areas where an authorized street fair or public festival is being conducted, with the permission of the sponsor of such fair or festival.
2. *Performance Area Requirements.* A performer shall provide an approximate location of the proposed performance area either with a diagram or with a detailed written description. The performer is required to perform within the indicated location and is not allowed to change locations without amending the application with the Zoning Administrator prior to changing locations.
  3. *Performance Times.* Performances may take place at the following times:
    - a. Monday through Thursday, between 7:00 a.m. and 10:00 p.m.
    - b. Friday and Saturday between 7:00 a.m. and 11:00 pm.
    - c. Sunday performances are not allowed.
  4. *Undue Interference.* A performer may not create an undue interference with the passage of the public through a public area. If a performer attracts a crowd sufficient to obstruct the public way, a police officer may disperse the portion of the crowd that is creating the obstruction. The police officer shall not cause the performer to leave the location unless efforts to move the crowd fail to adequately protect the public safety or order. A police officer shall not ask the performer to leave the location unless all other means of restoring the public safety or order have been exhausted.
  5. *Proximity to Other Performers.* No performer or group of performers may perform less than fifty (50) feet from another performer or group of performers.
  6. *Contributions.* A performer may request contributions or money or property at a performance, provided that no sign requesting contributions shall exceed twelve inches by eighteen inches in size. Contributions may be received in any receptacle, such as an open musical instrument case, box or hat. Performers may offer for sale recordings of their own work, in the form of records, cassettes, videotapes or compact discs. On sidewalks, displays must not obstruct handicap ramps, doorways, or windows (i.e., performers shall not tape or post signs or posters on windows or lean displays against windows so as to obstruct a clear view through the window), and must not exceed more than 20% of the width of the sidewalk from the property line of the premises in front of which the display is installed.
- Notwithstanding the foregoing, a performer may set up a display on the public sidewalk in front of a doorway to a business if the business is not open, assuming said display meets all other requirements of this Section. In public areas other than sidewalks, no such display shall exceed twenty-five (25) square feet, and it shall be prohibited to place a carpet, rug, blanket, or other such covering over grass in a public place.
7. *Age Requirement.* A person who is under the age of eighteen (18) shall not perform unless accompanied at all times by a responsible adult who is eighteen (18) years of age or older.
  8. *Cleanup of Performance Area.* A performer shall be responsible for cleanup of all litter at the performance area.
  9. *Proximity to Entrances.* No performer shall perform within ten (10) feet of the outer edge of any entrance of any business, including, but not limited to doors, vestibules, driveways, outdoor dining area entries, sidewalk cafes, and emergency exits during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises.
  10. A performer shall not use any of the following as part of a performance:
    - a. Any knife, sword, torch, flame, axe, saw or other object that can cause serious bodily injury to any person, or engage in any activity, including but not limited to, acrobatics, tumbling or cycling that can cause serious bodily injury to any person;
    - b. Any amplification device;
    - c. Any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard; or
    - d. Any connection to or maintenance of an electrical cord to an adjacent building or to a city power source.
  11. *Use of Public Furnishings.* A performer shall not utilize or prevent the public from utilizing any public benches, waste receptacles, or other street furniture during the performance.
  12. *Sidewalk Obstruction.* A performer shall not place any object on a public sidewalk which causes less than a five (5) foot contiguous sidewalk width being kept clear for pedestrian passage.
  13. *Equipment.* A performer shall not perform with more instruments, props, equipment, merchandise or other items than the performer can reasonably transport or remove at one (1) time.
  14. *Placement of Equipment.* A performer shall not place his or her instruments, props, equipment, merchandise or other items on a public sidewalk, pub-

lic street, or public right-of-way for more than two (2) hours without performing in accordance with the provisions of this Section.

15. A performer shall not violate the applicable provisions of the City Code regarding noise.
16. A performer shall not block or obstruct a curb cut.
17. A performer shall not obstruct the visibility of a motorist.
18. Except as expressly permitted in this Section, a performer shall not perform in any way that violates any other provisions of the Zoning Ordinance.

