

ARTICLE V. – STANDARDS AND REQUIREMENTS FOR SPECIAL LAND USES

SEC. 40-500. - SPECIAL LAND USES.

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

SEC. 40-501. - SPECIAL USE PROCEDURES.

- A. *Submission of application.* A special land use application shall be submitted and processed according to article I, section 40-116, special land use process.
- B. *Compliance with ordinance provisions.* In addition to the special land use standards in section 40-116.03, and specific review standards contained herein for each named use, all special land uses shall comply with the following, unless specifically modified by the terms of this article:
 1. Exterior lighting shall be in accordance with section 40-317 hereof
 2. Signs shall be in compliance with the provisions of article VII of this ordinance.
 3. Off-street parking shall be in compliance with article VI of this ordinance.
 4. Dumpster location and screening shall be in compliance with section 40-301.03, accessory structures, of this ordinance.
 5. Landscaping shall be in compliance with article VIII of this ordinance.
- C. In some instances, the uses listed in this article may be permitted by right in certain districts and permitted as a special land use in others. The specific review standards contained herein shall apply only when the use is considered a special land use. If a use listed in this chapter is permitted by right, the specific standards in this article need not be satisfied, though they may be instructive to the planning commission during its review of the site plan.

SEC. 40-502. - ACCESSORY BUILDINGS WITH FOOTPRINT GREATER THAN PRINCIPAL BUILDING.

- A. *Definition.* An accessory structure, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.
- B. *Regulations and conditions.*

1. In all zoning districts on parcels of less than one acre, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than fifty (50) percent.
2. In all zoning districts, except the Industrial district, the following standards shall be applied:
 - a. On parcels of more than one acre, but less than five (5) acres, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than one hundred (100) percent
 - b. On parcels of five (5) acres, or more, the floor area of an accessory building as defined in this section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred (200) percent.
3. Only within the Industrial district on parcels larger than one acre, the ground floor area or footprint of accessory buildings may exceed the area of the principal building without limitation, providing all other provisions of this zoning ordinance are met.
4. The floor area limitations of this section shall be applied cumulatively for all accessory buildings on a parcel.
5. Accessory buildings as defined in this section shall comply with all yard, setback, and building height standards of this zoning ordinance.

SEC. 40-503. - ACCESSORY USES, RELATED TO PERMITTED SPECIAL USES.

- A. *Definition.* A use which is clearly incidental to, customarily found in connection with, and located on the same lot as a principal use permitted as a special land use.
- B. *Regulations and conditions.*
 1. For purposes of interpreting accessory uses related to permitted special uses;
 - a. A use may be regarded as incidental or insubstantial if the viability of the special use is not dependent in any significant way on the accessory use.
 - b. To be commonly associated with a special use it is not necessary for an accessory use to be connected with such special use more times than not, but only that the association of such accessory use with such special use takes place with sufficient frequency that there is common acceptance of their relatedness.
 2. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the principal use of the property.
 3. Where an accessory use related to a permitted special use is proposed, and regulations are contained in this ordinance for said use, those regulations shall be met; provided, the planning commission may impose additional conditions on approval, to protect the health, safety, and welfare of the city and its residents.

4. The planning commission may require site or performance measures pertaining to an accessory use related to a permitted special use to address on-site or off-site impacts or potential impacts resulting from said accessory use or the combination of the accessory use and the principal permitted special use.

SEC. 40-504. - AIRPORT.

- A. *Definition.* Any location which is used for the landing or taking off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities, and all appurtenant rights-of-way, either heretofore or hereafter established.
- B. *Regulations and conditions.*
 1. A site plan submitted in conjunction with the special land use for an airport shall illustrate areas where aircraft operations occur such as a terminal, hangers, aircraft parking areas, runways, taxiways, flight school or club, flight viewing area, fueling areas, aircraft maintenance, administrative, charter, customs or other similar aircraft use areas.
 2. Apron, runway, taxiway, and tie-down clearance specifications established by the Federal Aviation Administration shall apply.
 3. A minimum setback of fifty (50) feet shall apply from any buildings to the boundary of the airport property.
 4. Drives and service roads to commercial and industrial buildings must be paved.
 5. All utilities shall be placed underground.

SEC. 40-505. - ANIMAL GROOMING.

- A. *Definition.* Any property, structure, building, or premises in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary, kennel, or clinical services.
- B. *Regulations and conditions.*
 1. All portions of the unit must be equipped with a central air-conditioning and ventilation system which shall be maintained in a proper operating condition so that windows and doors may remain closed year-round without producing an adverse interior environment.
 2. When such uses are located in a building occupied by other uses and to which access is gained through a common entry, access to the grooming facility must be from a separate entry, which shall give direct access from the street or sidewalk.
 3. All rooms in which animals are to be contained for more than thirty (30) minutes without receiving consistent attention from a handler must be equipped with sufficient sound-proofing materials to insure that noise does not carry to adjacent businesses or residences.

4. Pets shall not be kept overnight.
5. An animal grooming establishment in the OT district shall only be located on and have its primary access from a key street segment as defined herein.

SEC. 40-506. - AUTOMOBILE GASOLINE STATION.

- A. *Definition.* Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; but which does not include an automobile service center.
- B. *Regulations and conditions.*
 1. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
 2. Minimum lot areas shall be fifteen thousand (15,000) square feet.
 3. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 4. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
 5. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
 6. The site plan shall include measures satisfactory to the planning commission to control blowing trash, dust, or debris from the facility.
 7. Outdoor servicing of vehicles shall not be permitted.
 8. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.

SEC. 40-507. - AUTOMOBILE REPAIR, MAJOR.

- A. *Definition.* An establishment engaged in the general repair, engine rebuilding, transmission rebuilding, overhaul or reconditioning of motor vehicles; collision repair services, such as body, frame or fender straightening and repair; major welding activities; and overall painting and undercoating of automobiles.
- B. *Regulations and conditions.*
 1. Dismantled, wrecked, or inoperable vehicles or any vehicle parts or scrap of any kind shall not be kept outdoors where they are visible from any adjoining property or right-of-way, nor shall such vehicles be stores for more than sixty (60) days. The planning commission may require an opaque fence up to eight (8) feet in height and/or an evergreen landscape buffer not less than eight (8) feet in height at time of planting to screen any vehicles from neighboring uses or passers-by.

2. Not more than two (2) vehicles shall be parked on site at any time for the purpose of selling or renting such vehicles.
3. Lot area shall be at least fifteen thousand (15,000) square feet.
4. All equipment including hydraulic hoists, pits, lubrication, and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted.
5. All repair and maintenance activities shall be performed entirely within an enclosed building.
6. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

SEC. 40-508. - RESERVED.

SEC. 40-509. - AUTOMOBILE WASH.

- A. *Definition.* Any building or premises or portions thereof used for the commercial washing of automobiles.
- B. *Regulations and conditions.*
 1. All such facilities shall be connected to a public water and sewer system.
 2. All washing activities shall be carried out within a building, however drying and waxing activities associated with manual and coin operated automobile washes may occur outdoors.
 3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
 4. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
 5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
 6. Manual and coin automobile washes shall provide adequate space for drying and waxing vehicles.
 7. The applicant shall demonstrate to the satisfaction of the planning commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
 8. The applicant shall demonstrate that no litter and debris will travel off-site.
 9. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

SEC. 40-510. - BED AND BREAKFAST.

- A. *Definition.* A building at which overnight accommodations and a morning meal are provided to transients for compensation for periods no longer than fourteen (14) days. For the purposes of this ordinance, a bed and breakfast shall not be considered a short-term rental.
- B. *Regulations and conditions.* The applicant shall provide documentation acceptable to the planning commission that the proposed use shall meet the following standards:
1. Basic standards. It is the intent to establish reasonable standards for bed and breakfast establishments to assure that:
 - a. The property is suitable for transient lodging facilities. In this connection, a bed and breakfast establishment shall meet the requirements of the City of Grand Haven Rental Property Code and shall be subject to periodic inspections as provided in said code.
 - b. The use is compatible with other allowed uses in the vicinity.
 - c. The impact of the establishment is no greater than that of a private home with houseguests.
 - d. A smoke detector in proper working order shall be provided in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
 - e. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one year.
 2. Specific standards for all bed and breakfast establishments. The following requirements together with any other applicable requirements of this ordinance shall be complied with for bed and breakfast establishments in all districts, unless superseded by the terms subsection 40-510.B.3. or B.4. hereof.
 - a. The minimum lot size shall be consistent with the district minimum for one-family dwellings. If a one-family dwelling is not a permitted or special land use in the district, the minimum lot size for the district shall be provided.
 - b. The establishment shall have at least two (2) exits to the outdoors.
 - c. The establishment shall be the principal structure on the property.
 - d. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a bed and breakfast may be utilized for sleeping rooms, in accordance with this section.
 - e. The bed and breakfast shall not alter the residential character of the building or structure.

- f. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
 - g. Special use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
 - h. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1/8 " = 1' that shows the specific layout of the proposed facility in accord with the provisions of this zoning ordinance.
 - i. In all districts except S, the minimum distance between bed and breakfast establishments shall be six hundred sixty (660) feet as measured between the closest property lines.
 - j. The permit holder shall secure and maintain all required state and local permits.
 - k. No separate cooking facilities shall be allowed in guestrooms. Food and beverages may be served only to guests who stay on the premises.
 - l. Lavatories and bathing facilities shall be provided for guests at the bed and breakfast operation at a ratio of not less than one bathroom per two (2) guest bedrooms.
 - m. Any proposed expansion of a bed and breakfast which would result in one of the following shall be treated as a new application subject to review and approval by the planning commission in accordance with this section 40-510:
 - 1) A physical alteration to the structure in which the bed and breakfast is operated, or any accessory structure, visible from the structure's exterior, or
 - 2) A physical alteration of the interior of the structure in which the bed and breakfast is operated which would result in an increased number of guest bedrooms, or
 - 3) An increase in the number of parking spaces on the premises. ~~shall be treated as a new application subject to review and approval by the planning commission in accordance with this section 40-510.~~
 - n. Signage for bed and breakfast establishments shall be governed pursuant to article VII hereof.
3. Specific standards for bed and breakfast establishments in the SFRLDR, MDR, MFR, DR, NS, and E districts. The following requirements together with any other applicable requirements of this ordinance shall be complied with for bed and breakfast establishments located in the SFRLDR, MDR, MFR, DR, NS and E districts.
- a. The establishment shall be owner-occupied at all times. During temporary absences (up to fourteen (14) days in a calendar year), the owner's designee must be on the premises.

- b. The bed and breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings, and children.
 - c. Not more than twenty-five (25) percent of the floor area shall be devoted to guest rooms. Two (2) bedrooms must be retained for the owner and are not permitted to be used as guest rooms. A maximum of four (4) guest rooms is permitted in each bed and breakfast. For the purposes of this section, each sleeping room in a suite shall be counted as a separate guest bedroom.
4. Specific standards for bed and breakfast establishments in the C, OS, S, OT, CC, WF-2 and NMU districts. The following requirements together with any other applicable requirements of this ordinance shall be complied met for bed and breakfast establishments located in the C, OS, S, OT, CC, WF-2 and NMU districts.
 - a. A bed and breakfast shall have an owner or resident manager shall be on the premises at all times.
 - b. A bed and breakfast establishment shall not have more than eight (8) guest rooms.
 - c. A bed and breakfast establishment in the OT district shall only be located on and have its primary access from a key street segment as defined herein.
 5. All bed and breakfast establishments shall comply with the parking requirements of article VI and the sign requirements of article VII hereof.

