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Article 1. PREAMBLE

Section 1.1 ENACTMENT AND AUTHORITY

- A. The City Council of the City of Hartford in the County of Van Buren under the authority of the Michigan Zoning Enabling Act, 110 of the P.A. of 2006 of the State of Michigan, as amended, hereby ordains, enacts and publishes this Ordinance.

Section 1.2 SHORT TITLE

- A. This Ordinance shall be commonly known as the “City of Hartford Zoning Ordinance”.

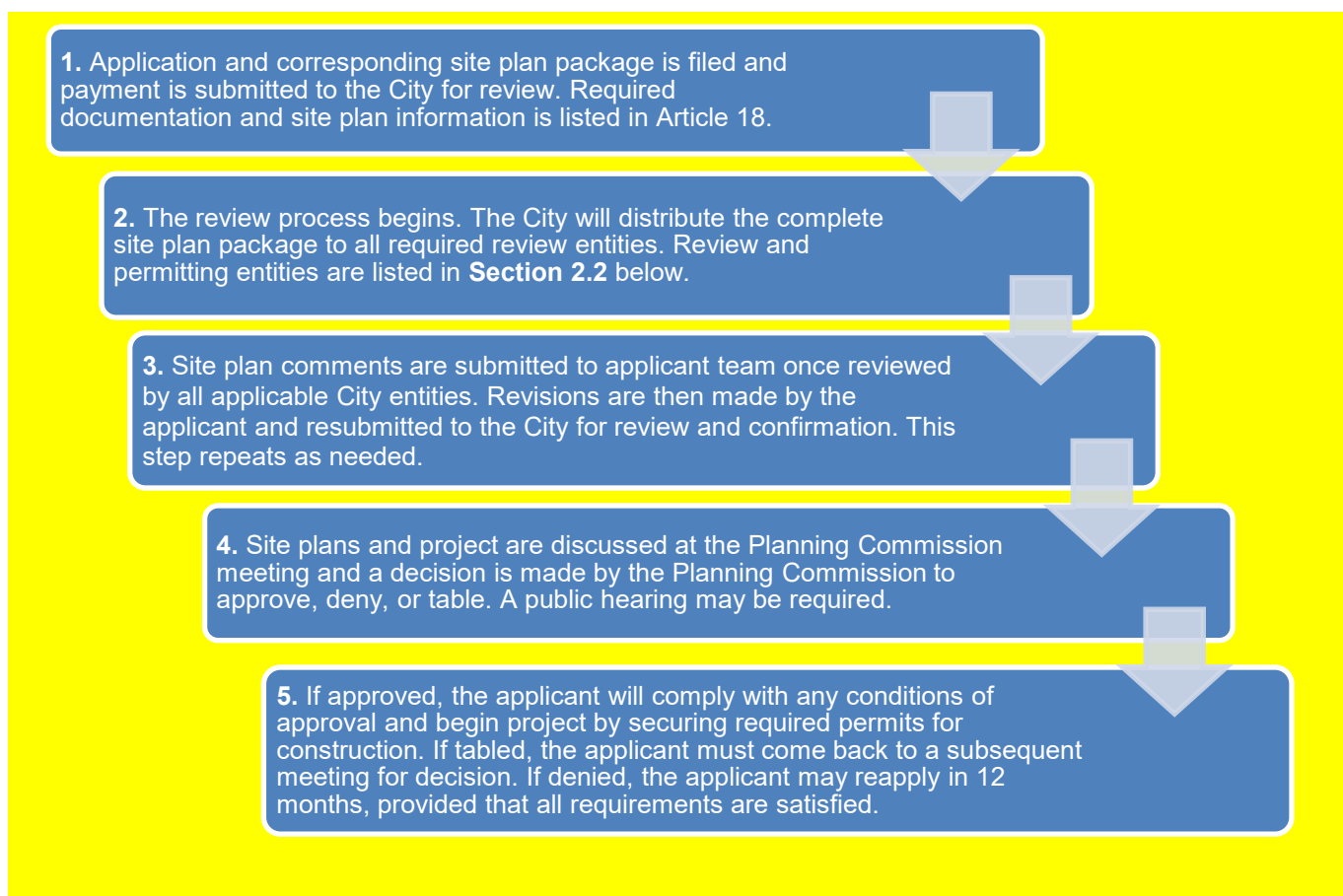
Section 1.3 PURPOSE IN VIEW

- A. City of Hartford Zoning Ordinance, including all text, maps and schedules, is based upon the City of Hartford Land Use Plan and is intended and designed to achieve the following purposes:
1. Protect and promote the public health, safety and general welfare;
 2. Provide for the orderly growth and development of the City, consistent with the City’s Land Use Plan;
 3. Establish various districts in the City to regulate the use of land and structures to ensure that the use of land will be situated in appropriate locations;
 4. Encourage the use of lands and natural resources in the City in accordance with their character and adaptability;
 5. Limit the incompatible uses of land and prevent conflicts among the use of lands and buildings;
 6. Encourage a wide range of housing opportunities;
 7. Preserve the character and value of historic areas and structures;
 8. Preserve and enhance the appearance and viability of the Central Business District;
 9. Ensure the orderly development and operation of commercial and industrial uses;
 10. Limit the inappropriate overcrowding of land and congestion of population, transportation and other public facilities; and
 11. Provide for adequate and efficient transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements.

Article 2. TOOLBOX

Section 2.1 PURPOSE AND INTENT

- A. **Intent.** The intent of this Toolbox Section is to provide tools to be used to answer the most commonly asked questions. While this Section is designed to be standalone from a regulatory standpoint, there are cross references to more detailed information provided in this Ordinance. In the event that there is a conflict between this Section and another section elsewhere in this Ordinance, the other section shall govern.
- B. **Site Plan Review Process.** The following flow chart describes the process from application to construction.



Section 2.2 REVIEW AND PERMITTING ENTITIES

- A. Once an applicant receives site plan approval from the Planning Commission (and City Council if applicable), the applicant is required to obtain a permit and/or review from the following entities prior to the issuance of a certificate of occupancy.
1. The City of Hartford Zoning Administrator and/or City Administrator.

2. The City of Hartford Fire Department.
3. The City of Hartford Police Department.
4. The City Engineer.
5. The City Attorney.
6. The Michigan Department of Transportation (MDOT), if applicable.
7. The Michigan Department of Environment, Great Lakes, and Energy (EGLE), if applicable.
8. Van Buren County Environmental Health Department.
9. Van Buren County Drain Office.
10. Van Buren County Road Commission, if applicable.
11. Any other local, County, State, or federal agencies as deemed appropriate.

Section 2.3 FREQUENTLY ASKED QUESTIONS

- A. For frequently asked questions in the Zoning Ordinance, the information needed can be found in the following Sections:
1. **How do I know where I can construct a structure on my property?**
See [Article 5](#) for Permitted Uses and Schedule of Regulations for structures in all Zoning Districts. Structures can be constructed only by complying with the setback requirements as noted in [Article 5](#) and within each District Article.
 2. **How do I measure building height?**
Where building height maximum is noted in linear feet, the height is measured from grade. If number of stories is the maximum requirement, a story is typically 16 feet in height, or the distance between the floor and ceiling of a structure, whichever is less.
 3. **Where can I find requirements for fences?**
[Section 4.9.](#)
 4. **Where can I find out how much parking is required?**
[Section 9.2.](#)
 5. **Where can I find requirements relating to non-conforming uses and structures?**
[Article 13.](#)
 6. **When do I need a permit?**
Typically, permits are required for all buildings, structures, and uses. For all structures, a building permit is required. This includes detached accessory structures, decks, patios, garages, swimming pools, and other applicable structures. If you are planning to include electric hookups in (or to) the structure, a permit is required.
 7. **When is site plan review required?**

A site plan is required to be submitted to the City for decision by the Planning Commission for **all new uses and changes of use in the City of Hartford**. This includes all new commercial, industrial, and mixed-use buildings and land uses. Single-family, two-family, three-family and four-family homes are not subject to site plan approval – but still require permits.

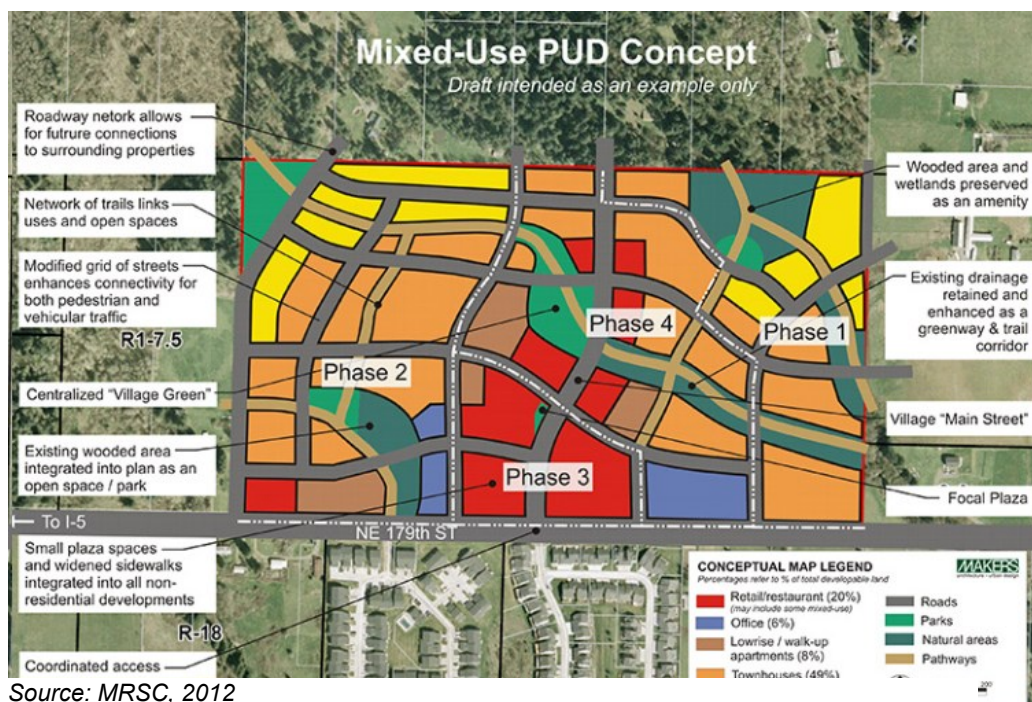
8. **How do I measure lot widths and setbacks?**

The following diagram includes information on how to measure lot widths and setbacks.



Section 2.4 PROCESSES FOR PLANNED UNIT DEVELOPMENTS (PUDS)

- A. PUDs Explained.** In certain situations, a planned unit development is a more appropriate development type. In general, planned unit developments are utilized when a proposed project does not appropriately fit into traditional or conventional zoning. For example, if a developer wants to build a residential development that includes several types of housing within that development (e.g., single-family homes with townhomes and multi-unit buildings), then a PUD would be the best option for development. Another example for PUDs in Hartford include a mixed-use development, such as a “lifestyle center”. This would include several different land uses contained within the same site. PUDs are used when there are constraints to development on a site. These constraints can include wetlands, heavily wooded areas, topography issues, and other challenges. As such, it may be appropriate to build a development with reduced lot sizes, lot widths, setbacks, or other features that are otherwise required by the underlying zoning district. PUDs are its own zoning classification. The image below shows an example of a mixed-use PUD layout.



- B. Review and Approval Process.** The following process applies to all PUDs in the City of Hartford. This includes both residential and mixed-use PUDs. See [Article 20](#) for more information.

1. Applicant schedules a pre-application conference with the City of Hartford and submits for review with applicable applications and payments filed. This includes the required PUD Agreement.
2. The proposed PUD site plan is reviewed by applicable City entities.
3. A public hearing notice is filed.
4. The Planning Commission holds public hearing and makes decision to approve, deny, or table.
5. If approved, the Planning Commission will forward approval to the City Council for final approval.
6. If approved by the City Council, building processes may commence, as long as all conditions of approval are satisfied.

Article 3. DEFINITIONS

Section 3.1 RULES APPLYING TO INTERPRETATION

The following rules of construction shall apply to the interpretation of the text of this Ordinance.

- A. Except with respect to the definitions which follow in [Section 3.2](#), the headings that title an article, section or subsection of this Ordinance are used for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- B. Unless the context clearly indicates to the contrary:
 - 1. Words used in the present tense shall include the future tense;
 - 2. Words used in the singular number shall include the plural number; and
 - 3. Words used in the plural numbers shall include the singular number.
- C. The word “person” includes a firm, association, partnership, joint venture, corporation, company, trust, municipal or public entity or equivalent entity or a combination of any of them as well as a natural person.
- D. The word “shall” is always mandatory and not discretionary, the word “may” is permissive.
- E. The word “used” or “occupied” as applied to any land, building or structure, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- F. The words “legal record” mean the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Van Buren County, Michigan.
- G. The word “City” means the City of Hartford, Van Buren County, Michigan.
- H. The words “City Council” mean the City Council of the City of Hartford.
- I. The words “Planning Commission” mean the Planning Commission of the City of Hartford.
- J. The words “Board of Appeals” mean the Zoning Board of Appeals of the City of Hartford.
- K. Any word or term that is not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.

Section 3.2 TERM DEFINITIONS

A

ACCESSORY BUILDING: A structure, building, or portion of a main building or structure on the same lot or parcel of land as the main building or structure, the use of which is of a nature customarily and clearly incidental and subordinate to the use of the main building or structure. Where an accessory building is attached to a main building in a substantial manner by a roof, such accessory building shall be considered part of the main building, including a carport, covered porch or other roofed structure.

ACCESSORY DWELLING UNIT: A detached dwelling unit that is permitted only on properties with a single detached principal dwelling unit. ADUs are a lesser size than the principal dwelling unit and include a kitchen, a sleeping area, and full bathroom facilities.

ACCESSORY USE. A use of a nature customarily and clearly incidental and subordinate to the main or principal use of the land, lot, building or structure.

ADULT FOSTER CARE FACILITY. A governmental or nongovernmental establishment having at its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include any of the following:

- 1) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
- 2) A facility created by Act No. 152 of the Public Acts of 1885, as amended.
- 3) A nursing home licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.
- 4) A hospital licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.
- 5) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act No. 258 of the Public Acts of 1974, as amended.
- 6) A county infirmary operated by a county department of social services under Section 55 of Act No. 280 of the Public Acts of 1939.
- 7) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of 1973, as amended. If the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the greater of 2 persons or 5% of the number of residents in the institution, camp or home, and if all of the residents in the institution, camp or home are less than 26 years of age.

ALLEY. A publicly or privately controlled right-of-way not more than thirty (30') wide affording only secondary means of vehicular access to abutting lots and lands and which is not intended for general traffic circulation.

ALTERATIONS. Any change, addition, or modification in the construction of any building or structure, including but not limited to any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure that may affect its structural integrity, or any addition to or diminution of a structure or building.

ANIMAL. Animal shall mean dog, cat, bird, reptile, mammal, fish, or any other non-human creature.

AUTOMOBILE OR TRAILER SALES AREA. An area used for the display, sale or rental of new and used motor vehicles, boats, trailers or recreation vehicles (including manufactured homes) in operable condition and where no repair work is done.

AUTOMOBILE REPAIR Any activity involving the repair, rebuilding or reconditioning of motor vehicles, engines or trailers, collision services, such as body, frame or fender straightening and repair, overall painting and vehicle rust proofing. Either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles may be offered for sale to the public and applied directly into motor vehicles, and the sale of accessories, greasing, oiling, or minor automotive repair may occur on the premises.

CAR WASH ESTABLISHMENT. A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

B

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

BED AND BREAKFAST FACILITY. A bed and breakfast facility is a private residence, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation, and is licensed by the State of Michigan as a Bed & Breakfast Inn.

BEDROOM. The term bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

BILLBOARD. A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A Billboard Sign differs from a Freestanding Sign based on its size. A Billboard Sign is 200 square feet or greater in size.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street or railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or incorporated boundary lines of the City of Hartford.

BUILDING. A building is a structure, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a trailer, tent, or vehicle used as a dwelling.

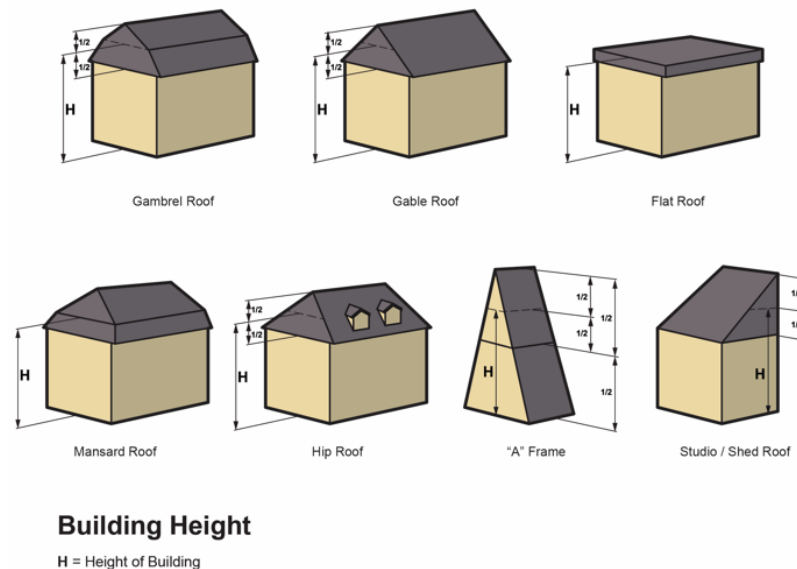
BUILDING, EXISTING. An "existing" building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance. Any building damaged by fire, collapse, or decay to the extent of its full-assessed value as of record at the time of damage shall not be considered an existing building.

BUILDING, HEIGHT. Building height is the vertical distance from the average elevation of the adjoining natural grade paralleling the front, or if on a street corner, the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is the mansard type; or the average height between the eaves and the ridge if the roof is gable, hip or gambrel type.

BUILDING LINE. A line parallel to the front lot line which marks the location of the building.

BUILDING INSPECTOR. The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

BUILDING PERMIT. A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Hartford.



BUILDING SITE. A condominium unit, including the building envelope and contiguous limited common elements under and surrounding the building envelope, and it shall be equivalent to the lot as used in this chapter.

BUNGALOW COURTS. Bungalow Courts are clusters of detached single family dwelling units gathered around a communal green space.

C

CLINIC, MEDICAL. A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by one or more professional, such as a physician, dentist or the like.

CLINIC, VETERINARY. A building or group of buildings where animals are admitted, treated and may be kept overnight for examination and treatment by one or more professional or paraprofessional.

COMMERCIAL USE. A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises. Garage, rummage, basement, porch, lawn sales and similar sales conducted on residential premises are hereby deemed a commercial use, if such sales are conducted on more than two (2) occasions during any consecutive twelve (12) month period or if either of said two sales lasts for more than six (6) days.

COMMERCIAL VEHICLE. Any self-propelled or towed vehicle designed to be used on a public street with a gross vehicle weight of more than 10,000 pounds.

COMMON ELEMENT. A portion of a condominium project other than the condominium units.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use.

CONSTRUCTION. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

CONTRACTOR'S STORAGE YARD. Storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

CONVALESCENT OR NURSING HOME. A convalescent home or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

D

DAY CARE FACILITY

- 1) **Childcare Center:** A facility, other than a private residence, receiving one (1) or more pre-school or school aged children for care for a period 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, which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes childcare center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop-in center.
- 2) **Family Day Care Home:** A private home in which one (1) to six (6) minor children are received for 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. Family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- 3) **Group Day Care Home:** A private home in which more than six (6) 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. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

DEVELOPMENT. Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIRECTIONAL SIGN. Any sign erected adjacent to a street which identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity, or event, or any sign erected on a building identifying an entrance or exit to the building.

DWELLING. A house or building, or portion thereof, which is occupied wholly as a home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, or tent be considered as a dwelling, also referred to as a unit or dwelling unit.

- 1) **Dwelling, Multiple:** A multiple dwelling is a building used for and as a residence for five (5) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels.
- 2) **Dwelling, Single-Family:** A detached building occupied by one (1) family and so designed and arranged as

to provide living, cooking, and kitchen accommodations for one (1) family only.

- 3) **Dwelling, Two-Family:** A two-family dwelling is that which may be occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex.
- 4) **Dwelling, Three-Family:** A three-family dwelling is that which may be occupied by three (3) families, each provided with separate facilities for each family for living accommodations. Also known as a triplex.
- 5) **Dwelling, Four-Family:** A four-family dwelling is that which may be occupied by four (4) families, each provided with separate facilities for each family for living accommodations. Also known as a fourplex.

DWELLING UNIT. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one (1) family, either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in single-family, two-family or multiple-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

E

ERECTED. The word “erected” includes built, constructed, reconstructed, moved upon; and “erecting” includes any physical operations required for the building on the premises where the building is being constructed, reconstructed or moved. Excavating, filling, draining, and the like, shall be considered a part of erecting.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, fuel, or water transmission or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare of its citizens. This definition shall not include buildings, sanitary landfills, land application of sewage sludge, recycling centers, refuse transfer stations or similar transfer stations. This definition shall also not include antennas which are exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals. This definition shall further not include towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

F

FARM. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. (Michigan PA 93 of 1981, Am. 1995)

FENCE.

- 6) **Fence, general.** A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure,

including but not limited to a structure erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel, and which is not part of a principal building on a lot or parcel or part of an accessory structure on the lot or parcel.

- 7) **Privacy fence.** A fence constructed of opaque or semi-opaque material, or otherwise having such qualities as to constitute a visual barrier in order to provide privacy to a structure or property, oftentimes erected adjacent to, nearby or around such residential item as but not limited to a patio, deck, courtyard area, swimming pool or outdoor hot tub, which fence is designed to screen but not necessarily enclose the area behind it or within its confines.

STORY. That portion of a building, other than a basement or mezzanine as defined in this ordinance, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

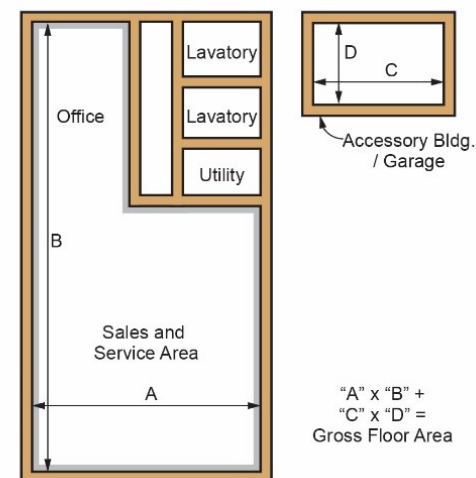
FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters.
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOR AREA.

- 1) **Single-Family Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- 2) **Multiple-Family Residential:** For the purpose of computing the minimum allowable floor area in a multiple-family residential dwelling unit, the floor area shall be the net floor area exclusive of hallways. Net floor area is the sum of the area of the several rooms measured from the interior faces of the walls of each room. The floor area measurement shall be exclusive of any common hallways, utility and storage areas, basements, garages, patios, porches, and balconies.
- 3) **Usable (for the purpose of computing parking):** That area used for or intended to be used for the sale of merchandise or services, or used to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of several floors of the building, measured from the interior faces of the exterior walls.

FRONTAGE. The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.



Floor Area

 Usable Floor Area

G

GARAGE. Any building or premises, other than a gasoline filling station, used principally or incidentally for the housing or storage of automobiles or motor-driven vehicles.

GASOLINE FILLING STATION. A gasoline filling station is a space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.

GRADE. The ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the highest point adjacent to the building and the lowest point within six (6) feet of the building.

GRADE, NATURAL. The elevation(s) of the ground surface in its natural state; before man-made alterations.

H

HAZARDOUS MATERIALS. Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

HOME OCCUPATION. An activity carried out for compensation by a resident and conducted as a secondary, incidental and accessory use of the resident's principal dwelling premises.

HOUSEHOLD. One (1) or more persons living together in a dwelling unit as a single nonprofit housekeeping unit, sharing cooking facilities, and functioning as a cohesive domestic unit, regardless of relationship by blood, marriage, or adoption. This term does not include boarding houses, lodging houses, fraternities, sororities, clubs, or other transient or institutional living arrangements.

I

IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

INSTITUTIONAL USES. Churches, schools, hospitals, and other similar public or semi- public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

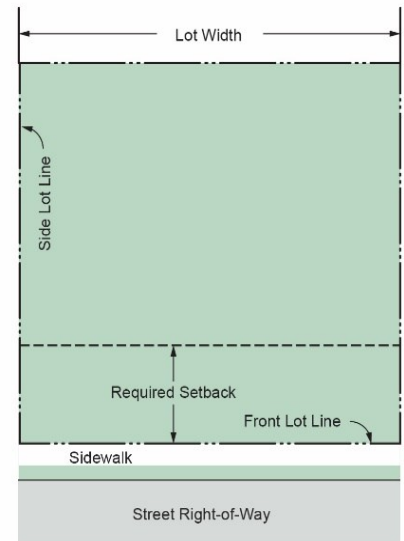
4) LOT LINE, FRONT. The exterior line or right-of-way of a road on which a lot faces or abuts.

5) LOT LINE, REAR. Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

6) LOT LINE, SIDE. Any lot line not a front or rear lot line.

7) LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

8) LOT WIDTH. The average distance between side lot lines measured at the building line, on a line parallel to the street, and measured at right angles to the side lot lines.



M

MEZZANINE. An intermediate floor in any story which does not exceed one-third (1/3) of the floor area of such story.

MINI-WAREHOUSES (SELF-STORAGE FACILITIES). Mini-warehouse buildings are groups of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer goods or wares.

MANUFACTURED HOME. A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured home does not include a recreational vehicle (Act 96, Michigan P.A. of 1987). All manufactured homes must conform to the U.S. Department of Housing and Urban Development's Code for manufactured homes.

MANUFACTURED HOUSING COMMUNITY. A parcel or tract of land, under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made for the parcel or tract of land, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a manufactured home, and which is not intended for use as recreation vehicle trailer park (Act 96, Michigan P.A. of 1987).

MODULAR. A structure which meets the requirements of the State building and construction code, which is transported in one (1) or more sections on a removable chassis and is designed to be used on a permanent foundation when connected to the required utilities, such as plumbing, heating, and electrical systems.