#### G. Revocation of Permits.

1. The City or an officer of the police department may immediately and without notice revoke a street performer permit if the underlying violation poses an immediate danger to the public health, safety, and welfare.
2. Except as provided in item G.1. above, the street performer permit may be revoked if, upon receipt of written information or upon the City's own investigation, the City has reason to believe a performer:
  - a. Has provided a false statement in the application;
  - b. Has violated two (2) or more provisions of this Section during the term of the permit; or
  - c. Has violated a provision of this Section or the Zoning Ordinance in a manner that is materially adverse to the protection of the public health, safety or welfare of the City. Upon such determination, the City shall send written notice to the street performer at the address set forth in the application. The street performer shall have the right to a hearing before the City Commission. Such hearing shall be set at the next available regularly scheduled City Commission meeting. If after a hearing, the City finds that the violation is supported by a preponderance of the evidence, the permit shall be revoked. The permit shall be null and void upon the City sending notice to the street performer.
3. If a written complaint is filed alleging that a performer has violated any provisions of this Section, the City shall promptly send a copy of the written complaint to the performer, together with a notice that an investigation will be made as to the truth of the complaint. The performer shall have the right to respond to the complaint within ten (10) days of it being sent and present evidence and respond to evidence produced by the investigation at the hearing indicated in item G.2.c. above.

#### Section 2.44 Swimming Pools, Hot Tubs and Spas

In addition to the following provisions, all applicable requirements of building codes and county health department regulations shall apply.

A. *Swimming Pool Permit Requirements.* Installation of any swimming pool which is two feet deep or greater shall require a building permit and shall meet the following requirements:

1. A set of plans and specifications for the swimming pool, including fencing, decks, and related equipment, shall be submitted to the Zoning Administrator.

B. *Swimming Pool Placement.* Refer to Illustration 2.22

1. *General.* All swimming pools shall be placed a minimum of (10) feet from the dwelling unit.
2. *Lot Location for Swimming Pools.* For all residential lots, a swimming pool may be located in the rear yard only. The minimum distance from any side lot line to the pool wall shall not be less than the required side setback of the principal building. The minimum distance from the rear lot line shall not be less than ten (10) feet.

C. *Hot Tub and Spa Permit Requirements.* Installation of any hot tub, spa or similar structure which is two feet deep or greater shall require a building permit.

D. *Hot Tub and Spa Placement.* For all residential lots, a hot tub, spa or similar structure may be located in the rear yard only. The minimum distance from any side lot line to the hot tub, spa or similar structure shall not be less than the required side setback of the principal building. The minimum distance from the rear lot line shall not be less than ten (10) feet. Refer to Illustration 2.23.

#### Section 2.45 Temporary Buildings

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

#### Section 2.46 Utilities

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

#### Section 2.47 Vending Machines, Outdoor

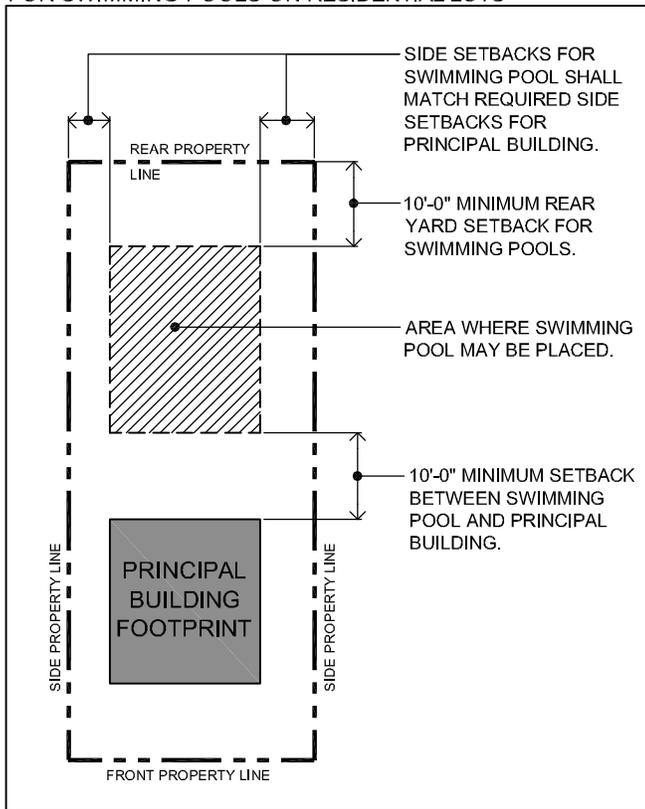
A. *Applicability.* The requirements of this section shall apply to all outdoor vending machines.

B. *In Conjunction with Principal Use.* Outdoor vending machines shall be an ancillary use to an approved principal use and may not be located on an unimproved lot.