SEC. 40-511. - BILLBOARD.

- A. *Definition.* An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- B. *Intent.* It is the intent of this section 40-511 to:
 1. Protect the city's distinctive community character and natural landscape;
 2. Protect scenic resources and viewsheds located within the city;
 3. Enhance the economic base of the community associated with tourism and the community's overall economic well-being by protecting natural and scenic resources;
 4. Satisfy the public need for commercial information provided by billboards while promoting aesthetic and balanced use of lands and scenic resources along public rights-of-way in the city.
- C. *Regulations and conditions.*
 1. A billboard shall be considered a principal use and such parcel shall meet the lot area and width requirements of the I district.
 2. Not more than two (2) billboards may be located per one-quarter-linear mile of highway/roadway regardless that such billboards may be located on different sides of the highway. The one-quarter-linear mile measurement shall not be limited to the

boundaries of the City of Grand Haven where the road extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph 3. below.

3. No billboard shall be located within six hundred sixty (660) feet of another billboard abutting either side of the same highway.
4. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
5. A site plan shall be submitted illustrating distances and spacing of existing billboards, residential districts and uses, and setbacks.
6. The surface display area (sign face) of any side of a billboard may not exceed two hundred forty (240) square feet and shall be continually maintained in good condition.
7. The height of a billboard shall not exceed thirty-five (35) feet above the natural grade of the ground on which the billboard is established with not less than ten (10) feet of clearance beneath the sign face.
8. No billboard shall be placed on top of, cantilevered or otherwise suspended above the roof of any building.
9. A billboard may be illuminated, provided such illumination is confined to the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate. A billboard shall not include an electronic message board as defined in section 40-201.19, definitions.
10. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
11. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

SEC. 40-512. - BOARDING HOUSE.

- A. *Definition.* A dwelling unit or part thereof in which, for compensation, lodging, and more than one meal is provided.
- B. *Regulations and conditions.*
 - 1. No separate cooking facilities shall be allowed in guestrooms.
 - 2. Lavatories and bathing facilities shall be provided for guests at the boarding house operation at a ratio of not less than one bathroom per two (2) guest bedrooms.
 - 3. The permit holder shall secure and maintain all required state and local permits.
 - 4. The establishment shall have at least two (2) exits to the outdoors.
 - 5. Reserved.
 - 6. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - 7. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory dwellings in existence as of the effective date of this section, and located on the same parcel as a boarding house may be utilized for sleeping rooms, in accordance with this section.
 - 8. The boarding house shall not alter the residential character of the building or structure.

SEC. 40-513. - SHORT-TERM RENTAL.

- A. *Definition.* A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.
- B. *Regulations and conditions.* The applicant shall provide documentation acceptable to the planning commission that the proposed use shall meet the following standards:
 - 1. *Intent.* It is the intent to establish reasonable standards for short-term rentals as special uses in the Dune Residential, Old Town, and Southside districts, to ensure that:
 - a. The property is suitable for temporary lodging.
 - b. The use is not incompatible with other allowed uses in the vicinity.
 - c. Impacts on neighboring properties are minimized to the extent reasonably possible.
 - 2. *Specific standards for short-term rentals in the Dune Residential, Old Town, and Southside districts.* The following standards, together with any other applicable standards in this ordinance, are required for short-term rental uses in the Dune Residential, Old Town, Southside districts:

- a. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, the Planning Commission may determine that the short-term rental use is not suitable, or it may condition approval on measures that mitigate potential adverse effects of operating a short-term rental on the lot.
 - b. If an outdoor area intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc.) is provided, it shall be sufficiently setback from the property lines or screened or buffered with a fence, wall, or landscape screen to minimize sounds and light, so as not to disturb neighbors. All existing and proposed fire pits shall meet the city's fire code.
 - c. Accessory structures constructed or expanded after the effective date of this section shall not be used as sleeping rooms for short-term rentals, and shall not be counted for purposes of determining the maximum occupancy of a short-term rental use pursuant to chapter 9 of the Grand Haven Code of Ordinances.
 - d. Short-term rental uses shall comply with the parking requirements of article VI of this zoning ordinance.
 - e. The driveway and off-street parking areas shall be laid out in a manner so as to minimize on-street traffic congestion to the extent reasonably possible.
 - f. The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity. By way of example, the subject property shall not: (i) appear to be a commercial, multi-family, or institutional use; (ii) be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood; or (ii) be illuminated or signed in a manner that is out of character with other homes in the vicinity.
 - g. The applicant shall submit a site plan of the structure or proposed structure drawn to a scale of not less than 1/8" = 1' that shows the specific layout of the facility in accord with the provisions of this zoning ordinance.
 - h. The special use permit holder shall secure, maintain, and furnish proof of all required federal, state, and local permits.
 - i. No separate cooking facilities shall be allowed in sleeping rooms.
 - j. Interior features (bedrooms, bathrooms, kitchens, dwelling units, means of ingress and egress, etc.) must be in conformance with the Michigan Construction Code, and all open permits must be finalized prior to occupancy as a short-term rental.
 - k. In the Southside district, only properties located on Franklin Avenue between 5th Street and Harbor Drive are eligible for use as a short-term rental.
3. *Special use approval required.* Special use review and approval is required for short-term rentals in the Dune Residential, Old Town, and Southside districts for properties that have not previously been used for short-term rentals in compliance with applicable city ordinances.

4. *Site modifications.* The following site modifications will void an existing special use permit for short-term rental uses:
 - a. Any structural expansion of the dwelling that increases the square footage of the dwelling, including the addition of a new decks and patios.
 - b. Alteration of the interior of the dwelling in a manner that results in an increased number of sleeping rooms.

In these circumstances, a property owner may seek a new special use permit in accordance with the standards provided in this section.

(Ord. No. 17-01, § 9, 4-24-17)

SEC. 40-514. - CEMETERY.

- A. *Definition.* Grounds and facilities including any one or a combination of more than one of the following a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.
- B. *Regulations and conditions.*
 1. A proposed cemetery that provides a chapel or other enclosure for graveside interment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
 2. A landscape buffer of ten (10) feet shall be provided where a cemetery abuts a residentially zoned or used parcel.
 3. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 4. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
 5. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SEC. 40-515. - COMMERCIAL PARKING FACILITY.

- A. *Definition.* A parking area or parking building available to the public, with or without fee, used to temporarily store motor vehicles.
- B. *Regulations and conditions.*
 1. New commercial parking facilities shall not be accessed from Washington Street. Commercial parking facilities may front on Washington Street when retail or office uses are provided along the Washington Street frontage.
 2. Landscaping and buffering shall be provided pursuant to standards set forth in of article VIII of this zoning ordinance; provided, that landscaping and buffering shall be

provided to screen any commercial parking facility from an adjacent residentially zoned or used parcel.

3. The applicant shall demonstrate to the planning commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
4. A site plan shall be submitted illustrating clearly marked circulation patterns. The city shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.
5. A commercial parking facility in the S district shall only be located on and have its primary access from a key street segment as defined herein.

SEC. 40-516. - CONTRACTOR'S ESTABLISHMENT.

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

B. *Regulations and conditions.*

1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located.
2. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
3. All travel surfaces shall be paved as a condition of approval.
4. Cranes, booms or other extensions on equipment, trucks, or other vehicles parked on site shall be stored in the lowest possible configuration.
5. There shall be no off-site discharge of stormwater except to an approved drainage system in accord with the city's engineering requirements.
6. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

SEC. 40-517. - RESERVED.

SEC. 40-518. - DAYCHILD CARE, COMMERCIAL.

A. *Definition.* A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is

generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

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

B. Regulations and conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall be located in the rear or side yards only and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial day-child care home.
 - b. An adult foster care facility.
 - c. A facility offering substance abuse-use disorder treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house, or similar facility under jurisdiction of the county sheriff or the department of corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The planning commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.
6. Within the S, E, and OT districts, a commercial day-child care shall front on and be accessed primarily from a key street segment, as defined herein.

SEC. 40-519. - DAY-CHILD CARE, GROUP.

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

B. Regulations and conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall be located in the rear or side yard only, and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial ~~daychild~~-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance ~~abuse-use disorder~~ treatment and rehabilitation service to seven (7) or more people.
 - d. A community correction center, resident home, halfway house, or similar facility under jurisdiction of the department of corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The planning commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.
- ~~6. Within the S, E, and OT districts, a group day care shall front on and be accessed primarily from a key street segment, as defined herein.~~

SEC. 40-520. - DREDGING FACILITY.

- A. *Definition.* A facility designed or used to remove earth from the bed of a water body, watercourse, or wetland.
- B. *Regulations and conditions.*
 1. A dredging facility shall only be permitted when established in conjunction with a marina operation and after planning commission review and approval. It is specifically intended that these uses shall not be permitted as individual or freestanding uses.
 2. When not in use, dredging, and sheet pile equipment shall be stored indoors or within the rear yard and fully screened from public view. Screening shall consist of fencing or landscape materials approved by the planning commission and shall effectively screen the equipment from any street, water body, watercourse, wetland, or residential district or use.

3. The planning commission may establish limits on the outdoor storage, size, and parking of equipment or vehicles to preserve the character of the neighborhood. No outdoor storage of materials or earth is permitted.
4. Materials or earth shall be transported from the site via a route approved by the planning commission. Said route shall not disrupt or interfere with uses or land in the City of Grand Haven.
5. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.
6. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
7. Noise generated on the site shall not exceed a cumulative total of sixty (60) decibels measured at any property line of the subject site. Cumulative total includes all noise generated at the site, including dredging activities; and the applicant shall demonstrate that this standard would be met.
8. The applicant shall demonstrate that any applicable state and/or federal permits have been granted; and further, that any applicable state and/or federal requirements would be met.
9. The applicant shall demonstrate that no discharge to groundwater or surface water, including direct and indirect discharges, would occur.
10. Failure to achieve and maintain the above standards shall be cause for revocation of the special use permit.

SEC. 40-521. - DRIVE-THROUGH BUSINESS.

- A. *Definition.* A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- B. *Regulations and conditions.*
 1. All automobile queuing for a drive-through window shall be separated from other off site and on-site traffic patterns.
 2. Pedestrian areas shall be clearly marked.
 3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
 4. The applicant shall demonstrate to the satisfaction of the planning commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.

5. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
6. The proposed site shall front upon a paved public street. All ingress and egress shall be from said street.
7. Outdoor speakers for the drive-through establishment shall be located in a way that minimizes sound transmission toward adjacent property and results in sound levels of less than sixty (60) decibels at any property line.

SEC. 40-522. - RESERVED.

SEC. 40-523. - DRY CLEANING AND LAUNDRY ESTABLISHMENT, ON-SITE.

