
Sec. 5.8.01. Purpose and Intent.

A. *Purpose.*

1. It is recognized by this Chapter that there are unique areas within existing Zone Districts of the city that require special consideration to provide certain design, placement, or other regulations in addition to those imposed by the current zoning designation.
2. Accordingly, this Article provides for certain Overlay Districts that are intended to permit the proper regulation of these areas by adding special considerations in addition to those of the base Zone District. In all cases, applicants for building permits in an Overlay District shall meet both the requirements of the base Zone District and the additional provisions, requirements and restrictions of the Overlay District.
3. Where there is conflict between other provisions of this Chapter, those specifically applied in the Overlay District shall control. Where there is conflict between other provisions of this Chapter, those specifically applied in the Overlay District shall control, except as may be provided in Section 5.1.09.
4. The Overlay Districts of this Article allow regulations such as height bonuses in the Downtown area; establishment of particular development characters along the Grand River and East Beltline, protections for the public interest within designated floodplain areas, and provisions for ensuring adequate wayfinding throughout the city.

B. *Overlay District Designation.* Table 5.8.01.B denotes the Overlay Districts.

Table 5.8.01.B. Overlay Districts (OD)		
Abbreviation	Zone District	Ordinance Section
OD - DH	Downtown Height	5.8.02.
OD - GR	Grand River	5.8.03.
OD - EBL	East Beltline	5.8.04.
OD - FP	Floodplain	5.8.05.
OD-WS	Wayfinding Signs	5.8.06.

Sec. 5.8.02. Downtown Height Overlay District (OD-DH).

A. *Purpose.*

1. The purpose of the Downtown Height Overlay District (OD-DH) is to allow a variety of building heights in the areas within and surrounding what is generally recognized as Grand Rapids' Downtown. In addition, certain qualifying development incentives are provided in recognition of the need to provide for a suitable mix of residential, retail, employment centers, and urban open space that is essential for the creation of an attractive, pedestrian-friendly, vibrant, and economically sustainable central business district.
2. In addition, these incentives promote an environment that enhances property values, contributes to quality of life and sustains the Downtown as a regional asset. To this end, the Downtown Height Overlay District provides for certain incentives that permit building heights above the permitted base building heights to encourage certain development characteristics the City has deemed of value in creating highly livable, walkable, and vibrant environments.
3. The District is further intended to recognize the need to have varying intensities of development from the densest levels of development in the city core to the edges of commercial area that begin to

transition into less intensely developed areas and residential neighborhoods. To this end, the District establishes certain subareas to account for height and incentive differences.

- B. *Applicability.* Map A of the Zoning Map depicts the boundaries of the area covered by the Downtown Height Overlay District and its subareas. The height requirements of the Height Overlay District are in addition to the requirements of the Zone District in which an individual property is located. All other applicable requirements of each district remain in effect.
- C. *Downtown Height Overlay Subareas.*
1. The Height Overlay District establishes two (2) subareas, as noted in Table 5.8.02.D. each of which has height regulations applied. Additional bonus height provisions are available for properties that fall within both the Height Overlay District subarea and the Grand River Overlay District of Section 5.08.03.
 2. *Purposes.* A series of density incentives, provided through variations in building height, are provided to help describe a smooth transition from the most intensely developed core of the downtown to the residential neighborhoods with a transition that steps down building heights from the core to these neighborhoods.
 - a. *DH-1.* The purpose of this subarea is to permit the greatest intensity of land use to create a core of development density for a wide variety of uses that are mutually supportive and serve regional needs, including hotels, restaurants, employment centers, medical centers, entertainment venues, and others. These uses are also intended to create an active, vibrant core.
 - b. *DH-2.* This subarea largely surrounds the core and near-core downtown areas, including areas on the west side of the Grand River, with a number of cultural and institutional uses important to the city and region. It is intended as a transitional area between the more intense development of DH-1 and the edges of downtown and nearby neighborhoods. While still relatively intensely developed, the lower building heights provide transition from the core. The subarea is divided into two zones, DH-2(a) and DH-2(b), to help reinforce the transition of building heights.
- D. *Permitted Height.* Table 5.8.02.D. describes the minimum and maximum permitted heights for buildings within each Height Overlay Subarea, including potential bonuses as described in Section 5.8.02.G. Heights are measured in stories as provided in E, below.