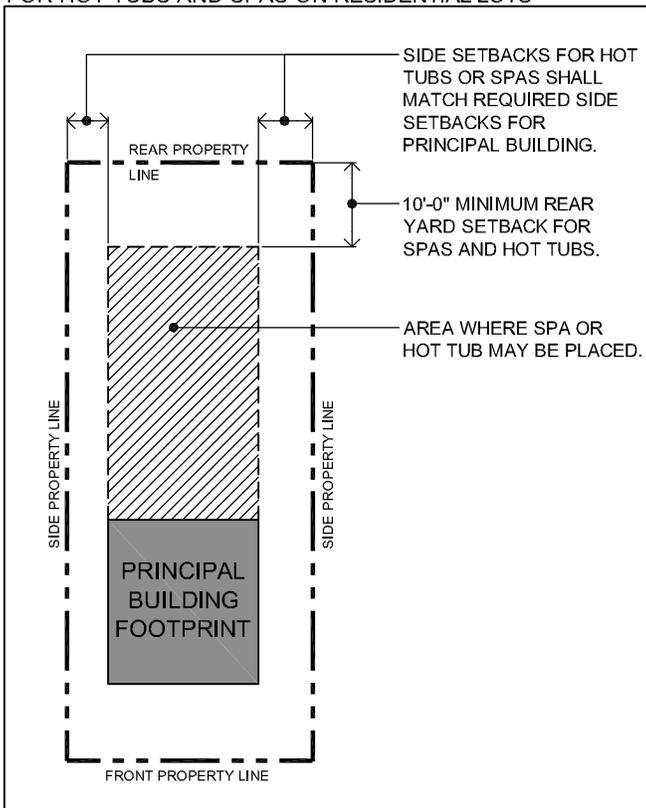
C. *Residential Districts.* Outdoor vending machines are not permitted in Residential Districts.

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**ILLUSTRATION 2.22** LOCATION REQUIREMENTS FOR SWIMMING POOLS ON RESIDENTIAL LOTS



**ILLUSTRATION 2.23** LOCATION REQUIREMENTS FOR HOT TUBS AND SPAS ON RESIDENTIAL LOTS



D. *Number of Machines.* Outdoor vending machines are permitted to cover up to ten (10) percent of the length of the building face or twenty (20) feet, whichever is less.

E. *Location Requirements for Outdoor Vending Machines.*

1. Outdoor vending machines shall be located along the face of a building wall or within a structure designed to accommodate them.
2. Outdoor vending machines may be placed in front of a window or storefront if no other building wall locations are practical. Outdoor vending machines placed in front of windows shall not obscure more than twenty-five (25) percent of the glass.
3. Outdoor vending machines shall be placed on an impervious surface such as concrete or asphalt.
4. A minimum walkway of five (5) feet is required in front of all outdoor vending machines.
5. Outdoor vending machines shall not be installed in the public right-of-way or immediately adjacent such that it would cause customers to stand in the right-of-way in order to use the machine.
6. Outdoor vending machines shall not be placed in a location that will block parking areas or create an unsafe situation.

F. *Machine Maintenance.*

1. All outdoor vending machines shall be maintained in a clean and attractive condition.
2. In the event that the outdoor vending machine is removed the area shall be cleaned and restored to its original condition. This includes the removal of any electrical conduits or other connection hardware.

## Section 2.48 Waste Receptacles and Enclosures

A. *Applicability.* The requirements of this Section shall apply to all uses other than single-family and two-family homes.

B. *Enclosure.* All outdoor waste receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate. All waste receptacles shall have an enclosing lid or cover.

C. *Materials.* The enclosure shall be constructed of brick, decorative masonry walls, wood or other materials that are consistent with the building materials of the principal building in order to recognize the permanence of the structure and reduce maintenance requirements. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure. Gates shall be constructed of wood, or other high quality material, as determined by the Zoning Administrator.

D. *Size.* The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The enclosure shall have a maximum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is less. Refer to illustration 2.22.