- A. *Definition.* A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which includes a dry cleaning plant.
- B. *Regulations and conditions.*
 1. Pursuant to section 40-332, hazardous substance groundwater protection hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the city; and to prevent said substances from being perceptible outside such containment.
 2. The planning commission may impose hours of operation limitations to protect the character of surrounding uses.
 3. Dry cleaning facilities with drive through service shall comply with section 40-521, drive-through business.

SEC. 40-524. - DRY CLEANING PLANT.

- A. *Definition.* A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.
- B. *Regulations and conditions.*
 1. Pursuant to section 40-332, hazardous substance groundwater protection hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the city; and to prevent said substances from being perceptible outside such containment.
 2. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance

in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.

3. The applicant shall demonstrate and disclose the following:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.
 - b. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity. The planning commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
 - c. The potential chemical constituents of all emissions to the air, groundwater, and surface waters shall be disclosed. Impacts of these emissions shall be negligible.
4. Dry cleaning plants with drive through service shall comply with section 40-521, drive-through business.

SEC. 40-525. - DWELLING, ACCESSORY.

- A. *Definition.* A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family ~~structuredwelling~~.
- B. *Regulations and conditions.*
 1. An accessory dwelling, which provides transient accommodations for periods of less than one month, more than three (3) times per year, and which is continuously unoccupied for three (3) or more months during any one year, shall also be considered a ~~seasonal-short-term~~ rental, and regulated under section 40-~~557513~~, ~~seasonal-short-term~~ rentals, of this article.
 2. All structures designed and/or used for the temporary or permanent dwelling of a person or persons and not integrated into the primary residence on a lot shall be considered an accessory dwelling unit (ADU). ADUs ~~may shall~~ be permitted as a special land use ~~on lots of five thousand (5,000) square feet or more in the S-Southside, OT-Old Town, and NMU-Neighborhood Mixed Use districts~~, provided they meet the following standards:
 - a. The ~~unit-ADU~~ shall be connected to public water and wastewater systems.
 - b. The ~~unit-ADU~~ shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and shall meet all provisions of the Building Code and regulations.
 - c. The exterior design of an ~~accessory unitADU~~, whether attached or detached to the ~~principle-principal structuredwelling~~, including the primary dwelling unit, shall be compatible with the existing residence on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with

the principal structure and in harmony with the character and scale of the surrounding neighborhood.

- d. The ~~accessory dwelling~~ADU shall not result in excessive traffic, parking congestion, or noise.
- e. The design and location of the ~~accessory unit~~ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.
- f. Where applicable, the ~~accessory unit~~ADU shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.

g. No more than one ADU shall be permitted on a single parcel.

3. Development standards.

- a. *Unit size.* ~~Accessory dwelling units~~ADUs shall have a floor area no less than ~~five~~ four hundred (~~4500~~) square feet and no greater than one thousand (1,000) square feet.
 - 1) Under no circumstances shall the maximum lot coverage for a given district be exceeded unless the ~~accessory unit~~ADU is adjacent to an alley, in which case the total lot coverage shall not exceed the maximum for that district by more than ten (10) percent.
 - 2) ~~An~~ The floor area of an accessory dwelling unitADU shall not be greater than ~~one-third (1/3)~~ the size of the ~~primary principal~~ dwelling.
- b. *Setbacks.* ~~Accessory dwelling units~~ADUs shall comply with all ~~building~~ setbacks for accessory buildings in the zoning district in which they are located. Attached ~~accessory dwelling units~~ADUs shall meet the same setbacks as required for the ~~principal~~ structured dwelling.
- c. *Occupancy.* The property owner must occupy either the ~~primary principal~~ or accessory dwelling.
- d. *Height.* ~~A single story detached accessory dwelling unit~~AD shall not exceed ~~thirteen (13) feet in height. A one and one-half (1 1/2;) to two (2) story detached accessory dwelling unit shall not exceed twenty-two (22) feet in height.~~ When an ADU is located on the second story of a detached accessory building, the height of such building shall not exceed 22 feet or 80% of the principal building height, whichever is greater, provided that in no case shall the accessory building with the ADU exceed the height of the principal building. Height shall be measured to the roof peak. If the ~~primary principal~~ dwelling unit has historic or special roof features or ornamentation, which should be matched on the ~~accessory dwelling unit~~ADU, the maximum building height may be exceeded in order to accommodate the existing character of the lot, subject to review and approval of the zoning administrator.

- e. *Orientation.* Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.
4. Deed restrictions. Before obtaining a building permit, or when a building permit is not required, before making an accessory dwelling unit ADU available for use, the property owner shall file with the zoning administrator a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - a. The use permit for the accessory unit ADU shall be in effect only so long as either the main residence or the accessory unit ADU is occupied as the principal residence by the applicant.
 - b. The unit ADU is restricted to the approved size.
 - c. The accessory unit ADU shall not be sold separately.
 - d. All above declarations shall run with the land, and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the accessory unit ADU.
 5. Attached accessory dwelling units. All attached accessory dwelling units ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

SEC. 40-526. - DWELLING, TWO UNIT.

- A. *Definition.* A building containing two (2) attached dwelling units and is surrounded by open space or yards.
- B. *Regulations and conditions.*
 1. Scale elevation drawings depicting architectural features shall be provided. A two-unit dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the two-unit dwelling is consistent with the aesthetic character of existing buildings.
 2. A garage serving a two-unit dwelling shall be (1) recessed or (2) placed to the rear of the dwelling, with side or rear entry.
 3. Within the MDR, ~~S, E and OT~~ districts, a two-unit dwelling shall front on and be accessed primarily from a key street segment, as defined herein.

SEC. 40-527. - DWELLING, MULTIPLE-FAMILY.

- A. *Definition.* A building containing three (3) or more attached dwelling units and is surrounded by open space or yards.
- B. *Regulations and conditions.*

1. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
2. A garage serving a multi-family dwelling shall be either (1) recessed, or (2) placed to the rear of the dwelling, with side or rear entry.
3. Within the CB district, multiple-family dwellings shall not front on or take primary access from Washington Street. In the ~~OTMDR~~ district, a multiple-family dwelling shall only be located on and have its primary access from a key street segment as defined herein.
- ~~4. In no instance shall more than one out of six (6) multiple-family units in any multiple-family development be utilized as an efficiency.~~
- ~~5.4.~~ A minimum separation distance of fifteen (15) feet shall be provided between buildings located on the same parcel if they are not attached by a common wall.
- ~~6.5.~~ Multiple-family dwellings in the CB district shall provide a minimum ground floor transparency of thirty-five (35) percent and a minimum upper story transparency of fifteen (15) percent. Buildings with more than one frontage (i.e., corner lots, through lots) shall be required to provide the aforementioned minimum transparency for one building frontage only. The building frontage subject to minimum transparency shall be determined by the zoning administrator.
- ~~7.6.~~ Multiple-family dwellings in the CB district shall either meet the "build-to zone" requirement or provide other features (such as stairways, landscaping, or decorative fencing) within the space between the front property line and the building wall. In no case shall the building face be set back further than eight (8) feet from the front property line.

(Ord. No. 17-09, § 1, 12-18-17)

SEC. 40-528. - RESERVED.

SEC. 40-529. - EATING AND DRINKING ESTABLISHMENT.

- A. *Definition.* A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.
- B. *Regulations and conditions.*
 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.

2. Such facilities shall be located and designed such that no objectionable noise in excess of sixty (60) decibels and no objectionable vibration shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the residential districts.
4. The site plan shall include measures satisfactory to the planning commission to control blowing trash, dust or debris from the facility.
5. The planning commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the OT and WF districts, eating and drinking establishments shall front on and be accessed primarily from a key street segment, as defined herein.
7. Outdoor seating may be permitted as a sidewalk cafe in accordance with the provisions in section 40-302.02, sidewalk cafes. Rooftop dining shall comply with subsection 40-306.08.C. and other forms of outdoor dining, including patio or deck dining may be permitted by the planning commission if it finds that such facilities shall not create any detrimental conditions that may affect adjoining or nearby properties.

SEC. 40-530. - EDUCATIONAL FACILITY.

- A. *Definition.* A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Michigan.
- B. *Regulations and conditions.*
 1. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the planning commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
 2. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
 3. The planning commission may establish standards to limit routine noise generated by an educational facility to no more than sixty (60) decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
 4. Off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.

5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
6. An educational facility with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in section 40-551.
7. Public schools under the jurisdiction of the Michigan superintendent of public instruction are not subject to the requirements of this ordinance in accordance with the Revised School Code, MCL 380.1263(3).

SEC. 40-531. - FUEL STORAGE.

- A. *Definition.* Any combination of storage tanks or containers, including pipes connected thereto, which is used to contain petroleum or other inflammable liquids.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate to the planning commission proper design and licensing measures as required by state and federal statutory and regulatory authority.
 2. Any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with applicable state and federal requirements.
 3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 4. Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass.
 5. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.

SEC. 40-532. - ~~GOLF COURSE. RESERVED~~

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

~~A. *Regulations and conditions.*~~

- ~~1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights of way, neighboring properties, or lands within the golf course development designed for uses other than the playing of golf.~~
- ~~2. All off street parking shall be in compliance with article VI of this ordinance, to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, etc.~~
- ~~3. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.~~

~~B.C. A new golf course development shall include stormwater management facilities satisfactory to the city engineer and/or the Michigan Department of Environmental Quality intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering natural streams or Lake Michigan.~~

SEC. 40-533. - HOME OCCUPATION, MAJOR.

- A. *Definition.* A major home occupation as defined herein that may be apparent to neighbors by virtue of activities on site, signage, outdoor storage, or modifications to structures or grounds.
- B. *Regulations and conditions.*
 1. The operator of a proposed home occupation shall attach an operational plan for the home occupation to the application for a land use permit. The operational plan shall provide the following information:
 - a. The hours the home occupation will operate.
 - b. A description of employee parking and workforce staging plans.
 - c. A site plan in accordance with subsection 40-115.04.C.
 - d. A description of the shipping and delivery requirements of the home occupation.
 - e. A description of any material used in the home occupation which will be stored on the premises.
 2. The on-site activities associated with the home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home occupation.
 3. The activities of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be bothered by the existence of the home occupation.
 4. In addition to the occupants of the residence and not more than two (2) nonresident employees, a home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.

5. The planning commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap is permitted.
6. Not more than one automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
7. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation shall not involve the generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et seq.), or use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
8. Any change in the nature or activities of a home-based business shall be regarded as a new home occupation and shall require a new application, subject to subsection 40-115.04.C.
9. Failure to fulfill the terms of the approved home occupation, the site plan, and its attachments, shall be grounds for revocation of planning commission approval of a home occupation.

SEC. 40-534. - RESERVED.

SEC. 40-535. - HOTEL.

- A. *Definition.* A facility offering transient lodging accommodations to the public with access from interior lobbies, and which may provide such additional services or facilities meals or restaurant service, meeting rooms, entertainment, and recreational facilities.
- B. *Regulations and Conditions.*
 1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than thirty (30) nights.
 2. A hotel that includes auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site and shall be further regulated pursuant to section 40-551, places of public assembly.
 3. A hotel that includes an eating and drinking establishment shall be further regulated pursuant to section 40-529.
 4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.

5. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a hotel.
6. In the CB district, a hotel shall be designed with the lobby and other active commercial or service uses occupying not less than fifty (50) percent on the ground floor frontage adjacent to any public right-of-way.
7. Each unit shall contain not less than two hundred fifty (250) square feet of floor area, and shall contain at least two (2) rooms, including a bathroom.
8. No more than fifty (50) percent of the total number of units in a hotel shall contain cooking facilities, exclusive of microwave oven, coffee maker, and refrigerator of less than three (3) cubic feet capacity.
9. No guest shall establish permanent residence at a hotel.

SEC. 40-536. - HOSPITAL.

- A. *Definition.* A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the hospital facility.
- B. *Regulations and conditions.*
 1. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
 2. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with section 40-332 hereof, and any applicable state or federal requirements.
 3. Maximum building height may exceed thirty (30) feet in height provided a minimum yard equal to the height of the building shall be provided on all sides of the development, except that no structure shall exceed a maximum height ninety-six (96) feet.
 4. Helicopter landing pads may be permitted as accessory uses.

SEC. 40-537. - ~~JUNKYARD. RESERVED~~

- ~~A. *Definition.* Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.~~
- ~~A. *Regulations and conditions.*~~
 - ~~1. The planning commission may establish hours of operation for junkyards to protect the character of the land uses in the vicinity.~~
 - ~~2. The applicant shall demonstrate to the planning commission proper design and licensing measures as required by state and federal statutory and regulatory authority.~~

- ~~3. Dismantled, wrecked, or immobile vehicles, or other junk stored shall not be kept outdoors unless completely screened from any adjoining parcel or right of way and located in the rear or side yard.~~
 - ~~4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.~~
 - ~~5. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with section 40-332 hereof, and any applicable state or federal requirements.~~
 - ~~6. All materials stored on site shall be located in the side or rear yards.~~
 - ~~7. No portion of the storage area shall be located within two hundred (200) feet of any residential district or residential lot line.~~
 - ~~8. All materials shall be screened with an eight foot tall opaque fence.~~
 - ~~9. Stored materials shall not be stacked higher than eight (8) feet, and shall be stored in a manner so as not to be visible from adjoining properties or rights of way.~~
 - ~~10. A management office shall be provided on site. A residence may be permitted for security personnel or an on-site operator.~~
 - ~~11. The minimum size for all junkyard facilities shall be two (2) acres, maximum lot size shall be eight (8) acres.~~
- ~~C. If the open air sales includes the sales of secondhand personal property, the use shall also conform to the City of Grand Haven Code of Ordinances, as amended, including chapter 29, secondhand goods.~~

SEC. 40-538. - KENNEL/ANIMAL DAY CARE.

- A. *Definition.* Any lot or premises on which three (3) or more domesticated animals or other household pets are either permanently or temporarily boarded or bred for profit.
- B. *Regulations and conditions.*
 1. The minimum lot area shall be one acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
 2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any ~~SFR~~LDR, MDR, or DR district.
 3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
 4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

SEC. 40-539. - LIBRARY.

- A. *Definition.* A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.
- B. *Regulations and conditions.*
1. A library that includes day care facilities for more than six (6) children shall be required to comply with the special land use standards for group or commercial day care set forth in sections 40-518 and 40-519.
 2. All required state and local licenses, charters, permits, and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
 3. The planning commission may establish standards for hours of operation taking into account the nature of the facility and general compatibility with the surrounding uses and zoning.
 4. Off-street parking shall be arranged so the area for book drop-off and bus loading and unloading of students will not be in the path of vehicular traffic.
 5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the library, and to the required sidewalk along the adjacent road right-of-way line.
 6. A library with a place of public assembly shall comply with the special land use standards for place of public assembly set forth in section 40-551.

SEC. 40-540. - LIVE/WORK.

- A. *Definition.* A dwelling unit used for both dwelling purposes and any nonresidential use permitted in the zoning district in which the unit is located.
- B. *Regulations and conditions.*
1. Space devoted to nonresidential uses shall be accessible from the dwelling area.
 2. ~~Only r~~Residents of the dwelling shall ~~use the be the primary employees in the nonresidential space for purposes of employment.~~ use the be the primary employees in the nonresidential space.
 3. The floor area of the dwelling unit shall be at least ~~five-four~~ hundred (~~4500~~) square feet in area.
 4. The planning commission may limit hours of operation of the nonresidential use to protect the character of the neighborhood.
 5. The planning commission may require measures to abate nuisances associated with the live/work unit, including sound and odor transmission, and any hazardous or regulated materials and processes.
 6. Any change in the nature or activities of a nonresidential use shall be regarded as a new use and shall require a new application.

7. Failure to fulfill the terms of the approved special use permit shall be grounds for revocation of planning commission approval.

SEC. 40-541. - MANUFACTURING, COMPOUNDING, OR PROCESSING.

- A. *Definition.* An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
 3. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
 4. Federal, state and local agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state, county, and city permits and approvals.
 5. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
 6. Outdoor storage of materials, substances, products, or component parts is not permitted.
 7. Vehicles and equipment that are actively used as an integrated component of the establishment may be temporarily parked on the site from time to time, provided such parking is located in the side or rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the planning commission and shall screen the equipment from any street or non-industrial district or use. No portion of the parking area shall be located within two hundred (200) feet of any residential district or use.
 8. The planning commission reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety and welfare.
 9. The applicant shall demonstrate and disclose the following:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.

- b. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity. The planning commission shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
- c. The potential chemical constituents of all emissions to the air, groundwater, and surface waters shall be disclosed. Impacts of these emissions shall be negligible.

SEC. 40-542. - MARINA.

- A. *Definition.* A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.
- B. *Regulations and conditions.*
 - 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - 2. Marinas shall be located only on parcels contiguous to, and with direct access to, navigable water.
 - 3. Marinas shall not interfere with riparian interests or the integrity and quality of the water body.
 - 4. Vehicular ingress and egress to the marina shall be within the riparian owner's interest area, or written authorization shall be secured from an adjacent property owner granting such access.
 - 5. All marinas shall be similar in architectural design, scale, and character to adjacent structures and activities in the vicinity, and shall be constructed of durable materials, such as brick, stone, wood, or similar material.
 - 6. The increased use of the water body associated with the marina shall not create congestion, reduce safety, or aggravate existing congestion and safety problems currently recognized. Marinas shall not constitute any navigational hazards, as determined by the planning commission.
 - 7. All marinas shall provide watercraft sanitary holding tank pump out services, per section 5 of Act 167 of 1970.
 - 8. Onshore storage of boats and/or trailers may only be incorporated in a marina special use approval where the planning commission is satisfied that such storage will be effectively screened from view from adjoining properties and rights-of-way.
 - 9. All off-street parking shall be in compliance with article VI of this ordinance, except that the parking requirement for a marina shall be one parking space per three (3) boat racks and one parking space per 1.5 boat slips.

10. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a marina.
11. The flushing or discharge of boat toilets, and/or the discarding of waste or refuse from boats into open waters is prohibited. Facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner. Each marina shall provide suitable, safe, and sanitary toilet and refuse facilities within buildings designed for this purpose. No less than one toilet shall be provided for each fifty (50) boat spaces or less within not more than five hundred (500) feet of walking distance of each boat space. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners within not more than one hundred fifty (150) feet of walking distance of each boat space. All such facilities shall be subject to the approval of the county health department.
12. In the WF district, maximum building height for a marina shall be thirty-five (35) feet.
13. If boat storage is provided, the following shall apply:
 - a. All boat storage shall be contained within a fully enclosed building, or outside within a rear or interior side yard only. Boats for sale may be displayed without regard to season, in a front or exterior side yard, but not within any minimum required front yard setback.
 - b. Outside boat rack storage and all boats stored therein, shall be screened from view from any off-premises public street from which the rack storage structure is visible, or from any adjacent district in which residential dwellings are permitted, by means of a screen wall consisting of ridged, weather resistant, architectural material, which shall be affixed directly to the boat rack storage structure.

(Ord. No. 15-06, § 1, 7-20-15)

SEC. 40-543. - MEDICAL OFFICES.

- A. *Definition.* A facility in which medical, health, and related providers maintain offices and provide services to patients on an outpatient basis.
- B. *Regulations and conditions.*
 1. Any dumpsters used by a medical office shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio-hazardous waste shall be in conformance with state and local requirements.
 2. For medical offices in the CB district:
 - a. A medical office shall not be permitted except as a part of a multi-tenant office building.
 - b. A medical office shall not be located on the ground floor of a building fronting on Washington Street.
 3. For medical offices in the S district:

- a. A medical office must comply with all requirements of the S district.
- b. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the planning commission.
- c. Where the planning commission determines that a proposed medical office shall primarily provide secondary care services the number of parking spaces required may be reduced to provide one space for each three hundred fifty (350) square feet of gross floor area. For purposes of this subsection, "secondary care services" shall mean services provided by human medical specialists who generally do not initially diagnosis or have first contact with a patient and who typically generate less vehicle traffic, including optometrists, podiatrists, chiropractors, and similar medical professionals."
- d. The applicant must provide an interior floor plan to demonstrate the proposed layout of the medical office.

SEC. 40-543A. – MEDICAL MARIHUANA FACILITY

- A. *Definition.* A location at which a state operating licensee is licensed to operate under the Michigan medical marihuana facilities licensing act, 2016 PA 281, as amended, MCL 333.27102 *et seq.* which encompasses a grower, processor, provisioning center, safety compliance facility, and secure transporter as defined in this Ordinance.
- B. *Regulations and conditions.*
 - 1. An applicant must obtain a lottery position from the City of Grand Haven prior to submitting a special use application.
 - 2. An applicant must demonstrate that they have been pre-qualified for a medical marihuana state operating license from the State of Michigan.
 - 3. Buffers from sensitive land uses as described in this subsection.
 - a. There shall be a minimum separation distance of one thousand (1,000) linear feet from K-12 schools and libraries.
 - b. There shall be a minimum separation distance of five-hundred (500) linear feet from the following land uses:
 - 1) Parks or parkland.
 - 2) Places of public assembly specifically for worship purposes.
 - 3) State-licensed day care facilities, including commercial day care, day care facility, and group day care.
 - 4) State-licensed substance use disorder programs
 - c. Buffers shall generally be measured from the nearest lot line of the lot proposed for the medical marihuana facility to the nearest lot line of any of the above sensitive land uses.

- d. If a medical marihuana facility is located in compliance with all applicable minimum separation distances and then a sensitive land use is subsequently located within any applicable minimum separation distance, the medical marihuana facility is not thereby rendered non-compliant with this subsection 3.
- 4. Hours of operation are limited to 7am to 9pm daily.
- 5. The minimum number of off-street parking spaces shall be as follows:
 - a. Provisioning center: One (1) space per One hundred fifty (150) square feet GFA.
 - b. Grower: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - c. Processor: One (1) space per employee on largest shift plus one (1) space per two thousand (2,000) square feet GFA.
 - d. Secure transporter: Five (5) spaces plus one (1) per employee on the two (2) largest shifts.
 - e. Safety compliance facility: One (1) space per employee of the largest shift plus five (5) visitor spaces.
- 6. Where a parking area abuts an existing residential use, the parking area must be screened using appropriate and effective screening methods as determined by the Planning Commission, but shall not be less than the requirements of Article VIII Landscaping.
- 7. Outdoor storage of materials, substances, products, or component parts is not permitted.
- 8. The applicant shall disclose any hazardous, flammable, or corrosive materials proposed to be stored, used, or handled on the site. Use and handling shall be conducted in accordance with applicable state and federal requirements.
- 9. The applicant must obtain an annual Medical Marijuana Facilities Permit from the City of Grand Haven to maintain the special use permit.

