

CITY OF LUDINGTON

ORDINANCE NO. 365-17

Short Title: An ordinance to amend the City of Ludington Zoning Ordinance No. 23-00, as amended.

THE CITY OF LUDINGTON ORDAINS:

Section 1.

ARTICLE 400.9 M-1 WHOLESALE AND LIGHT INDUSTRY DISTRICT

SECTION 400.9:4 Special Land Uses (Refer to CHAPTER IX)

- (1) Metal working stamping, punching, plating, buffing, polishing, riveting, grinding, welding, pressing, and turning.
- (2) Industrial Planned Unit Development in accord with Chapter X.
- (3) Canning factories and food processing.
- (4) Storage facilities for coal, coke, and building materials, sand, gravel, stone, lumber, open storage of construction contractors' equipment and supplies-
- (5) Radio, television, cellular, and similar communication transmitter stations and commercial towers. Towers either stand-alone or mounted on building roofs of other structures (i.e. towers for radio, television, cellular, and similar communication transmitter stations, including towers for "ham" operators and industrial trade schools)
- (6) Dispensaries, commercial onsite day care center and clinics on the premises of and clearly incidental to any business, trade or industry.

Section 2.

ARTICLE 400.10 M-2 HEAVY INDUSTRY DISTRICT

SECTION 400.10:4 Special Land Uses (Refer to CHAPTER IX)

- (1) Salvage yards.
- (2) Industrial Planned Unit Development in accord with Chapter X.

Section 3.

ARTICLE 400.15 W WATERFRONT

SECTION 400.15:2 Permitted Principal Uses

- (1) Public and private marinas for the berthing and servicing of boats, including public and private boat launch sites, but not including major repair facilities.
- (2) Car ferry dock and related administrative and maintenance facilities.
- (3) Fishing piers, parkways, play areas, and beaches.
- (4) Boat clubs.
- (5) Multi-family residences which conform to lot and area requirements as specified in Section 400.14:1, R3A. Single family and two-family homes are not permitted, except as provided in Section 400.15:4(8) and Waterfront Planned Unit Development in accord with Chapter X.
- (6) libraries, museums, fire stations, police station, and other governmental facilities, professional offices, banks, general office uses, institutional and other public uses.

SECTION 400.15:4 Special Land Uses (Refer to CHAPTER IX)

- (1) Facilities for major repair or reconstruction of boats.
- (2) Buildings over 35 ft. high.

- (3) Storage of boats.
- (4) Waterfront Planned Unit Development in accord with Chapter X.
- (5) Boat sales & display.
- (6) Restaurants, cafes and food concession stands.
- (7) Hotels, motels, convention facilities or meeting facilities.
- (8) Bed and breakfast establishments
- (9) One dwelling unit, which is accessory to any principal permitted use or special land use when occupied by the owner or an employee of the business. The dwelling unit must be part of the building in which the principal use or special use is located.
- (10) Retail stores and establishments, but not including sales of cars, trucks or farm equipment.
- (11) Barber shops and beauty shops.
- (12) Artisan shops.
- (13) Commercial indoor recreation uses such as bowling, roller skating, dance studios, gymnastics, archery, golf driving ranges, racquetball, exercise and fitness centers and similar indoor recreational uses.
- (14) Bakery
- (15) Microbrewery.
- (16) Fences.
- (17) Communication towers.

Section 4.

ARTICLE 400.16 WS WATERFRONT SHIPPING

SECTION 400.16:4 Special Land Uses (Refer to Chapter IX)

- (1) Same special land uses in “W” (Waterfront District), subject to all conditions and restrictions for such uses in the “W” (Waterfront District).
- (2) Storage and distribution of aggregate and containerized cargo which items have been unloaded from ships or barges or are to be loaded on ships or barges.
- (3) Communication towers.

Section 5.

ARTICLE 400.17 WM 1 AND 2 (WATERFRONT MARITIME)

SECTION 400.17:4 Special Land Uses

- (1) Waterfront Planned Unit Development in accord with Chapter X.
- (2) Restaurants and cafes;
- (3) Hotels, motels, convention facilities or meeting facilities;
- (4) Bed and Breakfast establishments
- (5) Outdoor food or beverage service or outdoor entertainment;
- (6) Artisan shops;
- (7) Fences

Section 6.