MOTEL, OR MOTOR HOTEL. A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval of the City Council with the exception of units for use of the manager and/or caretaker.

Lot Width

Frontage

N

NON-CONFORMING LOT OF RECORD. A lot lawfully existing at the effective date of this Ordinance or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

NON-CONFORMING STRUCTURE. A structure, or portion thereof, lawfully existing at the effective date of this Ordinance or affecting amendment, and which fails to meet the minimum yard setback, height and/or area requirements of the zoning district in which it is located.

NON-CONFORMING USE. A use lawfully existing in a building or on land at the effective date of this Ordinance or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

NUISANCE. The word “nuisance” shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned, or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

O

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

OPEN FRONT STORE. A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term “Open Front Store” shall not include automobile repair stations or automobile service stations.

P

PARCEL. A tract or continuous area or acreage of land which is occupied or intended to be occupied by a building, series of buildings, accessory building(s), condominium units, or by any other use or activity permitted thereon and including open spaces and setbacks required under this Ordinance, and having its frontage on a public or private street.

PARKING SPACE. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles. Perpendicular and angle parking spaces shall have a minimum dimension of nine by eighteen (9 x 18) feet. Parallel parking shall be a minimum of eight by twenty (8 x 20) feet in dimension.

PUBLIC UTILITY. A public utility is any person, firm, corporation, municipal department, or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, sewage, drainage, or water.

Q

RESERVED

R

RECREATION VEHICLES. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan P.A. of 1987)

REPAIRS. Repairs are the rebuilding or renewal of an existing building for the purpose of maintaining its original type and classification.

RESEARCH AND DEVELOPMENT FACILITY. A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories.

RESTAURANT, DRIVE-IN. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- 1) Foods, frozen desserts, or beverages are served directly to the customer in motor vehicles either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicle.
- 2) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged or permitted.

RESTAURANT, EXCEPT DRIVE-IN. A restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and non-alcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

- 1) Customers, normally provided with an individual menu, are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- 2) A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic or non-alcoholic) generally are consumed within the restaurant building.

RESTAURANT, BAR. Also known as a lounge or tavern, a restaurant, bar is a structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

ROAD OR STREET, PRIVATE. A private right-of-way reserved for the use of the occupants of the abutting structures.

ROAD OR STREET, PUBLIC. A public right-of-way which has been dedicated for the purpose of providing access to abutting private lots of land including the space for pavement and sidewalks.

S

SATELLITE DISH ANTENNA. A parabolic or spherical type of antenna which is used for communications with a satellite-based system located in planetary orbit.

SETBACK. [amended Sept 2004] The minimum horizontal distance a foundation, wall or any portion of a building or structure is required to be located from the street right-of-way line or boundaries of a lot, parcel, or building site upon which the same is situated.

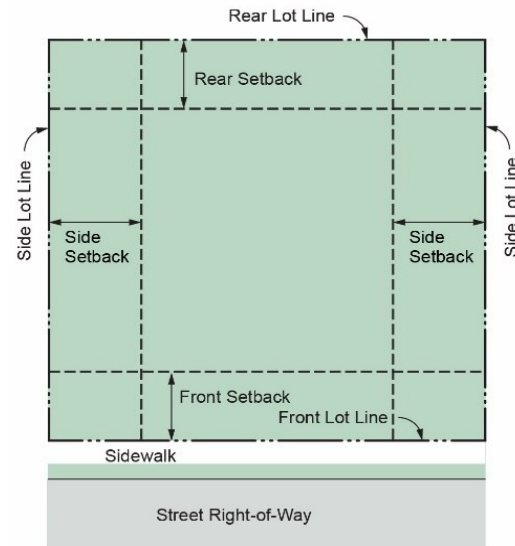
SHED. A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

SHOPPING CENTER. A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.

SHORT TERM RENTAL. The rental of any part of any residential home or Accessory Dwelling Unit for a period of twenty-eight (28) days or less for a fee.

SIGN. A device, structure, fixture, or placard using graphics, symbols and/or written copy, designed specifically for the purpose of identifying an establishment, product, service or activity.

- 1) **Directional Sign.** Any sign erected adjacent to a street which identifies, points toward and gives the distance to any public or semi-public building, off-street parking area, recreation space, club, lodge, church, institution, business, service, entertainment, activity, or event, or any sign erected on a building identifying an entrance or exit to the building.
- 2) **Temporary Sign.** A sign which, when erected, is anticipated to remain in place and to contain current information of value to the reader for a period less than thirty (30) calendar days.
- 3) **Electronic display.** A secondary element of a ground, pole, projecting or wall sign that consists of an array of lights, which allows for messages and displays to be changed electronically.
- 4) **Ground sign.** A freestanding sign which is placed directly on the ground surface, without use of uprights, poles, or other means to elevate the sign face above the surrounding grade.
- 5) **Illumination.** A secondary element of a wall, projecting, pole, or ground sign that uses including but not limited to, neon, argon, or similar gas or phosphorus to fill tubing made of glass or similar materials, LED, bulbs which is charged with electricity and used to create illuminated elements of a sign, including lettering, symbols, images, shapes or accents.
- 6) **Pole sign.** A sign structurally separate and not attached to any building, which is attached directly to the ground surface in a permanent manner, or supported by one or more uprights, poles or braces attached to the ground surface in a permanent manner.
- 7) **Projecting sign.** A sign attached to the wall of a building, with the face of the sign which bears a message in a plane approximately perpendicular to the plane of the wall. Projecting sign includes suspended signs.



Setback

8) **Wall sign.** A sign attached to the wall of a building with the face of the sign which bears a message in a plane approximately parallel to the plane of such wall and not projecting from the wall more than six inches. A sign attached to or displayed upon an awning, marquee or canopy is also considered to be a wall sign, except that a corporate logo or name not exceeding six (6) sq ft in area attached to or displayed upon such awning, marquee or canopy shall not be considered a sign.

SITE CONDOMINIUM PROJECT. A plan or project consisting of not less than two (2) condominium units established in conformance with the Michigan Condominium Act P.A. 59 of 1978, as amended.

STRUCTURE. See “Building”, and in addition any man-made surface feature or designed earth feature (other than normal finished grading for drainage purposes), including carports, garden houses, pole barns, sheds, pergolas, decks, porches, playhouses, game courts, gas or liquid storage facility as well as a manufactured home.

STRUCTURAL CHANGES OR ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

SWIMMING POOL. Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

T

TEMPORARY BUILDING OR USE. A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events.

TOWNHOUSES. A row of three (3) or more attached single-family dwellings, not more than two and one-half (2.5) stories in height and for which there is an entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than for a particular housing style.

TRAILER. Every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Does not include any implement of husbandry. (MCL 257.73 of 1949, Amended 2012)

TRAILER, SEMI-. Every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Does not include any implement of husbandry. (MCL 257.73 of 1949, Amended 2012)

TRUNKLINE HIGHWAY. A roadway which provides for traffic movement between areas and across the City and provides access to abutting properties.

TRUCK TERMINALS and FREIGHT YARDS. A facility for freight pick-up and/or distribution; may include intermodal distribution facilities for truck, rail, and shipping transport.

U

USE. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

V

RESERVED

W

RESERVED

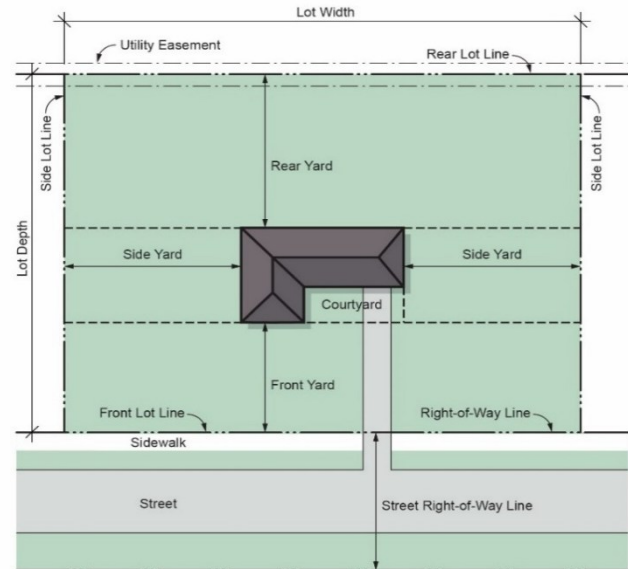
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RESERVED

Y

YARD. A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

- 1) **Yard, required.** That portion of any lot on which the erection of a main building is prohibited.
- 2) **Yard, front.** A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- 3) **Yard, rear.** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- 4) **Yard, side.** A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.
- 5) **Yard, corner lots.** On corner lots the front yard requirements shall apply on the street having the mailing address.



Yard Terms – Interior Lot

Z

Section 3.3 USE DEFINITIONS

Article 4. GENERAL PROVISIONS

Section 4.1 EFFECTS OF ZONING

- A. Zoning affects all parcels of land, structures, and associated land uses. Except as specified, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations specified for the zoning district in which it is located.
- B. In case any building or part is used, erected, altered, or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance with this Zoning Ordinance.
- C. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or approved use of any such building provided that actual construction is being diligently carried on, and that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or effective date of amendment.

Section 4.2 APPLICATION OF REGULATIONS

- A. The city-wide and zoning district-wide regulations found in this Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure, land, or use.
- B. All buildings, structures or land may hereafter be used, constructed, altered, or occupied, only when in conformity with all the regulations specified for the district in which it is located.
- C. No building or other structure shall be altered:
 - 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District.
 - 2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
- D. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 4.3 GENERAL REGULATIONS

- A. **Building Permit Required – Conformance to Zoning.** In accordance with other City Codes, ordinances and regulations duly adopted by the City Council, and in accordance with this Ordinance, no building shall be erected, relocated, or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this Zoning Ordinance, eligibility for a building permit shall be established upon conformance with the provisions contained herein.
- B. **Certificate of Occupancy Required.** No new building, dwelling, or structure subject to the provisions of this Ordinance shall be occupied, inhabited, or used until a Certificate of Occupancy is issued. In no case shall a Certificate of Occupancy be issued without first obtaining all the permits required by the City of Hartford.

C. Structures.

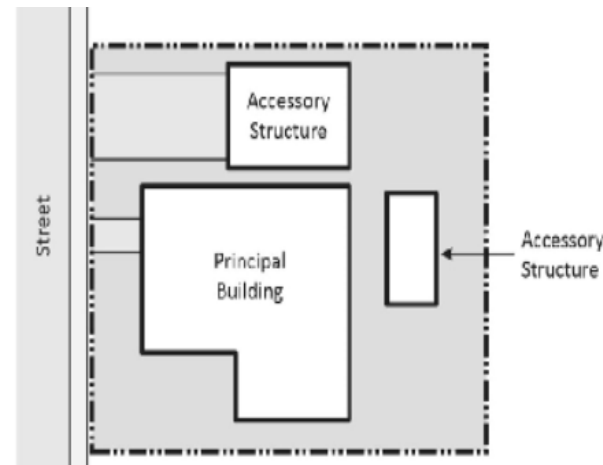
1. **Restoring Unsafe Buildings.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Van Buren County Health Department. A building or structure condemned by the Building Inspector may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State Equalized Value, the structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
2. **Structure to Have Access.** Every principal structure hereafter erected or moved shall be in a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection and required off-street parking.

D. Utilities and Infrastructure. Utility lines that connect underground infrastructure to new structures and buildings shall comply with the City of Hartford Utility System Terms of Service policy.

Section 4.4 ACCESSORY BUILDINGS AND STRUCTURES

A. Accessory buildings and structures except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building or structure is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to the main building.
2. Accessory buildings and structures shall not be erected in any required yard, except a side and rear yard.
3. No detached accessory building or structure shall be located closer than ten (10) feet to any main building, nor shall it be located closer than five (5) feet to any side or rear lot line.
4. Notwithstanding approved Accessory Dwelling Units (ADUs), no detached accessory building shall exceed one (1) story or fourteen (14) feet in height.
5. When an accessory building or structure is located on a corner lot, the rear yard shall be the yard opposite the street address front yard. In no instance shall an accessory building be located nearer than twenty (20) feet to a side yard street right-of-way line.
6. Accessory buildings and structures shall not be subject to permit requirements if one hundred and twenty (200) square feet or less in area.



Source: San Benito County Zoning Ordinance

B. Existing Drainage Nuisances. Any surface or roof drainage which creates a structural or health hazard, or any other nuisance to the owners or occupants of adjacent premises, or to the public by reason of discharge into, onto or across an adjacent building, premises or public thoroughfare, shall be abated by the owner of the improperly drained area. The Code Official shall require the drainage to be disposed of in accordance with the provisions of the Plumbing Code listed.

Section 4.5 MOTOR HOMES, CAMPERS, RECREATIONAL VEHICLE TRAILERS

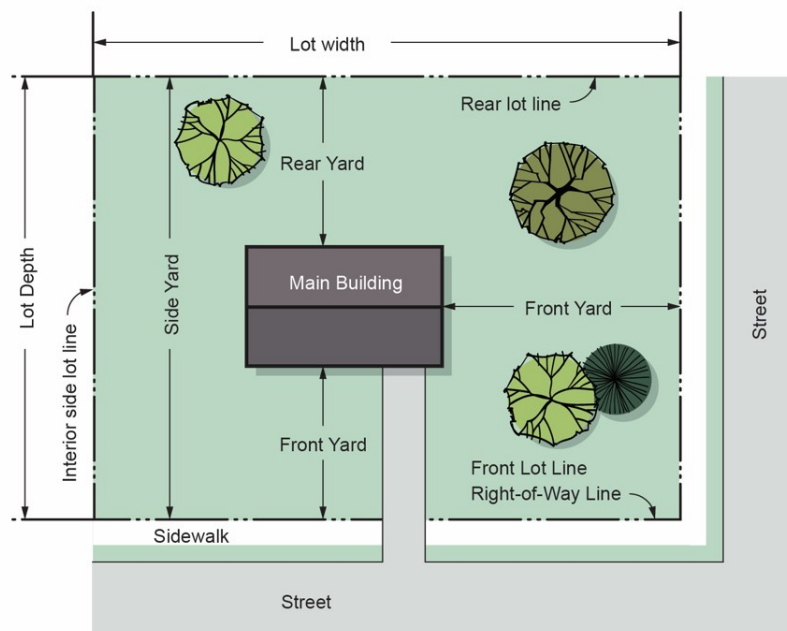
- A. A. Travel trailers, camper trailers, and motor homes shall not be connected to sanitary facilities when parked or stored on any residential lot. No unlicensed or inoperable recreational vehicle shall be parked or stored within any front yard. Licensed recreational vehicles may be parked or stored only on an improved surface such as concrete, asphalt, or gravel.
- B. The open storage of any recreational vehicle such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all-terrain vehicles, etc., shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, where distances from principal structure, lot lines, and easements are concerned.
- C. The open storage of utility trailers, boat trailers, and other similar conveyance shall be permitted only within the confines of the rear yard and shall further respect the requirements of this Section applicable to accessory buildings, where distances from principal structures, lot lines, and easements are concerned.

Section 4.6 POOLS

- A. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
1. There shall be a minimum distance of not less than ten (10) feet, between the adjoining property line, or alley right-of-way and the outside of the pool wall. The side yard setback shall apply to side yards greater than ten (10) feet.
 2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 3. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
 4. No swimming pool shall be located in any easement.

Section 4.7 LOTS

- A. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.
- B. **New Lots to be Buildable.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.
- C. **Corner Lots.** On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard.
- D. **Existing Platted Lots.** (See Non-Conformities) The use of more than one (1) lot in common ownership where the same do not comply with ninety (90%) percent of the minimum requirements of this Ordinance shall be determined on the basis of neighborhood character. For the purpose of this Section, the Planning Commission shall use the following standards to determine neighborhood character:
- E. **Two Lots:** If each of the two (2) adjacent lots in question has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60%) percent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots in question shall be construed to be in character with the neighborhood. If not, the two (2) lots shall be considered a single lot.
1. **Three Lots:** If each of the three (3) lots in common ownership has both frontage and area measurements that equal or exceed the individual frontage and area measurements of at least sixty (60%) percent of the total number of developed lots within four hundred (400) feet on both sides of the same street, each of said lots shall be construed to be in character with the neighborhood. If not, the three (3) lots shall be considered one (1) or two (2) lots meeting the zone district requirements.
 2. **Four or More Lots:** If each of the four (4) or more lots in common ownership are less than the minimum requirements, they shall be re-subdivided into one (1), two (2), or three (3) lots meeting the zone district requirements.



Example corner lot diagram

Section 4.8 SATELLITE DISH ANTENNAS

- A. The following regulations have been adopted to ensure that satellite dish antennas comply with the health, safety, and aesthetic objectives of the City. Those objectives include, but are not limited to, the prevention of poorly constructed or poorly installed or otherwise unsafe structures; unsightly or obtrusive structures in front yards; structures out of scale with principal buildings; structures within required side yard or rear yard setbacks obstructing open space and/or creating fire hazards; and the proliferation of more satellite dish antennas than are necessary to service a lot or premises.
- B. Small satellite dish antennas are not subject to regulation by the City. A small satellite dish antenna is defined as:
1. A satellite dish antenna that is two (2) meters or less in diameter and is located or proposed to be located in any area included in any commercial or mixed-use Zoning Districts; or
 2. A satellite dish antenna that is one (1) meter or less in diameter and is located in any area of the City.
- C. A large satellite dish antenna is defined as any satellite dish antenna which is not a small satellite dish antenna. The following regulations shall apply to all large satellite dish antennas:
1. As a general rule, only one (1) satellite dish antenna shall be permitted per lot or premises. However, two (2) satellite dish antennas shall be permitted per lot or premises if one (1) satellite dish antenna is for television reception only, while the other satellite dish antenna is for amateur (i.e. ham) radio operation only.
 2. A satellite dish antenna may not be placed in a front yard. A satellite dish antenna may be placed in a side yard, a rear yard, or on top of a building.
 3. Subject to approval of the Zoning Administrator, a satellite dish antenna shall be securely anchored through the use of a concrete pad or other system adequate to secure the satellite dish antenna during high winds.
 4. The minimum side yard and rear yard setbacks for satellite dish antennas in various zoning districts shall be the same as those for accessory buildings.
 5. A satellite dish antenna shall not exceed fifteen (15) feet in height or twelve (12) feet in diameter.
 6. No portion of a satellite dish antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties.
 7. However, one (1) sign identifying the manufacturer of the satellite dish antenna not larger than five (5) inches by twenty (20) inches shall be permitted, and no more than two (2) safety warning signs no larger than five (5) inches by twenty (20) inches shall be permitted.
 8. A satellite dish antenna shall be white or some other non-obtrusive color approved in writing by the Zoning Administrator in advance of installation.

Section 4.9 FENCES

- A. **Regulation of Fences.** All fences, including privacy fences, shall comply with this subsection. The erection, construction, or substantial rebuilding of any fence shall require a Zoning Permit from the Zoning Administrator.

1. Substantial rebuilding of a fence is considered reconstruction of more than fifty percent (50%) of the structure (as determined by either value or amount of materials), a change in the height of the structure, or a change from the existing material within a 12-month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding".

B. General Standards. These standards shall apply to fences in all Districts.

1. Fences shall not be permitted within a floodplain or floodway.
2. Fence height is measured from the grade below the fence, to the top of the fence.

3. Stability, Materials, and Maintenance.

- a) All fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise endangers life or property is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the City Administrator, or their designee, reserves the right to utilize code enforcement procedures to get the fence into compliance.
- b) Fences shall be stable, safe, and properly supported. Fence posts shall be at right angles to the horizon. Fences shall not be constructed of salvage materials.
- c) Fences shall be maintained to retain their original shape and configuration. Elements of the fence that are missing, damaged, destroyed or affected by deterioration or neglect shall either be replaced or repaired to maintain conformity with the original fence design or the fence shall be removed completely.
- d) Each fence owner shall maintain their fences in accordance with the provisions of the maintenance codes adopted by the City of Hartford and with the provisions of any site maintenance agreement entered into with the City of Hartford.
- e) Fences shall be maintained plumb and true with adequate support and in a safe and sightly manner.
- f) Notwithstanding any provisions of this Ordinance to the contrary, including but not limited to provisions pertaining to non-conformities generally, there shall be a separate interpretation and administration of non-conformities for fences due to their maintenance, support, or safety. Such non-conforming fences shall not be permitted to continue. The owner of a fence shall remove or repair a fence that is dangerous, dilapidated, or otherwise in violation of the Ordinance upon proper notice from the City.
- g) **Permitted fencing types and materials** (see image examples on next page below).
 - 1) Chain link fence
 - 2) Vinyl or wood picket fence
 - 3) Split rail fence
 - 4) Metal open fence
 - 5) Vinyl or wood privacy fence
 - 6) Brick/masonry walls
 - 7) Other similar fencing types and materials as determined by the City Zoning Administrator.



Split rail fence



Metal open fence



Vinyl privacy fence



Brick/masonry wall



Chain link fence



Wood picket fence

4. **Corner and Driveway Clearance.** No fence, wall, shrubbery, sign, or other obstruction to vision above a height of twenty-four (24) inches from established street grades shall be permitted within the triangular area formed:

- a) At the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five feet from their point of intersection.
- b) At the intersection of a driveway and a street where two sides of the triangle defined by measuring fifteen (15) feet in length along the edge of the driveway and along the curb edge of the roadway line from the point of intersection and the third side is a diagonal connecting the first two (2).
- c) For any fences fronting a road with Michigan Department of Transportation (MDOT) right-of-way, fences shall meet the requirements of the MDOT clear vision corner.

5. **Fences in Residential Districts, or Residential Uses in Mixed Use Districts.**

- a) Fences are permitted in residential districts and residential land uses subject to the following conditions:
 - 1) Fences which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height measured from the surface of the ground.
 - 2) Fences shall not contain barbed wire, razor wire, concertina wire, electric current or charge of electricity nor any other material installed for the purpose of causing harm.
 - 3) No fence exceeding four (4) feet in height shall be located in the front yard.
 - 4) When erecting a fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence.
 - 5) Any fence having an unfinished side shall be installed so that the finished side of the fence shall be facing adjacent properties or the street.

6. **Fences in Non-Residential Districts.**

- a) Fences are permitted in non-residentially zoned districts, or non-residential uses in mixed use districts, subject to the following regulations and requirements:
 - 1) Fences located on any side or rear yard shall have a minimum of six (6) feet in height with a maximum of eight (8) feet in height.
 - 2) Fences or landscaped screening shall be required to separate non-residential uses in non-residential districts and residential uses and residential districts. If landscaped screening is used, landscaping and screening requirements are described in [Article 14](#).

Section 4.10 TEMPORARY USES, STRUCTURES, AND PERMITS

A. **Temporary Permits.** Temporary permits may be authorized by the City Zoning Administrator, for a period not to exceed one (1) year. Temporary uses shall comply with the following requirements:

1. Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

2. A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.
3. The Zoning Administrator may grant a permit for temporary use of land and structures for temporary special events provided that adequate off-street parking is provided, specification of the exact duration of the temporary use is provided, and all electrical and utility connections shall be identified and approved by the Zoning Administrator and all other applicable personnel, such as the Fire Marshal, police staff, and/or Building Official. Temporary event permits shall not exceed a period of thirty (30) days. Temporary events may include:
 - a) Carnival, festival, fair or circus.
 - b) Sidewalk, garage, or holiday tree sales.
 - c) Firework tents and displays.
 - d) Food truck sales.
 - e) Other events similar to the above as determined by the Zoning Administrator.

B. Temporary Structures. Temporary structures shall comply with the following requirements:

1. A temporary building or structure shall not be used as an accessory building or structure.
2. All temporary structures shall be removed upon expiration of the (1) year permit period.

C. Temporary use of a single-family dwelling for offices. The City Zoning Administrator may authorize a certification for a dwelling unit to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such an office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

Section 4.11 DWELLING UNIT CONVERSION

- A. The provisions of this Section allows for the possibility of converting a single- family dwelling (within an existing structure) to a two, three, or four-family dwelling, provided that the conversion is in conformance with the standards and procedures set forth herein.
- B. **Definition.** A dwelling unit conversion is defined as the process in which the owner of a single-family dwelling may apply for conversion of said dwelling into a greater number of dwelling units than existed in the dwelling prior to conversion. Consideration of the application shall be in accordance with the procedures set forth herein.
 1. All applications for dwelling unit conversion as provided herein shall be reviewed by the Zoning Administrator or their designee, on the basis of whether or not the application and proposed use conforms with the following standards:

- a) The conversion will comply with the intent of this Ordinance and the number of resulting dwelling units is compliant with the corresponding zoning district in which the subject single-family structure is located.
- b) The owner agrees that all construction and maintenance of the structure and grounds will be in accordance with and conform to all City Construction Codes, including but not limited to the Building Code, Electrical Code, Plumbing Code, Mechanical Code, and Housing Code.
- c) Each dwelling unit shall be self-contained consisting of complete lavatory and kitchen facilities and a separate living area.
- d) Each dwelling unit shall provide adequate light and ventilation pursuant to the Housing Code.
- e) Stairways leading to the second or any higher floor shall be located within the walls of the building, wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street. Location and functionality of staircases and fire escapes shall be subject to review and approval by the City Fire Department, as applicable.
- f) Except as may be necessary for purposes of safety in accordance with the preceding paragraph, there shall be no major structural change in the exterior of the building in connection with the conversion, and after conversion of the building shall retain substantially the same structural appearance it had before the conversion.
- g) Parking plans shall comply with all requirements of [Article 17](#).

C. Building Permit and Certificate of Occupancy. If the application is approved, the applicant shall obtain a building permit from the City prior to the construction associated with conversion. After all construction or reconstruction has been completed, the applicant shall obtain a Certificate of Occupancy prior to the rental or use of the additional dwelling units. The City Fire Department reserves the right to conduct safety inspections as they may be deemed necessary.

D. Enforcement. Failure to comply with the provisions of this Section will constitute a violation of the Zoning Ordinance.

Section 4.12 COMPLIANCE WITH COUNTY AND STATE REGULATIONS

- A. Compliance Required. Permitted uses and special land uses must comply with applicable County and State health regulations, all pollution laws, and federal regulations. All required State and/or County approvals may be required before final site plan approval or before an occupancy permit is issued.

