

**An Ordinance Amending the Grand Ledge City Code Chapter 220, Zoning, Article XIX, General Exceptions, to Require Planning Commission, Rather than Zoning Board of Appeals, Approval for Essential Services, to Correct an Inconsistency in the Ordinance Language Regulating Setbacks for Porches in Residential Districts, and to Amend the Criteria for Use of Existing Residential Lots Not Conforming to the Minimum Lot Size Requirements.**

**The City of Grand Ledge Ordains:**

**Section 1.** Change. Chapter 220, Zoning, Article XIX, General Exceptions, of the Grand Ledge City Code is amended, as follows:

§ 220-81. Essential Services.

Essential services serving the City of Grand Ledge and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the municipality. ~~Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the municipality shall receive the review and approval, after public hearing, of the Board of Appeals. Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.~~

§ 220-82. Voting place.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

§ 220-83. Porches in residential districts.

A. An unenclosed, uncovered porch, deck, balcony or awning may project from a principal building into the required rear setback for a distance not to exceed 15 feet. An unenclosed porch, deck balcony or awning may project from a principal building into the required rear setback for a distance not to exceed 20 feet; into a required front yard setback area for a distance not to exceed eight feet; and into a required side yard setback area for a distance not to exceed three feet, but in no case shall a porch, deck, balcony or awning be placed closer than five feet to any lot line. When projecting from a detached accessory building, an unenclosed porch, deck, balcony or awning must comply with the minimum setback requirements for detached accessory buildings contained in § 220-64. Physical structures relating to barrier-free access, such as ramps, shall not be required to comply with setback requirements.

B. For purposes of this section, "unenclosed" is hereby defined as a porch, deck, balcony or awning which, except for roofs, pillars, posts, or railings, is completely open to the elements on at least two sides. If an unenclosed porch, deck, balcony or awning projects into the required setbacks as stated above, such structures shall not be enclosed by walls, windows, doors, screens or other barriers unless they are brought into compliance with the required setback requirements of this chapter.

§ 220-84. Access through yards.

For the purposes of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered a structure, and shall be permitted in any required yard. Access drives shall in no instance drain onto adjacent properties.

§ 220-85. Architectural projections.

In any zoning district, architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows, gutters, pilasters, chimneys, flues and other similar features may extend or project into a required yard not more than two inches for each one foot of width of such yard, and may extend or project into a required front or rear yard not more than three feet. Architectural features shall not include those details which are nominally demountable such as wall signs or insignias.

§ 220-86. Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or site arrangement, such regulations may be modified or determined by the ZONING Board of Appeals.

§ 220-87. Required lot area for residential districts.

Any residential lot created and recorded prior to the effective date of this chapter may be used for any permitted use even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided:

- A. That the other requirements of the district are met.
- B. That no adjacent VACANT land or lot is owned by the owner of the lot in question.
- C. ~~That no lot shall be so reduced in area that the required open space will be smaller than those established as a minimum for the district in which the lot is located.~~ IF A LOT ALREADY HAS LESS THAN THE MINIMUM REQUIRED LOT AREA OR LOT WIDTH IT SHALL NOT BE DIVIDED OR REDUCED IN DIMENSIONS OR AREA SO AS TO INCREASE ITS NONCOMPLIANCE WITH THE MINIMUM REQUIREMENTS OF THIS ORDINANCE.
- D. ~~That any lot so excepted shall be no less than 50 feet in width at the street line.~~

§ 220-88. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley, for the purposes of applying lot area and setback requirements of this chapter, 1/2 of such alley abutting the lot shall be considered as part of such lot.

§ 220-89. Height limit.

The following kinds of structural appurtenances shall be permitted to exceed the height limitations for authorized nonresidential uses only when all of the following conditions can be satisfied:

- A. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or for commercial enterprise.
- B. Any structural exception to height limitations shall be erected only to such height as may be necessary to accomplish the purpose it is intended to serve and will not become a hazard to aviation.
- C. Structural elements may not exceed 20% of the gross roof area, without approval of the Zoning Board of Approval.
- D. Structures qualifying for exception include those listed below:
  - (1) Structures that are ornamental in nature such as church spires, belfries, cupolas, domes, ornamental towers, flag poles and monuments.

- (2) Appurtenances that have a mechanical or structural function such as chimneys and smokestacks, water tanks, elevator and stairwell, penthouses, ventilators, bulkheads, cooling towers, and grain and seed elevators.
- (3) Public monuments.

§ 220-90. Gas station canopies.

Canopy structures accessory to a gasoline service station may be permitted to extend into a required yard setback when the following conditions are met:

- A. Such canopies shall remain unenclosed.
- B. Cantilevered canopies may be no closer than 15 feet to a lot line or road right-of-way.
- C. In no instance shall a pier or other supporting member be located within a required setback.
- D. Such canopies shall not cover more than 25% of the zoning lot.

**Section 2. Severability.** The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

**Section 3. Section Headings.** The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

**Section 4. Effective Date.** This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

**Introduced by the Grand Ledge City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

**Motion by**

**Second by**

**Ayes:**

**Nays:**

**Absent:**

**Adopted by the Grand Ledge City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2012.**

**Motion by**

**Second by**

**Ayes:**

**Nays:**

**Absent:**

Approved:

\_\_\_\_\_  
Kalmin D. Smith, Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance # \_\_\_\_\_ adopted by the Grand Ledge City Council at a meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2012, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance # \_\_\_\_\_ was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the \_\_\_\_\_ day of \_\_\_\_\_, 2012, subsequent to its adoption.

\_\_\_\_\_  
Gregory L. Newman, City Clerk

Introduced: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_