Table 5.8.02.D. Building Heights				
Subarea		Permitted Height (stories)		Maximum Height With Bonuses*
		Minimum	Maximum	
DH-1		3	None	None
DH-2	zone (a)	3	10	16
	zone (b)	3	7	12
* See Table 5.8.02.G.2. for bonus story provisions.				

- E. *Story Heights.* (See also Section 5.2.06.)
1. Table 5.8.02.E.1 provides for the height of each story of the main building. Unless otherwise specified, story height is measured in feet from the floor of a story to the floor of the story above it.

Table 5.8.02.E.1. Building and Story Heights				
Subarea	Permitted Story Height (ft.)			
	Ground Floor		Upper Floors	
	Minimum	Maximum	Minimum	Maximum
CC, TCC	12	24	-	14
All others	12	18	-	14

2. For the uppermost story, story height shall be measured from the floor of the story to the eave line on pitched roofs and to the tallest point of the roof deck on parapet and flat roofs.
3. Story height requirements apply only to street facing façades, however, no portion of a story of the building shall exceed the maximum permitted story height.
4. A building incorporating both a half story within the roof and a visible basement shall count the height of the two and one-half (2½) stories as one (1) full story.

F. *Bonus Height Allowance.*

1. Height bonuses are offered as incentives to encourage uses and amenities that implement the Master Plan. A bonus height allowance permits a project to extend beyond building height limitations as permitted in Table 5.6.08.A., Building Elements Table, where the project includes certain qualifying features.
2. Qualifications.
 - a. Buildings shall qualify for a bonus height allowance based on the criteria noted in the qualifying features and the criteria established in Sections 5.8.02.H., as applicable.
 - b. Development projects that fall within both the Downtown Height Overlay and Grand River Overlay Districts may qualify for height bonuses in accordance with Table 5.8.02.G.2. using the criteria described in Section 5.8.02.G-H. Total combined stories shall not exceed the maximum shown in Table 5.8.02.G.2.
 - c. All facilities included in the bonus story provisions shall be required to receive any applicable approvals required by this Chapter.

Table 5.8.02.G.2. Bonus Height Table				
Height Subarea	Incentive/Bonus (See Section 5.8.02.G-H.)		Bonus Stories	Maximum Stories with Bonus
DH-1	None		None	None
DH-2(a)	Minimum of mixed income residential units	15%	2	16
		30%	4	
	Green elements		1	
	Public art		1	
DH-2(b)	Minimum of mixed income residential units	5%	1	12
		10%	2	
		15%	3	
	Green elements		1	
	Public art		1	
Bonus Heights - Properties within Downtown Height Overlay and Grand River Overlay Districts				
Grand River Overlay	Public access easement	30 ft.	1	As required in the Height Subarea
		Each 10 ft. over 30 ft.	1	
	Multi-use trail		1	

	River view overlook	1	
	Public amenity	2	
	Public art	1	
	Green elements	1	
	Wetland habitat	2	
	Ground floor retail	2	

G. *Downtown Height Overlay District Bonus Height Criteria.* Development projects in a Downtown Height Overlay District may qualify for height bonuses in accordance with Table 5.8.02.G.2 using the criteria described below.

1. *Mixed Income Residential.*

- a. To qualify, the percentage of qualifying units shall be priced for households at or below one hundred twenty (120) percent of Area Median Income, as adjusted for family size, with rates remaining at that percentage level for at least fifteen (15) years.
- b. The remaining units shall be priced at market rate.
- c. The units to qualify for the bonus shall be comparable in unit sizes, amenities and location with the market rate units.
- d. Provisions shall be made for certification of eligible tenants and purchasers, annual certification of rental property and monitoring of mixed income housing requirements. A density agreement shall be approved by the City Commission.
- e. In lieu of providing for this bonus, the applicant may provide a payment to the Affordable Housing Fund established by the City Commission.

