

### **Section 3.50 Required Area or Space**

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- a) **Required Area and Dimensions** - No lot, required yard area, required parking area, required lot width, or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. The minimum area for any new lot or parcel shall be no less than the minimum lot size of the underlying zone district in which the lot or parcel will be located (Refer to Schedule of District Standards, Section 9.150). If already less than the minimum requirements of this Ordinance, a lot, required yard, parking area, lot width, or space shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this Ordinance.
- b) **Double Counting of Designated Space Prohibited** - Unless otherwise permitted by this Ordinance, no space which for purpose of a use or building has been counted or calculated or included as part of a yard area or other space required by this Ordinance may be counted or calculated or included to satisfy the yard or other space requirements for any other use or building.

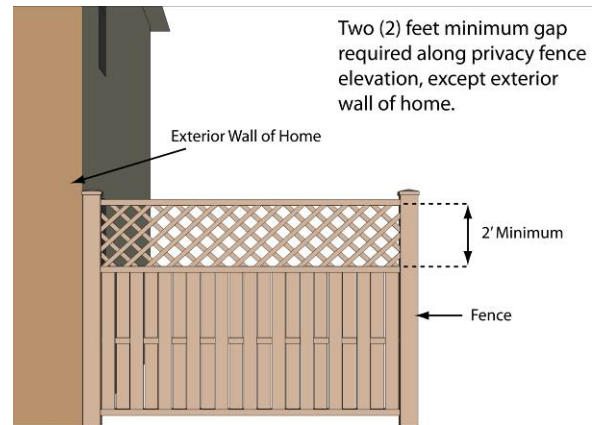
[Ordinance No. 265, 10/4/10]

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

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- a) **Projection into Yards** - Provided they do not pose a threat to the public health, safety, welfare, or damage to adjoining properties, certain architectural features and structures may project into required yards. The most extreme (outward) point of the feature and/or structure shall be used when measuring the permitted yard encroachment. In all instances, projections shall be subject to review and approval by the Zoning Administrator. In making a determination of approval, the Zoning Administrator may consult with the Building Inspector, Fire Chief, or other individuals for purposes of determining potential impacts on the public health, safety, welfare, or damage to adjoining property.
- b) **Cornices, Eaves, Gutters, Building Overhangs, Chimneys, Pilasters and Similar Features** - may project into required yards as follows:
  - 1) Three (3) feet into a required front yard.
  - 2) Five (5) feet into a required rear yard.
  - 3) Two (2) feet into a required side yard.
- c) **Unenclosed Stoop, Deck, Balcony, or Window Awning** - may project into required yards as follows:
  - 1) Five (5) feet into a required front yard.
  - 2) Ten (10) feet into a required rear yard. [See also d) and e) following.]
  - 3) Steps and Landing Only - Steps and an adjoining landing, the landing not to exceed three (3) by three (3) feet, may project into a side yard if located directly off a main floor exterior door. The projection shall be at least three (3) feet from the side lot line.
- d) **Stoop or Deck Enclosed by Privacy Fencing** - may project up to ten (10) feet into a required rear yard subject to the following restrictions (see Figure 3-1):
  - 1) The stoop or deck shall be attached to, or within twelve (12) inches of, the principal dwelling.
  - 2) The enclosure shall be designed and constructed as privacy fencing, as opposed to an enclosed seasonal or year round living space such as an enclosed porch, sunroom, family room, etc.

- 3) The privacy fencing may be covered by a roof type structure or covering, provided, a minimum gap of two (2) feet between the roof or covering and fence shall be maintained, except for the exterior wall of the home to which the roof structure or covering is attached or abuts. No more than twenty (20) percent of the required gap may be blocked by roof supports or other structural elements.
- 4) The height of the privacy fence located on deck shall not exceed:
  - a. Six (6) feet for a deck located off the first floor.
  - b. Five (5) feet for a deck located off a second story.
  - c. Four (4) feet for a deck located above a second story.
- 5) The above projection distance shall include any eave, gutter, or similar device or feature which may be attached to the stoop, deck, roof, or covering.