SEC. 40-544. - MIXED USE DEVELOPMENT.

A. *Definition.* A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact urban form.

B. *Regulations and conditions.*

~~1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the city.~~

2.1. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety, and welfare of city residents.

The mixing of uses shall be consistent with the policies set forth in the City of Grand Haven Master Plan.

~~3. The development shall consolidate and maximize usable open space, wherever possible.~~

4.2. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the city in general.

~~5.3. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the planning commission finds that such requirements may be modified due to varying hours of operation or other factors, accept as provided in article VI, section 40-605.03, shared parking.~~

6.4. A proposed mixed use development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the city, and shall:

- a. Encourage unique retail, office, and residential use alternatives.
- b. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the city.
- c. Provide for the redevelopment of underutilized sites.
- d. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service or retail uses, and enhanced landscape open spaces, squares, and parks.
- e. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, ~~non-un~~congested, and well defined. Shared access to parking areas will be required, where appropriate.

~~7.5. A mixed use development shall not infringe unreasonably on any neighboring uses.~~

~~8.6. Within the OT and WF districts, a mixed use development shall front on and be accessed primarily from a key street segment, as defined herein.~~

~~9.7. Within the CB district, residential uses shall be located above retail or office, or located on the first floor when the development does not front or take access from Washington Street.~~

SEC. 40-545. - MOTEL.

- A. *Definition.* An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.
- B. *Regulations and conditions.*

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than thirty (30) nights.
2. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, design, and odors.
3. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a motel.
4. A motel that includes auditorium, exhibition, or public meeting space shall be further regulated under the provisions of section 40-551, places of public assembly.
5. A motel that includes an eating and drinking establishment shall be further regulated pursuant to section 40-529, eating and drinking establishment.
6. Each unit shall contain not less than two hundred fifty (250) square feet of floor area, and shall contain at least two (2) rooms, including a bathroom.
7. No more than fifty (50) percent of the total number of units in a motel shall contain cooking facilities, exclusive of microwave oven, coffee maker, and refrigerator of less than three (3) cubic feet capacity.
8. No guest shall establish permanent residence at a motel.

SEC. 40-546. - MORTUARY/FUNERAL HOME.

A. *Definition.* A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

B. *Regulations and conditions.*

1. A proposed mortuary/funeral home shall be located on a parcel of land with a minimum area of one-half (½) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. No building shall be located closer than fifty (50) feet from a property line that abuts any residential use in the **SFRLDR**, MDR, MFR, OT, DR, E, or S districts.
5. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall six (6) feet in height. Evergreen landscaping may also be required by the planning commission.
6. All required federal, state and local licensing and permits shall be maintained at all times.

7. A caretaker's residence may be provided within the main building of the mortuary establishment.
8. A mortuary that includes a crematorium shall locate any cremating facilities at least one hundred (100) feet from any residential use.

SEC. 40-547. - MULTI-TENANT COMMERCIAL ESTABLISHMENT.

- A. *Definition.* A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
 2. The establishment shall be architecturally similar to adjacent buildings and shall include architectural details found on the majority of buildings in the neighborhood, so that the establishment is consistent with the aesthetic character of existing buildings; provided, that the planning commission may waive this requirement when adjacent buildings are of an inappropriate or unrelated character or when adjacent buildings are not consistent with an established city plan for the neighborhood.
 3. Off-street parking facilities for the establishment may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the planning commission finds that such requirements may be modified due to varying hours of operation or other factors, and as provided in section 40-605.03, shared parking.
 4. A multi-tenant commercial establishment in the WF district shall only be located on and have its primary access from a key street segment as defined herein.

SEC. 40-548. - NURSING CARE FACILITY.

- A. *Definition.* A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, including a nursing care facility that provides independent living services, assisted living services, and medical treatment services, in a campus-like setting that has shared facilities or common areas, or both.
- B. *Regulations and conditions.*
 1. The use shall be established and maintained in accordance with all applicable local, state, and federal laws.
 2. If the use is operating as a nursing home, under the provisions of Article 17 of Michigan Public Act 368 of 1978, the nursing home shall maintain all valid state and local licenses at all times as a condition of special use approval.
 3. A nursing care facility, as defined herein, shall not be located within fifteen hundred (1,500) feet of any other nursing care facility.

4. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be modified due to varying hours of operation or other factors or as provided in section 40-605.03, shared parking.
5. Within the MDR, OT and WF-2 districts, a nursing care facility shall front on and be accessed primarily from a key street segment, as defined herein.

SEC. 40-549. - OFFICE BUILDING.

- A. *Definition.* A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.
- B. *Regulations and conditions.*
 1. The applicant shall demonstrate that the proposed establishment will be compatible with adjacent land uses and buildings.
 2. Parking areas shall be screened from view from any public right-of-way. If residential uses are adjacent to the parking area, a three-foot landscaped berm or fence shall be provided to block glare from vehicular headlights.
 3. Internally lit signage shall not be permitted. Signage shall be externally lit, and downward facing to protect the residential character of the district.
 4. Lighting of parking areas shall be by wall mounted light fixtures only.
 5. Gable orientation of peaked roofs shall face the waterfront.
 6. An office building the WF district shall only be located on and have its primary access from a key street segment as defined herein.

SEC. 40-550. - OPEN AIR BUSINESS.

- A. *Definition.* A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure.
- B. *Regulations and conditions.*
 1. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
 2. The planning commission may establish, as a condition of approval, hours of operation for the open air business.
 3. The planning commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen or combined landscaping,

berms, and fencing; and such conditions may be in addition to the landscaping and buffering standards of article VIII of this zoning ordinance to mitigate the visual impact of an open air business.

4. The planning commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the planning commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
5. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels at any property line. Unless specifically approved by the planning commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All signs shall be in compliance with the provisions of article VII of this ordinance.
6. The open air business area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the planning commission to contain blowing dust, trash, and debris on the site.
7. Open air sales in the C district along the west side of Beacon Boulevard from the south city limits to Woodlawn Avenue may be permitted to a point thirty (30) feet distant from the right-of-way line.
8. If the open air sales includes the sales of secondhand personal property, the use shall also conform to the City of Grand Haven Code of Ordinances, as amended, including chapter 29, secondhand goods.

SEC. 40-551. - PLACES OF PUBLIC ASSEMBLY.

A. Definitions.

1. *Place of public assembly:* Buildings, structures and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.
2. *Place of public assembly, large:* A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
3. *Place of public assembly, small:* A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

B. Regulations and conditions.

1. The zoning administrator may require the completion of a traffic impact study under the terms of subsection 40-115.04.E.2 of this zoning ordinance.
2. Within the S, E and OT districts, a large place of public assembly shall front on and be accessed primarily from a key street segment, as defined herein.
3. Within the S, E and OT districts, a small place of public assembly shall front on and be accessed primarily from a key street segment, as defined herein.

SEC. 40-552. - PLANNED RESIDENTIAL DEVELOPMENT.

- A. *Definition.* A specific parcel of land or several contiguous parcels of land, under single ownership and control, for which a comprehensive physical plan, meeting the requirements of this section and establishing functional use areas, density patterns, a fixed system of streets, provisions for public utilities, drainage and other essential services, and subject to review and approval by the planning commission and city council in accordance with this section 40-552, and which has been or will be developed in full accordance with the approved plan.
- B. *Intent.* The purpose of the planned residential development option is to permit an optional means of development in all one-family residential districts, which allows a mixture of types of residential units (one-family, attached one-family cluster, two-family and multiple-family). It is further the intent of this section to permit the development of residential patterns which, through design innovation, consolidate open space and introduce flexibility so as to provide for sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive and prohibit proper treatment of the site. Development under this section shall be in accordance with a comprehensive physical plan establishing functional use areas, density patterns and a fixed system of residential collector streets. To accomplish this, the following modifications to the one-family residential standards shall be permitted subject to the conditions herein imposed:
 1. Planned residential development (PRD) as hereinafter defined shall only be permitted on parcels containing ~~ten five~~ (105) or more contiguous acres under one ownership. All PRD uses shall be regulated as set forth in this section, the approved plan, any special conditions imposed by the planning commission or city council and other applicable provisions of this chapter. A PRD may include:
 - a. Detached or attached one-family dwellings;
 - b. One-family dwelling clusters;
 - c. Two-family dwellings;
 - d. Multiple-family dwellings;
 - e. Rental or management offices and club rooms accessory to the planned development;
- C. *Regulations and conditions.*
 1. Planned residential development (PRD) as hereinafter defined shall only be permitted on parcels containing ~~ten five~~ (105) or more contiguous acres under one ownership. All PRD uses shall be regulated as set forth in this section, the approved plan, any special conditions imposed by the planning commission or city council and other applicable provisions of this chapter. A PRD may include:
 - a. Detached or attached one-family dwellings;
 - b. One-family dwelling clusters;
 - c. Two-family dwellings;
 - d. Multiple-family dwellings;
 - e. Rental or management offices and club rooms accessory to the planned development;

- f. Places of public assemblies;
 - g. Public, parochial and private elementary schools and/or high schools offering courses in general education;
 - h. Noncommercial golf courses;
 - i. Public libraries, parks, parkways and recreational facilities;
 - j. Private parks and recreation areas for the use of the residents of the planned residential development;
 - k. Accessory uses, ~~and~~ accessory buildings, and accessory dwellings.
2. All the standards of section 40-403 of this chapter for the applicable SFRLDR district shall be applied to a strip at least two hundred (200) feet in depth around the outer boundaries of the area proposed for a planned residential development, where the PRD abuts a one-family residential district. Development of the strip shall be in complete conformity with the zoning requirements of the governing one-family district and shall be developed with one-family detached residential structures; provided that the strip may be penetrated by an elementary school, park, golf course, or other related open space which is recorded in perpetuity for the purpose. All other uses permitted in this one-family district shall be prohibited from the strip. The planning commission may vary this two-hundred-foot depth in those instances wherein the parcel in question cannot be practicably developed at that depth, and when it shall find that:
- a. The parcel is of a narrow dimension and would not permit sound development of that portion remaining after the two-hundred-foot of depth where subtracted from the total depth; or
 - b. The development of the remaining portion of the parcel in question would, due to topography and/or existing abutting development, be more properly related to the development of a strip greater or lesser than two hundred (200) feet wide.
3. For the purposes of determining density, the following maximum number of dwelling units per acre overall, by zoning district shall be permitted:
- a. SFRLDR: 5 units per acre overall
 - b. MDR: 7.3 units per acre overall
 - c. MFR: 7.3 units per acre overall

The overall dwelling unit density of the PRD, as set forth and regulated above, may be averaged for the applicable area included within the proposed plan, except that no acre of land within the site shall exceed a maximum of twelve (12) dwelling units. Public rights-of-way, nonresidential use areas, and sub-aqueous or submerged swamp lands shall be excluded from density computations. Lakes or ponds, when landscaped and maintained, and included as portions of larger open space areas within the development, may be included in density computations. No more than

one-half (½) of the total number of dwelling units proposed in a PRD shall be multiple-family dwellings.