2. *Green Elements.* At least two (2) of the following elements shall be provided to qualify for the Green Elements Bonus.

- a. Any of the systems of Section 5.11.15 Alternative Energy that are otherwise permitted in the Zone District in which the development is located.
- b. Submission of a stormwater mitigation plan that retains one hundred (100) percent of all stormwater on site, as approved by the City's Environmental Protection Services Department (EPSD). Stormwater management features incorporated into open spaces shall be designed by a licensed design professional. All permeable paving materials shall be maintained in an unbroken condition and shall be regularly swept and vacuumed to prevent blockages of sand, sediment, or other materials that would impair their permeability to water as originally designed.
- c. Development is designed to exceed current minimum Michigan Energy Code and ASHRAE 90.1 energy efficiency standards by 25%; and U.S. Environmental Protection Agency Office of Water including EPA laws and Department of Energy regulations and Uniform Plumbing Code interior water use efficiency standards by 40%. Compliance to be documented using United States Green Building Council's LEED, Green Building Initiative's Green Globes, or another generally recognized system.
- d. Incorporation of bicycle parking facilities, to include shower and clothing locker facilities for bicycle commuting employees or patrons, meeting the applicable requirements of Section 5.10.10.
- e. Submission of a Transportation Demand Management (TDM) program approved by the Director, following review by the City Engineer and Mobile GR. The TDM program may include a

combination of carpooling, vanpooling, ridesharing, guaranteed ride home, telecommuting, and/or shuttle service programs; staggered or alternative work scheduling, allowing employees to arrive and depart at different times so that peak traffic demands associated with mass shift changes are minimized; or other TDM measures designed to moderate traffic demands on adjacent streets.

3. *Public Art.*

- a. A development that elects this bonus may use any of the following methods.
 - i. Allocate one (1) percent of the estimated construction cost for a permanent, on-site public art project(s). The artwork created must be where the public can access the artwork during normal business hours or continually view the artwork from off the site; or
 - ii. Contribute one (1) percent of the project's estimated construction cost to the Arts Advisory Committee.
- b. Regardless of the above method selected, the minimum required expenditure shall be ten thousand dollars (\$10,000.00).
- c. Public art installations on private property shall be maintained by the property owner.

H. *Grand River Overlay District Bonus Height Criteria.* Development projects that fall within both the Downtown Height Overlay and Grand River Overlay Districts may qualify for height bonuses in accordance with Table 5.8.02.G.2 using the criteria described below. Heights for buildings in the Grand River Overlay District with bonus heights shall not exceed the maximum heights provided in Table 5.8.02.G.2.

1. *Public Access Easement.*

- a. To qualify for the bonus height, a public access easement at least thirty (30) feet wide, extending across the entirety of the lot on the river side of the main building shall be provided.
- b. Additional bonus height is available for each additional ten (10) feet over the thirty (30) feet provided above.
- c. Access shall be through permanent easements, and shall conform to the provisions of urban open space of Section 5.11.14.B.3. Configuration and Section 5.11.14.B.4. Availability.

2. *Multi-Use Trail.* A multi-use trail shall conform to the requirements of the City Parks and Recreation Department.

3. *River View Overlook.* A river view overlook of at least five hundred (500) square feet shall be designed and constructed at or near the river's edge to provide significant views for pedestrians. The overlook shall be available to the public and accessible from a public walkway. Approval of the design and construction shall be in accordance with the applicable requirements of the Michigan Department of Natural Resources and the Grand Rapids Parks and Recreation Department.

4. *Public Amenity.* The amenity area shall be not less than one-thousand five-hundred (1,500) square feet of programmable recreational and entertainment space, including facilities for seating. No additional parking is required for this facility.

5. *Green Elements.* This bonus provision is available if one (1) or more of the following is provided.