**Figure 3-1: Privacy Fencing around Stoop or Deck**

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

- 1) Low Level Rear Yard Deck. A low level deck located in the rear yard may cover the yard subject to the following restrictions:
  - a. The deck shall be subject to site plan review and approval by the following party:
    1. Deck covering up to fifty (50) percent of the rear yard - by the Zoning Administrator.
    2. Deck covering more than fifty (50) percent of the rear yard - by the Planning Commission.
  - b. The deck surface shall not exceed twelve (12) inches above ground height.
  - c. The deck shall be at least three (3) feet from any side or rear lot line.
  - d. No portion of the deck located in a required yard area may contain a roof, provided, however, a permitted accessory structure located on a deck such as a pool shower area, changing room, sauna, utility building, and other permitted accessory building may possess a roof.
  - e. An accessory building placed on the deck shall be constructed of materials similar to that of the deck. For determining height, the height of the accessory building shall include any distance between the building and ground surface.
  - f. Adequate provisions shall be made to ensure the proper handling of surface water. The deck shall not result in damage to adjoining properties as a result of modifications to normal surface water drainage patterns.
  - g. In granting approval, the Zoning Administrator or Planning Commission may require additional conditions including, but not limited to, perimeter landscaping; restrictions on the design, placement, and use of an accessory building; and, reduction in deck height and/or yard area coverage.
- 2) Patio Setbacks. Patios are subject to the following setbacks:
  - a. When located in front and side yards: Front and side setbacks as required by Section

9.150.

- b. When located in a rear yard: At least three (3) feet from any side or rear lot line. [Ordinance No. 305, 4-1-19]
- f) **Building Code Requirements** - A yard projection permitted by Section 3.60 shall not violate any provisions of the City Building Code.
- g) **Limits of Encroachment** - A projection must be at least three (3) feet from any public right-of-way.

### **Section 3.70 Mechanical Equipment - Roof and Ground Mounted**

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- a) Except as noted under Section b), which follows, mechanical equipment, including water and gas meters; elevator housing; stairways; tanks; heating, ventilation, and air conditioning equipment (HVAC); and other similar equipment shall comply with the following standards:
  - 1) General Provision - All such equipment, roof or ground mounted, shall be screened by a solid wall, fence, landscaping or architectural feature that is compatible in appearance with the principal building.
  - 2) Roof Mounted - Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area.
  - 3) Ground Mounted - Shall be placed in a non-required side or non-required rear yard.
- b) The following shall be exempt from the above provisions:
  - 1) Single-family homes.
  - 2) Two-family homes.
  - 3) Window air condition units.
- c) No outdoor furnaces shall be installed or operated anywhere in the City of Ferrysburg [Ordinance No. 223, 6/6/05]

### **Section 3.80 Essential Public Services**

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- a) The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district subject to the following review and approval procedures:
  - 1) Review and Approval by Zoning Administrator - The Zoning Administrator shall have authority to review and approve essential public services buildings not exceeding a ground floor area of six hundred (600) square feet nor twelve (12) feet in height, and which do not possess an outside storage area. A site plan shall be submitted to the Zoning Administrator for review and approval. The site plan shall include those elements required by Article V. of this Ordinance, provided, however, the Zoning Administrator may waive any required site plan element which he/she determines is unnecessary to make a determination of conformity of the essential public services building with the character of the surrounding neighborhood and this Ordinance.
  - 2) Review and Approval by Planning Commission - Essential public services buildings having a ground floor area exceeding six hundred (600) square feet or twelve (12) feet in height, all essential public services outdoor storage areas including any buildings associated therewith, and all sub-stations shall require site plan review and approval by the Planning Commission pursuant to the provisions of Article V. of this Ordinance.