4. For purposes of determining yard area requirements and regulating the distance between buildings, the following requirements shall control:
 - a. One-family detached dwellings shall be subject to the minimum requirements of section 40-404, applicable to single-family residential development.
 - b. One-family clusters shall meet the applicable requirements of section 40-328 (one-family clustering option).
 - c. Two-family dwellings shall meet the applicable requirements of section 40-404 applicable to two-unit development.
 - d. Multiple-family dwelling structures shall meet the applicable requirements of section 40-405, including the minimum requirements governing the minimum distance between buildings.
5. Application for PRD consideration by the planning commission and the city council under this section may be made by any person owning and controlling land in the SFRLDR, MDR, or MFR districts. Application shall be made to the zoning administrator and shall contain the following information:
 - a. A boundary survey of the exact acreage being requested prepared by a registered land surveyor or civil engineer (scale: not smaller than one inch equals two hundred (200) feet);
 - b. A topographic map of the entire area at a contour interval of not more than two (2) feet. This map shall indicate all major stands of trees, of eight (8) inches or greater in diameter, bodies of water, easements, rights-of-way, Sensitive Areas overlay and unbuildable areas (scale: not smaller than one inch equals two hundred (200) feet);
 - c. A recent aerial photograph of the area shall be provided (scale: not smaller than one inch equals two hundred (200) feet);
 - d. A preliminary plan for the entire area carried out in such detail as to indicate the functional use areas and dwelling unit types being requested; the proposed population densities; a traffic circulation plan; sites being reserved for schools, if needed, service activities, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of the planned residential development (scale: not smaller than one inch equals two hundred (200) feet);
 - e. An indication of the contemplated water, storm and sanitary sewer plan, and a preliminary topographic indicating how the land area is proposed to be shaped;
 - f. A written statement explaining in detail the full intent of the sponsor, indicating the number and type of dwelling units contemplated, resultant population and

provided supporting documentation such as: soil surveys, studies supporting land use requests, and the intended scheduling of the development.

6. Upon receipt of an application as a preliminary submittal, the zoning administrator shall refer such request to the planning commission for its report and recommendation. Following its review, the planning commission may approve the application and accompanying plan only upon finding that:
 - a. All applicable provisions of this section and other applicable requirements of city ordinances chapter have been met. Insofar as any provision of this section shall be in conflict with any other provisions of this chapter, the provisions of this section shall apply to the lands embraced within a planned residential development area;
 - b. Adequate areas have been set aside for all schools, walkways, playgrounds, recreation areas, parking areas, and other open spaces and areas to be used by the public or by residents of the community;
 - c. Open space may include parks and recreation areas, wooded lots, golf courses and any use of a similar nature approved by the planning commission;
 - d. There is or will be, at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system is adequate;
 - e. The plan provides for an efficient, aesthetic and desirable use of the open areas and the plan is in keeping with the physical character of the community and more specifically, the area surrounding the development;
 - f. The applicant has made provision, satisfactory to the planning commission to assure that those areas shown on the plan for use by the public or occupants of the development will be or have been committed for that purpose. The planning commission may require that conveyances or other documents be placed in escrow to accomplish this;
 - g. Public school officials have approved of the size and location of any public school lands to be set aside for such use within the PRD site;
 - h. Provisions, satisfactory to the planning commission, have been made to provide for the future financing of any improvements shown on the plan for open space areas, and common use areas which are to be included within the development and that perpetual maintenance of such improvements is assured by a means satisfactory to the planning commission;
 - i. The cost of installing all streets and the necessary utilities has been assured by a means satisfactory to the planning commission.
7. Upon receipt and review of the above information by the planning commission, it shall forward its recommendations to the city council for its consideration of the proposed PRD.

8. After review of the planning commission's recommendations and other information relative to the PRD application, the city council may move to grant the application, which will serve as preliminary approval of the PRD plan. If such preliminary approval is given, the city council shall instruct the applicant to have prepared, for review and approval by the city's legal counsel, a contract setting forth the conditions upon which such approval is based. The contract, after approval by resolution of the council shall be executed by the city and the applicant and recorded in the office of the county register of deeds. Final approval of the plan shall be effective upon recording. Physical development on the site shall be in accordance with the approved plan and shall not commence until after final approval by the city council.
9. Once an area has been included within a plan for planned residential development and such plan has been approved by the city council, no development may take place in such area nor may any use thereof be made except in accordance with said plan or in accordance with a planning commission and city council approved amendment thereto, unless the plan is terminated as provided herein.
10. An approved plan may be terminated by the applicant or its successors or assigns, prior to any development within the area involved, by filing with the city and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
11. No approved plan shall be terminated after development commences except by mutual agreement of the city council upon recommendation of the planning commission recommendation and of all parties in interest in the land.
12. In order to assure the development of open space in conjunction with a PRD, the city council shall include in the contract recorded with the county register of deeds, a schedule for the completion of portions of the open space so that it coincides with completion of dwelling units. The developer may suggest a schedule for review by the council.
13. Within a period of two (2) years following approval by the city council, final plats and/or site plans for an area embraced within the planned residential development must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the city.
14. Before any building permits shall be issued for buildings and structures within the area of planned residential development, final plats or site plans for a project area shall be submitted to the zoning administrator for review and recommendation by the planning commission of the following:
 - a. That all portions of the project are shown upon the approved plan for the planned residential development for use by the public or the residents of lands within the planned residential development contract;

- b. That the final plats or site plans are in substantial conformity with the requirements of this section, the subdivision regulations and the approved plan for the PRD;
 - c. That provisions have been made in accordance with the PRD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PRD contract;
 - d. That a dedication of public roads shall have been made so as to cause continuity of public access between the adjacent major thoroughfare and ingress and egress to all private development within the project area plan.
15. Development of the approved final plan and/or plat may be continued in stages. If development of any approved portion is not substantially completed in three (3) years after approval, further final submittal of stages under the PRD shall cease until the part in question is completed or cause can be shown for not completing same.
16. Approval of a planned residential development under this section shall be considered an optional method of development and improvement of property subject to the mutual agreement of the city and the applicant.
17. Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved as in the first instance. In instances where modifications are necessary to the plan, the building inspector may request that the plan be again submitted for review, if in the building inspector's judgment, a substantial change is being made in the plan.

SEC. 40-553. - POWER GENERATING FACILITY.

- A. *Definition.* A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission grid. Such facilities include geothermal, hydro, solar, coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.
- B. *Regulations and conditions.*
 - 1. A proposal to establish a new power generating facility shall not be approved unless the planning commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features, shall be minimized or fully mitigated;

- b. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive;
 - c. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible;
 - d. Potential safety impacts on the residents of the City of Grand Haven and surrounding communities and employees of the facility shall be fully and adequately addressed.
2. The applicant shall fully disclose:
- a. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with sections 40-320, performance standards, and 40-332, hazardous substance and groundwater protection.
 - b. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules, and plans for eventual decommissioning of the facility.
 - c. The chemical composition of all emissions to the air, groundwater, and surface waters.
 - d. The organizational, capital, and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors, and key technical staff assisting in the development.
 - e. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.
 - f. All required federal, state, and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review and the status of all such permit applications.
3. An application for a power generating facility shall include an environmental assessment in accord with the requirements of City of Grand Haven as established by the zoning administrator.
4. All manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or six-foot-tall fencing designed to be compatible with the surrounding neighborhood.
5. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels and any unreasonable vibration at any property line.

6. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.

SEC. 40-554. - RECREATIONAL FACILITY, COMMERCIAL.

- A. *Definition.* A recreation facility operated as a business and open to the public for a fee.
- B. *Regulations and conditions.* Commercial recreational facility, whether open to the public or by private membership, shall be subject to the following standards:
 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 2. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
 3. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of sixty (60) decibels at any property line.
 4. The planning commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
 5. Within the OT district a commercial recreational facility shall front on and be accessed primarily from a key street segment, as defined herein.
 6. Within the **SFRLDR** district, a commercial recreational facility shall provide sufficient isolation distance from residential uses or other measures acceptable to the planning commission to mitigate any potential detrimental impact on surrounding residential uses.

~~SEC. 40-555. -- RESERVED REFUSE INCINERATION.~~

~~A. *Definition.* The burning of solid waste, unwanted or discarded material.~~

~~A. *Regulations and conditions.*~~

- ~~1. Refuse incineration shall be conducted within an enclosed incinerator plant.~~
- ~~2. The applicant shall demonstrate compliance with any applicable local, state and federal requirements.~~
- ~~3. A proposal to establish a refuse incineration facility shall not be approved unless the planning commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of refuse incineration shall be the most advanced such systems in terms of the following criteria:
 - ~~a. Potential environmental impacts on air, surface water, ground water, soils, and natural features, shall be minimized or fully mitigated;~~~~

- ~~b. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive;~~
 - ~~c. Potential impacts on the health of residents of the City of Grand Haven and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible;~~
 - ~~d. Potential safety impacts on the residents of the City of Grand Haven and surrounding communities and employees of the facility shall be fully and adequately addressed.~~
- ~~4. The applicant shall fully disclose:~~
- ~~a. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with section 40-332, hazardous substance and groundwater protection.~~
 - ~~b. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules and plans for eventual decommissioning of the facility.~~
 - ~~c. The chemical composition of all emissions to the air, groundwater, and surface waters.~~
 - ~~d. The organizational, capital and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors and key technical staff assisting in the development.~~
 - ~~e. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.~~
 - ~~f. All required federal, state and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review and the status of all such permit applications.~~
- ~~5.7. The planning commission may require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety, and welfare.~~

SEC. 40-556. - RETAIL BUSINESS OR RETAIL SALES.

- A. *Definition.* An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
- B. *Regulations and conditions.*
 - 1. The applicant shall provide for measures acceptable to the planning commission to prevent any excessive noise at any property line.

2. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
3. Parking areas shall be screened from view from any public right-of-way. If residential uses are adjacent to the parking area, a three-foot landscaped berm or fence shall be provided to block glare from vehicular headlights.
4. In the OT district, retail businesses or retail sales shall only be located on ~~the following~~ key street segments:
 - ~~Jackson Street, from 5th street to 3rd street.~~
 - ~~Fulton Street, from 1st street to 3rd street.~~
 - ~~Columbus, from 2nd to 3rd.~~
 - ~~2nd and 3rd, from Columbus to Fulton.~~
5. Internally lit signage shall not be permitted. Signage shall be externally lit, and downward facing to protect the residential character of the district.
6. Lighting of parking areas shall be by wall mounted light fixtures only.
7. In the WF district, retail businesses or retail sales shall only be located on a key street segment.

SEC. 40-557. ~~— SHARED COMMERCIAL FACILITY RESERVED.~~

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

B. Regulations and conditions

1. Uses or activities permitted in shared commercial facilities shall be limited to those permitted by right or by special land use in that zoning district.
2. An applicant seeking special land use approval for a shared commercial facility shall demonstrate that adequate parking exists to serve the facility.
3. All activities shall be carried out within an enclosed building.
4. On-site consumption of prepared food or beverages shall be prohibited.
5. Shared commercial facilities shall not be used for residential purposes.
6. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
- 8.7. The planning commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

SEC. 40-558. - SENIOR ASSISTED LIVING FACILITY.