- a. Creation of a green stormwater management and/or water quality feature that treats via green roofs, water features, or infiltration the first three (3) inches of precipitation on the site in a storm event by the City's Environmental Protection Services Department (EPSD). Stormwater management features incorporated into open spaces shall be designed by a licensed design professional. All permeable paving materials shall be maintained in an unbroken condition and

shall be regularly swept and vacuumed to prevent blockages of sand, sediment, or other materials that would impair their permeability to water as originally designed.

- b. Creation of wetland habitat terraces along forty (40) percent of the waterside property edge with a width of twenty (20) feet from the ordinary high water mark to the river side edge of a multi-use trail or public access easement.
6. *Ground Floor Retail.*
- a. Development projects may qualify for a retail height bonus for retail uses, where permitted by the base Zone District, that have frontage and public access on the river side of the main building at ground level directly from the sidewalk or walkway.
 - b. For purposes of this bonus provision, retail use shall include the Use Classification of Commercial as provided in Section 5.16.02.U., excluding Auto-Oriented and Office Uses.

Sec. 5.8.03. Grand River Overlay District (OD-GR).

- A. *Purpose.* As Grand Rapids' most significant natural asset, the Grand River plays an important role in enhancing the quality of life of its residents. The Grand River Overlay District is intended to capitalize on the value of the Grand River as an essential economic, recreational and environmental resource by encouraging land use changes from industrial to open space and mixed-use development. The Grand River Overlay District seeks to introduce new development practices and land use patterns that enhances the extent to which people can view, access and enjoy the riverfront by providing opportunities for viewsheds, easements and recreational opportunities. It is intended that:
- 1. Visibility of the Grand River is increased and enhanced by requiring building setbacks that will provide for improved views of the River.
 - 2. Existing river walk segments be extended along the entire length of the Grand River to allow for a continuous connection alongside the River for recreational and environmental quality purposes through donation, acquisition and easements.
 - 3. Wildlife corridors along the River's edges be supported through a continuous network of greenspaces.
 - 4. Water quality be improved with the introduction of less-intense, mixed land uses that are setback from the River's edge as opposed to present, directly abutting industrial uses and paved surfaces.
 - 5. Building heights generally conform to nearby buildings along the river corridor to provide a sense of visual continuity. Building heights should be configured to provide views to the Grand River and other significant landmarks while allowing an appropriate development intensity.
 - 6. A variety of people-oriented destinations be created along the river walk to provide visual interest, activity and vibrancy. Mixed-use development and high-density residential construction are essential components for encouraging pedestrian activity and public safety.
- B. *Applicability.* The requirements of this Overlay District shall apply to any lot or parcel shown on the Grand River Overlay Maps B1-B3, from the ordinary high water mark, floodwall or dock line, whichever is applicable as determined by the Planning Director, on each side of and paralleling the Grand River.
- C. *Uses.* All uses in the TN-Transitional City Center (TN-TCC) Zone District are allowed in the OD-GR District.
- D. *Site Layout and Building Placement Requirements.*
- 1. Where a property directly abuts the Grand River, buildings shall be sited to encourage pedestrian activity on both the street side and river side of the property.

2. All development in the OD-GR District shall comply with the requirements in Table 5.8.03.D. unless otherwise expressly stated. Where specified, these requirements supersede the site layout and building placement requirements of the base Zone District.

Table 5.8.03.D. Site Layout and Building Placement: Grand River Overlay District		
Lot Area and Width		As required in the base Zone District.
Front Setback	Street side	As required in the base Zone District.
	River side	All buildings shall maintain a minimum setback of 30% of the lot depth, but in no case shall the required setback exceed 50 ft. or be less than 30 ft. from the river walk, floodwall, shore or dock line of the Grand River, whichever is applicable. A setback may be reduced through an Optional Plan Review by the Planning Commission.
Side Yard Setback		20 ft. minimum setback on one side; other side yard may be developed at the property line or at a minimum distance of 5 ft.
		A side yard setback may be reduced to 5 ft. on a side lot line that borders a permanent public open space. The remaining side yard may be developed at the property line or at a minimum distance of 5 ft.
Permitted Yard Encroachment		Uncovered, outdoor seating areas may extend into a front yard, provided that a minimum of 10 ft. is maintained between the river walk, floodwall, shore or dock line of the Grand River, whichever is applicable.
Greenspace		30% of lot area.