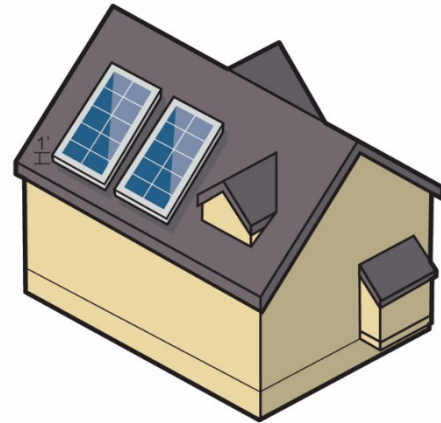
Section 4.13 COMMERCIAL DISTRICT PERFORMANCE STANDARDS

- A. Before the issuance of any building or occupancy permit in this district, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance will be borne by the applicant.

- B. Open Storage. All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred and fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides, which abut any residential use or district, including mixed use buildings, by a solid six (6) foot wall or fence sufficient to serve as a permanent retaining wall or fence.
- C. Smoke, fumes, gas, dust, and odors. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
- D. Liquid or solid waste. The discharge of untreated industrial waste is prohibited. All methods of salvage, industrial waste treatment, and disposal shall be approved by the City and Department of Great Lakes and Energy. No effluent shall contain any acids, oils, dust, hazardous metals, corrosives or other toxic substance in solution or suspension which would create odors, discolor, poison, or otherwise pollute the water or soil in any way.
- E. Hazardous and critical materials. Any use where materials listed in the Michigan Critical Materials Registry are stored or used must prepare a pollution prevention plan. The exact location where all such materials are stored must be given to the Fire Chief.

Section 4.14 SOLAR PANEL ARRAYS

- A. Solar panel arrays shall meet the standards of this Section.
1. Solar arrays may be permitted in all zoning districts.
 2. Solar arrays shall not be a principal use and shall be considered an accessory structure.
 3. Freestanding solar panel arrays shall meet all setback requirements for the zoning district in which it is located.
 4. Any freestanding solar panel arrays shall not exceed fifteen (15) feet in height.
 5. Roof-mounted solar panel arrays installed on residential homes shall not project two (2) feet above the established roofline. However, the solar panel when installed shall not exceed the maximum height allowed in the zoning district for which it is located.



Example of roof-mounted solar panels

Section 4.15 OUTDOOR SEATING

- A. **Definition.** An outdoor area accessory to a principal commercial use where food, beverages, or both are served or consumed by patrons outside the principal building.
- B. **Use-specific standards.**
1. **Dimensional standards.**
 - a) **Setback, residential adjacency.** Outdoor seating areas on properties that directly abut a residential district shall be set back a minimum of 40 feet from the abutting residential property line.
 2. **Access and parking.**
 - a) **Pedestrian clearance.** Outdoor seating areas shall maintain a minimum unobstructed pathway of six feet along any private sidewalk area. Where the minimum width cannot be maintained, an alternate pathway shall be provided to maintain pedestrian connectivity.
 - b) **Barrier-free access.** Outdoor seating areas shall be connected to an entrance to the principal building by a paved, barrier-free path.
 - c) **Parking.** Outdoor seating seats shall be included in the calculation of required parking for the principal use. Any additional parking spaces required by the addition of outdoor seating shall be constructed before the outdoor seating may be used.
 3. **Landscaping and screening.**
 - a) **Screening, residential adjacency.** Portions of the outdoor seating area that directly face a residential district or use shall be screened to reduce visual and noise impacts.
 4. **Signage.** No additional standards.
 5. **Lighting.** No additional standards.

6. **Operational standards.**

- a) **Hours, general.** Hours of operation shall not exceed the normal hours of operation for the principal use.
- b) **Hours, residential adjacency.** Outdoor seating areas on properties that directly abut a residential district shall not be used between 11:00 p.m. and 7:00 a.m.
- c) **Noise, residential adjacency.** External speakers or live entertainment shall not exceed 25 decibels at the property line abutting a residential district and shall not operate beyond the close of business.
- d) **Noise, non-residential adjacency.** External speakers or live entertainment shall not exceed 65 decibels between 7:00 a.m. and 11:00 p.m., or 50 decibels between 11:00 p.m. and 7:00 a.m., at the property line.
- e) **Required enclosure.** Outdoor seating areas shall be enclosed by a permanent edge feature where alcohol is served or where the seating area is located within 15 feet of a parking or maneuvering lane. Enclosures shall be a minimum of 36 inches in height and shall consist of metal railings, wood railings, brick walls, bollards, or other suitable materials subject to approval by the approving authority.
- f) **Temporary shade structures.** Temporary open shade structures, such as umbrellas, may be permitted without a building permit.
- g) **Enclosed structures.** Enclosed structures exceeding 120 square feet in area, including tents, canopies, and pergolas, shall require a building permit.
- h) **Upper-level seating, residential adjacency.** Outdoor seating on a second-story balcony, rooftop, or higher on properties abutting a residential district shall require special land use approval.
- i) **Upper-level seating, general.** On properties not abutting a residential district, upper-level outdoor seating is permitted by right.
- j) **Maintenance.** Tables and chairs shall be of durable material such as metal or wood. Waste receptacles shall be provided where wait staff does not clear tables. The outdoor seating area shall be maintained in a sanitary and clean condition at all times.

C. **Site plan.** No additional standards.

Article 5. ZONING DISTRICTS

Section 5.1 DISTRICTS ESTABLISHED

A. For the purpose of this Ordinance, the City of Hartford is divided into the following districts:

- AR Agricultural Residential
- TLDR Traditional Low Density Residential
- LDR Low Density Residential
- MDR Medium Density Residential
- MDHR Medium High Density Residential
- C1 General Business
- C2 Central Business
- LI Light Industrial
- HI Heavy Industrial
- I/C Institutional/Civic
- P Park

Section 5.2 DISTRICT BOUNDARIES AND INCLUSION OF THE ZONING MAP BY REFERENCE

A. The boundaries of these districts are hereby established as shown on the Zoning Map, City of Hartford Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

Section 5.3 INTERPRETATION OF DISTRICT BOUNDARIES

- A. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
 4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
6. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections A through D above, the Board of Appeals shall interpret the district boundaries.

Section 5.4 ZONING OF ANNEXED AREAS

- A. Whenever any area is annexed to the City of Hartford, it shall immediately upon such annexation, be automatically classified as the same district for which the property directly abuts until a Zoning Map for said area has been adopted by the City Council, or the property owner requests and receives approval for a rezoning of said property.
- B. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the area is annexed.

Section 5.5 ZONING OF VACATED AREAS

- A. Whenever any street, alley or public way, within the City of Hartford shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

Section 5.6 DISTRICT REQUIREMENTS

- A. All buildings and uses in any district shall conform to the requirements of this Ordinance.

Section 5.7 TABLE OF PERMITTED USES

- A. Permitted Use (P): These uses are allowed by right. Additional standards may apply.
- B. Special Land Use (S): These uses shall obtain Special Land Use approval from the Planning Commission. Additional standards may apply.
- C. Blank spaces in the use table below shall be considered not permitted.

LAND USE	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards
Residential													
Dwelling or Dwelling Unit													6.1.A
Dwelling, Single-Unit Detached	P	P	P	P	P								6.1.A.1
Dwelling, Two-Unit		S		P	P			S					6.1.A.2
Dwelling, Three-Unit				P	P								6.1.A.3
Dwelling, Four-Unit				P	P								6.1.A.4
Dwelling, Multiple-Unit, Attached				P	P								6.1.A.5
Dwelling, Multiple-Unit Detached				P	P								6.1.A.6
Dwelling, Second Story Residential								P					6.1.A.7
Mobile Home Park						P							6.1.B
Short Term Rental	S	S	S	S	S			S					6.1.C
Accessory Dwelling Unit	S	P	P	P	P								6.1.D
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P	6.1.E
Home Occupation	P	P	P	P	P	P		P					6.1.F
Planned Unit Development	S	S	S	S	S	S	S	S	S	S	S	S	
Res													
Care and Social Assistance	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards
Adult Day Care Facility													6.2.A
Adult Day Care Facility, Day Care Center	P	P	P	P	P			P					6.2.A.1
Adult Day Care Facility, Family Day Care Home	P	P	P	P	P								6.2.A.2
Adult Day Care Facility, Group Day Care Home		S	S	S	S								6.2.A.3
State Licensed Residential Facility													6.2.B
Adult Foster Care Facility, Family Home	P	P	P	P	P								6.2.B.1
Adult Foster Care Facility, Small Group Home		P	P	P	P								6.2.B.2
Adult Foster Care Facility, Large Group Home		S	S	P	P								6.2.B.3

Adult Foster Care Facility, Congregate Facility				S	S									6.2.B.4
Adult Foster Care Facility, Camp or Adult Camp	P													6.2.B.5
Child Care Facility														6.2.C
Child Care Facility, Family Day Care Home	P	P	P	P	P									6.2.C.1
Child Care Facility, Group Day Care Home		S	S	S	S									6.2.C.2
Child Care Facility, Day Care Center		S	S	S	S		P	P						6.2.C.3
Child Foster Care Home														6.2.D
Child Foster Care Home, Foster Family Home	P	P	P	P	P									6.2.D.1
Child Foster Care Home, Family Group Home	P	P	P	P	P									6.2.D.2
Residential Human Care and Treatment Facility				S	S		S	S						6.2.E
Institutional	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards	
Campground	P	S					S				S	P	6.3.A	
Cemetery	P	S					S				P	P	6.3.B	
Institutional Uses	S	S	S	P	P		P	P			P	S	6.3.C	
Park	P	P	P	P	P		P	P			P	P	6.3.D	
Parking, Accessory Use		S	S	S	S	S	P	P					9.2.I	
Places of Assembly over 4,000 sq. ft.	S	S	S	S	P		P	P			P	S	6.3.E	
Places of Assembly under 4,000 sq. ft.				S	S		P	P			P	S	6.3.F	
Recreation Facility, Indoor		S		S	P		P	P			P		6.3.G	
Recreation Facility, Outdoor	S	S		S			S				P	P	6.3.H	
Retail/Commercial	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards	
Automobile or Trailer Sales							P		P	P			6.4.A	
Auto Repair, Minor							P		P	P			6.4.B	
Auto Repair, Major							P		P	P			6.4.C	
Bed and Breakfast Establishment		S	S	S	P		S	P					6.4.D	
Drive Through Facility							P						6.4.E	
Excavation	S									S			6.4.F	
Farming	P												6.4.G	
Food Establishment							P	P					6.4.H	
Gasoline Filling Station							P						6.4.I	
Greenhouse, Commercial	P						P	S	S	S			6.4.J	
Hotels and Motels							P	P					6.4.K	
Kennel, Commercial	S	S					S						6.4.L	
Lumberyard							P		P	P			6.4.M	

Medical Clinic				S	P		P	P					6.4.N
Mortuary of Funeral Home				S	P		P	P					6.4.O
Office				P	P		P	P					6.4.P
Open Front Store							P	P					6.4.Q
Outdoor Storage							S		P	P			6.4.R
Retail Establishments							P	P					6.4.S
Sexually Oriented Business							S						6.4.T
Shopping Center							P						6.4.U
Theater							P	P					6.4.V
Veterinary Clinic				S	P		P	P					6.4.W
Industrial	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards
Contractor's Storage Yards									P	P			6.5.A
Manufacturing or Assembly Facility									P	P			6.5.B
Planned Industrial Park									S	S			6.5.C
Research and Development Facility							S		P	P			6.5.D
Salvage or Junk Yard										P			6.5.E
Self Storage Facilities							P		S				6.5.F
Truck Terminals and Freight Yards									S	P			6.5.G
Warehousing							S		P	P			6.5.H
Utilities	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Specific Use Definition and Standards
Battery Energy Storage Systems (BESS)	S						S		P	P	S		6.6.A
Electric Vehicle Charging Station	S	S	S	S	S		P	P	P	P	P	P	6.6.B
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	6.6.C
Major Utility Facilities							S		P	P	S		6.6.D
Wireless Telecommunications	S	S	S	S	S		S	S	P	P	P	S	6.6.E

Section 5.8 SCHEDULE OF REGULATIONS

- A. The following Table includes a summary of the dimensional standards for each Zoning District. The minimum lot area and minimum lot width requirements shown in the Table apply to the creation of new lots only and do not affect the legal status of existing lots of record.

District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Lot Coverage	Maximum Building Height	Minimum Floor Area/Unit
AR	23,000 sq. ft.	160 ft.	30 ft.	30 ft. (each)	Corner Lots – 30 ft. Other – 40 ft.	25%	25 ft. / 2 stories (whichever is less)	350 sq. ft.
LDR	15,000 sq. ft.	100 ft.	25 ft.	10 ft. (each)	35 ft.	30%	25 ft. / 2 stories (whichever is less)	350 sq. ft.
TLDR	12,000 sq. ft.	30 ft.	25 ft.	5 ft. (each) (14 ft. combined yard setbacks)	35 ft.	30%	25 ft. / 2 stories (whichever is less)	350 sq. ft.
MDR	12,000 sq. ft.	50 ft.	25 ft.	5 ft. (each)	35 ft.	30%	30 ft. / 2.5 stories (whichever is less)	350 sq. ft.
MHDR	12,000 sq. ft. Plus the additional square feet of land required for each type of dwelling unit built on the property as specified in the footnotes below. ^a	None	60 ft.	20 ft. (each)	60 ft.	35%	30 ft. / 2.5 stories (whichever is less)	350 sq. ft.

MHP	Park	None	None	50 ft.	50 ft.	50 ft.	None	25 ft. / 2 stories (whichever is less)	350 sq. ft.
	Individual Sites	5,000 sq. ft.	40 ft.	5 ft.	10 ft. (30 ft. combined yard setbacks)	15 ft.	None	15 ft. / 1 story (whichever is less)	350 sq. ft.
C1		None	None	20 ft.	15 ft.	None	45%	35 ft. / 2 stories (whichever is less)	N/A
C2		None	None	None	Abutting residential – 10 ft. Other -- None	10 ft.	None	42 ft. / 3 stories (whichever is less)	350 sq. ft.
LI		15,000 sq. ft.	100 ft.	25 ft.	20 ft.	20 ft.	55%	50 ft.	N/A
HI		15,000 sq. ft.	100 ft.	25 ft.	20 ft.	20 ft.	55%	50 ft.	N/A
I/C		12,000 sq. ft.	80 ft.	20 ft.	5 ft. (each)	35 ft.	30%	25 ft. / 2.5 stories (whichever is less)	N/A
P		None	None	50 ft.	50 ft.	50 ft.	20%	15 ft. / 1 story (whichever is less)	N/A
PUD		See Article 14							

Section 5.9 AR AGRICULTURAL RESIDENTIAL

A. PURPOSE

1. District Role

Provides areas for low-density residential living integrated with ongoing agricultural activity on the outskirts of the City.

2. Primary Activities

- ☐ General farming and agricultural uses.
- ☐ Detached single-family dwellings.
- ☐ Other low-impact uses that are compatible with agricultural and rural residential character, subject to additional review

3. Form & Site Pattern

- ☐ Large lots with generous setbacks and separation between buildings.
- ☐ Development pattern that reflects rural spacing and minimal visual intensity.

4. Intensity & Impacts

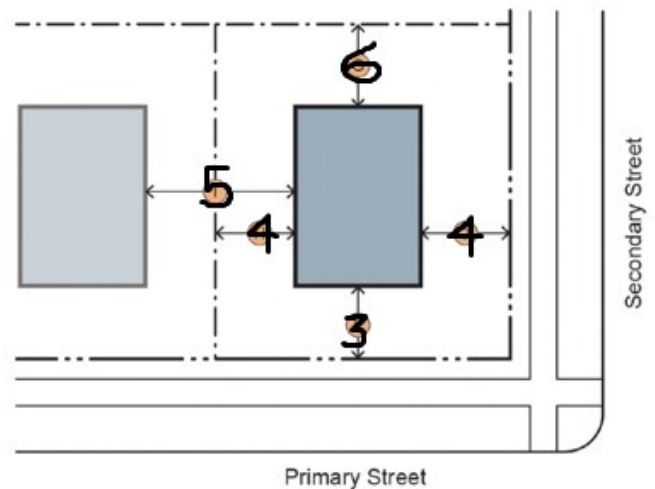
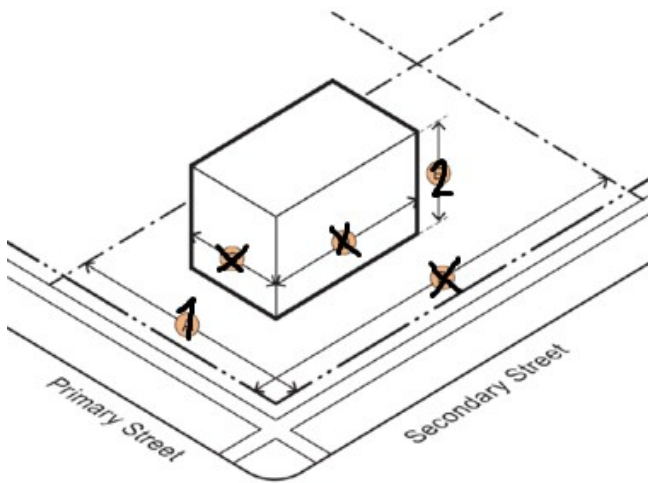
- ☐ Very low development intensity.
- ☐ Minimal traffic, noise, and non-agricultural activity.
- ☐ Lowest permitted density and lot coverage among all zoning districts.

5. Change Over Time

Intended to remain predominantly rural and low-intensity, with limited incremental residential development that does not erode agricultural viability.

B. PERMITTED USES

See Section 5.7 Table of Permitted Uses.



C. DIMENSIONAL STANDARDS

Lot Standards		Minimum Setbacks	
Min. Lot Area	23,000 sq. ft.	3. Front Yard	30 ft.
1. Min. Lot Width	160 ft.	4. Side Yard (one)	30 ft.
Max. Lot Coverage	25%	5. Side Yard (total of 2)	60 ft.
Min. Floor Area/Unit	350 sq. ft.	6. Rear Yard*	Corner Lots – 30 ft.

			Other – 40 ft.
2. Max. Building Height (ft.)	25 ft.		
Max. Building Height (stories)	2 stories		

** When a rear yard faces a street, and homes on the opposite side of that street front onto it, the required rear yard shall be equal to the required front yard for those homes.*

Section 5.10 MHP MOBILE HOME PARK

A. PURPOSE	
1. District Role	
Provides well-planned mobile home communities offering affordable and flexible residential living.	
2. Primary Activities	3. Form & Site Pattern
Mobile home sites located within approved mobile home parks.	☐ Low-rise residential development with internal streets, setbacks, and spacing standards. ☐ Park-level design emphasizing safety, privacy, and internal circulation.
4. Intensity & Impacts	5. Change Over Time
☐ Moderate residential density managed at the park scale. ☐ Limited non-residential activity.	Intended to remain as cohesive, planned residential communities rather than incremental lot-by-lot redevelopment.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Park Standards		Minimum Setbacks	
Min. Lot Area	None	Front Yard	50 ft.
Min. Lot Width	None	Side Yard (one)	50 ft.
Max. Lot Coverage	None	Side Yard (total of 2)	100 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard	50 ft.
Max. Building Height (ft.)	25 ft.		
Max. Building Height (stories)	2 stories		
Individual Lot Standards			
Min. Lot Area	5,000 sq. ft.	Front Yard	5 ft.
Min. Lot Width	40 ft.	Side Yard (one)	10 ft.
Max. Lot Coverage	None	Side Yard (total of 2)	30 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard	15 ft.
Max. Building Height (ft.)	15 ft.		
Max. Building Height (stories)	1 story		

Section 5.11 LDR LOW DENSITY RESIDENTIAL

A. PURPOSE	
1. District Role	
Accommodates low-density residential development at the periphery of the City.	
2. Primary Activities	3. Form & Site Pattern
☐ Detached single-family dwellings. ☐ Stacked Duplex Dwelling Units ☐ Select community-serving or residential-support uses subject to additional review.	Suburban residential development pattern with larger lots and greater separation between uses.
4. Intensity & Impacts	5. Change Over Time
☐ Low overall intensity. ☐ Limited traffic and activity beyond residential use.	Intended to accommodate gradual residential build-out while maintaining a low-density character.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	15,000 sq. ft.	Front Yard	25 ft.
Min. Lot Width	100 ft.	Side Yard (one)	10 ft.
Max. Lot Coverage	25%	Side Yard (total of 2)	20 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard*	35 ft.
Max. Building Height (ft.)	25 ft.		
Max. Building Height (stories)	2.5 stories		

** When a rear yard faces a street, and homes on the opposite side of that street front onto it, the required rear yard shall be equal to the required front yard for those homes.*

Section 5.12 TLDR TRADITIONAL LOW DENSITY RESIDENTIAL

A. PURPOSE	
1. District Role Preserves the City's traditional low-density residential neighborhoods within the original block and street pattern.	
2. Primary Activities ☐ Long-term residential living. ☐ Detached single-family dwellings.	3. Form & Site Pattern ☐ Traditional neighborhood development pattern with consistent lot sizes, setbacks, and street orientation. ☐ Buildings integrated into an established block structure.
4. Intensity & Impacts ☐ Low traffic generation and limited non-residential activity. ☐ Quiet residential environment with minimal operational impacts.	5. Change Over Time Intended to remain stable, accommodating reinvestment and replacement housing without altering neighborhood scale or function.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	12,000 sq. ft.	Front Yard	25 ft.
Min. Lot Width	30 ft.	Side Yard (one)	5 ft.
Max. Lot Coverage	30%	Side Yard (total of 2)	14 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard*	35 ft.
Max. Building Height (ft.)	25 ft.		
Max. Building Height (stories)	2 stories		

* When a rear yard faces a street, and homes on the opposite side of that street front onto it, the required rear yard shall be equal to the required front yard for those homes.

- Notwithstanding Subsection 5 below, the front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space that is unoccupied and unobstructed except for landscaping, plant materials, or vehicle access drives.
- Off-street parking for one (1), two (2), three (3) and (4) four family dwellings and driveway accessing such parking shall be paved with concrete or bituminous material in a manner which is adequate to prevent washout from obstructing storm sewers and catch basins, in a manner which is adequate to provide safe access to the dwellings in question.
- The off-street parking areas for one (1), two (2) three (3) and four (4) family dwellings and for any driveways accessing them shall be a minimum of eight (8) feet in width for their entire length and shall at a minimum extend between the public or private right-of-way and the required front setback line on each lot.

4. Residential driveways or off-street parking areas used for residential purposes may comprise up to fifty percent (50%) of the front yard area. Any residential off-street parking areas located in the front yard shall consist of porous/permeable pavement.
5. Residential front, side, and rear yards may consist of native plant materials. In no case shall a native plant obstruct line-of-sight distances for vehicular, bicycle, or pedestrian travel.

Section 5.13 MDR MEDIUM DENSITY RESIDENTIAL

A. PURPOSE	
1. District Role Supports moderate-density residential living in walkable, neighborhood-scale settings.	
2. Primary Activities ☐ Single-family and two-family dwellings, and dwellings up to 8 units ☐ More intensive residential uses subject to special use review.	3. Form & Site Pattern Compact residential development integrated into a walkable street network.
4. Intensity & Impacts ☐ Moderate residential density. ☐ Increased pedestrian activity and localized traffic, with controls to ensure compatibility.	5. Change Over Time Intended to accommodate incremental increases in residential density while maintaining neighborhood-scale character.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	12,000 sq. ft.	Front Yard	25 ft.
Min. Lot Width	50 ft.	Side Yard (one)	5 ft.
Max. Lot Coverage	30%	Side Yard (total of 2)	10 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard*	35 ft.
Max. Building Height (ft.)	30 ft.		
Max. Building Height (stories)	2.5 stories		

* When a rear yard faces a street, and homes on the opposite side of that street front onto it, the required rear yard shall be equal to the required front yard for those homes.