- A. *Definition.* A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.
- B. *Regulations and conditions.*
1. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.
 2. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be modified due to varying hours of operation or other factors or as provided in section 40-605.03, shared parking.
 3. Section 40-402, summary tables, notwithstanding, all dwellings shall consist of at least four hundred fifty (450) square feet of floor area per dwelling unit.
 4. The number of efficiency dwelling units may exceed fifteen (15) percent of the total number of dwelling units, provided the total number of dwelling units shall not exceed eighteen (18) dwelling units per net usable acre of land.
 5. The owner shall file with the municipality, a covenant, reviewed as to form by the city attorney and approved by the city council. The owner shall covenant on behalf of himself, his heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the elderly as defined in section 40-201 of this ordinance. The covenant shall be executed and recorded with the county register of deeds, prior to issuance of a building permit.
 6. The planning commission may, at a public hearing held in accordance with the public hearing requirements set forth in this ordinance, permit housing for the elderly to exceed the maximum building height limitations of the district, provided the building(s) shall be set back from all property lines one (1) foot for each foot the structure exceeds the maximum building height limitation of the district, except that no building(s) shall exceed seven (7) stories or seventy-five (75) feet in height, whichever is the lesser.

SEC. 40-559. - SEXUALLY ORIENTED BUSINESS.

- A. *Purpose of regulation.* The purpose and intent of the sections of this ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the city and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will

not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of city residents. The provisions of this ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this ordinance to legitimize activities that are prohibited by the ordinances of the city, or state or federal law. If any portion of section 40-559, including the definitions appearing in article II and referenced in section 40-559, is found to be invalid or unconstitutional by a court of competent jurisdiction, the city intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

B. *Definitions.* Definitions associated with sexually oriented businesses are found in article II of this zoning ordinance.

C. *Regulations and conditions.* Sexually oriented businesses shall be subject to the following standards:

1. The proposed sexually oriented business shall not be located within five hundred (500) feet of the ~~SFR~~LDR, MDR, DR, NS, E, or MFR districts, or within five hundred (500) feet from a park, school, child care organization, place of worship or other sexually oriented business. The distance between a proposed sexually oriented business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other sexually oriented business.
2. Entrances to the proposed sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a. "Persons under the age of eighteen (18) are not permitted to enter the premises;" and
 - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
4. Hours of operation shall be limited to 8:00 a.m. to 11:00 p.m., Mondays through Saturdays.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

6. All signs shall be in accordance with article VII of this ordinance. Provided, however, that no sign visible from the parking area, any adjoining road right-of-way or a neighboring property shall display or depict any specified anatomical areas or specified sexual activities.
7. All parking shall be in accordance with article VI of this ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
8. As a condition of approval and continued operation of a sexually oriented business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing, including licensing pursuant to chapter 6, article VIII, of the City of Grand Haven General Code.
9. Any booth, room or cubicle available in any sexually oriented business used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas or specified sexual activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as amended;
 - b. Be unobstructed by any door, lock or other entrance and exit control device;
 - c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Be illuminated by a light bulb of wattage not less than sixty (60) watts; and
 - e. Have no holes or openings, other than doorways, in any side or rear walls.

SEC. 40-560. - SHELTERED HOUSING.

- A. *Definition* . A community service facility offering temporary refuge for persons in domestic transition living together as a group of individuals or families.
- B. *Regulations and conditions*.
 1. To be approved, the applicant shall present a facility management plan which shall outline (i) the specific social services to be provided at the facility, (ii) the particular needs of anticipated clientele, (iii) the expected length of stay for the persons offered temporary housing, and (iv) other information required by the planning commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
 2. The applicant shall demonstrate that outdoor site amenities (benches, tables, gardens etc.) be provided to prevent loitering on public and private property in the surrounding neighborhood.
 3. The use shall be compatible with other allowed uses in the vicinity. The impact of the facility shall be no greater than that of other uses allowed in the district.

4. The applicant shall provide a description of the structured program that will be offered by the facility including the days and hours of program operation.
5. When occupied, the sheltered housing facility shall have a shift manager on the premises at all times who is familiar with the facility's operational procedures, emergency management plan and have access to and knowledge of the persons staying at the shelter.
6. The maximum number of beds is limited to 1.5 times the maximum number of dwelling units which would otherwise be permitted for a multiple family development.

(Ord. No. 11-05, § 1, 2-21-11)

SEC. 40-561. - SOCIAL SERVICE CENTER.

- A. *Definition.* An overnight or drop-in facility which provides services such as job training, counseling, health training, rehabilitation, therapy, or the distribution of food or clothing, but which does not include a medical office or permanent homeless shelter as a major element.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. To be approved, the applicant shall present a facility management plan which shall outline the specific social services to be provided at the facility, the particular needs of clientele anticipated, the staffing plan including numbers and qualifications of staff proposed and other information required by the planning commission to gain a complete understanding of the facility and any potential impacts on the neighboring community.
 3. The applicant shall demonstrate that outdoor loitering space would not be provided and that outdoor loitering would be prohibited.
 4. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the district.

SEC. 40-562. - STUDIO FOR PERFORMING OR GRAPHIC ARTS.

- A. *Definition.* A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance, yoga, and other similar pursuits.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity.
 2. To be approved, the use shall be deemed by the planning commission as compatible with other established and permitted uses in the vicinity.

3. The applicant shall demonstrate that the proposed studio for performing or graphic arts will not constitute a nuisance to existing or future inhabitants or users of land near the use, or the city in general.
4. The facility shall not generate noise levels of more than sixty (60) decibels at the property line for a single-standing building, or forty-five (45) decibels at the wall line of a facility located in a mixed use development or in a facility otherwise attached to another building or enclosed space.
5. The planning commission may require additional measures to abate nuisances associated with the studio for performing or graphic arts, including sound and odor transmission and significant traffic generation. The planning commission may establish standards to limit routine noise generated by the facility in addition to the standards of this section, taking into account the nature of the facility, the surrounding uses, and zoning and the probable frequency of objectionable noise levels that may be generated by the use. The planning commission may also require a traffic study.
6. Adequate drop-off and pick-up areas shall be provided when applicable.

SEC. 40-563. - TATTOO AND PIERCING PARLOR.

- A. *Definition.* An establishment where tattooing or skin piercing is regularly conducted whether or not it is in exchange for compensation.
- B. *Regulations and conditions.*
 1. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.
 2. Food or beverages shall not be served at the establishment.
 3. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.
 4. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the C, Commercial district.
 5. A proposed tattoo and piercing parlor shall be located a minimum of one thousand (1,000) feet from an existing tattoo and piercing parlor or educational facility. The planning commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of tattoo and piercing parlors, and to avoid the establishment of a tattoo and piercing parlor in proximity to an educational facility.

SEC. 40-564. - TELECOMMUNICATION ANTENNAS AND TOWERS.

- A. *Definitions.*

1. *Telecommunication antenna*: A device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas or telecommunication facilities for commercial or municipal purposes.
2. *Telecommunication tower*: Any structure which is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio or other communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed, or monopole towers, or attached to an existing structure, such as artificial trees, steeples, light poles, poles supporting power lines or similar mounting structures that effectively camouflage or minimize the visual impact of antennas and towers.

B. *Regulations and conditions.*

1. *Siting criteria*. The locating of telecommunication antennas and towers shall be determined according to the following:
 - a. All new telecommunication antennas shall be co-located on an existing tower; provided that the planning commission may waive this requirement if it finds that co-location is impossible. Co-location on an existing tower will be deemed impossible only if there are no spaces for co-location on existing towers or other facilities in the city. Co-location will not be deemed impossible only if it may result in increased costs to the applicant. If an applicant maintains that co-location on an existing tower is impossible, the applicant must state in writing, and has the burden of demonstrating, each of the following:
 - 1) The names, addresses, telephone numbers and facsimile numbers of the owners of existing towers of which the applicant inquired regarding the availability of space.
 - 2) Details of all the efforts the applicant made to secure the right to use existing towers. This shall include details of all contacts including the names, addresses and telephone numbers of all persons contacted; dates and methods of contacts; the substance of all communications, etc.
 - 3) The specific reasons co-location on an existing tower is impossible. If there are technical reasons why co-location is impossible, the city may retain a technical expert to review the applicant's rationale. If the city's technical expert disagrees with the applicant's, the applicant shall pay the cost incurred by the city for such expert. The applicant shall deposit with the city an amount equal to the anticipated cost of the review by the city's technical expert prior to any action by the planning commission on the applicant's request to construct a new tower. Such amount shall be held in escrow and any amount not needed to support the actual costs of said expert review shall be returned if the city's expert confirms the applicant's claim.
 - b. If the planning commission determines that co-location on an existing tower is impossible, the applicant may request permission to construct a new tower in the

TI, Transitional Industrial district or I, Industrial district, provided that all requirements of the zoning district in which a tower would be located are met, including minimum lot size. ~~Towers shall be the principal use on a lot, and are not permitted as accessory uses.~~

- c. Any new tower shall be at least one-half-mile from an existing tower.
2. *Co-location standards.* Any proposed tower shall be made suitable for at least five (5) co-locations, for a total of six (6) antenna locations. No person shall construct a new tower unless it is suitable for co-location of the antennae of potential future applicants.
 - a. In determining whether a proposed tower meets this requirement, the planning commission shall consider the written statements of the applicant and the applicant's engineer. The planning commission may also consider other information it finds to be relevant or helpful including those of any expert(s) retained by the city and the statements of others in the telecommunications business.
 - b. The applicant shall provide to the planning commission:
 - 1) A written statement of the applicant's engineer identifying the number of additional antennae that can co-locate on the proposed tower and further identifying the types and estimated costs of modifications to the proposed tower which would be necessary to accommodate the co-location of those additional cellular antennae.
 - 2) A written statement indicating the terms and conditions upon which it will allow a future applicant to co-locate its antennae on the applicant's proposed tower, which terms and conditions shall be reasonable in the current marketplace. The terms and conditions shall include the amount of rent or other financial consideration which the applicant shall require a future applicant to pay for the privilege of co-locating its antenna on the proposed tower, which amount may be subject to change only to reflect changes in the consumer price index.
 - c. The applicant's failure or refusal to allow any future applicant to co-locate its antenna on the applicant's tower consistent with these terms and conditions shall be a sufficient ground for the city's revocation of the special use permit granted to the applicant.
3. *General standards for towers.*
 - a. The tower and any antenna located thereon must be less than two hundred (200) feet in height.
 - b. To the extent it is compatible with the co-location requirements above, the tower must be of a monopole design, capable of supplying its own support without the assistance of guy wires or other supports.