E. *Building Elements.*

1. All development in the OD-GR District shall comply with the requirements in Table 5.8.03.E. Where specified in this Section, these requirements supersede the building element requirements of the Zone District. Where not specified, the requirements of the underlying Zone District requirements shall prevail.

Table 5.8.03.E. Building Elements: Grand River Overlay District	
Building Height	As required in the base Zone District.
	For buildings of 8 stories or fewer, additional stories above the third story shall be limited in dimension to 60% of the dimension parallel to the Grand River for the lower floors, and 80% of the perpendicular dimension, on the river facing façade.
Building Height Bonus	The Building Height Bonuses for the Grand River Overlay District of Table 5.8.02.G.2. are applicable.
	Additional bonuses are available in the Building Height Overlay District for properties within the Downtown Height Overlay District and Grand River Overlay District. See Section 5.8.02.G-H.
	For lots that border the river and are at the end of an intersecting street perpendicular to the river, an additional story is available for properties providing an open, unobstructed vista to the river for a width of 60 ft. or the width of the intersecting street right-of-way.
Materials	As required in the base Zone District, except that material requirements shall apply to at least 60% of the building wall facing the river.
Façade Variation	As required in the base Zone District, except that the requirements of the District shall apply to the river side in addition to the street side.
Entrance	All office buildings, retail sales and service establishments shall have a visible and usable building entrance for customers on both the primary street side and the side facing the river.
	Primary building entrances, including those entrances facing the river, shall be clearly identified using an awning, paving treatments, change in roofline or other features, such as canopies, porticos, arcades, arches, wing walls, and integral planters.
	Primary building entrances and exits shall be located on the primary street. Doorways that

	open to the sidewalk or multi-use trail shall be recessed.
Expression Line (EL)	An Expression Line shall be provided to distinguish the base from the remainder of the building to provide a design element that enhances the pedestrian environment. If applicable, the height of the EL shall meet the prevailing scale of development in the area. The EL may be created by a change in material, a change in design, or by a continuous setback, recess, or projection above or below the expression line. Elements such as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, awnings or canopies, and changes in material or color or other sculpturing of the base, are appropriate design elements to include with an EL.
Transparency	As required in the base Zone District, except that street side transparency requirements of the District shall also apply to the river side.
Streetscape Plan	Standards used by the City Engineer to determine appropriate street tree plantings, walking surfaces and parkway landscaping shall be used where a City-recognized streetscape plan for a defined area has not been adopted (see Section 5.11.13.C.).

2. Parking areas and parking structures shall be separated from the river by intervening buildings, except:
 - a. Where retail space is provided on the ground floor of the parking structure, and at least fifty (50) percent of its façade facing the river is used as display windows; or
 - b. Where a mural or other public art approved by the Planning Commission is provided on the parking structure on the river side of the structure, or in a landscaped area along the river.
 - c. Where a. or b. above, apply, the parking area or structure shall have a minimum required front setback of thirty (30) feet from the Grand River.
3. Land between the building and the river shall be landscaped, and designed as an urban open space for pedestrian use meeting the requirements of Section 5.11.14. Parking areas shall meet the minimum screening requirements of Section 5.11.11.C.
4. Pedestrian walkways that connect to the river's edge shall be provided between buildings, parking areas or structures, and other built features such as outdoor plazas and courtyards.
5. Service areas and mechanical equipment shall be visually unobtrusive and shall be integrated with the design of the site and building.
 - a. Utility boxes shall be positioned so they cannot be seen from the river or Primary Street by locating them on the sides of buildings and away from pedestrian and vehicular routes.
 - b. Air intake and exhaust systems, or other mechanical equipment that generates noise, smoke or odors shall not be located on the river side of buildings.