Section 5.14 MHDR MEDIUM HIGH DENSITY RESIDENTIAL

A. PURPOSE	
1. District Role	
Accommodates higher-density residential living in areas served by public infrastructure and transportation access.	
2. Primary Activities	3. Form & Site Pattern
☐ Multi-unit residential development. ☐ Institutional and higher-intensity residential uses subject to special use review.	☐ Compact building forms with shared open space and coordinated site design. ☐ Development pattern that supports efficient land use and access to services.
4. Intensity & Impacts	5. Change Over Time
☐ Higher residential density than other residential districts. ☐ Increased activity levels appropriate for areas with adequate services.	Intended to support residential intensification in appropriate locations without introducing unrelated non-residential activity.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	12,000 sq. ft.	Front Yard	60 ft.
Min. Lot Width	None	Side Yard (one)	20 ft.
Max. Lot Coverage	35%	Side Yard (total of 2)	40 ft.
Min. Floor Area/Unit	350 sq. ft.	Rear Yard*	60 ft.
Max. Building Height (ft.)	30 ft.		
Max. Building Height (stories)	2.5 stories		

** When a rear yard faces a street, and homes on the opposite side of that street front onto it, the required rear yard shall be equal to the required front yard for those homes.*

Section 5.15

Section 5.15 C1 GENERAL BUSINESS

A. PURPOSE	
1. District Role	
Accommodates higher-intensity commercial activity serving both local and regional markets.	
2. Primary Activities	3. Form & Site Pattern
☐ Commercial, service, and light industrial businesses requiring larger sites and operational flexibility.	☐ Auto-oriented development with convenient access to major corridors. ☐ Larger building footprints and site layouts than the Central Business District.
4. Intensity & Impacts	5. Change Over Time
☐ Higher traffic volumes, extended hours, and greater operational impacts. ☐ Uses with significant impacts subject to special use review.	Intended to evolve as the City's primary location for higher-intensity commercial growth outside the downtown core.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	None	Front Yard	20 ft.
Min. Lot Width	None	Side Yard (one)	15 ft.
Max. Lot Coverage	45%	Side Yard (total of 2)	30 ft.
Min. Floor Area/Unit	N/A	Rear Yard	10 ft.
Max. Building Height (ft.)	35 ft.		
Max. Building Height (stories)	2 stories		

Section 5.16 C2 CENTRAL BUSINESS

A. PURPOSE	
1. District Role	
Serves as the City's primary commercial and civic center and focal point of community activity.	
2. Primary Activities	3. Form & Site Pattern
☐ Commercial, office, residential, civic, cultural, entertainment, and recreational uses. ☐ Public and semi-public activities that reinforce downtown vitality.	☐ "Main Street"—oriented, human-scaled development. ☐ Buildings oriented to the street with minimal front setbacks, rear or shared parking, and strong pedestrian connections.
4. Intensity & Impacts	5. Change Over Time
☐ High levels of pedestrian activity and extended operating hours. ☐ Mixed-use intensity managed through design standards rather than use separation.	Intended to accommodate reinvestment, redevelopment, and intensification that strengthens downtown identity and economic activity.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	None	Front Yard	None
Min. Lot Width	None	Side Yard (one)	Abutting residential – 10 ft. Other -- None
Max. Lot Coverage	None	Side Yard (total of 2)	Abutting Residential – 20 ft. Other -- Non
Min. Floor Area/Unit	350 sq. ft.	Rear Yard	10 ft.
Max. Building Height (ft.)	42 ft.		
Max. Building Height (stories)	3 stories		

Section 5.17 CENTRAL BUSINESS DISTRICT DESIGN STANDARDS

- A. All new development and redevelopment within the C2 shall meet the following standards:
1. **Development Area.** The development area is the portion of a development site where all building improvements will be made. Except for publicly owned park property, each improved lot in the C2 shall contain a development area consisting of no less than fifty percent (50%) of the total lot area. The development area may consist of buildings, structures, parking areas, sidewalks, plazas or patios, driveways, and any other man-made impervious surfaces.
 2. **Open Area.** Any part of a lot that is not a development area shall be deemed an open area. No above ground building, parking area or driveway shall be located in an open area. Landscaping, signs, and utilities may be located in an open area.
 3. **Building Area.** The building area may be divided into any number of retail or commercial units.
 4. **Height.** Buildings facing Main Street shall have a minimum height of the lesser of one and a half stories or fifteen (15) feet and a maximum height of the greater of three stories or forty (40) feet.
 5. **Approvals.** Final approval authority shall reside with the Planning Commission in accordance with [Article 19](#).
- B. ARCHITECTURAL STANDARDS
1. **Applicability.** Development within the C2 shall meet the following general standards:
 - a) **General Building Standards.** Buildings shall be designed to relate well to other structures in the C2 area.
 - 1) **Materials.** Building façade materials shall include wood, brick or stone, stucco, and approved ornamental metal. Synthetic materials such as vinyl or aluminum siding shall be prohibited.
 - 2) **Aesthetics.** All structures shall reflect and complement the traditional materials, aesthetic character, and construction techniques generally found in the vicinity and greater Van Buren County region. Buildings shall be appropriate in scale and relation to existing structures.
 - 3) **Windows.** Display windows comprising fifty percent (50%) or more of the store façade are required for first floor retail and restaurant uses, facing Main Street. Buildings shall be oriented to block parking lots from view from the street where possible.
 - 4) **Building Colors.** For building renovations and additions, exterior finish materials and colors used shall be consistent, or compatible, with the character of the surrounding district to create a uniform and recognizable identity. Wherever possible, harmonization of colors is preferred. This standard shall not be interpreted as prohibiting the incorporation of public art, such as a mural, to buildings or sites.
 - 5) **Fire Protection.** New buildings shall incorporate sprinkler systems for fire protection purposes, unless the City of Hartford Fire Department approves a different method of fire protection.
 - b) **Expansions of Developed Sites.** Buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:

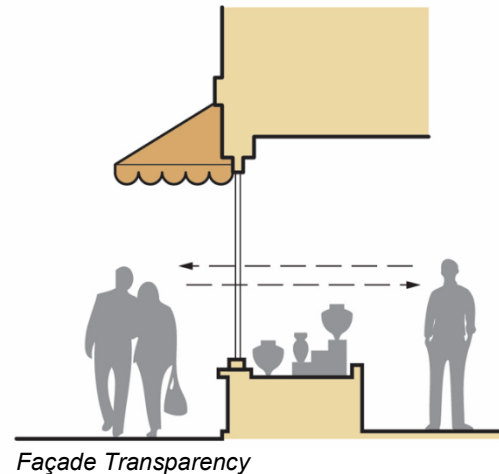
- 1) **Less than 25% of existing condition.** Any development activity on a developed site that would increase the floor area of the existing building or the area of existing site improvements by less than twenty-five percent (25%) need not comply with the requirements of this Article. However, any improvements should result in the site being more compliant and shall not result in the site being less compliant, with the requirements of this Article.
 - 2) **Greater than 25% of existing condition.** Whenever a building or site improvement expansion of greater than twenty-five percent (25%) of the existing condition is proposed, the activity shall comply with requirements as described herein.
- c) **Redevelopment of Existing Sites.** Redevelopment of existing buildings and sites existing prior to the Effective Date of adoption of these standards may be expanded or improved as follows:
- 1) **Less than 50% of existing condition.** Whenever 50 percent (50%) or less of the existing building will be demolished, replaced, or renovated, the development activity need not comply with the requirements of this Section. However, any changes that may occur as a result of the development activity should result in the site being more compliant and shall not result in the site being less compliant with the requirements of this Article.
 - 2) **Greater than 50% of existing condition.** Whenever more than 50 percent (50%) of an existing building will be demolished or replaced, the development activity shall comply with all of the requirements as described herein.
 - 3) **Waiver of Requirements.** The DDA may grant waivers from certain requirements of this Section. Waivers under this Article are separate from dimensional variances, and intended to permit reasonable use of property where the strict application of the requirements of this Section would not further the public purpose and an altered design standard will still meet the intent and purpose of this Article.
 - (a) **Waivers Permitted.**
 - (i) **Architectural Standards.** The DDA may waive up to three (3) architectural standards per project provided in this Chapter.
 - (ii) **Materials.** The DDA may modify the material standards.
 - (b) **Waivers Not Permitted.**
 - (i) **Minimum or maximum building height.** The DDA shall not grant waivers to approve a different standard for minimum and maximum building heights as required in this Article.
 - 4) **Application and Review Procedures.** The applicant shall clearly identify all requested waivers on the application and site plan. The DDA shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the DDA shall take into account the following considerations:
 - (a) Approval of the waiver will not result in development that is incompatible with or will negatively impact existing or potential future development in the vicinity of the property to be developed.
 - (b) The requested waiver is consistent with the intent and purpose of this Article.
 - (c) The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this Article.
 - (d) A lesser waiver will not accomplish the same purpose as the requested waiver.

2. **Conflicts.** The architectural standards in this Article are meant to complement and supplement applicable standards found elsewhere in this Zoning Ordinance. Where conflicts exist between this Article and other sections of the City of Hartford Zoning Ordinance, the standards in this Article shall govern.
3. **Building Form.** All buildings within the C2 shall conform to the following requirements:
- (a) **Base, Middle, Top.** All buildings shall incorporate a base, middle, and top, as applicable.
 - (i) **Base.** The base shall include an entryway with transparent windows and a horizontal expression line, such as a molding or reveal, defining the transition between the ground floor and upper stories. The molding or reveal shall have a depth of at least two (2) inches and a height of at least four (4) inches. If a one-story building is proposed, the horizontal expression line is not required.
 - (ii) **Middle.** The middle may include windows, bays, or balconies that are located between the reveal and the top area.
 - (iii) **Top.** The top includes the wall area from the bottom of the roof structure to the top of the parapet wall of the building. The building roof shall be defined by a cornice, roof overhang, or other terminating feature.
 - (b) **Unified Storefront Design.** If a building has several storefronts, they should be unified in design treatment, such as the design of windows and door openings, materials, and colors, to the greatest extent possible.
 - (c) **Blank Walls.** There are to be no blank façades. All public façades must provide windows and façade offsets or breaks (such as vertical pilasters, columns, or other architectural elements) to break up the scale of the building. Distance between breaks shall be consistent with the scale and rhythm of adjacent buildings.
 - (d) **Alignment.** Windowsills, moldings, and cornices shall substantially align with those on adjacent buildings.
 - (i) The bottom and top line defining the edge of the windows (the "windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings.
 - (ii) If the adjoining buildings have windowsill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings.
 - (iii) This requirement may be waived.



4. Windows.

- a) For front and side façades facing a public street, parking area, or pedestrian cut-through or side alley:
 - 1) Windows and doors shall comprise at least 50 percent (50%) of the first-floor façade for front façades and 35 percent (35%) of the first floor for side façades.
 - 2) Windows shall comprise at least 35 percent (35%) of the total façade area above the first floor.
 - 3) Windows above the first floor shall be vertical in proportion, with a height to width ratio of at least two (2) to one (1).
- b) For rear façades facing a public street or parking area, windows shall comprise at least 20 percent (20%) of the total façade area. All other rear façades are encouraged, but not required, to meet this standard.
- c) Double-hung or fixed windows are preferred for all retail applications. Accordion or folding doors and sliding windows may be permitted for ground floor uses to provide indoor-outdoor service, providing adequate sidewalk clearance is provided.
- d) Ground floor windows (including display windows) shall be comprised of at least 70% transparent glass unless the window is intended for a ground floor residential dwelling unit.



5. Lighting.

- a) All light fixtures shall be fully shielded and directed downward.
- b) The use of electronic displays, LED rope lighting, backlit awnings, and halogen lights shall be prohibited. The DDA shall make a determination if a lighting type not listed in this Section is appropriate in the C2.
- c) Building storefronts are permitted soft uplighting to highlight unique architectural features. Building storefronts may also utilize holiday display lighting as deemed appropriate by the DDA.

6. Signs. All signs shall comply with standards set forth in [Article 18](#).

7. Ground Floor Design.

- a) **Building entrances.** Building entrances shall be clearly defined by recessing the entrance, or utilizing elements such as pediments, columns, awnings, overhangs, or solar shades. Any such element shall be architecturally compatible with the style, materials, and colors of the building.
- b) **Building orientation.** All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary entrance may be provided to a parking lot. Corner buildings shall have at least one entrance addressing each street frontage.
- c) **At-grade entryways.** Primary building entrances shall align with the elevation of the adjacent sidewalk. It is not the intent of this section to preclude the use of below or above-grade entryways, provided that such entryways are secondary, not principal, building entrances.

8. **Architectural Features.** For rehabilitation of structures within the C2 that are of historic significance or character, the following standards shall also apply.
- a) Existing and original storefronts should be retained wherever possible.
 - b) Deteriorated architectural features or historic materials shall be repaired rather than replaced wherever possible.
 - c) Display windows, transom windows, and doors shall not be covered with solid materials such as brick, cladding, paneling, siding, or window air conditioning units.
 - d) Decorative architectural features including but not limited to bulkheads, cornices, and window hoods shall not be removed, altered, or covered.
 - e) Improper solid coverings of decorative architectural features, windows, or doors should be removed and restored to their original state to the greatest extent possible, using natural building materials identified in [Section 11.8.A.1](#).
9. **Outdoor Seating, Dining, and Patios.**
- a) All parcels within the C2 and applicable B-1 parcels may have outdoor seating and patio areas as permitted accessory uses to approved principal uses.
 - b) All outdoor seating areas shall comply with ADA standards and building code.
 - c) All outdoor seating, dining, and patio areas shall maintain a minimum of five (5) feet of clear path for pedestrians not including the seating area.
 - d) Outdoor seating, dining, and patio spaces shall be enclosed with a decorative railing, fence, planters, or similar barrier material. Outdoor seating enclosures may include an opening for pedestrian ingress or egress.
 - e) Outdoor shading devices, such as umbrellas and retractable awnings, shall not project onto the pedestrian sidewalk. Outdoor shading devices shall maintain a minimum of five (5) feet of clear path for pedestrian movement.

Section 5.18 LI LIGHT INDUSTRIAL

A. PURPOSE	
1. District Role	
Provides space for low-impact industrial and production activity in a controlled environment.	
1. Primary Activities	2. Form & Site Pattern
Research, warehousing, light manufacturing, and production uses conducted primarily indoors.	☐ Business-park or industrial campus-style development. ☐ Sites designed to limit visual and operational impacts beyond district boundaries.
3. Intensity & Impacts	4. Change Over Time
☐ Low to moderate industrial impacts. ☐ Uses with greater noise or off-site effects subject to special use review.	Intended to accommodate economic development while maintaining compatibility with nearby districts.
C. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

D. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	15,000 sq. ft.	Front Yard	25 ft.
Min. Lot Width	100 ft.	Side Yard (one)	20 ft.
Max. Lot Coverage	55%	Side Yard (total of 2)	40 ft.
Min. Floor Area/Unit	N/A	Rear Yard	20 ft.
Max. Building Height (ft.)	50 ft.		
Max. Building Height (stories)	-		

Section 5.19 HI HEAVY INDUSTRIAL

A. PURPOSE	
1. District Role Accommodates the City's most intensive industrial and manufacturing activity.	
2. Primary Activities Industrial, manufacturing, processing, and related commercial uses requiring large sites and operational flexibility.	3. Form & Site Pattern ☐ Large-scale industrial sites with minimal constraints on building placement. ☐ Located to leverage rail access and reduce conflicts with residential and commercial areas.
4. Intensity & Impacts ☐ High levels of noise, traffic, and operational impact are expected and accommodated. ☐ Least restrictive district in terms of industrial activity.	5. Change Over Time Intended to remain the City's primary location for intensive industrial use.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	15,000 sq. ft.	Front Yard	25 ft.
Min. Lot Width	100 ft.	Side Yard (one)	20 ft.
Max. Lot Coverage	55%	Side Yard (total of 2)	40 ft.
Min. Floor Area/Unit	N/A	Rear Yard	20 ft.
Max. Building Height (ft.)	50 ft.		
Max. Building Height (stories)	-		

Section 5.20 I/C INSTITUTIONAL/CIVIC

A. PURPOSE	
1. District Role Provides locations for public, civic, and community-serving facilities that support the broader community.	
2. Primary Activities Governmental, utility, civic, institutional, public assembly, and recreational uses.	3. Form & Site Pattern ☐ Development pattern tailored to institutional needs rather than lot-by-lot development. ☐ Integration with surrounding neighborhoods through access, landscaping, and site design.
4. Intensity & Impacts ☐ Variable intensity depending on use. ☐ Proximity to residential areas is often desirable and beneficial.	5. Change Over Time Intended to accommodate long-term public and institutional needs.
B. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

C. DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	12,000 sq. ft.	Front Yard	20 ft.
Min. Lot Width	80 ft.	Side Yard (one)	5 ft.
Max. Lot Coverage	30%	Side Yard (total of 2)	10 ft.
Min. Floor Area/Unit	N/A	Rear Yard	35 ft.
Max. Building Height (ft.)	25 ft.		
Max. Building Height (stories)	2.5 stories		

Section 5.21 P PARK

A. PURPOSE	
1. District Role Preserves land for public parks, open space, and recreation.	
1. Primary Activities Passive and active recreation, environmental preservation, and public open space use.	2. Form & Site Pattern ☐ Predominantly open land with limited structures. ☐ Buildings secondary to landscape and public access.
3. Intensity & Impacts ☐ Very low building intensity. ☐ Structures limited to those necessary for park operation and public use.	4. Change Over Time Intended to remain open and publicly accessible, with improvements focused on recreation and environmental quality.
C. PERMITTED USES	
See Section 5.7 Table of Permitted Uses.	

DIMENSIONAL STANDARDS			
Lot Standards		Minimum Setbacks	
Min. Lot Area	None	Front Yard	50 ft.
Min. Lot Width	None	Side Yard (one)	50 ft.
Max. Lot Coverage	20%	Side Yard (total of 2)	100 ft.
Min. Floor Area/Unit	N/A	Rear Yard	50 ft.
Max. Building Height (ft.)	15 ft.		
Max. Building Height (stories)	1 story		

Article 6. SPECIFIC USE STANDARDS

Section 6.1 RESIDENTIAL

- A. **DWELLING OR DWELLING UNIT.** A house or building, or portion thereof, which is occupied wholly as a home, residence, or sleeping place by one (1) or more human beings, either permanently or transiently. In no case shall a trailer coach, automobile chassis, or tent be considered as a dwelling.
1. **DWELLING, SINGLE-UNIT DETACHED.**
 - a) **Definition.** A detached building containing one dwelling unit.
 - b) **Standards.** No additional standards.
 2. **DWELLING, TWO-UNIT.**
 - a) **Definition.** A building containing two (2) dwelling units, also known as a duplex.
 - b) **Standards.** No additional standards.
 3. **DWELLING, THREE-UNIT.**
 - a) **Definition.** A building containing three (3) dwelling units, also known as a triplex.
 - b) **Standards.** No additional standards.
 4. **DWELLING, FOUR-UNIT.**
 - a) **Definitions.** A building containing four (4) dwelling units, also known as a fourplex.
 - b) **Standards.** No additional standards.
 5. **DWELLING, MULTIPLE-UNIT.**
 - a) **Definition.** A building containing five (5) or more dwelling units, including apartment houses, townhouses, assisted living or nursing homes and apartment hotels.
 - b) **Standards.** No additional standards.
 6. **DWELLING, MULTIPLE-UNIT DETACHED.**
 - a) **Definition.** A cluster of detached single-unit dwelling units, typically gathered around a communal green space.
 - b) **Standards.**
 - 1) **Location.** All structures within the bungalow court shall comply with setback requirements for the applicable zoning district.
 - 2) **Architectural Standards.**
 - (a) A minimum of five (5) units shall be required. There is no maximum number of units.
 - (b) The main entrance to each unit shall face the center landscaped court.
 - (c) Maximum of ten (10) feet between buildings (courtyard excepted).
 - (d) Bungalow courts shall have a site coverage minimum of ninety percent (90%), including

parking.

- (e) The court must be accessible to pedestrians and provide a main entrance on one (1) side, facing the street address.
- (f) Each unit shall be a maximum two and a half (2 ½) stories, with one (1) story preferred.
- (g) Sidewalk access to the front of each unit must be included from both the court and the parking access.

3) **Parking.** Each unit shall include one (1) off-street parking space.

7. DWELLING, SECOND STORY RESIDENTIAL.

- a) **Definition.** A dwelling unit located entirely above the ground floor of a principal building, where the ground floor is occupied by a permitted non-residential use, such as commercial, office, or civic activity. Second-story residential dwellings may include one or more dwelling units and are intended to provide residential living in mixed-use or non-residential districts without displacing ground-floor activity.
- b) **Standards.** No additional standards.

B. MOBILE HOME PARK.

- 1. **Definitions.** A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made for the parcel or tract of land, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a manufactured home, and which is not intended for use as recreation vehicle trailer park (Act 96, Michigan P.A. of 1987).
- 2. **Standards.** Mobile home parks shall conform to the requirements as promulgated by the Michigan Manufactured Home Commission Rules, as amended.

C. SHORT TERM RENTAL.

- 1. **Definition.** The rental of any part of any dwelling or accessory dwelling unit to transient tenants for a period of twenty-eight (28) days or less for a fee, where the dwelling is not owner-occupied. If the dwelling is owner-occupied, the use is classified as a bed and breakfast.
- 2. **Standards.**
 - a) **Intent.** It is the intent of this Section to provide provisions as they relate to the use and operation of short-term rentals in the City of Hartford. The City of Hartford is committed to protecting the health, safety, and welfare of its citizens, while balancing that with economic development and tourism incentives. It is recognized that short-term rentals can have adverse effects on neighbors and the overall affordability of the City's housing stock. However, it is also recognized that short-term rentals can bring more economic activity to businesses in Hartford and provide lodging opportunities in the area. It is the intent of this Section to establish requirements pertaining to short-term rentals to ensure the continuance of high quality of life in the City of Hartford.
 - b) **Applicability.**
 - 1) **State Registration.** In determining if a proposal is a short-term rental as opposed to a bed and breakfast or hotel, a short-term rental is typically not registered in the State of Michigan as a specific type of lodging facility.

- 2) **Occupancy.** Per the State of Michigan Fire Code, the City of Hartford Fire Department shall have the authority to determine the maximum number of occupants that can safely occupy a short-term rental during a time or stay.
- c) **General Requirements.** The following includes general requirements applicable to all short-term rentals in the City of Hartford.
 - 1) **Noise and Other Nuisances.** All short-term rentals within the City of Hartford shall comply with all City ordinances related to noise, light, dust, smoke, glare, and other nuisance potentials. All such complaints related to noise and other nuisance factors, shall be enforced by the City of Hartford Police Department.
 - 2) **Trash and Refuse.** All short-term rental locations and operations shall dispose of trash and other refuse generated on-site in a manner that is compliant with all City policies.
 - (a) Short-term rental properties that contain five (5) or more bedrooms shall be required to obtain an additional 96-gallon trash container, for a total of two (2) 96-gallon trash containers located on site.
 - (b) Dumpsters shall be prohibited.
 - 3) **Permit Required.** The City of Hartford shall require the owner of a short-term rental to obtain an annual permit and register the short-term rental property/unit with the City. In the event it is discovered a property owner has failed to register and obtain a permit with the City prior to operating said short-term rental, the City Administrator, or their designee, reserves the right to issue a cease-and-desist order or municipal civil infraction to the property owner, or pursue other enforcement measures as deemed appropriate.
 - (a) The City Administrator, or their designee, shall have the authority to approve, deny, or revoke the short-term rental permit application subject to the following criteria:
 - (i) **Completeness.** The permit approval or denial shall be evaluated upon the completeness of the application as well as the adequacy and accuracy of the information provided.
 - (ii) **Compliance.** If in any circumstance, a short-term rental is found in violation of the requirements of this Ordinance or general City policies, the City Administrator, or their designee, shall reserve the right to revoke a short-term rental permit.
 - (iii) **Inspections.** The City of Hartford Fire Department shall reserve the right to implement annual safety inspections of all registered short-term rental properties within the City of Hartford.
- d) **Location.** Short-term rentals in the City of Hartford shall be subject to the following location requirements:
 - 1) **Districts Permitted.** Notwithstanding the exceptions provided herein, short-term rentals shall only be permitted by special land use and site plan approval granted by the City of Hartford Planning Commission in the R-1, R-2, B-1, and C2 Districts. All applications shall comply with applicable standards set forth in [Article 19](#) and [Article 20](#).
 - (a) **Exceptions.** Notwithstanding the capping requirements as described herein, short-term rentals shall be permitted in all Accessory Dwelling Units within the City of Hartford in any zoning district. All Accessory Dwelling units shall comply with the provisions set forth in [Section 14.1](#).

- e) **Parking.** Short-term rental properties shall be required to meet the following requirements as it relates to overnight vehicle parking.
 - 1) **On-Street Parking.** On-street overnight parking for short-term rental use shall be permitted in any district, unless as otherwise specified by City policy.
 - 2) **Minimum Parking Requirements.** With the exception of short-term rentals located within Accessory Dwelling Units and those within the C2 District, all short-term rentals shall provide a minimum of two (2) paved parking spaces per Unit. Minimum parking requirement calculations do not include on-street parking availability.
 - 3) **Maximum Parking Requirements.** In no case shall the parking area for a singular short-term rental exceed more than ten (10) spaces. The property owner shall demonstrate to the Planning Commission's satisfaction a plan for overflow parking, should it be needed.
- f) **Screening.** Short-term rentals shall be required to provide adequate screening from adjacent residential zoning districts and residential uses, subject to the following requirements:
 - 1) **Fencing Requirements.** Short-term rental properties shall include an opaque fence, no less than four (4) feet in height or more than six (6) feet in height, along each side and rear property line. Fences shall comply with standards for fences in [Section 5.8](#).
 - 2) **Screening Requirements.** In lieu of a fence, vegetative screening in the form of trees, hedges, shrubs, and/or bushes can be permitted. Vegetative screening shall be a minimum of four (4) feet in height. Landscaping shall be compliant with provisions set forth in [Article 15](#).
 - 3) **Exceptions.** For short-term rental properties located in the C2 and applicable parcels of the B-1 District that are subject to architectural design requirements, fences and vegetative screening is not required.
- g) **Short-Term Rental Property Maximums.** Where short-term rentals are permitted, there shall be no more than one (1) short-term rental unit per property. In instances of two, three, or four-family homes and mixed-use buildings with residential units, there shall be a maximum of one (1) short-term rental unit permitted per property. This maximum is inclusionary of Accessory Dwelling Units.
- h) **Short-Term Rental Caps.**
 - 1) **R-2 District Cap.** For residential homes in the R-2 District, where the primary structure is a short-term rental, the City of Hartford hereby establishes a short-term rental cap of ten percent (10%) of total residential units in that District. In instances of two, three, and four-family homes, each family dwelling is considered one (1) unit.
 - (a) *Example:* if the R-2 District includes one hundred (100) primary residential units in total, the short-term rental cap would be a total of ten (10) short-term rentals.
 - 2) **R-1 District Cap.** For residential homes in the R-1 District, where the primary structure is a short-term rental, the City of Hartford hereby establishes a short-term rental cap of five percent (5%) of total residential units in that District. In instances of two and three family homes, each family dwelling is considered one (1) unit.
 - (a) *Example:* if the R-1 District includes one hundred (100) primary residential units in total, the short-term rental cap would be a total of five (5) short-term rentals.
 - 3) The City of Hartford does not establish a cap on the number of Accessory Dwelling Units used as short-term rentals.

- i) **Enforcement.** The City of Hartford Administrator, Zoning Administrator, or their designee shall have the authority to enforce all requirements as described by the City of Hartford Zoning Ordinance per the procedures described in [Article 23](#).

D. ACCESSORY DWELLING UNIT.

1. **Definition.** A detached dwelling unit that is permitted only on properties with a single detached principal dwelling unit. ADUs are a lesser size than the principal dwelling unit and include a kitchen, a sleeping area, and full bathroom facilities.

2. **Standards.**

a) **Where Permitted.**

- 1) Accessory dwelling units are only permitted on properties with a single detached principal dwelling unit.
- 2) A maximum of one (1) accessory dwelling unit is permitted per property.

Over the Garage



Garage Conversion



- b) **Permit Required.** After special land use approval from the Planning Commission is received, the owner of an accessory dwelling unit, or their designee, shall be required to obtain a permit from the City of Hartford prior to the construction and operation of the accessory dwelling unit.