E. *Placement.*

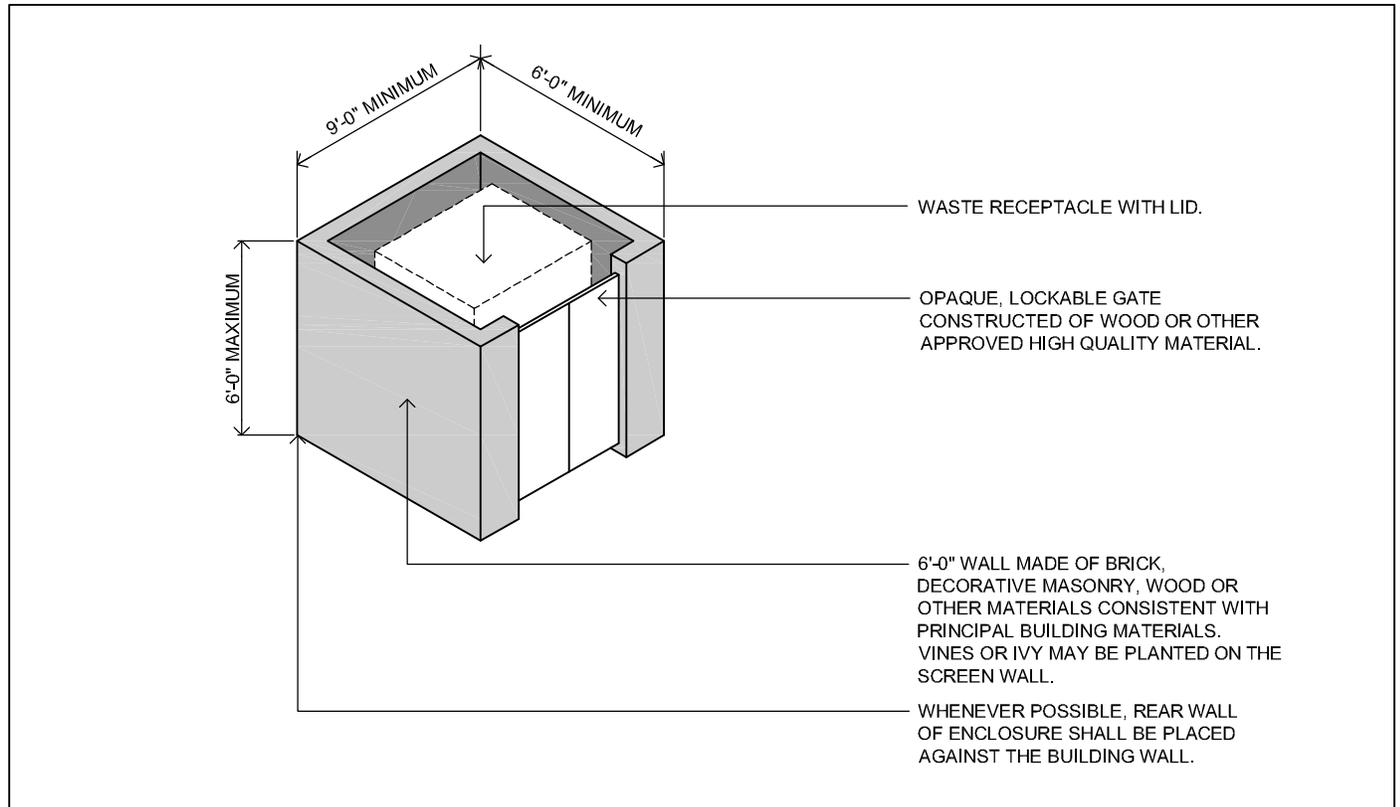
1. *Preferred Placement.* When possible, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the building wall may act as one side of the enclosure.
2. *Front Yard.* Waste receptacles and enclosures shall not be placed in the front yard.
3. *Rear and Side Yards.* Waste receptacles and enclosures shall be located in the rear or side yard not closer than three (3) feet from the rear or side setback line, unless otherwise approved by the Zoning Administrator.
4. *Residential Use Adjacent.* Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from an adjacent residential use lot line.
5. Waste receptacles shall not be visible from a primary street.

6. For multiple-family residential developments, receptacles shall be located a minimum of fifty (50) feet from any residential building, but not to exceed five-hundred (500) feet from any building that they are intended to serve.

F. *Access.* Waste receptacles shall be easily accessed by refuse vehicles without the potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.

G. *Administrative Departure for Size and/or Placement.* An Administrative Departure for the size and / or placement of the enclosure may be granted in instances where site constraints prohibit the size and placement requirements indicated in Section 2.46.

ILLUSTRATION 2.24 WASTE ENCLOSURES



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