ARTICLE 400.18 WCB (WATERFRONT CENTRAL BUSINESS)

SECTION 400.18:4 Special Land Uses

- (1) Waterfront Planned Unit Development in accord with Chapter X.
- (2) Restaurants and cafes;
- (3) Hotels, motels, convention facilities or meeting facilities;
- (4) Bed and Breakfast establishments

- (5) Retail stores or establishments, not including sales of cars, trucks, farm equipment, boats, or other similar items;
- (6) Artisan shops;
- (7) Fences
- (8) Outdoor service of food and beverage, including alcoholic beverages, not otherwise allowed under Section 400.18:3, when the service is accessory to a permitted food and beverage service use (See Section 900.3:21).

SECTION 400.18:5 Required Conditions

- (1) Site plan review is required for all uses, buildings, and structures. (Refer to Chapter XI)
- (2) Area, height, and placement regulations:
 - a. Maximum floor area of principal and accessory buildings will be governed by setback and parking requirements.
 - b. Setback Requirements:
 - 1) 10 feet from any street right of way or any property line;
 - c. Minimum lot size will be determined by the use, and the parking and;
 - d. Height: no building or structure shall be permitted to exceed 45 (forty-five) ft.
 - i) Buildings proposed at a height greater than 45' (forty-five) ft. may be permitted as a special land use. In consideration of the greater height, the Planning Commission shall have the ability to increase the yard setback facing or nearest the water frontage by one (1) foot for each five (5) feet of building height that exceeds the maximum height permitted, but not to exceed an added height of ten (10) feet (fifty-five (55) feet total).
 - ii) Architectural features not intended for human occupancy, (such as but not limited to a weather vane, clock tower, cupola) may be permitted to exceed the main roof height up to ten (10%) percent of the regulation height. The longest dimension of the architectural feature shall not exceed ten (10%) of the shortest dimension of the building it is to be constructed upon.
 - iii) For purposes of this District, building height shall be defined as the distance from the average grade level of the existing adjoining street to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip and gambrel roofs. If there are more than one adjoining street to a property, the average grade level of the streets shall be used to determine the base level. If an eave line extends more than five (5) feet below the interior room ceiling, the eave line shall be determined to be five (5) feet below the interior room ceiling for the purpose of determining building height.
- (3) The maximum density shall not exceed 30 units per acre for residential use. The Planning Commission may administratively, as part of site plan review, allow increases in density up to 10% if the projects are designed to provide or maintain maximum viewing opportunities to the waterfront as seen from public activity centers located within 300 ft. of the waterfront (lake or marina) shoreline, as defined in chapter Xa, Section 1000a4:7(2).
- (4) All utilities must be installed underground.
- (5) Parking requirement: Refer to Chapter VII for general requirements concerning number of spaces and design and construction.
 - a) On street parking of campers, motor homes, and vehicles with boat trailers attached or of boat trailers is not permitted.
 - b) Screening for parking lots may be required if it is determined by the Site Plan Review Committee that there would be negative impact on adjoining uses.
- (6) Signs (Refer to Chapter VIII)
- (7) Screening: A solid fence, berm or planting of up to 4 ½ ft. may be required if it is determined by the Site Plan Review Committee to be necessary or desirable in protecting neighboring properties or public ways. Under no circumstances will a fence, berm or hedge exceeding 4½ feet in height be permitted in the setback from the water.
- (8) Enclosure: All permitted uses shall be conducted within the confines of a building or within an enclosure that screens any outdoor operations or storage of materials from the view of adjoining streets or properties. The foregoing shall not apply to permitted temporary uses (See Article 500.14), or when allowed by special land use, to drive-in retail establishments serving the customers from their vehicles or outdoor service of food or beverages.
- (9) Fire Protection: Where two or more boats are stored in a commercial storage facility or a facility that is public accessible, all boats stored in such buildings must have master battery switches which must be turned

off to disconnect all electric motors before storage. No motors may be started inside such buildings, except in repair facilities.

- (10) Refuse disposal:
- (11) Fish-cleaning facilities must be entirely enclosed and self-contained. All refuse must be disposed of in a manner to prevent noxious odors.
- (12) Outdoor refuse containers for all uses must be covered, enclosed in a solid screened area, not be located in any required setback areas or view corridors and must be maintained in a manner to prevent noxious odors.

Section 7.