Stand-Alone Unit



Attic Conversion



c) **Location.**

- 1) Accessory dwelling units shall not encroach upon the front yard of the principal structure.
- 2) Accessory dwelling units are only permitted in the side or rear yard of a property. However, an accessory dwelling unit may be permitted if constructed above an existing detached garage located anywhere on a property.
- 3) Accessory dwelling units shall comply with all front, side, and rear yard setback requirements for principal structures for the zoning district in which it is located.

Accessory Dwelling Units

- d) **Height.** Accessory dwelling units shall be a maximum of sixteen (16) feet in height. If located on a second floor, the maximum height of the structure shall not exceed twenty-two (22) feet.

- e) **Parking.** An accessory dwelling unit shall require one (1) off-street parking space.

- f) **Appearance.** The accessory dwelling unit shall consist of building materials that are common within the zoning district and surrounding properties. The accessory dwelling unit shall be consistent with the existing character of the neighborhood in which it is located.

- 1) Accessory dwelling units shall comply with all State of Michigan Building Code requirements and shall require a perimeter skirting comprised of brick, masonry, cement, or another similar material.
- 2) **Size and Occupancy.** In no case shall an accessory dwelling unit exceed seven hundred and twenty (720) square feet in gross floor area. Accessory dwelling units shall have a maximum of four (4) occupants.

E. ACCESSORY BUILDING OR STRUCTURE.

1. **Definitions.** A structure, building or portion of, supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building or structure is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building or structure shall be considered a part of the main building.
2. **Standards.** All utility buildings and structures accessory to a tower or antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

F. HOME OCCUPATION.

1. **Definition.** A low-intensity, accessory business or professional activity conducted entirely within a dwelling unit that is the principal residence of the operator, and which is clearly incidental and subordinate to the residential use of the property. A home occupation is intended to accommodate limited service-based or professional activities that involve minimal equipment, no non-resident employees, and no external impacts that would alter the residential character of the dwelling or surrounding neighborhood.
2. **Standards.**
 - a) Allowed only in residential zoning districts as an accessory use in a dwelling unit which is the principal dwelling place of the occupant operating the home occupation.
 - b) Home occupations are to be primarily limited service and professional activities including without limitation: dressmaking/tailoring, music, art and dance instruction (limited to no more than six (6) students at a time), author, artist, musician, clerk, computer internet marketing, bookkeeper, income tax preparation, photography instruction and studio, and beauty salon.
 - c) Activity is allowed to be conducted within the dwelling only.
 - d) No mechanical equipment is installed except such as would be normally used for purely domestic or household purposes.
 - e) The home occupation shall involve no employees that are not residents of the home where the home occupation is conducted.
 - f) There is no external evidence of the home occupation except for a small sign, not larger than nine (9) square feet in area.
 - g) Maximum floor area – that not over twenty-five (25%) percent of the total actual floor area of any story is used for home occupation or professional purposes.
 - h) Only merchandise produced as a result of the home occupation or sold as a normal product used in conjunction with the service activity may be sold.
 - i) No home occupation activity can constitute a nuisance to adjoining properties by reason of noise, smoke, odor, electrical disturbance, night lighting, or increased and unreasonable traffic.

Section 6.2 CARE AND SOCIAL ASSISTANCE.

- A. **ADULT DAY CARE FACILITY.** A facility designed to provide care and companionship for persons 18 years of age or older who need assistance or supervision during the day.

1. ADULT DAY CARE FACILITY, DAY CARE CENTER.

- a) **Definition.** A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.
- b) **Standards.** No additional standards.

2. ADULT DAY CARE FACILITY, FAMILY DAY CARE HOME.

- a) **Definition.** A private residence in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- b) **Standards.** No additional standards.

3. ADULT DAY CARE FACILITY, GROUP DAY CARE HOME.

- a) **Definition.** A private residence in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty- four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- b) **Standards.** No additional standards.

B. STATE LICENSED RESIDENTIAL FACILITIES. Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

1. ADULT FOSTER CARE FACILITY.

- a) **Definition.** A governmental or nongovernmental establishment having at its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
- b) **Standards.** No additional standards.

2. ADULT FOSTER CARE FACILITY, FAMILY HOME.

- a) **Definition.** A private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- b) **Standards.** No additional standards.

3. ADULT FOSTER CARE FACILITY, SMALL GROUP HOME.

a) **Definition.** An adult foster care facility providing residency with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

b) **Standards.** No additional standards.

4. **ADULT FOSTER CARE FACILITY, LARGE GROUP HOME.**

a) **Definition.** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

b) **Standards.** No additional standards.

5. **ADULT FOSTER CARE FACILITY, CONGREGATE FACILITY.**

a) **Definition.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

b) **Standards.** No additional standards.

6. **ADULT FOSTER CARE FACILITY, CAMP OR ADULT CAMP.**

a) **Definition.** An adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

Adult foster care facility does not include any of the following:

An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.

A facility created by Act No. 152 of the Public Acts of 1885, as amended.

A nursing home licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.

A hospital licensed under Article 17 of Act No. 368 of the Public Acts of 1978, as amended.

A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act No. 258 of the Public Acts of 1974, as amended.

A county infirmary operated by a county department of social services under Section 55 of Act No. 280 of the Public Acts of 1939.

A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act No. 116 of the Public Acts of 1973, as amended. If the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the greater of 2 persons or 5% of the number of residents in the institution, camp or home, and if all of the residents in the institution, camp or home are less than 26 years of age.

b) **Standards.** No additional standards.

C. **CHILD CARE FACILITY.**

1. **CHILD CARE FACILITY, FAMILY DAY CARE HOME.**

- a) **Definition.** A private home in which one (1) to six (6) minor children are received for 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. Family day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

- b) **Standards.** No additional standards.

2. CHILD CARE FACILITY, GROUP DAY CARE HOME.

- a) **Definition.** A private home in which more than six (6) 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. Group day care home includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

- b) **Standards.** No additional standards.

3. CHILD CARE FACILITY, DAY CARE CENTER.

- a) **Definition.** A facility, other than a private residence, receiving one (1) or more pre-school or school aged children for care for a period 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, which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility includes childcare center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop-in center.

- b) **Standards.**

- 1) No dormitory facilities permitted on premises.
- 2) For each child cared for, there shall be provided, equipped, and maintained, on the premises a minimum of one hundred and fifty (150) square feet of outdoor play area.
- 3) A fence, compliant with [Section 5.8](#), shall be required around all areas designated for outdoor play.
- 4) All childcare facilities in the City of Hartford shall comply with regulations as set forth by the State of Michigan.

D. CHILD FOSTER CARE HOME.

1. CHILD FOSTER CARE HOME, FOSTER FAMILY HOME.

- a) **Definition.** A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

- b) **Standards.** No additional standards.

2. CHILD FOSTER CARE HOME, FOSTER FAMILY GROUP HOME.

- a) **Definition.** A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.
- b) **Standards.** No additional standards.

E. RESIDENTIAL HUMAN CARE AND TREATMENT FACILITY.

- 1. **Definition.** A facility (not within a private residence) providing:
 - Emergency shelter and services for battered individuals and their children in a residential structure;
 - Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
 - Emergency shelter for individuals who are homeless.
 - Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.
- 2. **Standards.** No additional standards.

Section 6.3 INSTITUTIONAL

A. CAMPGROUNDS.

- 1. **Definition.** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five or more recreational units. Campground does not include a seasonal mobile home park licensed under state law.
- 2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Front setback.** 15 feet from the road right-of-way.
 - 2) **Side and rear setback.** 10 feet from the nearest adjacent cabin or lot line, whichever is closer.
 - b) **Access and parking.**
 - 1) **Site access.** Each site shall have access from a public road or an internal private road.
 - 2) **Right-of-way width.** Internal private road rights-of-way shall be not less than 40 feet wide.
 - 3) **Driving surface.** The driving surface shall have an aggregate surface at least 20 feet wide with a minimum 2-foot shoulder on each side.
 - 4) **Right-of-way maintenance.** The right-of-way shall be free of obstructions, provide free and easy access to abutting sites, and be maintained in a passable and reasonably dust-free condition.
 - 5) **Parking.** Vehicles shall not park within the road right-of-way.
 - c) **Landscaping and screening.** No additional standards.

- d) **Signage.** No additional standards.
- e) **Lighting.** No additional standards.
- f) **Operational standards.**
 - 1) **Occupancy period.** No site shall be occupied by the same tenant for more than 90 consecutive days during June 1 through September 15. Occupancy during September 16 through May 31 shall not exceed 14 consecutive days.
 - 2) **Maximum occupancy.** Maximum occupancy per site is eight persons.
 - 3) **Water and sewer.** The campground shall be served by municipal water and sewer, or an approved alternative.
 - 4) **Floodplain.** All connections to the water distribution system and the top of site sewer connections shall be located above the 100-year floodplain elevation.
 - 5) **Water service.** Customer site piping shall convey water from the service connection to points of use in compliance with the Safe Drinking Water Act, PA 399 of 1976, as amended.
 - 6) **Sewer collection.** The private sewer collection system shall be permitted by EGLE and meet the requirements of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended.
- 3. **Site plan.** No additional standards.

B. CEMETERY.

- 1. **Definition.** Land, whether publicly or privately owned, used or intended to be used for the interment of human remains. A cemetery may include burial plots, mausoleums, columbaria, cremation gardens, memorial structures, internal drives, walkways, landscaping, and customary accessory buildings or facilities incidental to cemetery use. A cemetery may be operated by a public entity, religious institution, nonprofit organization, or private owner and may be open to the general public or limited to authorized users.
- 2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Setbacks for structures containing bodies or remains.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district.
 - 2) **Setbacks for crematoriums.** A crematorium located within a cemetery shall be set back a minimum of four hundred (400) feet from the boundary line of any residential district, or within one hundred (100) feet from a parcel zoned for commercial use.
 - b) **Access and parking.**
 - 1) **Entrances.** Entrances to cemeteries shall be from a major or secondary thoroughfare and shall be designed to minimize traffic congestion.
 - c) **Landscaping and screening.** No additional standards.
 - d) **Signage.** No additional standards.

e) **Lighting.** No additional standards.

f) **Operational standards.**

1) **Maintenance.** A facility maintenance plan shall be required as part of the cemetery master plan that outlines short-term and long-term maintenance for the site.

g) **Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

h) **Accessory building.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review.

i) **Private cemeteries.** Private cemeteries, that are not maintained by a religious institution, must be approved by the State of Michigan and Kent County, prior to Township approval.

3. **Site plan.** No additional standards.

C. INSTITUTIONAL USES.

1. **Definition.** Libraries, schools, and hospitals. Does not include places of assembly.

2. **Standards.**

a) The following standards shall apply to hospitals:

1) The minimum lot area shall be five (5) acres.

2) The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.

3) The minimum main and accessory building setback shall be one hundred (100) feet.

4) Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height. Any landscaped screening shall comply with [Article 15](#).

D. PARK.

1. **Definition.** An area of land, whether publicly or privately owned, primarily devoted to open space and passive or informal outdoor recreation, environmental preservation, or leisure use. A park may include trails, playgrounds, picnic areas, landscaped or natural areas, and customary accessory structures intended to support park use.

2. **Standards.** No additional standards.

E. PLACES OF ASSEMBLY UNDER 4,000 SQUARE FEET.

1. **Definition.** Places of assembly under 4000 square feet such as but not limited to places of worship, fraternal or social clubs or lodges, or clubs.

2. **Use-specific standards.**

a) **Dimensional standards.**

- 1) **Setback, residential adjacency.** Buildings and structures shall be set back a minimum of 20 feet from any property line abutting a residential district.
- b) **Access and parking.**
 - 1) **Frontage.** The property shall have primary frontage on an arterial or collector road.
 - 2) **Drop-off.** A dedicated drop-off and queuing area shall be provided on site and shall not encroach on a public right-of-way or required parking areas.
- c) **Landscaping and screening.** No additional standards.
- d) **Signage.** No additional standards.
- e) **Lighting.** No additional standards.
- f) **Operational standards.**
 - 1) **Occupancy.** Maximum occupancy shall be determined by the City Fire Marshal and Building Official.
 - 2) **Hours.** Amplified sound and outdoor activities shall not occur between 11:00 p.m. and 7:00 a.m.
 - 3) **Noise.** Amplified sound shall not exceed 65 decibels between 7:00 a.m. and 11:00 p.m., or 50 decibels between 11:00 p.m. and 7:00 a.m., at the property line. Where the property abuts a residential district, amplified sound shall not exceed 25 decibels at the abutting property line.
3. **Site plan.** No additional standards.

F. PLACES OF ASSEMBLY OVER 4,000 SQUARE FEET.

1. **Definition.** Places of assembly over 4000 square feet such as but not limited to places of worship, fraternal or social clubs or lodges, or clubs.
2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Setback, residential adjacency.** Buildings and structures shall be set back a minimum of 20 feet from any property line abutting a residential district.
 - b) **Access and parking.**
 - 1) **Frontage.** The property shall have primary frontage on an arterial or collector road.
 - 2) **Drop-off.** A dedicated drop-off and queuing area shall be provided on site and shall not encroach on a public right-of-way or required parking areas.
 - 3) **Traffic study.** The Planning Commission may require a traffic impact study for facilities with an occupancy exceeding 300 persons.
 - c) **Landscaping and screening.**
 - 1) **Screening, residential adjacency.** Where the property abuts a residential district, screening shall be provided along the abutting property line in accordance with Section [X].

- d) **Signage.** No additional standards.
 - e) **Lighting.**
 - 1) **Residential adjacency.** Exterior lighting shall be directed away from abutting residential properties and shall be extinguished within one hour after the close of operations.
 - f) **Operational standards.**
 - 1) **Occupancy.** Maximum occupancy shall be determined by the City Fire Marshal and Building Official.
 - 2) **Hours.** Amplified sound and outdoor activities shall not occur between 11:00 p.m. and 7:00 a.m.
 - 3) **Noise.** Amplified sound shall not exceed 65 decibels between 7:00 a.m. and 11:00 p.m., or 50 decibels between 11:00 p.m. and 7:00 a.m., at the property line. Where the property abuts a residential district, amplified sound shall not exceed 25 decibels at the abutting property line.
3. **Site plan.** No additional standards.

G. RECREATION FACILITY, INDOOR.

1. **Definition.** A building or enclosed structure designed and operated primarily for organized, programmed, or commercial recreational activities conducted entirely within an enclosed space. Primarily designed or operated for organized, commercial, or fee-based recreational activities.
- Examples of indoor recreation facilities include, but are not limited to: arcades; bowling alleys; billiard or pool halls; indoor sports courts or training facilities; indoor climbing gyms; fitness or exercise studios; skating rinks; trampoline parks; indoor playgrounds; e-sports or gaming venues; and similar uses.
2. **Standards.**
- a) Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
 - b) The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.

H. RECREATION FACILITY, OUTDOOR.

1. **Definition.** An outdoor area or facility designed and operated primarily for organized, programmed, or commercial recreational activities that require specialized improvements, structures, or equipment, including but not limited to ski facilities, off-road vehicle and snowmobile courses, baseball facilities, rugby fields, and swimming pools. Does not include trails.
2. **Use-specific standards.**
- a) **Dimensional standards.**
 - 1) **Parking setback, residential adjacency.** All parking areas shall be set back a minimum of 40 feet from any residential district.
 - b) **Access and parking.** No additional standards.

- c) **Landscaping and screening.**
 - 1) **Residential screening.** Outdoor recreation uses shall be screened from view from adjacent properties zoned for residential purposes in accordance with Section 7.8.
 - d) **Signage.** No additional standards.
 - e) **Lighting.**
 - 1) Residential adjacency. Exterior lighting shall be directed away from abutting residential properties and shall be extinguished within one hour after the close of operations.
 - f) **Operational standards.**
 - 1) **Hours.** The Planning Commission may specify hours of operation to ensure compatibility with adjacent uses.
 - 2) **Noise and nuisance.** Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts that would impair the continued use and enjoyment of adjacent properties.
 - 3) **Adjacent properties.** The location, layout, design, and operation of the facility shall not impair the continued enjoyment, use, or future orderly development of adjacent and nearby properties.
3. **Site plan.** No additional standards.

Section 6.4 RETAIL/COMMERCIAL

A. AUTOMOBILE OR TRAILER SALES.

- 1. **Definition.** The display, sale or rental of new and used motor vehicles, boats, trailers or recreation vehicles (including manufactured homes) in operable condition and where no repair work is done.
- 2. **Standards.**
 - a) **Grading, Surfacing, and Drainage.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the City Engineer.
 - b) **Driveway Location.** The nearest edge of any driveway serving an outdoor vehicle sales area shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
 - c) **Broadcasting Devices Prohibited.** Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 - d) **Setbacks.** Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements as established in the zoning district for which it is located.

B. AUTO REPAIR, MINOR.

1. **Definition.** A facility where services including motor vehicle engine repair, wheel alignment, brake servicing, exhaust system repair, tire repair and replacement, and oil change or lubrication services are conducted. Motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and other services classified as major repair are prohibited.
2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Residential buffer.** A 20-foot buffer shall be provided between any portion of the facility, including buildings, access drives, and parking areas, and the property line of a residentially-zoned or used parcel, screened and landscaped in accordance with Section 7.8
 - b) **Access and parking.**
 - 1) **Corner lot access.** Vehicular entrances and exits on corner lots shall be located no less than 35 feet from the intersection of the property lines at the corner.
 - 2) **Curb cuts.** A maximum of one curb cut is permitted per street frontage. No curb opening shall exceed 35 feet in width at the property line.
 - 3) **Side street driveways.** On corner lots, no driveway from a side street shall be less than 10 feet from the rear property line as measured along the side street property line.
 - 4) **Bypass lane.** A bypass lane shall be provided to allow vehicles to enter and exit the site without turning around on site or traveling through a repair or service bay.
 - 5) **Maneuvering areas.** All maneuvering areas, stacking lanes, and exit driveways shall be located within the facility property.
 - c) **Landscaping and screening.**
 - 1) **Service bay screening.** Service bays oriented toward a public street shall be screened from the right-of-way in accordance with perimeter parking lot screening standards, Section 7.8
 - 2) **Outdoor storage screening.** Outdoor vehicle storage area shall be screened in accordance with Section 7.8
 - d) **Signage.** No additional standards.
 - e) **Lighting.** No additional standards.
 - f) **Operational standards.**
 - 1) **Enclosed operations.** All repair and servicing operations shall be conducted entirely within an enclosed building. All equipment used in servicing and repair shall be located within an enclosed building.
 - 2) **Outside storage, vehicles.** Outside storage or parking of disabled, wrecked, or dismantled vehicles for any overnight period shall not exceed more than four (4) vehicles awaiting service for each indoor repair stall located on said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.

- 3) **Outside storage, materials.** Outdoor storage of tires, barrels, or other materials used or sold on the premises is prohibited except in areas specifically designated on an approved site plan.
 - 4) **Vehicles awaiting repair.** All vehicles awaiting repair or service shall be parked on site. No vehicles shall be parked on a public street, including those towed to the facility.
 - 5) **Service bay doors.** Doors to repair service bays shall be closed when providing services to vehicles, except for conveyance into and out of the service bays.
 - 6) **Hours of operation.** No repair or maintenance services shall be performed before 7:00 a.m. or after 9:00 p.m.
 - 7) **Car sales prohibited.** No sale of used cars or any other vehicles on the premises may be permitted.
3. **Site plan.** No additional standards.

C. AUTO REPAIR, MAJOR.

1. **Definition.** A facility where motor vehicle body repair, undercoating, painting, tire recapping, upholstery work, collision work, glass work, and similar services are conducted. All services permitted under Vehicle Repair, Minor are also permitted.
2. **Use-specific standards.** See Vehicle Repair, Minor.
3. **Site plan.** No additional standards.

D. BED AND BREAKFAST ESTABLISHMENT.

1. **Definition.** A bed and breakfast facility is a private residence, other than a hotel, where lodgings and light breakfasts for persons, other than family, are regularly served for compensation, and is registered as business.
2. **Standards.**
 - a) The minimum lot size shall be ten thousand (10,000) square feet with a minimum frontage of sixty (60) feet on a public street.
 - b) The minimum size of rental room shall comply with the State of Michigan Building Code, as amended.
 - c) The minimum size for manager/owner living quarters shall be four hundred eighty (480) square feet.
 - d) The bed and breakfast establishment shall have ten (10) or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one (1) or more of which are available for rent to transient tenants.
 - e) A common room or area for guest relaxation is required.
 - f) The owner/manager shall reside on the premises.
 - g) One (1) off-street parking space shall be provided for each rental room in addition to the two (2) off-street spaces required for single-family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.

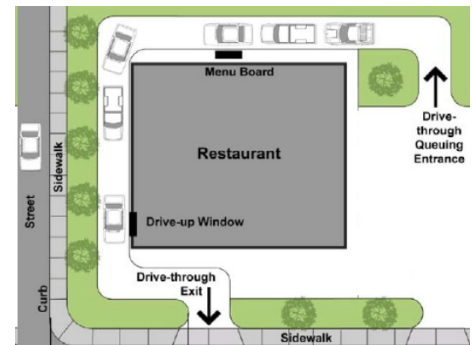
- h) Bathrooms must be furnished for guestrooms at a ratio of not less than one (1) bathroom per two (2) rental rooms.
- i) The premises (including corner lots) may be permitted one (1) sign not exceeding six (6) square feet in area.
- j) Approval by the City of Hartford Planning Commission is required prior to occupancy of the facility. Thereafter, the Building Inspector and/or Fire Department may conduct an annual compliance inspection.
- k) Approval of the Van Buren County Health Department is required if other than a continental breakfast is served.
- l) Smoke alarms must be installed and maintained in all guest rooms.
- m) The use of the facility may be subject to any other reasonable conditions placed upon the use by the City Planning Commission or City Council considered necessary to achieve the purpose of this Ordinance.
- n) The Planning Commission may waive these standards when it determines that their application would serve no practical purpose.

E. DRIVE THROUGH FACILITY.

1. **Definition.** A use, structure, or portion of a site designed or intended to provide goods or services directly to occupants of motor vehicles through a drive-through lane, window, kiosk, or similar vehicular service mechanism, without the customer leaving the vehicle. Drive-through facilities include, but are not limited to, restaurants, banks, credit unions, pharmacies, dry cleaners, coffee shops, and car washes.

2. **Standards.**

- a) **Nuisance.** Drive-thrus shall not negatively impact the adjacent properties with excessive traffic, noise, odors, litter, or other similar factors.
 - 1) Devices for the transmission of voices shall be directed or muffled to prevent sound from being audible beyond the boundaries of the site.
- b) **Stacking.** A minimum of one (1) stacking lane shall be provided to accommodate a minimum of five (5) vehicles. The Planning Commission may alter this standard if the applicant can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area.
 - 1) Stacking lanes shall be a minimum of ten (10) feet in width.
 - 2) Stacking lanes shall be separate from drive aisles used to access parking spaces.
 - 3) Stacking spaces shall be a minimum of eight (8) feet in width and eighteen (18) feet long and provide direct access to the service window.



Source: La Puente, CA Zoning Ordinance

F. EXCAVATION.

1. **Definition.** Any breaking of ground, except common household gardening and ground care.

2. **Standards.** No additional standards.

G. FARMING.

1. **Definition.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

Marketing produce at roadside stands or farm markets.

The generation of noise, odors, dust, fumes, and other associated conditions.

The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

Field preparation and ground and aerial seeding and spraying.

The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.

Use of alternative pest management techniques.

The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.

The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.

The conversion from a farm operation activity to other farm operation activities.

The employment and use of farm labor.

2. **Standards.** No additional standards.

H. FOOD ESTABLISHMENT.

1. **Definition.** A food establishment is any establishment whose principal business is the sale of foods, frozen desserts, or beverages (alcoholic and non-alcoholic) to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

Customers, normally provided with an individual menu, are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

A cafeteria-type operation where foods, frozen desserts, or beverages (alcoholic or non-alcoholic) generally are consumed within the restaurant building.

Catering and commercial kitchens.

A food establishment shall not include drive-through facilities and shall not be designed or operated to provide service to customers while remaining in a motor vehicle.

2. **Standards.** No additional standards.

I. GASOLINE FILLING STATION.

1. **Definition.** A space, structure, building or part of a building, used for the retail sale, service or supply of motor vehicle fuels, lubricants, air, water, batteries, tires, other accessories, motor vehicle washing or lubricating; or customary facilities for the installation of such commodities in or on such motor vehicles, including special facilities for minor repair or similar servicing thereof.
2. **Standards.**
 - a) Minimum lot area shall be fifteen thousand (15,000) square feet.
 - b) Minimum lot width shall be one hundred (100) feet.
 - c) An automobile gasoline and service station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
 - d) Ingress and egress drives shall be separated by a minimum of thirty (30) feet.
 - e) No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction (50%) thereof) along any street.
 - f) A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
 - g) The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier curb.
 - h) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building.
 - i) All gasoline pumps shall have a minimum setback of (fifteen) 15 feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or services while parked upon or overhanging any public sidewalk, street, or right-of-way.
 - j) When adjoining residentially used or zoned property, a six (6) foot masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line.
 - k) All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the City Council.
 - l) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings.
 - m) Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two (2) vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.
 - n) No sales of new or used cars shall be permitted.
 - o) All exterior lighting, including signs, shall be erected, and hooded so as to shield the glare of such lights from view by adjacent properties. Lighting shall comply with [Article 16](#) and signs shall comply with all standards as set forth in [Article 18](#).

J. GREENHOUSE, COMMERCIAL.

1. **Definition.** A commercial operation where one or more greenhouses are used for the commercial cultivation of plants for wholesale or for sales to the general public.
2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Outdoor composting area setback.** Outdoor composting areas shall not be located within fifty feet (50') of any property line.
 - b) **Access and parking.**
 - 1) **Surfacing.** Access drives shall be surfaced to prevent dust and tracked material onto public streets.
 - c) **Landscaping and screening.**
 - 1) **Screening.** Outdoor growing areas, storage areas, and composting areas shall be screened from adjacent properties and public rights-of-way with a combination of fencing and landscaping sufficient to provide a year-round visual buffer.
 - 2) **Landscape buffer.** A landscape buffer of not less than twenty feet (20') shall be provided along all property lines abutting a non-industrial district.
 - d) **Signage.** No additional standards.
 - e) **Lighting.** No additional standards.
 - f) **Operational standards.**
 - 1) **Outdoor composting stockpile management.** Outdoor composting stockpiles shall be managed to minimize odor, vectors, and runoff. Active odor mitigation measures shall be employed at all times.
 - 2) **Site management plan.** The operator shall maintain a site management plan describing composting methods, stockpile management, and odor control practices, available for review upon request by the Zoning Administrator.
 - g) **Composting.** Composting operations may be conducted as an accessory use to a commercial greenhouse and shall be conducted within an enclosed structure or within a designated outdoor composting area as approved on the site plan.
3. **Site plan.** No additional standards.