- c. The tower and antennas located thereon shall not have any lights or signs of any kind and shall not be illuminated either directly or indirectly by any artificial means, except when lighting is required by either the Federal Aviation Administration or Michigan Department of Transportation, Bureau of Aeronautics.
- d. No advertising logo, trademark, figures or other similar marking or lettering shall be placed on the tower or on any attachments thereto or on any accessory buildings.
- e. The tower shall be located so that, in the event of a tower collapse, the tower shall fall completely within the boundaries of the property on which it is located. The applicant shall demonstrate compliance with this requirement.
- f. Any equipment used in conjunction with the tower, other than antennas placed upon the tower, shall be located within a completely enclosed building, which shall not be any larger than two hundred forty (240) square feet in area. One shielded wall-mounted security light over the entrance to the building with wattage of one hundred fifty (150) watts or less is permitted. Shielding of the light shall be to direct it downward. There shall be no storage or placement of personal property outside such building.
- g. Personnel shall not be continuously on the premises, but may come onto the site for servicing, maintenance, and related work necessary for the operation of the tower and related equipment.
- h. No toxic, hazardous, or other dangerous substance of any kind shall be stored, placed, or used on the property; except fuel used specifically for emergency electrical generators, which fuel shall be located within fuel tanks directly attached to such generators. Notwithstanding the above, maintenance crews may bring onto the property, while maintenance is being conducted, lubricants and other materials reasonably necessary to properly maintain the facility, provided there is compliance with all of the applicable city, county, state and federal ordinances, statutes, rules and regulations.
- i. The owner and operator must comply with Federal Communications Commission regulations for radio frequency standards for the tower and all current and future co-location wireless systems.
- j. Except for existing driveways on city-owned property, all access drives in areas for vehicular use shall comply with section 40-321, private roads.
- k. The tower must be engineered and constructed to withstand ninety-mile per hour winds.
- l. The applicant shall demonstrate by way of a written opinion of a registered engineer that the proposed tower meets all of the applicable local, state, and federal building requirements.
- m. The owner and operator of the tower, and any subsequent owner or operator of the tower, must make reasonable accommodations for co-location of antennas or

other similar devices to provide personal wireless service and/or functionally equivalent services by other providers upon payment of reasonable compensation under all of the circumstances and provided such co-location is technically feasible.

- n. On an annual basis (February 1), the owner of the tower must certify to the city manager that the tower remains in operation and is structurally sound. Failure on the part of the owner to provide the required certification on an annual basis shall create a presumption that the tower has been abandoned. The city reserves the right to require the owner to list with specificity the uses being made of a tower including the dates of use; the names, addresses, telephone and facsimile numbers for those using it on such dates; and other information which city officials may deem necessary to verify such use.
 - o. Applications for new towers or antennas are also subject to the provisions of Section 514 of the Michigan Zoning Enabling Act, as amended (MCL 125.3514 et. seq.) In the event that the provisions of this ordinance conflict with the provisions said Act, the provisions of the Act shall control.
4. *Site plan application.* A site plan application shall include the following information that will be used by the planning commission to review the tower application:
- a. Elements required under subsection 40-115.04.D.
 - b. A written report including a description of the tower with technical explanations of its design.
 - c. Documentation establishing the structural integrity of the tower's proposed use.
 - d. The maximum capacity of the tower and information necessary to ensure that ANSI standards are met, and what capacity is being proposed.
 - e. A statement of intent regarding co-location and the availability of potential leasable spaces.
 - f. Proof of ownership of the proposed site or authorization to utilize it.
 - g. Copies of any easements affecting the property.
 - h. An analysis of the topography of the site and its relationship with neighboring properties.
 - i. A study depicting where any portions of the tower could be seen within a two-mile radius of the site.
 - j. A tower that remains unused for its original purpose for a period of twelve (12) months or more shall be deemed abandoned. In the event of abandonment, the tower and any accessory structures must be removed by the owner, at the owner's sole expense, upon written notification by the City of Grand Haven. If the owner fails to comply with this provision, the city shall have the right to remove or have removed the cellular tower and shall be permitted to charge the costs of removal against the real property on which the tower had been located.

SEC. 40-565. - ~~USES SIMILAR TO USES PERMITTED AS SPECIAL LAND USES.~~
RESERVED

~~A. *Definition.* Uses that have characteristics similar to specifically cited special uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, clientele and other off-site impacts.~~

~~B. *Regulations and conditions.*~~

~~1. The planning commission upon the recommendation of the zoning administrator shall make a determination of whether a proposed use is similar to one or more uses permitted by special use permit. In preparing such a recommendation, the zoning administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter, and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses in the vicinity.~~

~~2. The planning commission shall determine whether or not a proposed special use is similar to other permitted special uses, and may require of the applicant further information to demonstrate such similarity.~~

~~Upon a finding of such similarity, the planning commission may establish any regulations and conditions necessary to protect the health, safety, and general welfare of the city and its residents, based on the standards provided herein for the most similar special land use.~~

SEC. 40-566. - VETERINARY HOSPITAL.

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

B. *Regulations and conditions.*

1. Animal wastes, biohazard materials, or byproducts shall be disposed of as required by the Ottawa County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials, or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary clinic.

2. Said use shall be located on a parcel not less than one-half ($\frac{1}{2}$) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.

3. The application shall provide for measures acceptable to the planning commission to prevent any noise in excess of 60 decibels at any property line.
4. Boarding areas shall be fenced and located at least fifty (50) feet from any residential use.

SEC. 40-567. - WELL, OIL AND GAS.

- A. *Definition.* An oil or gas well is a natural reservoir or common source of supply of oil or gas.
- B. *Regulations and conditions.* No well shall be drilled so that it crosses property lines or directionally deviates from its vertical course, subject to the following conditions:
 1. No well shall be closer than one hundred (100) feet from any structure. This would not include a well house or structure constructed to house equipment ancillary to the well.
 2. The maximum height of the well structure shall be sixty (60) feet.
 3. All setback requirements of the I district shall apply to all well structures.
 4. No well shall be closer than three hundred (300) feet from a residentially zoned district.
 5. Ground water monitoring shall occur as required by the Michigan Department of Environmental Quality and Michigan Department of Natural Resources.
 6. Continuous automated air quality monitoring shall be installed and maintained to detect releases of hazardous gasses or other airborne contaminants. Types of hazardous materials and exposure thresholds shall be determined by MDEQEGLE, MDNR, or other appropriate state agencies. Incidents of releases shall be promptly reported to local authorities by the well owner.
 7. Any well which is located within three hundred (300) feet of any Sensitive Area Overlay, as defined in section 40-422, Sensitive Areas Overlay district, shall submit an environmental assessment to determine how the Sensitive Area location will not be negatively impacted by the well. The planning commission shall review the impact on the Sensitive Area Overlay according to the criteria in section 40-422.04.
 8. A twenty-four-foot-wide clear hard surfaced fire lane must be provided to and completely encircle the drilling well.
 9. A fire hydrant must be located within three hundred (300) feet of the drilling well.
 10. An eight-foot-high wrought iron or chain link fence must encircle the drilling well. The gate must be locked at all times when there is no one on site.
 11. A containment berm, with a liner designed to contain any liquids released from the well, must be constructed around the well during and after construction, subject to the following:

- a. The capacity of the containment berm must be sufficient to protect surrounding land from a liquid release, and shall be calculated on a case-by-case basis, based on reasonable estimates of well capacity and emergency response time.
- b. The exterior of the berm must be landscaped. A landscaping plan must be submitted for planning commission approval.

SEC. 40-568. - WIND ENERGY CONVERSION SYSTEM.

- A. *Definition.* A wind energy conversion system shall mean all, or any combination of, the following:
 1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
 4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
- B. *Regulations and conditions.* The following standards shall apply to all wind energy conversion systems as defined herein.
 1. A wind energy conversion system shall be located on a parcel at least two and one-half (2½) acres in size.
 2. In addition to the special use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
 - a. Noise and vibration at any property line;
 - b. Potential impacts on wildlife, including native and migrating birds;
 - c. Shadow and glare impacts on adjacent properties; and
 - d. Aesthetic impacts of the windmill on adjoining properties.
 3. The applicant shall also submit an appropriately scaled site plan, illustrating the following:
 - a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation;
 - b. Location and elevation of the proposed wind energy conversion system;
 - c. Location and dimensions of all existing structures and uses on the lot within three hundred (300) feet of the system;

- d. Height of any structures or trees over thirty-five (35) feet in height within a five-hundred-foot radius of the proposed wind energy conversion system, whether on-site or off-site;
 - e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the wind energy conversion system location;
 - f. Standard drawings of the structural components of the wind energy conversion system, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes;
 - g. Evidence from a qualified individual that the site is feasible for a wind energy conversion system;
 - h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site;
 - i. Written justification that there is a substantial need for the proposed use;
 - j. Registered engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour; and
 - k. Registered engineer's certification that if the windmill were to fall, no building or structure - existing or potential - would be damaged.
4. Setbacks.
- a. Wind energy conversion systems shall maintain a minimum setback of two (2) times the total height of the wind energy conversion system from any property line.
 - b. Wind energy conversion systems shall maintain a minimum setback of at least three (3) times the wind energy conversion system height from the right-of-way line of any public road or highway.
 - c. In all cases the wind energy conversion systems shall maintain a minimum distance of at least 1.25 times the wind energy conversion systems height from any habitable structure.
5. Dimensions.
- a. Wind energy conversion systems shall not exceed a total height of one hundred fifty (150) feet unless the parcel on which the wind energy conversion systems is to be located is ten (10) acres or larger, in which case the maximum total height may be two hundred (200) feet. Such total height shall include both support structure and the highest elevation of the windmill rotor.
 - b. In all cases the minimum height of the lowest position of the wind energy conversion system's blade shall be at least thirty (30) feet above the ground.

6. Siting and design standards.
 - a. Wind energy conversion systems shall not be placed on visually prominent ridgelines.
 - b. Wind energy conversion systems shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas.
 - c. Colors and surface treatment of the wind energy conversion systems and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
 - d. If the wind energy conversion systems are two hundred (200) feet tall, they shall be equipped with air traffic warning lights, which adequately warn oncoming air traffic without being unreasonably obtrusive to neighboring properties.
7. Safety measures.
 - a. Each wind energy conversion system shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
 - b. The planning commission shall determine the height, color, and type of fencing for wind energy conversion system installation.
 - c. Appropriate warning signs shall be posted. The planning commission shall determine the type and placement of the signs, pursuant to paragraph 11. below.
 - d. Each wind energy conversion system shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.
8. An approved wind energy conversion system shall be exempted from height restrictions of the zoning district.
9. Any wind energy conversion system facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. A locked, protective fence at least six (6) feet high shall enclose a tower capable of being climbed.
10. The wind energy conversion system operator shall maintain a current insurance policy which will cover installation and operation of the wind energy conversion system. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the wind energy conversion system can be successfully operated in the climatic conditions found in the City of Grand Haven. The windmill shall be warranted against any system failures reasonably expected in severe weather operation conditions, as a condition of approval.
11. Wind energy conversion systems shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:

- a. "Warning: high voltage."
 - b. Manufacturer's name.
 - c. Operator's name.
 - d. Emergency phone number.
 - e. Emergency shutdown procedures.
12. Wind energy conversion systems shall be designed and constructed so as not to cause radio and television interference.
13. If any wind energy conversion system remains non-functional or inoperative for a continuous period of one year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within thirty (30) days from the date of notification by the zoning administrator, the City of Grand Haven may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the city; and costs of removing the facilities will remain the burden of the permit holder.