ARTICLE 800.7 SIGNS ALLOWED IN SPECIFIED ZONING DISTRICTS

SECTION 800.7:1 Signs in R1A, R1B, and R2A (Single- and Two-family Residential) Districts: Only the following accessory signs shall be permitted. (See SECTION 1000.4:9 ARTICLE 1000.2:3 for sign standards in Planned Unit Developments.)

- (1) One exterior or interior nonilluminated profession, home occupation or nameplate sign not to exceed 324 square inches per lot.
- (2) A sign or signs aggregating not more than 9 square feet in area advertising the name, activities, or condition of use of a permitted nonresidential use, except that churches, synagogues, and schools may have sign(s) aggregating not more than 64 square feet in area.
- (3) No sign shall be erected nearer any street than half the required setback, except that a nonilluminated nameplate sign not more than 324 square inches in area may be placed anywhere in the front yard.

SECTION 800.7:2 Signs in R3A (Multi-Family Residential) District

- (1) The provisions of SECTION 800.7:1 shall apply, except that the professional or nameplate sign as regulated above may be increased to a total area of four square feet.
- (2) A group of multi-family buildings with nine or more dwelling units or permitted nonresidential uses may display one identification sign of not more than 32 square feet. (See ARTICLE 1000.2:3 for sign standards in Planned Unit Developments.)

Section 8.

ARTICLE 900.2 GENERAL PROVISIONS

SECTION 900.2:2 Planned Unit Development as Special Land Use. An applicant requesting special land use designation for a planned unit development shall conform to the requirements and procedures stipulated in CHAPTER X, in lieu of the following requirements.

Section 9.

ARTICLE 900.3 PERMITTED USES

SECTION 900.3:2 Planned Unit Development. Planned Unit Developments may be permitted in the R1A, R1B, R1C R2A, R3A, W, WS, WM1 and 2, WCB, M1 and M2 districts as a special land use under the procedures and limitations specified in CHAPTER X.

Section 10.

ARTICLE 1000.2:1 RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) GENERAL REQUIREMENTS

Any application for a residential planned unit development (RPUD) as a special land use must meet the following conditions to qualify for consideration:

- A. Ownership.** The tract of land for a project must be either in single ownership or the subject of an application filed jointly by the owners of all property included, and the area of the parcels must total two (2) acres or greater. The holder of a written option to purchase land or the holder of an executory land contract shall, for the purposes of such application, be deemed to be an owner of such land
- B. Location.** RPUDs shall be allowed in R1A, R2A, R3A and R1C as a special land use.
- C. Utilities.** Public water and sanitary sewer/storm drainage facilities shall be provided as part of the site development. All electric and communication transmission lines shall be placed underground.

Section 11.

ARTICLE 1000.2:2 RPUD PERMITTED USES

- A.** No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following.
- B. Residential uses.**
 - (1) Single-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Townhouses.
 - (4) Condominiums.
 - (5) Other multi-family dwellings
- C. Accessory and Associated Uses.** Accessory and associated uses designed and intended to serve the convenience needs of the people residing in the RPUD, including but not limited to: Recreational play areas, churches, or child day care facilities.

Section 12.

ARTICLE 1000.2:3 RPUD DESIGN REQUIREMENTS

The following requirements and the design standards in ARTICLES 1100.8 and 1100.9 shall apply to RPUDs in lieu of any conflicting regulations set forth in the zoning district. Unless listed, the requirements within the zoning district shall apply.

- A. Number of Dwelling Units Permitted.** The maximum number of dwelling units permitted in the project shall be determined by dividing the net RPUD area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately. The number of units allowed may be increased by the Planning Commission up to an additional 20 percent if special scenic vistas are preserved and/or open space creatively provided.
- B. Lot Area Requirements.** The minimum lot area shall not be reduced for any permitted use more than 10 percent below that required in the district in which the project is located.
- C. Setback and Yards.** The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased at the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonably equivalent open space is provided elsewhere upon the site.
- D. Minimum Lot Frontage and Width.** The minimum lot frontage and width for any lot designated for single-family dwelling may be reduced 10 percent below the requirements of the district in which the RPUD is located.
- E. Screening.** A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the value of adjoining property under separate ownership.
- F. Landscaping.** Landscaping requirements may be set forth by the Planning Commission.
- G. Open Space Required.**

- (1) As part of the total development in every RPUD, there shall be an amount of open space equal to not less than the summation of lot area reduction below the minimum dimensions required in Article 400:14 for the underlying zoning district.
- (2) Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of future maintenance thereof.
- (3) All required open space within a RPUD shall be arranged to provide access and benefit to all residents of the development.