K. HOTELS AND MOTELS.

1. **Definition.** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals. A hotel or motel shall include accessory uses, including, but not limited to gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel.
2. **Standards.**
 - a) Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two (2) driveway openings onto a major thoroughfare (M-89) shall be permitted.
 - b) Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.

- c) Each hotel or motel establishment shall provide customary motel and hotel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- d) Motels and hotels may exceed the height limitation of the zoning district so long as they do not exceed four (4) stories and no portion of the building including building appurtenances shall exceed fifty-five (55) feet in height.
- e) Where adjacent to a residential use or zoning district, the screening requirements as set forth in [Article 15](#) shall apply.

L. KENNEL, COMMERCIAL.

- 1. **Definition.** Any lot or premises where three or more dogs or cats over six months of age are boarded and/or trained for compensation.
- 2. **Use-specific standards.**
 - a) **Dimensional standards.**
 - 1) **Minimum lot size.** The lot shall be a minimum of two acres. If more than six animals are housed, one additional acre is required for every additional ten animals.
 - 2) **Enclosed building setback.** Fully enclosed kennel buildings shall be set back a minimum of 50 feet from any property line and 100 feet from any residential structure on another parcel.
 - 3) **Outdoor run setback.** Outdoor runs, animal yards, or any other area where animals will be allowed outdoors shall be set back a minimum of 150 feet from any property line and 200 feet from any residential structure on another parcel.
 - b) **Access and parking.** No additional standards.
 - c) **Landscaping and screening.** No additional standards.
 - d) **Signage.** No additional standards.
 - e) **Lighting.** No additional standards.
 - f) **Operational standards.**
 - 1) **Maximum animals.** No boarding or breeding kennel shall house more than 30 dogs.
 - 2) **Outdoor hours.** Animals shall not be kept in outdoor runs between 8:00 p.m. and 6:00 a.m.
 - 3) **Noise.** All animals shall be contained in a fully soundproofed building using insulation, soundboards, and acoustic tile.
 - 4) **Odor.** Non-absorbent surfaces, such as sealed concrete or ceramic tile, shall be used throughout the kennel. Dog waste shall be removed no less than four times daily.
- 3. **Site plan.** No additional standards.

M. LUMBERYARD.

- 1. **Definition.** An area used for the storage, distribution and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

2. **Standards.** No additional standards.

N. MEDICAL CLINIC.

1. **Definition.** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by one or more professionals, such as a physician or dentist.
2. **Standards.** No additional standards.

O. MORTUARY OR FUNERAL HOME.

1. **Definition.** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.
2. **Standards.**
 - a) All ingress and egress to the site shall be from a major thoroughfare and all internal roads, streets, and drives shall be paved.
 - b) Assembly of vehicles for funeral processions shall not occur on a public street.
 - c) A funeral chapel shall also be permitted as an accessory use.
 - d) **Screening.** All funeral homes and mortuary establishments shall be adequately screened along the side and rear property lines in accordance with [Article 15](#).

P. OFFICE.

1. **Definition.** A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research, clerical duties, and counseling or psychological treatment services.
2. **Standards.** Office developments or two or more structures are subject to the following standards.
 - a) Buildings shall be so located and arranged that all structures have access to emergency vehicles.
 - b) Maximum lot coverage upon lot shall not exceed sixty (60%) percent, including accessory uses and structures.

Q. OPEN FRONT STORE.

1. **Definition.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
2. **Standards.** No additional standards.

R. OUTDOOR STORAGE.

1. **Definition.** The storage of any materials or objects outside the confines of a building.
2. **Use-specific standards.**
 - a) **Dimensional standards.** No additional standards.
 - b) **Access and parking.** No additional standards.
 - c) **Landscaping and screening.**

- 1) **Screening.** Objects, substances, materials, or equipment not contained within a completely enclosed building shall be enclosed by an opaque fence not less than six feet in height.
 - d) **Signage.** No additional standards.
 - e) **Lighting.** No additional standards.
 - f) **Operational standards.** No additional standards.
 - g) **Bulk fuel and chemical storage.** Above-ground storage facilities for bulk oil, gasoline, or chemicals shall only be permitted where described in this Ordinance, shall be constructed in conformity with State Fire Marshal regulations, and shall be entirely enclosed within a fence not less than six feet in height.
3. **Site plan.** No additional standards.

S. RETAIL ESTABLISHMENTS.

1. **Definition.** A business under 10,000 square feet that sells products or provides services on the premises directly to consumers, including but not limited to:

Retail garden and landscape supply stores.

Art studio or craft shop.

Hardware store.

Wholesale establishments

Laundromat and dry cleaner.

Farm equipment dealers.

Drug store.

Grocery.

Bank or other financial institutions.

Catering establishments.

Uses that fit this definition but are defined elsewhere in this Ordinance shall be considered to fall under the more specific definition.

2. **Standards.**

- a) Underground storage tank installation or removal shall be pursuant to the State of Michigan regulations.
- b) The storage and transportation of flammable and combustible liquids shall be in accordance with the Michigan State Fire Safety Board.

T. SEXUALLY ORIENTED BUSINESS.

1. **Definition.** An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial establishment that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical areas. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:

Adult bookstore. An establishment having twenty percent (20%) of its floor space or sales volume, whichever is lesser, in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, and established with a segment or section devoted to the sale or display of such material.

Adult mini motion picture theater. An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein.

Adult motion picture theater. an enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing and relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined for observation by patrons therein.

- a) Specified sexual activities:

- 1) Acts of human masturbation or sexual intercourse
- 2) Fondling or other erotic touching.
- 3) Human genitals in a state of sexual stimulation or arousal.

- b) Specified anatomical areas:

- 1) Less than completely and opaquely covered human genitals, pubic regions, buttocks and breasts below a point immediately above the top of the areola.
- 2) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

2. **Standards.**

- a) In order to prevent undesirable concentration of such uses, these uses and activities shall not be located within one-thousand (1,000) feet of two (2) other such uses nor within one-hundred (100) feet of any residentially zoned district, or residential land uses, as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.

U. SHOPPING CENTER.

1. **Definition.** A retail commercial establishment or a group of retail establishments which is planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area.
2. **Standards.** No additional standards.

V. THEATER.

1. **Definition.** indoor facility designed to accommodate groups of people viewing an artistic performance or motion picture.
2. **Standards.** No additional standards.

W. VETERINARY CLINIC.

1. **Definition.** A building or group of buildings where animals are admitted, treated and may be kept overnight for examination and treatment by one or more professional or paraprofessional.
2. **Standards.**
 - a) All activities shall be conducted within a totally enclosed building.

Section 6.5 INDUSTRIAL

A. CONTRACTOR'S STORAGE YARDS.

1. **Definition.** Storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.
2. **Standards.**
 - a) Contractors' storage yards shall comply with the following requirements:
 - 1) All vehicles shall be stored in a fully enclosed building.
 - 2) There shall be no outside storage or stock piling of materials or debris, other than peat, bark, stone, and other similar raw materials normally seen in the nursery/landscaping business. Such materials shall be screened so they are not visible from any property line and comply with the following setback requirements:
 - (a) Front yard: Not permitted. The Planning Commission may permit front yard outdoor storage if it is determined that sufficient justification is provided to warrant front yard storage or stock piling. In no case shall front yard storage or stockpiles be located closer than thirty (30) feet to the front property line.
 - (b) Side yard: Thirty (30) feet
 - (c) Rear yard: Forty (40) feet.
 - 3) The Planning Commission shall have the authority to establish hours of operation to minimize the impact of the facility on nearby residential uses.

B. MANUFACTURING OR ASSEMBLY FACILITY.

1. **Definition.** Establishments engaged in a series of operations that transform materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, and such related activities as storage, packaging, shipping and scrapping.
2. **Standards.** No additional standards.

C. PLANNED INDUSTRIAL PARKS.

1. **Definition.** A tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of wholesale commercial and industrial activities, providing them with all necessary facilities and services in an attractive park like surrounding.
2. **Standards.**
 - a) In addition to the required site plan, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and development, thereof.
 - b) Maximum lot coverage shall not exceed fifty percent (50%), including accessory buildings and structures.

D. RESEARCH AND DEVELOPMENT FACILITY.

1. **Definition.** A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories.
2. **Standards.** No additional standards.

E. SALVAGE OR JUNK YARD.

1. **Definition.** Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste, paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.
2. **Standards.**
 - a) The site shall be a minimum of three (3) acres in size.
 - b) There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored, or accumulated in any required yard area.
 - c) A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such a fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
 - d) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
 - e) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 - f) Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required yard shall be doubled and shall contain plant material, grass, and structural screens to effectively minimize the appearance of the installation.

F. SELF-STORAGE FACILITIES.

1. **Definition.** A group of buildings in a controlled access and fenced compound that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer goods or wares.
2. **Standards.**
 - a) **Lot Area.** The minimum lot size for mini-warehouses and portable storage units shall be three (3) acres.
 - b) **Permitted Use.** Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site. Electrical service, except for lighting, is prohibited within storage units.
 - c) **Site Enclosure.** The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high fence or landscape screening authorized by [Section 5.02](#) of this ordinance and approved by the Planning Commission.
 - d) **Exterior Appearance.** The exterior of any mini-warehouse shall comply with the following minimum requirements:
 - 1) Storage buildings shall have pitched roofs.
 - 2) Buildings shall be oriented so that doors to storage units do not face toward the road unless such doors will be completely screened from view from the road.
 - 3) If a manager's office is proposed, it shall be located in front to screen the storage units. Fences or walls shall project no closer to the front of the site than the front of any such office or residence.
 - e) **Resident Manager.** A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.
 - f) **On-Site Circulation and Parking.**
 - 1) All one-way driveways shall be designed with one (1) ten (10) foot wide loading/unloading lane and one (1) fifteen (15) foot travel lane.
 - 2) All two-way driveways shall be designed with one (1) ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.
 - 3) The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.



*Image example of mini-warehouse building
Source: Trachte Building Systems*

G. TRUCK TERMINALS AND FREIGHT YARDS.

1. **Definition.** A facility for freight pick-up and/or distribution; may include intermodal distribution facilities for truck, rail, and shipping transport.
2. **Standards.** No additional standards.

H. WAREHOUSE.

1. **Definition.** A building used primarily for the storage of goods and materials, not including a self-storage facility.
2. **Use-specific standards.**
 - a) **Dimensional standards.** No additional standards.
 - b) **Access and parking.** No additional standards.
 - c) **Landscaping and screening.**
 - 1) **Outdoor storage screening.** Outdoor storage must be screened in accordance with the provisions of Section 7.8
 - 2) **Additional landscaping.** The Planning Commission may require additional landscaping beyond the requirements of this Ordinance to help screen the building or any outdoor storage area.
 - d) **Signage.** No additional standards.
 - e) **Lighting.** No additional standards.
 - f) **Operational standards.** No additional standards.
 - g) **Outdoor storage.**
 - 1) **Prohibited storage areas.** The outdoor storage or display of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or abutting properties.
3. **Site plan.**
 - a) **Additional submission materials.**
 - 1) **Truck traffic estimate.** The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
 - 2) **Hazardous substance plan.** If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance and the approximate quantity, storage methods, hazard control and prevention method, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.

Section 6.6 UTILITIES

A. BATTERY ENERGY STORAGE SYSTEMS (BESS).

1. **Definition.** One or more devices, assembled together, capable of storing and discharging electricity primarily intended to supply electricity to a building or to the electrical grid. This includes, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and accessory equipment and structures.
2. **Standards.** No additional standards.

B. ELECTRIC VEHICLE CHARGING STATION.

1. **Definition.** A public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.
2. **Standards.** No additional standards.

C. ESSENTIAL SERVICES.

1. **Definition.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, fuel, or water transmission or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith, which are reasonably necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare of its citizens.

This definition shall not include:

Buildings, sanitary landfills, land application of sewage sludge, recycling centers, refuse transfer stations or similar transfer stations;

antennas which are exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications which radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, wireless telecommunication signals or other communication signals;

towers which are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes; radio and television transmission towers; microwave towers; common-carrier towers; or cellular telephone towers.

2. **Standards.** No additional standards.

D. MAJOR UTILITY FACILITIES.

1. **Definition.** Major utility facilities include all utility-related uses not included in essential services as defined, including:

Utility Substations and Switching Stations.

Water Supply and Treatment Facilities. Facilities for the pumping, treatment, storage, or distribution of potable water or for the treatment and disposal of wastewater.

Utility Service Buildings, not including storage yards. Operational, or maintenance buildings operated by public utilities or municipal departments, excluding outdoor material or equipment storage.

2. **Standards.** No additional standards.

E. WIRELESS TELECOMMUNICATIONS.

1. **Definition.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2. **Standards.**

a) **Background.**

- 1) The City finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
- 2) It is the City's intent to permit the siting of wireless communications towers and antennas within its boundaries.
- 3) It is the City's intent to protect and promote public health, safety, and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

b) **Purpose and Goals.** This Article's purpose is to establish general guidelines for siting wireless communications towers and antennas. This Article's goals are to:

- 1) Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- 2) Encourage the location of towers and antennas in non-residential areas.
- 3) Minimize the total number of towers and antennas throughout the City.
- 4) Promote the joint use of existing tower sites rather than construction of additional towers.
- 5) Promote the location of towers and antennas in areas where the adverse impact on the City is minimal.
- 6) Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening and innovative camouflaging techniques.
- 7) Promote telecommunications services to the City which are quick, effective and efficient.
- 8) Protect the public health and safety of the City and its residents.
- 9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- 10) To further these goals, the City shall consider its Land Use Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

c) **Definitions.** For the Purpose of this Article only, the following terms shall have the following meanings:

- 1) **Alternative Tower Structure.** Man made trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- 2) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.
- 3) **FAA.** The Federal Aviation Administration.
- 4) **FCC.** The Federal Communications Commission

- 5) **Height.** When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.
 - 6) **Lattice Tower.** A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which often tapers from the foundation to the top.
 - 7) **Pre-Existing Towers and Pre-Existing Antennas.** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment to the Ordinance adding this Chapter, or any tower or antenna for which no building and/or special use permit was required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not yet expired.
 - 8) **Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting (i.e. without guy-wire or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.
- d) **Applicability.**
- 1) **New Towers and Antennas.** All new towers and new antennas in the City shall be subject to this Article, except as otherwise provided in this Section.
 - 2) **Amateur Radio Station Operators Receive Only Antennas.** Television Antennas: This Article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station or is used exclusively for receive only antennas or is used for television reception.
 - 3) **Pre-Existing Towers and Antennas.** Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Article other than the requirements of Section 14.24.C.7, and the general requirements of this Ordinance concerning pre-existing structures (i.e. [Section 5.10](#)).
- e) **General Requirements.**
- 1) **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot.
 - 2) **Lot Size.** Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot coverage requirements and other such requirements.
 - 3) **Inventory of Existing Sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one (1) mile of the City border, including specific information about the location, height, and design of each tower or antenna.
 - 4) **Tower Finish.** Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- 5) **Tower Site.** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- 6) **Antenna Color.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- 7) **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- 8) **State or Federal Requirements.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or the State or Federal Government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the City to seek a court order, authorizing the City or its designee to remove the tower or antenna at the owner's expense.
- 9) **Building Codes; Safety Standards.** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the City suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the City may proceed under applicable State of Michigan law (i.e. Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.
- 10) **Measurement.** Tower setbacks and separation distances shall be measured and applied to facilities located in the City without regard to municipal and county jurisdictional boundaries.
- 11) **Not Essential Services.** Towers and antennas shall be regulated and permitted pursuant to this Article. They shall not be regulated or permitted as essential services, public utilities, or private utilities.
- 12) **Franchises.** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.
- 13) **Signs.** No signs or advertising shall be allowed on an antenna or tower. However, the tower owner may post a sign designating a person to contact in an emergency, together with the person's telephone number and address.
- 14) **Metal Towers.** Metal towers shall be constructed with corrosion- resistant material.
- 15) **No Interference.** Towers shall not interfere with television or radio reception on surrounding properties.

- 16) **Paving Requirement.** All parking and driving areas must be paved as provided in this Ordinance.

f) **Special Land Use Permits.**

- 1) **General.** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.
- (a) If the tower or antenna is not a permitted use, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.
 - (b) Applications for special use permits under this Section shall be subject to the general procedures and requirements of this Ordinance for special uses, except as modified in this Section.
 - (c) In granting a special use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.
 - (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.

2) **Processing Special Use Applications.**

- (a) **Information Required.** Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Ordinance.
- (i) A scaled site plan showing the location, type and height of the proposed tower or antenna; on site land uses and zoning; adjacent land uses and zoning (even if adjacent to another municipality); Land Use Plan classification of the site and all properties within the applicable separation distances set forth in Table 2 in this Article; adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this Ordinance.
 - (ii) Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot.
 - (iii) The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties and un-platted residentially zoned properties.
 - (iv) The separation distance from other towers or antennas described in the inventory of existing sites.
 - (v) The type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.
 - (vi) A landscape plan showing specific landscape materials.
 - (vii) Method of fencing, finished color, and if applicable, the method of camouflage and illumination.

- (viii) A description of compliance with the requirements of this Article, and of all applicable federal, state, county or City laws, regulations, and ordinances.
 - (ix) A notarized statement by the applicant for a tower, indicating if the tower will accommodate collocation of additional antennas for future users.
 - (x) A description of services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.
 - (xi) A description of feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.
- (b) **Factors Considered in Granting Special Use Permits for Towers or Antennas.** In addition to any other standards specified in this Ordinance for considering special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit under this Article.
- (i) Height of proposed tower or antenna;
 - (ii) Proximity of the proposed tower or antenna to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Proposed ingress and egress to the proposed tower or antenna;
 - (viii) Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this Section;
 - (ix) The effect of the proposed tower or antenna;
 - (x) The zoning and use of surrounding properties and the surrounding neighborhood; and
 - (xi) Whether or not the proposed tower or antenna is located in zoning district or on structures where the City intends at least most towers and antennas in the City to be located, as subsequently described in this Section.
- (c) **City Intentions Concerning the Location of Most if Not All Towers and Antennas.** The City intends that most if not all towers and antennas will be located as described below.
- (i) The City encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in the E Zoning District.
 - (ii) The City encourages the location of antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

- (a) *The City encourages antennas on existing structures which are towers, as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure;*
- (b) *The City encourages antennas on existing towers, provided that:*
- (c) *A tower which is modified or reconstructed to accommodate the collocation of one (1) or more additional antennas, shall be of the same tower type as the existing tower or monopole;*
- (d) *A tower which is modified or reconstructed to accommodate the collocation of additional antennas may be modified or rebuilt to a taller height, not more than once per tower and not to exceed thirty (30) feet over the towers existing height (this additional height shall not require an additional distance separation per Table 2 of this Article; rather the tower's pre-modification height shall be used to calculate such distance separations); and*
- (e) *A tower which is modified or reconstructed to accommodate the collocation of an additional antenna may be moved on site within fifty (50) feet of its existing location, provided that only one (1) tower remains on the lot (a relocated tower shall continue to be measured from its original location for purposes of calculating separation distances between towers pursuant to Table 2 of this Article).*
- (f) **Availability of Suitable Existing Towers, Antennas, Alternative Tower Structures, Other Structures, or Alternative Technology.** *No new tower or antenna shall be permitted unless the applicant demonstrates to the Planning Commission that no existing tower, antenna, alternative tower structure or alternative technology can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. Evidence that no existing tower, antenna, alternative tower structure, or alternative technology can provide the services sought by the applicant may consist of the following.*
- (g) *The applicant could demonstrate that no existing towers, antennas, alternative tower structures, alternative technology or other structures are available within the geographical area which meet the applicant's engineering requirements.*
- (h) *The applicant could demonstrate that existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements.*
- (i) *The applicant could demonstrate that existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.*
- (j) *The applicant could demonstrate that the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicant's proposed antenna.*
- (k) *The applicant could demonstrate that the costs to collocate an antenna exceed the costs of erecting a new tower or antenna.*

- (l) *The applicant could demonstrate that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.*
- (m) *The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost prohibitive or unsuitable.*
- (n) **Setbacks.** *The following setback requirements shall apply to all towers for which a special use permit is required.*
- (o) *Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.*
- (p) *Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.*
- (q) **Separation.** *The following separation requirements shall apply to all towers for which a special use permit is required.*
- (r) *Separation of towers from off-site uses/designated areas.*
- (s) *Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the off-site uses or designated areas, pursuant to a site plan of the proposed tower.*
- (t) *Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in the table below.*

Separation Requirements	
Off-Site Use/Designated Area	Separation Distance ²
Single-family or two-family dwelling units ¹	200 feet or three times the height of the tower, whichever is greater
Unimproved land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval which is not expired	200 feet or three times the height of the tower, whichever is greater
Other unimproved residentially zoned lands ³	100 feet or the height of the tower, whichever is greater
Existing multiple family dwelling units	100 feet or the height of the tower, whichever is greater
Non-residentially zoned lands or non-residential uses, if not covered by any of the above categories	None; only setbacks established by this Ordinance apply

¹Includes modular homes and manufactured homes used for living purposes

²Separation measured from base of tower to closest building setback line

³Includes any unplatted residentially zoned properties without a preliminary subdivision plan or development approval and any "RM" Zoning District land.

(u) **Separation distances between towers.**

- (v) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers.

The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in the table below.

Separation Distances Between Towers	
Proposed Tower	Required Minimum Distance
Lattice	5,000
Guyed	5,000
Monopole 75 Feet in Height or Greater	1,500
Monopole Less than 75 Feet in Height	750

- (w) **Security fencing.** Towers for which a special use permit is required shall be enclosed by security fencing not less than six (6) feet in height. The towers shall also be equipped with appropriate anti-climbing devices.

- (x) **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. The required landscaping shall be maintained for the duration of the special use permit.

- (y) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property then used for dwellings, single-family, two-family or multiple family, or included in a residential zoning district. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

- (z) Existing mature tree growth and natural landforms on site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the Planning Commission may include that natural growth around the property perimeter may be a sufficient buffer.

- g) **Removal of Abandoned Antennas and Towers.** Notwithstanding anything to the contrary elsewhere in this Ordinance, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds for the City to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Article 7.

Article 7. LANDSCAPING AND SCREENING

Section 7.1 INTENT AND SCOPE OF REQUIREMENTS

- A. **Intent.** The intent of this Article is to provide requirements as it relates to landscaping and screening within the City of Hartford. By providing minimum landscaping and screening requirements, the City of Hartford can continue to provide high quality of life for residents and business owners, while also achieving high quality building and site design. The City of Hartford is committed to promoting sustainable development practices in conjunction with preservation of existing resources and residential neighborhoods. Further, it is the intent of this Article to:
1. Improve the appearance of off-street parking areas, vehicular use areas, and properties abutting rights-of-way.
 2. Protect and preserve the appearance, character, and value of existing neighborhoods that abut non-residential areas and land uses, parking areas.
 3. Protect public health, safety, and welfare.
 4. Reduce soil erosion.
 5. Increase water retention, thereby helping to protect flooding.
 6. Encourage native plantings and species to promote environmental resiliency.
- B. **Scope of Application.** No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved. A certificate of occupancy shall not be issued unless provisions set forth in this Article have been met, or adequate justification for postponing landscaping requirements, such as the time of year, shall be provided and approved by the City Administrator, or their designee.
- C. **Exceptions.** The requirements in this Article shall not apply to single-family, two-family, three-family, or four-family dwellings, unless otherwise specified.

Section 7.2 GENERAL REQUIREMENTS

- A. **Applicability.** All new uses and changes of use in the City of Hartford shall require compliance with the following minimum landscaping requirements.
- B. **General Requirements.** Where landscaping is required, all applicable properties in the City of Hartford shall be landscaped and shall meet the following minimum general requirements:
1. No synthetic plant materials such as artificial grass, shrubs, trees, or perennials shall be used to fulfill any landscaping requirements.
 2. If used, berms shall be designed and landscaped to minimize erosion. Berms adjacent to public rights-of-way shall have a slope not greater than 3:1, unless designed as part of a retaining wall. Retaining walls shall be subject to review and approval by the City Engineer.
 3. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease. Non-nursery derived stock shall not be used to satisfy these requirements.

4. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
5. Ground covers other than grass shall be planted in required areas to provide complete coverage within two (2) growing seasons. Vines shall not be used adjacent to pedestrian areas.
6. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark, and wood chips shall be limited to small areas and shall not exceed 25 percent (25%) of the required landscape area.
7. All ground cover shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.

C. Maintenance. Maintenance shall include all reasonable and regular irrigation, weeding, fertilizing, and pruning. Plant materials which show signs of insect pests, diseases and/or damage shall be appropriately treated. All site plans in the City of Hartford shall include a maintenance schedule described in the required Landscaping Plan.

1. Dead plant material shall be replaced immediately or as soon as practical under the seasonal conditions existing and according to the approved site plan. The developer and subsequent owner(s) shall be responsible for maintaining all on-site landscaping and continued maintenance.
2. Any landscaping located directly underneath a power line or other applicable utilities shall be properly maintained as to not interfere with the overhead infrastructure.

D. Design Creativity. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the City to coordinate landscaping on adjoining properties.