H. Parking. Parking shall be regulated per Chapter VII.

I. Architectural Standards All architectural standards including building massing shall be regulated per the zoning district.

K. Lot Coverage. Lot coverage shall be regulated per the zoning district in which the development is located.

L. Signs:

- (1) All signs in planned unit developments shall be subject to the following regulations:
 - a) The erection, construction, location, retention, or placement of any sign in or over a public or private right-of-way shall be prohibited.
 - b) Merchandise such as tires, produce, and any other articles for display, sale, or lease shall be considered a sign and shall not be located in any manner outside any building.
 - c) Signs which are not related to the development are prohibited.
 - d) No roof signs shall be allowed.
 - e) Any series of flags, flashing and moving signs, fluttering devices, strings of lights, and other similar attention-getting devices are prohibited.
 - f) Only indirect lighting of a subdued nature shall be permitted. Signs with interior lighting or neon signs shall be prohibited.
 - g) All signs which are erected must be related to a current use. In the event that the use is discontinued, the sign must be removed within 30 days of the termination of the use.

(1) Permitted Signs:

- a) One free-standing permanent development sign or monument sign per entrance to the development shall be permitted not to exceed 50 square feet in area for the purpose of identifying the name of the development, provided, however, that not more than two such signs shall be permitted. A monument sign must be located within the property lines, may begin at ground level, and cannot exceed a height of 6' to the top of the sign.
- b) Identification nameplates not exceeding 20 square feet in area identifying residential and nonresidential uses shall be permitted flat against the wall of a building and at the entrance of each designated parking area for such building. The total display surface of all such identification nameplates shall not exceed 20 square feet in area and shall not consist of more than one such identification nameplate per building and per parking area entrance.
- c) Signs of an informational, non-advertising nature, such as street signs and signs concerning public or quasi-public areas shall be permitted.
- d) Temporary real estate signs not exceeding six square feet in area nor four feet in height shall be permitted provided no illumination is used.

(2) Sign Sketch Plan Required

The general theme, plan, or policy for all such signs proposed in a planned unit development shall be submitted with a sketch plan to the Zoning Administrator for review and approval before any signs are installed. After such review and approval, no signs shall be installed which do not comply with such approved plans

Section 13.

ARTICLE 1000.3:3 WPUD DESIGN REQUIREMENTS

- A. Number of Dwelling Units Permitted.** The number of dwelling units permitted in WPUD within this section shall be subject to the following regulations:
- (1) WPUD having a multiple family residential component may be permitted to have a density of 30 dwelling units per acre.
 - (2) Only that land area within the project area which is devoted to residential use shall be permitted to be used in the density calculation for dwelling units.
 - (3) When non-residential uses are incorporated into the same development with multiple family residential units, located either above or below such units, the parking and loading areas associated with such non-residential uses shall not be included in the land area used to calculate the multiple family residential density.
- B. Minimum Lot Area.** No specific minimum lot area shall be in effect, however, sufficient lot area to meet the design requirements of this Chapter shall be required.
- C. Setbacks and Yards.**
- (1) A minimum setback of 15 feet from the highwater mark shall be required of all uses with the exception of marinas, docks, and similar structures.
 - (2) A minimum setback of 7.5 feet shall be required from lot lines which do not abut a public right-of-way, except in WCB where such setback shall be a minimum of 10 feet.
 - (3) A setback of 10 feet shall be required from lot lines which abut a public right-of-way.
 - (4) The Planning Commission may reduce these setbacks, with the exception of the 15-foot setback from the high water mark in those cases where it is felt that such reduction will not result in adverse impacts to safety, viewing qualities, or adjoining properties.
- D. Minimum Lot Frontage and Width.** A minimum lot width and frontage along a public right-of-way of 50 feet shall be required.
- E. Screening.**
- (1) Screening of parking areas through the use of fences, walls, berms, or natural vegetation may be required when it is felt by the Planning Commission that such screening is necessary to protect the value of adjoining properties, provide for safe pedestrian movement, or maintain a reasonable aesthetic image.
 - (2) The Planning Commission may also require the screening of waste receptacles, mechanical equipment, and other similar structures.
- F. Landscaping.** Landscaping shall be required within open space and parking areas. Landscape plans shall be designed with a sensitivity to maximizing viewing opportunities of the waterfront area.
- (1) Landscape plans shall feature dwarf and understory deciduous trees (those with mature heights of less than 40 feet) to assist in maximizing waterfront views.
 - (2) Evergreen landscape materials shall be limited to smaller shrubs and trees with mature heights of 15 feet or less. If used, evergreen landscape species should be arranged to minimize the blockage of waterfront views.
 - (3) A minimum of one deciduous tree for each 5,000 square feet of lot area shall be required.
- G. Open Space.**
- (1) A minimum of 25 percent of the project area shall be maintained in open space, except in WCB where open space shall be governed by Article 400.18.
 - (2) This space may be maintained as a landscaped area, site amenity (such as a tennis court, gazebo, fountain, etc.), or consist of a decorative surface material such as brick pavers.
 - (3) Such open space may not be maintained in a common concrete or asphalt state.
- H. View Corridors.**
- (1) Projects shall be designed to maintain maximum viewing opportunities of the waterfront area as seen from public activity centers located within 300 feet of the waterfront shoreline.
 - (2) For the purpose of this Section public activity centers shall be defined as pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions or

amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on site.

- (3) To achieve view corridors it is required that the linear feet of any building along the waterfront not exceed 60 percent of the amount of linear feet of shoreline existing on the subject parcel.
- (4) Under no instance shall any building exceed 125 linear feet.

I. Parking. Parking shall be provided as provided for in Chapter VII (Off-street Parking and Loading) with the exception of the following:

- (1) The Planning Commission may reduce the parking requirement for residential dwelling units to 1.5 spaces.
- (2) The Planning Commission may reduce the parking requirements for commercial businesses by up to 20 percent. Such reductions may only be made upon demonstration by the applicant that the parking spaces to be provided (under a reduced requirement) will adequately meet the projected parking demand for the proposed project.
- (3) Underground parking may be permitted.

J. Architectural Standards

- (1) **Building Massing:** Except as provided herein, exterior building surfaces must not exceed 30 feet in length without an architectural break, such as a change in elevation, window or doorway or building line. Buildings will be massed to accommodate landscape areas consisting of 10-25% of the site including such features as open space, tennis court, gazebo, fountain or other such amenities.
- (2) Buildings shall not exceed 35 feet in height except that greater heights may be permitted if the lowest angle of the unobstructed sight line to the sky from the WPUD boundary is no greater than would result from a two-story building located at the minimum pre-existing setback standard of the underlying zoning district. Provided further that no structure with a height greater than 55 feet shall be permitted without the approval of the City of Ludington Fire Chief. Building height shall be defined as the distance from the average grade level of the existing adjoining street or property to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip and gambrel roofs. If there is more than one adjoining street to a property, the average grade level of the streets shall be used to determine the base level. If an eave line extends more than five (5) feet below the interior room ceiling, the eave line shall be determined to be five (5) feet below the interior room ceiling for the purpose of determining building height.
- (3) **Architectural Character:** Building architecture shall reflect a common theme or pattern which shall be internally consistent within the WPUD and aesthetically appropriate for the setting and neighborhood.
- (4) **Artificial Light:** Artificial lighting shall be aesthetically designed and shielded to prevent light from casting off the property or into the night sky to the greatest extent possible. Building surface reflectivity, on-site lighting and landscape screening shall be planned and executed such that the degree of light cast off the site shall not exceed one (1) foot candle at the WPUD boundary. Exceptions may be made for decorative fixtures.

K. Lot Coverage.

- (1) The maximum lot area to be covered by buildings shall be 35 percent except in WCB where lot coverage shall be governed by Article 400.18.
- (2) Except in WCB, additional building coverage of up to 50 percent may be permitted based upon the type of landscaping which is proposed for the site, site amenities to be provided, and degree to which the site design has maintained views to the waterfront.
- (3) The maximum lot area to be covered by the combination of building and parking areas shall be 75 percent, except in WCB where lot coverage shall be governed by Article 400.18.

L. Signs: All signs in planned unit developments shall be subject to the regulations in Article 1000.2:3 (L).

Section 14.