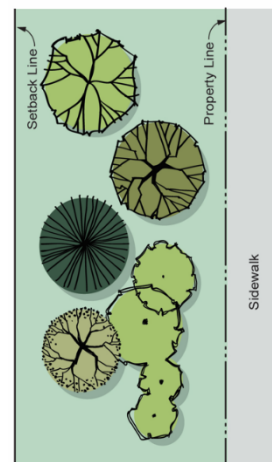
E. Tree Replacement Standards. The City of Hartford hereby requires tree replacement for new development and changes of use. Tree replacement activities shall comply with the following standards:

1. In any zoning district and any land use, including single, two, three, and four-family dwellings, for every five (5) trees removed on a site, that are three (3) inches in caliper or more in size, one (1) tree shall be replanted.
2. Replacement trees shall be a minimum of one and a half (1.5) inches in caliper when planted and of similar character and quality to those removed.
3. Replaced trees shall not consist of any species located on the prohibited list in [Section 15.9](#).

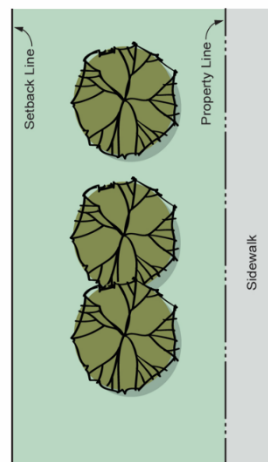
F. Native Species. The City of Hartford encourages and promotes plant species native to the State of Michigan for all required landscaping. These are listed in the Michigan State University Native Plants and Ecosystem Services Southern Lower Peninsula Regional Plant List.

1. All new development proposals or changes of use shall require a minimum of fifty percent (50%) native plant species, as per the Michigan State University Native Plants and Ecosystem Services Southern Lower Peninsula Regional Plant List.

Natural Arrangement
preferred



Formal Arrangement
not preferred



- G. Planning Commission Review.** The City of Hartford Planning Commission may approve a deviated landscaping standard or condition, if it is determined that the intent of this Article is met. The Planning Commission shall also have the authority to require additional landscaping, above the minimum requirements as described by this Article, provided that sufficient justification is warranted for such additional landscaping required, such as a proposed land use with high nuisance potential (e.g., heavy industrial, auto-oriented land uses, outdoor storage areas, etc.).

Section 7.3 SUMMARY OF LANDSCAPING AND SCREENING REQUIREMENTS

- A. Applicability.** The following requirements shall be considered the minimum required for all new uses and changes of use within any zoning district in the City of Hartford.
- B. Existing Landscaping.** To prevent the removal of existing mature trees and other landscaping elements, existing landscaping and other vegetation may be used to count toward the minimum landscaping requirements as described in this Article. Existing landscaping shall be preserved to the highest extent possible and shall be clearly noted on a required landscaping plan.
- C. Summary of Requirements.** The following table includes a summary of the general site landscaping and buffering requirements for all new uses and changes of use in the City of Hartford.

Summary of Landscaping and Screening Requirements	
Landscaping Type	Minimum Requirements
Tree Replacement	One (1) tree replaced (1.5 inches in caliper) for every five (5) removed
Interior Lot Landscaping	For lots one (1) acre or larger, one (1) tree shall be required per every 3,000 square feet of area remaining after site improvements
Street Trees	One (1) tree per thirty (30) linear feet of frontage
Other Frontage Landscaping Requirements	Five (5) shrubs per every twenty (20) linear feet (in addition to required street trees)
Parking Lot Islands	Two-hundred and fifty (250) square foot island per every twenty (20) parking spaces
Natural Buffer Screening	- One (1) tree per every thirty (30) linear feet along the side and rear property line. - Four (4) shrubs per every twenty (20) linear feet along the side and rear property line, if in conjunction with a wall or fence. 100% opaque natural screening, if a wall or fence is not used.

Section 7.4 INTERIOR LOT LANDSCAPING

- A. **Definition.** Interior lot landscaping shall hereby be defined as the required landscaping to be located anywhere within the front, side, or rear yard of a property.
- B. **Applicability.** Interior lot landscaping shall be required for all lots within the City of Hartford with an area of one (1) acre or larger, within any zoning district.
- C. **Location.** Interior lot landscaping may be located on the side, front, or rear yard.
- D. **Calculation.** The amount of required interior lot landscaping shall be calculated by using the following:
1. Interior lot landscaping shall not be counted toward street tree, other frontage landscaping requirements, parking lot island, or natural buffer screening requirements.
 2. Interior lot landscaping requirements shall be calculated by utilizing the total area remaining after excluding proposed structures, parking lot, and other required site improvements.
- E. **Minimum Requirements.** Minimum interior lot landscaping standards include:
1. One (1) tree shall be required per every three thousand (3,000) square feet of front, side, or rear yard space remaining, after excluding all applicable site improvements.
- F. **Species Permitted.** Interior lot landscaping shall consist of any species that are not specified on the prohibited species listed in [Section 15.9](#) and meet all the location requirements of this Section.



Example: Interior lot landscaping located adjacent to a building.

Section 7.5 STREET TREES

- A. **Definition.** Street trees shall be defined by trees planted along or within the right-of-way on the frontage of a property.
- B. **Location.** Street trees may be planted in the right-of-way between the property line and the street. Alternatively, street trees may be planted outside the right-of-way on private property, adjacent to the road. The location of street trees shall be approved by the City of Hartford Department of Public Works.
1. Street trees shall be planted in accordance with MISS DIG and avoid conflicts with existing utilities.
 2. Street trees planted in the public right-of-way become the property of the City of Hartford.
 3. Street trees shall be planted at an interval of one (1) street tree per every thirty (30) linear feet of street frontage.

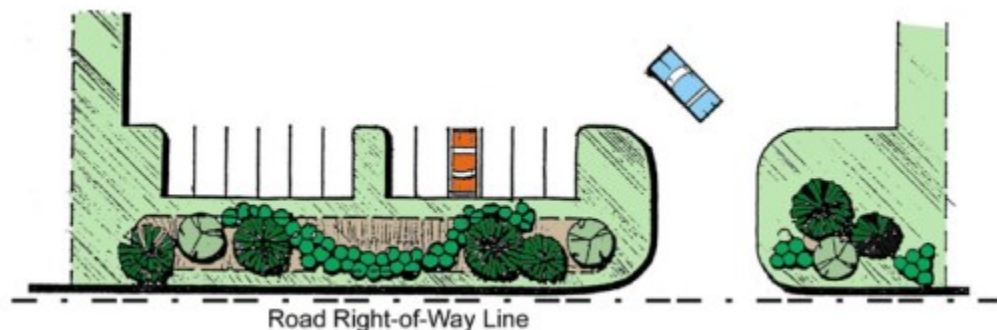


Example: Street tree.

- C. **Calculation.** The number of required street trees shall be calculated by utilizing the entire length of road frontage (linear feet), excluding the width of driveway(s) and sidewalks.
- D. **Species Permitted.** Street trees in the City of Hartford shall comply with the following standards:
1. The species of street trees shall be approved by the City of Hartford Department of Public Works.
 2. Are generally resistant to salt, insects, diseases, damage, and drought.
 3. Provide adequate shade and consistent aesthetic character with the surrounding environment.
 4. Street tree species shall consist of any species that are not specified on the prohibited species listed in [Section 15.9](#) and meet all the location requirements of this Section.

Section 7.6 OTHER FRONTAGE LANDSCAPING REQUIREMENTS

- A. **Definition.** Other frontage landscaping requirements are hereby defined as the additional landscaping required along the frontage of any lot. Other frontage landscaping requirements shall be considered in addition to the minimum required street trees.
- B. **Calculations.** Required frontage landscaping shall be located entirely on private property within a planting strip adjacent to the road right-of-way. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.



Example: The total parcel width is 50 feet. The driveway width is 20 feet. Therefore, the road frontage is 30 feet (50-20 = 30). The required plantings include 1 street tree and 5 shrubs.

- C. **Location.** Landscaping adjacent to roads shall not interfere with line-of-sight distances for vehicular, pedestrian, and bicycle traffic. Required frontage landscaping shall be located on private property, adjacent to the right-of-way.
- D. **Minimum Requirements.** Other frontage landscaping shall comply with the following minimum requirement:
1. Five (5) shrubs shall be required per every twenty (20) linear feet of frontage.
- E. **Species Permitted.** Other landscaping adjacent to roads shall not consist of prohibited plant species listed in [Section 15.9](#).

Section 7.7 PARKING LOT LANDSCAPING

A. **Definition.** Parking lot islands shall hereby be defined as an inlet, enclave, or peninsula of required landscaping located within a required parking lot.

B. **Minimum Requirements.** Parking lot islands shall be required for every twenty (20) parking spaces within a singular parking lot. This requirement is inclusionary of shared parking lots within the City of Hartford. Parking lot islands shall also comply with the following requirements:

1. Must be a minimum of two hundred and fifty (250) square feet in area.
2. A minimum of eighty percent (80%) of the landscaped island shall be covered by plant material, including but not limited to trees, shrubs, perennials, and other similar material.
3. Can include a mix of plant types, including trees, flowers, shrubs, and other appropriate plant material. If trees are utilized for parking lot landscaping, the root system shall be shallow and not interfere with surrounding pavement.
4. Parking lot islands shall have curbs, unless the island is designed as a vegetated swale, in which case curbs may be eliminated or inlets may be constructed within the curb to allow for stormwater flow. Vegetated swale design shall be approved by the City Engineer.

C. **Species Permitted.** Parking lot landscaping may be comprised of trees, perennials, shrubs, or other applicable vegetation. Prohibited species listed in [Section 15.9](#) shall not be permitted.



Example: parking lot island located on W. Main Street.

Section 7.8 NATURAL BUFFER SCREENING

A. **Applicability.** Except as otherwise provided in this Zoning Ordinance, all premises used for business, or any other commercial purpose shall be screened from abutting residential land uses and districts. All industrial uses, abutting any zoning district or land use, shall include natural buffers along each side and rear property line that comply with this Section.

B. **General Requirements.** Natural buffer screening shall be any of the following and shall apply to side yard and rear yards:

1. A natural buffer planted with evergreens and/or shrubs which maintains their density and screening effect throughout the calendar year, and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
2. In lieu of a natural buffer, a wall or fence of sufficient density or compactness to screen the structures and activities from the view of occupants of adjoining premises, and maintained in a neat and attractive manner, may be permitted.
 - a) Fences and walls shall comply with [Section 5.8](#), shall be a minimum of six (6) feet in height, and shall be entirely opaque.
3. For side and rear yard buffers, a combination of a wall or fence and natural buffer screening may be permitted.

4. For side yard screening, no such wall or fence shall impair safe line-of-sight distances. If requested, such an evaluation shall be made by the City of Hartford Police Department.

C. Minimum Screening Requirements. Screening shall comply with the following minimum requirements. Screening may be denser than the minimum requirements below:

1. All plantings, walls, and fences shall be a minimum of six (6) feet in height.
2. Natural buffer screening areas shall be a minimum of ten (10) feet in width.
3. One (1) tree per every thirty (30) linear feet along each side and rear property line shall be required, regardless of if a wall or fence is used.
4. If a combination of a wall or fence and natural screening is used, four (4) shrubs per every twenty (20) linear feet shall be required.
5. If a wall or fence is not used, plantings shall be completely one hundred percent (100%) opaque to adjacent land uses.

D. Species Permitted. Natural buffer screening shall not consist of any prohibited species listed in [Section 15.9](#)



Example: Natural buffer screening between commercial and residential land uses.

Section 7.9 PROHIBITED PLANT SPECIES

A. Prohibited Species. The following table includes a list of prohibited plant species in the City of Hartford. Under no circumstances shall these plant species be utilized in any landscaping plan or site plan. The Planning Commission shall not have the authority to waive these requirements.

1. Prohibited Species are invasive species artificially introduced to West Michigan, are non-native, and are capable of outcompeting and displacing native vegetation. Any species on the Michigan Department of Natural Resources list of invasive species shall be prohibited, in addition to those listed on the following table.
2. Existing prohibited species shall be identified on a Site Plan and shall not count towards landscape requirements.

Plant Type	Common Name	Botanical Name
Shrub	Autumn Olive	Elaeagnus umbellata
	Common Buckthorn	Rhamnus cathartica
	Giant Knotweed	Polygonum sachalinensis (Fallopia sachalinensis)
	Glossy Buckthorn	Rhamnus frangula or Frangula alnus
	Japanese Barberry	Berberis thunbergii
	Japanese Knotweed	Fallopia japonica
	Multiflora Rose	Rosa multiflora
Tree	Black Locust	Robinia pseudoacacia
	Tree of Heaven	Ailanthus altissima
	Pear Tree	Pyrus communis
Vine	Black Swallow-wort	Cynanchum louiseae (Vincetoxicum nigrum)
	Chinese Yam	Dioscorea oppositifolia
	Kudzu	Pueraria montana var. lobate
	Mile-A-Minute Weed	Persicaria perfoliata
	Oriental Bittersweet	Celastrus orbiculatus
	Pale Swallow-wort	Cynanchum rossicum (Vincetoxicum rossicum)
	Trumpet Vine	Campsis radicans
Herb	Garlic Mustard	Alliaria petiolata
	Giant Hogweed	Heracleum mantegazzianum
	Himalayan Balsam	Impatiens glandulifera
	Japanese Chaff Flower	Achyranthes japonica
	Purple Loosestrife	Lythrum salicaria
	Spotted Knapweed	Centaurea stoebe
	Wild Parsnip	Pastinaca sativa



Image examples of plant species on the Prohibited List.

Article 8. LIGHTING

Section 8.1 SITE LIGHTING

A. Purpose. The purpose of this Section is to protect the health, safety, and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists. To do so, the lighting standards in this Section are designed to:

1. Minimize light pollution.
2. Maintain safe nighttime driver performance on public roadways.
3. Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to a sky glow.
4. Reduce light pollution and light trespass from light sources onto adjacent properties.
5. Conserve electrical energy.
6. Curtail the degradation of the nighttime visual environment.
7. Minimize glare and preserve the historic character of the City.

B. Applicability. The standards in this Section shall apply to any light source that is visible from any property line or beyond, for the site from which the light is emanating. The Zoning Administrator, or designee, may review any building or site to determine compliance with the requirements under this section. An applicant for site plan approval shall submit sufficient information to enable the Zoning Administrator, or designee, to determine whether the proposed lighting will comply with this section.

C. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section:

1. **Flood or spotlight.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
2. **Glare.** Direct or reflective light emitted by a lamp, luminous tube lighting, or other light source.
3. **Lamp.** The component of the luminaire that produces the actual light including luminous tube lighting.
4. **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
5. **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, causes undesirable glare, or unnecessary illumination of adjacent properties.
6. **Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
7. **Luminaire.** The complete lighting system including the lamp and light fixture.
8. **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon or argon).

9. **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement.

10. **Shielded Fixture** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted (i.e. a shoebox-type fixture). A luminaire recessed in a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance.

D. **Lighting Plan Submittal Requirements.** The following information must be included for all site plan submissions but shall not apply to single-family, two-family, three-family, or four-family dwellings, unless otherwise specified.

1. Location of all freestanding, building-mounted, and canopy light fixtures on the site plan and building elevations.
2. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles)
3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp, and method of shielding.
4. Use of the fixture proposed.

E. **Site lighting standards.** Unless exempted under this Section, all lighting must comply with the following standards:

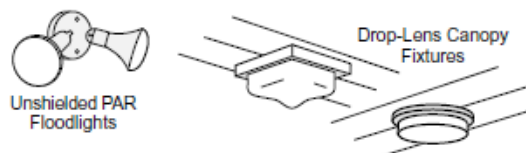
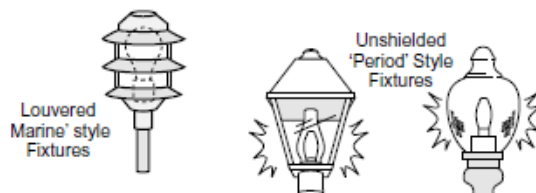
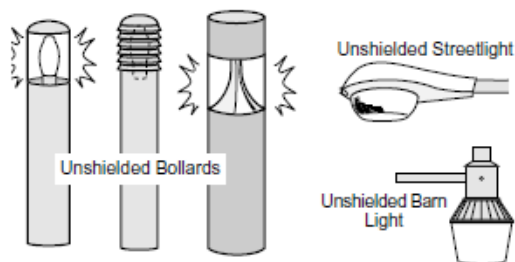
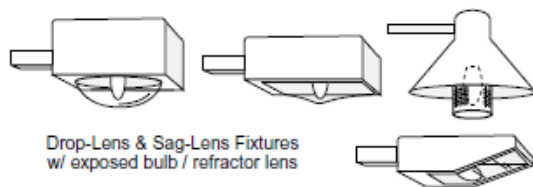
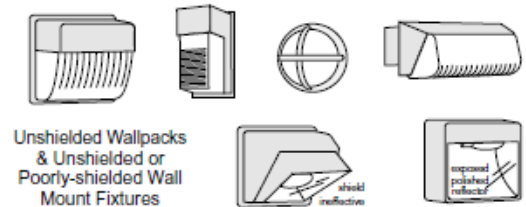
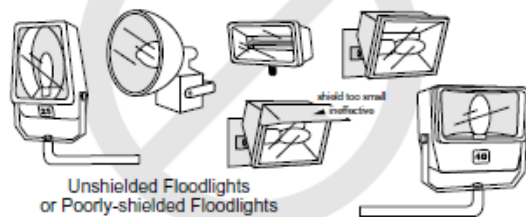
1. **Freestanding Pole Lighting and Building Mounted Lighting.**

- a) Lighting shall be fully shielded and directed downward to prevent off-site glare. The Planning Commission or Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site light trespass or glare from the fixture and the proposed fixtures will improve the appearance of the site.
- b) The illumination of light within a site shall not exceed five (5) foot-candles or one (1) foot-candle at a property line, except where it abuts a residentially used or zoned lot, in which case a maximum of 0.1 foot-candles is permitted. Gas station canopy and automobile dealership lighting shall be permitted a maximum of twenty (20) foot-candles within the site, but the above standards shall apply to intensity at the property line.
- c) Metal halide or LED fixtures shall be used in an effort to maintain a unified lighting standard throughout the municipality and prevent a sky glow.
- d) The maximum pole height of parking lot light fixtures shall be twenty (20) feet on top of a base not exceeding two (2) feet in height.
- e) Outdoor lighting fixtures not be used for security purposes.

- f) Luminous tube and exposed bulb fluorescent lighting shall be prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. Internally illuminated architectural bands may be approved when it can be shown that the treatment will enhance the appearance of the building.

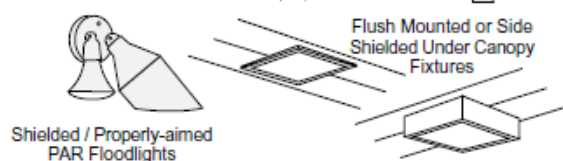
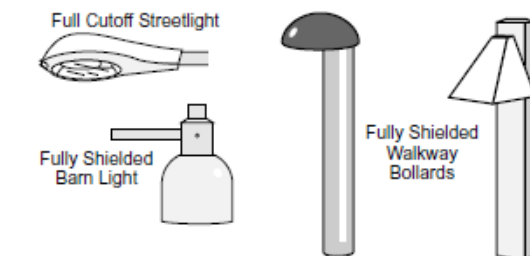
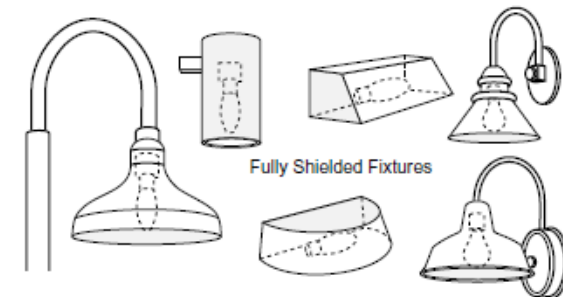
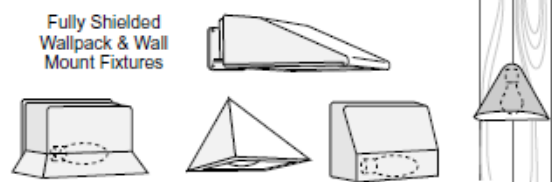
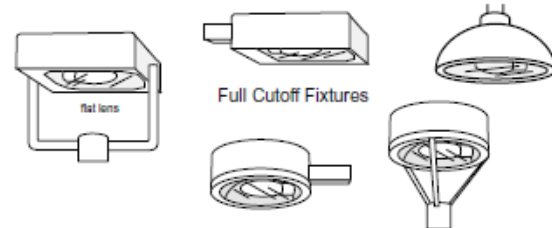
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Source: Dark Sky Society (www.darksksociety.org)

2. Window Lighting.

- a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
- b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of [Article 17](#).

3. Other Lighting.

- a) The internal illumination of building mounted awnings is prohibited unless the awning is opaque such that the light is only visible beneath the awning.
- b) Indirect illumination of signs, canopies, and buildings is permitted.
- c) The use of laser light source, search lights, or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
- d) Lighting shall not be of a flashing, moving, or intermittent type.
- e) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of [Article 18](#), herein.

F. Exemptions. The following are exempt from the lighting requirements of this section, except that the Zoning Administrator or designee may take steps to eliminate the impact of the above items when deemed necessary to protect the health, safety, and welfare of the public:

- 1. Sports field and swimming pools.
- 2. Holiday decorations.
- 3. Window displays without glare.
- 4. Shielded pedestrian walkway lighting.
- 5. Residential incandescent lighting with no off-site glare.
- 6. Street lights.

G. Permitted Lighting Sources and Shielding Requirements. Outdoor lighting shall comply with the following use and shielding requirements. The illustration on the previous page is for illustration purposes only and does not constitute a shielding standard.

Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium Low Pressure sodium, LED	Street lighting; parking and security areas; sports parks, tennis courts; residential security lighting.	Fully
Metal Halide	Signage, display and sports lighting, where color rendering is critical.	Fully
Fluorescent	Residential lighting, internal sign lighting.	None
Incandescent, more than 100 watts	Sensor activated residential lighting.	Fully
Incandescent, 100 watts or less	Porch lighting and other residential uses.	Fully
Any light source 50 watts or less	Any.	None

Glass tubes filled with neon, argon, or krypton	Display/advertising.	None
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Article 9. PARKING, LOADING, ROAD DESIGN, DRIVEWAYS, AND STORMWATER

Section 9.1 SCOPE OF OFF-STREET PARKING REQUIREMENTS

A. Compliance with the off-street parking regulations shall be required as follows:

1. **General Applicability.** For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Article prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried out, compliance with the approved parking requirements at the time of issuance of the building permit shall be required.
2. **On-Street Parking Permitted.** On-street parking, including overnight parking, shall be permitted on all public streets and roads within the City, unless otherwise indicated by signage or policy implemented by the City Council.
3. **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means as determined by the City Zoning Administrator, additional off-street parking shall be provided for such increase in intensity of use.
4. **Existing Parking Facilities.** Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.
5. **Additional Off-Street Parking: Maximum Parking.** Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family, two-family, and three-family residential uses, any person proposing the provision of greater than one hundred and twenty-five percent (125%) of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.

Section 9.2 OFF-STREET PARKING AND LOADING REQUIREMENTS

- A. Off-Street Parking Required.** Unless otherwise specified, all buildings located in the City shall provide off-street parking adequate for the use intended.
- B. Dimensional Requirements.** The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° Parallel Parking	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53° diagonal	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74° diagonal	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90° diagonal	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

- C. Residential off-street parking.** Parking in residential districts is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned or used lot.
- 1. Front Yard Parking Area Prohibited.** Except as specifically permitted for driveways and vehicle access drives, the required front yard shall not be used for off-street parking, loading, or unloading. The front yard shall remain as open space that is unoccupied and unobstructed except for landscaping, plant materials, sidewalks, and permitted vehicle access drives.
 - 2. Maximum Front Yard Coverage by Parking/Driveways.** Residential driveways and off-street parking areas used for residential purposes may comprise up to fifty percent (50%) of the required front yard area. Any residential off-street parking areas located in the front yard (excluding the driveway portion needed for access) shall consist of porous/permeable pavement or other approved permeable surface.
- D. Non-Residential off-street parking.** Except in parking exempt areas, provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use, which must meet all provisions of this Ordinance.
- E. Mixed Occupancies and Uses Not Specified.** In the case of Mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Parking areas for churches, theaters, or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used where adequate arrangements are made to ensure that the space is available for each function.
- F. Location of Off-Street Parking Facilities.** Off-street parking facilities shall be located as hereafter specified. Where a distance is specified, the distance shall be measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:
- 1.** For all residential buildings and for all non-residence buildings in residential districts, required parking shall be provided on the same plot as the building.
 - 2.** For commercial and all non-residential uses in commercial zones, required parking shall be provided within five hundred (500) feet, except for non-residential uses in the C2 District.
 - 3.** For Enterprise uses, required parking shall be provided within three hundred (300) feet.

G. Parking Areas in B-1 and Enterprise Districts. Every parcel of land hereafter established as a public or private parking area in the B-1 or Enterprise districts, or hereafter enlarged or altered, shall be developed and maintained in accordance with the following requirements:

1. **Screening Required.** Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential district or use or institutional premises, by a screening, fence, wall, planting strip or other material approved by the Planning Commission. Screening shall be compliant with standards set forth in [Article 15](#).
2. **Location of Screening.** Required screening shall be located on the lot line except where underground utilities interfere. Upon review of the site plan, the Planning Commission may approve an alternate location for the screening or may waive the screening requirement if in specific cases it would not serve the purposes of screening the parking area effectively.
3. **Screening Materials.** Such screening shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved or required by the Police Department, Fire Department, or the Building Inspector. All screening herein required shall be constructed of materials that are durable, weather resistant, rust proof and easily maintained. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. The openings shall be so spaced as to maintain the obscuring character required and shall not reduce the minimum height requirement.
4. **Exemptions.** The requirement for screening between off-street parking areas, outdoor storage areas, and any abutting residential district or use shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district or use.
5. **Waivers.** The Planning Commission may waive or modify the screening requirements provided that sufficient justification for a differing standard is more appropriate for the proposed use. In no instance shall the required screening wall be less than four feet, six inches (4'6") in height.
6. **Surfacing.** Every such off-street parking area shall be surfaced in accordance with this Ordinance.
7. **Off-Street Parking Lot Lighting.** Any lighting in connection with off-street parking shall be designed to provide adequate cover for safety but also the least light necessary to increase pedestrian safety and comfort while incorporating measures to preserve dark skies and reduce glare. All outdoor lighting shall be cut-off, shielded, and directed so that no light is cast upward into the sky or outward onto adjoining properties. All proposed lighting shall comply with standards set forth in [Article 16](#).
8. **Planning Commission Review.** All off-street parking areas shall be subject to the approval of the Planning Commission to ensure its adequacy in relation to traffic safety, lighting, and protection of adjacent property.