ARTICLE 1000.4:3 IPUD DESIGN REQUIREMENTS

All proposed IPUDs shall take into account the following design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located. The Planning Commission shall review the sketch plan to evaluate whether each of the following standards are appropriately addressed in the design and development plan either through the application of the standards of the underlying zoning district or through other planned departures from said standards as proposed by the applicant. In each instance, the Planning Commission may recommend exceptions where the imposition of the following standards would result in patterns of development that would be out of character with the development and/or with the surrounding area.

- A. Minimum Lot Area.** The minimum lot area shall be regulated by the zoning district in which the development is located.
- B. Setbacks and Yards.** The setbacks and yard requirements shall be regulated by the zoning district in which the development is located.
- C. Minimum Lot Frontage and Width.** The minimum lot frontage and width shall be regulated by the zoning district in which the development is located.
- D. Screening.** A visual screen, preferably consisting of mixed evergreens and deciduous vegetation, shall be established and maintained along the perimeter of the IPUD. The purpose of this screening shall be to provide a permanent screen of service areas, dumpsters and loading docks and a partial buffer to parking areas and similar less intrusive elements, from surrounding property. Where natural landscaping is not feasible, fences or walls may be substituted if they are designed to compliment the proposed development and buildings and are generally compatible with surrounding uses.
- E. Landscaping.** Landscaping shall be required along public roadways to soften presentation from the street.
- F. Open Space.** Open space shall be regulated by the zoning district which the development is located.
- G. View Corridors.** View corridors shall be regulated by the zoning district which the development is located.
- H. Parking.** Off-street parking shall be provided in accord with the requirements of Chapter VII of the Zoning Ordinance. In a mixed-use development, the applicant shall propose shared parking arrangements to reduce pavement within the development. For such shared parking arrangement, the applicant shall provide for an enforceable mechanism to assure cooperation among future building owners and occupants to assure the viability of a shared parking arrangement. The minimum number of off-street parking spaces shall be determined by considering each proposed use and its likely peak hour parking demand. A maximum daily parking demand matrix will be used to determine the peak hour demand for all combined uses and the proposed IPUD shall provide for not less than the greatest peak hour requirement for the combined uses reflected in such matrix. The use of deferred parking areas (or reserved interim green areas) may be considered to calibrate the required parking standards with evolving conditions.
- I. Architectural Standards.**
 - (1) **Building Massing:** Except as provided herein, exterior building surfaces must not exceed 30 feet in length without an architectural break, such as a change in elevation, window or doorway or building line. Buildings will be massed to accommodate landscape areas consisting of 10-25% of the site including such features as open space, recreation area, gazebo, fountain or other such amenities.
 - (2) Buildings shall not exceed 35 feet height except that greater heights may be permitted if the lowest angle of the unobstructed sight line to the sky from the IPUD boundary is no greater than would result from a two-story building located at the minimum pre-existing setback

standard of the underlying zoning district. Provided further that no structure with a height greater than 55 feet shall be permitted without the approval of the City of Ludington Fire Chief. Building height shall be defined as the distance from the average grade level of the existing adjoining street or property to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and ridge for gable, hip and gambrel roofs. If there is more than one adjoining street to a property, the average grade level of the streets shall be used to determine the base level. If an eave line extends more than five (5) feet below the interior room ceiling, the eave line shall be determined to be five (5) feet below the interior room ceiling for the purpose of determining building height.

- (3) Architectural Character: Building architecture shall reflect a common theme or pattern which shall be internally consistent within the IPUD and aesthetically appropriate for the setting and neighborhood.
- (4) Artificial Light: Artificial lighting shall be aesthetically designed and shielded to prevent light from casting off the property or into the night sky to the greatest extent possible. Building surface reflectivity, on-site lighting and landscape screening shall be planned and executed such that the degree of light cast off the site shall not exceed one (1) foot candle at the IPUD boundary. Exceptions may be made for decorative fixtures.

J. Lot Coverage. Lot coverage shall be regulated by the zoning district in which the development is located.

K. Signs: All signs in planned unit developments shall be subject to the regulations in Article 1000.2:3 (L).

Section 15.

Severability: It is the legislative intent of the City Council that all provisions of this Ordinance be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision of this Ordinance or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remainder of this Ordinance shall stand, notwithstanding the invalidity of any such provision thereof.

Section 16.

Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 17.

Effective Date: This ordinance shall take effect twenty (20) days after publication.

Dated: _____

Deborah L. Luskin, City Clerk