H. Requirements for Parcels Subject to Architectural Standards. Additional requirements within the C2 district and applicable parcels in the B-1 District, subject to Architectural Standards set forth in [Article 11.8](#):

1. In lieu of the provision of on-site parking, the Design Review Committee may recommend, and the Planning Commission may approve a shared parking agreement with another property located not more than five hundred (500) feet from the property under review. Such an agreement shall be in writing and shall include assurances satisfactory to the City that the parking needs of the proposed development shall be adequately met. For parking lots accommodating more than twenty-five (25) parking spaces the following standards apply:
 - a) Parking lots shall provide shared access with adjoining uses where feasible.
 - b) Parking areas shall be designed, built, and screened so as to reasonably shield them from view from Main Street.

c) Planter islands shall be provided within the parking area.

d) Each parking area shall have not more than two (2) driveways connecting to other parking areas.

2. All off-street parking shall be located at the side or rear of the primary use and provide landscape buffering to separate parking and mitigate the visual and environmental impact of parking lots.

I. Parking Areas in Residential Districts. Any person desiring to establish a parking area as an accessory use in a residential district shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, curb cuts, and other features of the parking lot. All such parking areas required for new multiple family dwellings and non-residential buildings in all residential districts may then be authorized by special land use, subject to the following conditions:

1. All parking areas shall be landscaped, screened, surfaced, and drained appropriately.
2. No part of such parking areas shall extend into the required front yard more than fifty percent (50%) of the front yard required for a residential building. In either case, the front yard area not occupied by the access drive shall be landscaped.
3. All such parking areas shall be at least forty (40) feet in width.
4. Such parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot.
5. Each entrance to and exit from such parking lot shall be at least twenty (20) feet in distance from any adjacent property located in any residential district, and the location and design of entrances, exits, surfacing, landscaping, marking, and lighting shall be subject to the approval of the Planning Commission to ensure adequate relation to traffic safety, lighting, and protection of the adjacent residential area.
6. The Zoning Administrator shall thereafter issue a permit, which may be revoked at any time the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this Ordinance or fixed to such permit, shall be deemed a violation of this Ordinance and shall be subject to the penalties prescribed in this Ordinance.

J. Table of Parking Requirements. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section. Land uses within the C2 shall be exempt from the Table of Parking Requirements. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space. For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission and/or Zoning Administrator.

Use	Number of Minimum Parking Spaces
Residential	
Single, Two, Three, and Four-Family	Two (2) for each dwelling unit
Multiple Family	Two (2) for each dwelling unit for developments of 1-24 units. One point seven five (1.75) space for each dwelling unit for developments of 24+ units
Manufactured Housing Community	Two (2) for each manufactured home site
Bed & Breakfast Facility	One (1) for each sleeping room
Senior Citizen Apartments	Three-quarters ($\frac{3}{4}$) space for each unit when mass transit is provided; one (1) space for each unit when not provided

Institutional	
Adult Foster Care Facilities	One-half (1/2) space per bed plus one (1) space for each employee
Day-care, Pre-school & Nursery Schools	One (1) space for each staff member plus one (1) space for every five (5) children or one (1) space for every ten (10) children if adequate drop-off facilities are provided
Home for the Aged, Nursing Homes, Convalescent Homes	One (1) per six hundred (600) sq. ft. feet of gross floor area
Hospitals	One (1) per six hundred (600) sq. ft. of gross floor area
Indoor recreation facilities	One (1) for each four (4) seats
Jails	One (1) space for each staff member plus one (1) space for every five (5) cells, in addition to off street loading spaces for delivery and transport vehicles
Libraries, Museums and Non-Commercial Art Galleries	One (1) for each five hundred (500) sq. ft. of gross floor area
Public or Private Elementary and Middle School	One (1) for each classroom plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes or for each thirty-five (35) sq. ft. of seating area where there are no fixed seats
Private Clubs or Lodge Halls	One (1) for each three (3) allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Racquetball Clubs	Shall be the amount required for each accessory use, including but not limited to: Four (4) per golf hole; one (1) per each three (3) persons permitted in a building under the fire code.
Religious Institutions or similar places of assembly	One (1) for each three (3) seats, maximum seating capacity in the main unit of worship; or one (1) space for each thirty-five (35) sq. ft. of gross floor area
Senior High Schools	One (1) space for each classroom and each other room used by students plus one (1) for each ten (10) full-time students in addition to the requirements for auditoriums
Stadium, Sport Arena or similar place of outdoor assembly	One (1) for each three (3) seats or ten (10) feet of bench

Business and Commercial

Automobile (Vehicle) Gasoline and Service Stations, Convenience Stores in conjunction with service or gas stations	One (1) space for each fueling station plus one (1) for every four hundred (400) sq. ft. of floor area devoted to retail sales.
Automobile (Vehicle) Repair Shops	Two (2) for each lubrication stall, rack, pit, or pump
Automobile (Vehicle) Sales and Showrooms	One (1) for each four hundred (400) sq. ft. of gross floor area of sales room
Automobile (Vehicle) Washes	One (1) for two hundred fifty (250) sq. ft. of gross floor area
Bar/Lounge/Tavern	One (1) space for each seventy-five (75) sq. ft. of gross floor area
Beauty Parlor, Barber Shop, nail salon, and other personal service establishments	Three spaces (3) for each of the first two (2) chairs, and one and one-half (1½) spaces for each additional chair
Bowling Alleys	Five (5) for each one (1) bowling lane
Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls & Assembly Halls without fixed seats	One (1) for each three (3) seats or one (1) for each four hundred (400) sq. ft. of gross floor area
Drive-In Establishments	Five (5) queue spaces for each drive-up window, plus one (1) parking space for each drive-up window
Furniture and Appliance, Household Equipment, Repair Shop, Showroom of a Plumber, Decorator, Electrician, or similar trade, and other Similar Uses	One (1) for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing
Health Spas, Gymnasiums & Health Clubs	Ten (10) for each club or spa plus one (1) for every two hundred (200) sq. ft. of gross floor area
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines
Mini-warehouses	One (1) space per storage unit
Mortuary or Funeral Home Establishments	One (1) for each one hundred (100) sq. ft. of gross floor area
Motel, Hotel or other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon one space for every two occupants based on maximum occupancy load
Restaurants	One (1) for each four hundred (400) sq. ft. of gross floor area
Retail Stores, except as otherwise specified herein	One (1) for each four hundred (400) sq. ft. of gross floor area
Shopping Center or Clustered Commercial	One (1) for each four hundred (400) sq. ft. of gross floor area

Enterprise or Industrial	
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Business Offices or Professional Offices including courthouses and governmental offices	One (1) for each four hundred (400) sq. ft. of gross floor area
Professional Offices, including veterinary offices and animal clinics	One (1) for each four hundred (400) sq. ft. of gross floor area
General Manufacturing Establishments	One (1) space for every six hundred and fifty (650) sq. ft. of gross floor area, plus one (1) space per each three hundred and fifty (350) sq. ft. of office space
Light & Limited Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor area, plus one (1) space per each three hundred and fifty (350) sq. ft. of office, sales, or similar space
Research & Development Facility	One (1) space for every five hundred (500) sq. ft. of gross floor area plus one (1) space per each four hundred (400) sq. ft. of office, sales, or similar space
Warehousing	One (1) space for every two thousand (2,000) sq. ft. of gross floor area

K. Required Off-Street Loading. In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, off-street loading spaces in relations to floor area as follows:

Off-Street Loading Requirements	
5,000 to 20,000 square feet	1 space
20,000 to 50,000 square feet	2 spaces
50,000 to 100,000 square feet	3 spaces

1. One additional space for each additional 100,000 square feet or part thereof; provided that:
 - a) Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
 - b) Such space may occupy all or any part of any required yard or court space, except the front yard.
2. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

L. Barrier Free Parking Requirements. Each parking lot that serves a building, except single, two, three, and four-family dwelling units, shall have a number of barrier-free, level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically disabled persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended and the Federal Americans with Disabilities Act.

1. Dimensions of Barrier-Free Parking Spaces. Each barrier-free parking space shall comply with the Michigan State Building Code, as amended.

2. Minimum Required Number of Barrier-Free Parking Spaces. The number of barrier-free spaces shall be consistent with requirements as described by the Michigan Building Code, as amended.

M. Banked Parking. If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may require banked parking, subject to the following:

1. The banked parking shall be shown on the site plan and set aside as landscaped open space.
2. Banked parking shall be located in areas suitable for future parking and that meet Ordinance requirements.
3. The City may require construction of the banked parking area upon finding that vehicles are regularly parked on unpaved surfaces, on the road, or off-site.

N. Bicycle Parking. Parking facilities for short- and long-term bicycle parking shall be provided to meet the needs of the use. Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly visible and accessible areas.

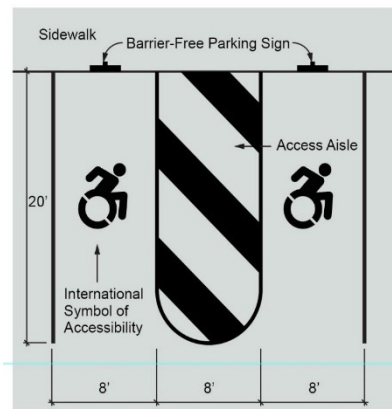
1. Bicycle parking facilities shall be located at least three (3) feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least six (6) feet from vehicle parking spaces.

O. Surfacing.

1. Purpose. It is necessary to provide minimum construction and maintenance standards for driveways and parking areas. The purpose of this Ordinance is to prevent washout from unpaved driveways and parking areas from obstructing storm sewers and catch basins and thereby creating drainage problems, and to provide safe access to areas serviced by such driveways and parking areas.

2. Surfacing Requirements. Except as otherwise provided in this section, all parking spaces in every Zoning District and any driveway accessing such parking spaces shall be paved with concrete or bituminous material in accordance with plans approved by the City Engineer. Such concrete pavement shall be of a minimum thickness of six (6) inches. Any bituminous paving shall be of a minimum thickness of three (3) inches and shall be placed upon a base of limestone or gravel a minimum thickness of six (6) inches, unless a differing minimum standard is required by the City Engineer. All paving and/or sealing shall be complete within a period of twelve (12) months after site plan approval.

Van Accessible



Standard



- a) **Residential Off-Street Parking Areas.** Off-street parking for residential family dwellings and any driveway accessing such parking shall be paved with concrete or bituminous material in such a manner which is adequate to prevent washout from obstructing storm sewers and catch basins, and in a manner which is adequate to provide safe access to dwellings. The off-street parking areas for residential family dwellings and for any driveways accessing them shall be a minimum of eight (8) feet in width for their entire length and shall at a minimum extend between the public or private right of way and the required front setback line on each lot.

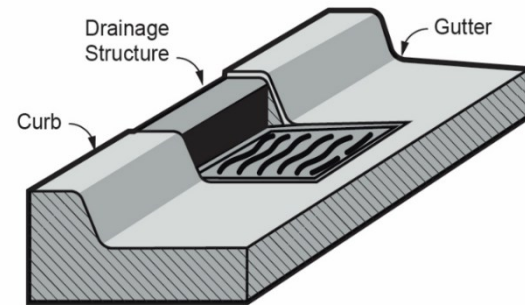
Section 9.3 STREET AND ROAD DESIGN REQUIREMENTS

- A. **Intent.** The intent of this Section is to apply the City of Hartford's adopted Complete Streets Resolution by providing street design standards for new developments, and to ensure that citywide development creates the least amount of traffic congestion as possible.
- B. **Best Practices.** This Section provides requirements that will ensure orderly development by applying best practices for site design and constructing new streets.
- C. **Public Access Required/Minimum Frontage.** The front lot line of all lots shall abut onto a publicly dedicated road right-of-way. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line. Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.
- D. **General Street Requirements.**
 - 1. **Street Design Plan.** Where new streets are proposed, a street design plan shall be submitted with a site plan for review and approval by the Planning Commission. All street design plans shall be reviewed and approved by the City Engineer prior to Planning Commission approval.
 - 2. **Street Width.** All streets shall be designed to allow sufficient access for emergency vehicles by providing a minimum of twenty-six (26) feet width of durable surface that is able to withstand the standard emergency vehicle equipment weight. All City right-of-ways shall be a minimum of sixty-six (66) feet.
 - 3. **Public Street Connections.** All new streets shall connect to an existing public street or be part of a new street network that connects to an existing public street, unless the only available street connection to the property is a private street.
 - 4. **Public Street and Right-Of-Way Standards.** Street and right-of-way standards as described herein shall be considered the minimum required for new streets and roads within the City of Hartford. These standards shall not preclude the City Engineer from requiring street or right-of-way conditions above and beyond the requirements of this Section.
 - a) **Dead Ends Prohibited.** Dead end streets are prohibited, unless the applicant demonstrates to the satisfaction to the Planning Commission, DPW, City Engineer, or other applicable entities there is a physical, legal, or environmental reason why a dead-end street is necessary. If constructed, a dead-end street shall end in a cul-de-sac or hammer head end. The design of which shall be subject to review and approval by the City Engineer and DPW.
 - b) **Gated Communities Prohibited.** All streets shall be open and available to the general public for access to the properties served by the street. Streets shall not be barricaded, gated, or blocked in any way to prevent access by the general public.

c) **Street Vacations.** All street vacations are subject to approval by the City Council.

d) **City Engineer and DPW Standards.** All street design standards not described by this Ordinance shall be subject to standards as established by the City Engineer and DPW.

e) **Permit Required.** All new construction, repairs, modifications, other applicable work related to streets, roads, alleys, sidewalks, driveway approaches, crosswalks, or curbs shall require a right-of-way permit issued by the City DPW.



5. **Utility Design Standards.** All underground utilities related to any road work within the City of Hartford shall be subject to review and approval by the City of Hartford Engineer and/or City of Hartford Department of Public Works.

6. **Private Streets.** Private streets shall be prohibited.

Section 9.4 PRIVATE ROAD REQUIREMENTS

Section 9.5 DRIVEWAY REQUIREMENTS

A. **Intent.** Unimpeded, safe access to parcels of land throughout the City is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

B. **Permit Required.**

1. A driveway permit shall be required for the construction or alteration of a driveway in the City of Hartford.
2. An application for a permit shall be accompanied by plans or drawings containing the following required information and include applicable design details.
 - a) North arrow, ROW, property lines, and existing physical features, including, but not limited to trees, shrubs, highway pavement, shoulders, ditches, utility poles, service boxes, fire hydrants, and other appurtenances.
 - b) Design features; including reconstructed, relocated, surfaced, resurfaced, and used or maintained drives with the following dimensions and features:
 - 1) Widths of driveways and distance from property lines
 - 2) Radii of driveway returns
 - 3) 90-degree angle of driveway relative to the highway centerline
 - 4) Dimensions of adjacent traffic lanes
 - 5) Driveway surface material
 - c) Distance from each existing and proposed driveway on the site to:
 - 1) Nearest intersecting street

- 2) Nearest driveway on adjacent properties
- 3) Street or driveway opposite the site
- 4) Property lines and the extension of property lines to the road centerline
- 5) Unobstructed sight distance from driveway to approaching road traffic
- d) Drainage:
 - 1) Depth of ditch
 - 2) Drainage structures and culverts
 - 3) Direction of surface water flow on or toward adjacent property
- e) Commercial driveway plans shall show additional information including existing contours and proposed grades and how storm water will be retained on site. Commercial driveway plans shall be drawn on 24 inches x 36 inches sheets and to a scale of not smaller than (1 inch =50 feet) horizontal and (1 inch =5 feet) vertical.

C. **Driveway Standards.** In addition to complying with the Van Buren County Road Commission Standards, driveways shall comply with the following minimum requirements.

1. **Number and Location.**

- a) Residential parcels with 300 feet of frontage or less shall be limited to one driveway unless a waiver of this restriction is granted by the Superintendent of the DPW.
- b) Driveways shall be no closer than 115 feet from the ROW line of the nearest cross street, as measured from the nearest edge of the driveway.
- c) Residential parcels with over 300 feet of frontage shall be allowed up to two driveways. Should staff review identify a potential problem because of traffic volume, sight limitation, or other reason in the public interest, only one driveway will be permitted. Corner residential parcels may be permitted access on the cross street with lower traffic volume and lower speed.
- d) Driveways shall either be aligned with those directly across the street or offset a sufficient distance to achieve the minimum spacing required by the City Engineer or DPW.

2. **Minimum Setback.** Driveways shall be set back a minimum of three (3) feet from any side or rear property line unless otherwise specified or required by the Superintendent of the DPW.

3. **Dimensions.** Driveways for Residential and Enterprise uses shall comply with the following width standards.

	Type of Driveway	Minimum Width
Residential	Driveways to individual detached residential units in a plat or site condominium	9 feet
	Driveways to individual detached lots not in a plat or site condominium	8 feet
	Driveways to single, two, three, and four-family attached units.	8 feet
Enterprise	Driveway serving two (2) or less parcels or buildings (e.g., office park)	26 feet
	Main access driveways for three (3) parcels or buildings	31 feet

4. **Access Management.** The City of Hartford highly encourages, and may require, cross-access connections to driveways since driveway access points are the main location so crashes and congestion. The location and spacing directly affects the safety and function of the City street network.
5. **Material and Construction.** Driveway approaches may be constructed of approved concrete, gravel, or HMA. However, driveways with a grade of 4% or greater shall be hard surfaced within the ROW. Types and quality of material will be specifically approved on the permit.
 - a) For the portion of the driveway within the ROW, the following minimum thickness for the driveway base and surface is required:
 - 1) Gravel – stabilized gravel compacted to a minimum thickness of 8 inches.
 - 2) Hot Mix Asphalt – 6 inches of compacted gravel base with 3 inches of asphalt placed in two layers
 - 3) Concrete – 2 inches of compacted gravel base with 6 inches of non-reinforced concrete or 2 inches of compacted gravel base with 4 inches of reinforced concrete.

Drainage. Driveways shall be designed and graded to prevent standing water, runoff onto adjacent properties, and obstruction of roadside drainage systems or ditches.

6. **Clear Vision Area.** A clear-vision area shall be provided at all commercial driveways entering onto a public right-of-way, free from obstructions and encroachments such as boulder, mailboxes fences, trees, shrubs, poles, signs, and other obstacles.

7.

	Type of Driveway	Minimum Width	Pavement Requirement
Residential	Driveways to individual detached residential units in a plat or site condominium	9 feet	Paved from front lot line to required setback
	Driveways to individual detached lots not in a plat or site condominium	8 feet	Paved from front lot line to required setback
	Driveways to single, two, three, and four-family attached units.	8 feet	Paved from front lot line to required setback
Enterprise	Driveway serving two (2) or less parcels or buildings (e.g., office park)	26 feet	Paved
	Main access driveways for three (3) parcels or buildings	31 feet	Paved

8.

Section 9.6 SIDEWALKS

- A. Sidewalks Required.** Sidewalks shall be required in conjunction with all new development or change of use. In new residential subdivisions and condominiums sidewalks shall be required on both sides of the street.
- B. Location and Width.** Sidewalks should be a minimum of ten (10) feet in width in the C2 and must maintain a minimum of five (5) feet of travel area. Sidewalks shall be a minimum of five (5) feet in width in all other zoning districts. Outdoor seating or outdoor sales may encumber up to five (5) feet of the ten (10) foot sidewalk with a Sidewalk Permit pursuant to Chapter 50, Section 2 of the City of Hartford General Law Ordinances. Larger seating areas, sidewalk sales or outdoor displays will require additional sidewalk width.
- C. Maintenance.** The City DPW shall be responsible for the maintenance, snow removal, removal of debris, and other applicable activities for all sidewalks within the City.
- D. Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the City of Hartford or Michigan Department of Transportation to allow sidewalk construction in a road right-of-way.

Section 9.7 STORMWATER MANAGEMENT

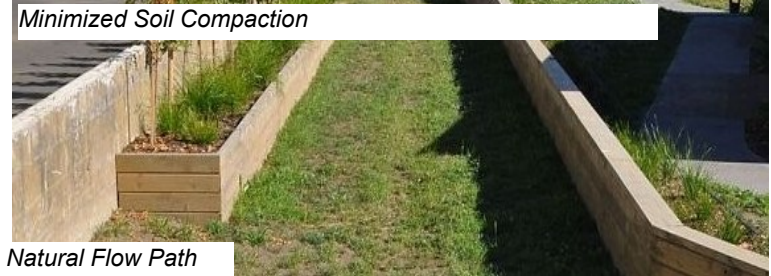
- A. Stormwater Plans Required.** Stormwater plans shall be compliant with the Van Buren County Drain Commission's Stormwater Permit requirements and Site Development Rules. Stormwater plans shall be required for site plan review. Stormwater plans shall include (but not limited to):
1. A signed seal from a licensed professional engineer.
 2. A scale no smaller than 1" = 100'.
 3. Name, address, telephone number of developer and engineer.
 4. Description of location.
 5. Location map.

6. North arrow, scale, legend.
 7. Number of acres to be developed.
 8. Property legal description.
 9. Information on utility easements (if applicable). Including dimensions, type, and name of grantee.
 10. Soil types, borings, and elevation.
 11. All existing and proposed site features (e.g., contours, roads, buildings, utilities, structures, etc.).
 12. Drainage details (e.g., drain system, bodies of water location and size, proposed drainage conditions, stormwater BMPs (best management practices), stormwater runoff discharge locations, etc.).
 13. A drainage map that clearly shows topography, sub-catchment boundaries, acreages and flow paths of tributary areas to each point of discharge from the development, including tributary areas originating outside of the development. Also identify tributary areas to inlets, culverts, and other stormwater BMPs.
 14. Documentation and/or calculations required to demonstrate an adequate outlet, including the dimensions/sizes and locations of upstream and downstream drainage routes and infrastructure.
 15. Calculations of stormwater rates and volumes for each point of discharge or treatment for pre-development and post-development conditions.
 16. Design summary report, including at a minimum: description of stormwater management plan for the site, identified contributing areas with land cover types, soils and runoff coefficients, times-of-concentration, runoff volumes, peak discharges, high water levels, sewer hydraulic grade line, required storage volumes, and volumes provided.
- B. Stormwater Nuisances.** Any surface or roof drainage which creates a structural or health hazard, or any other nuisance to the owners or occupants of adjacent premises, or to the public by reason of discharge into, onto or across an adjacent building, premises or public thoroughfare, shall be abated by the owner of the improperly drained area. The Code Official shall require the drainage to be disposed of in accordance with the provisions of the Plumbing Code listed.

Section 9.8 GREEN INFRASTRUCTURE REQUIREMENTS

- A. Intent.** It is the City of Hartford's goal to support, promote, and encourage green infrastructure elements in all building and site design. The City is supportive of mechanisms that utilize best practices in green infrastructure, known as Green Infrastructure Best Management Practices (BMPs). The City of Hartford is committed to sustainable and Low Impact Development building and site design.
- B. Green Infrastructure BMPs and Site Plan Requirements.** Green Infrastructure BMPs shall be used to the maximum extent applicable to comply with all stormwater management requirements as described by Van Buren County, the City Engineer, and the City DPW.
1. The following are green infrastructure BMPs for stormwater management and treatment techniques. All new construction in the City of Hartford shall be required to incorporate a minimum of two (2) of the following green infrastructure BMPs in the proposed building and/or site design. Other BMPs not listed below may be approved by the City Engineer or DPW. Refer to the images on the next pages.
 - a) **Pervious durable surfaces.** All paved areas shall be of permeable and durable surfaces.
 - b) **Rain gardens.** All landscaped parking lot islands shall be constructed as rain gardens.

- c) **Vegetated swales.** All applicable landscaped swales shall be vegetated.
- d) **Vegetated green roofs.**
- e) **Tree box filters and constructed filters.**
- f) **Vegetated filter strips.**
- g) **Minimized soil compactions.**
- h) **Natural flow paths**



1. Notwithstanding Subsection 5 below, the front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space that is unoccupied and unobstructed except for landscaping, plant materials, or vehicle access drives.
2. Off-street parking for one (1), two (2), and three (3) family dwellings and driveway accessing such parking shall be paved with concrete or bituminous material in a manner which is adequate to prevent washout from obstructing storm sewers and catch basins, in a manner which is adequate to provide safe access to the dwellings in question.
3. The off-street parking areas for one (1), two (2) and three (3) family dwellings and for any driveways accessing them shall be a minimum of eight (8) feet in width for their entire length and shall at a minimum extend between the public or private right-of-way and the required front setback line on each lot.
4. Residential driveways or off-street parking areas used for residential purposes may comprise up to fifty percent (50%) of the front yard area. Any residential off-street parking areas located in the front yard shall consist of porous/permeable pavement.
5. Residential front, side, and rear yards may consist of native plant materials. In no case shall any plant obstruct line-of-sight distances for vehicular, bicycle, or pedestrian travel.

Article 10. SIGNAGE

Section 10.1 Purpose and Intent.

The provisions of this section shall govern the construction alteration, repair, and placement of all signs and outdoor display structures together with their appurtenant and auxiliary devices in respect to structural and fire safety, height area, setbacks, and location.

The intent of this section includes the regulation of signs and outdoor advertising so as to enhance the overall aesthetics within the city, as well as to enhance traffic safety. This is accomplished through regulation that allows and provides a means of communication that is both attractive and safe for pedestrian as well as vehicular traffic. To achieve this purpose, the following objectives are outlined:

- A. To control the location of all signs in a manner which will not obscure the signs of adjacent businesses and establishments.
- B. To keep the signs at a reasonable height and scale to ensure their legibility and compatibility with their surroundings.
- C. To prevent off-premises signs from conflicting with business, residential and public land uses.
- D. To keep street intersections clear of signs which might obstruct or distract the view of motorist.
- E. To restrict the proliferation of signs that will result in an inappropriate use of land.
- F. To prevent visual pollution and improve the appearance of the city.
- G. To prevent the obstruction of light, sunshine and air.
- H. To safeguard and enhance property values, protect private and public investment in buildings and open spaces, and to protect health, safety, and general welfare.
- I. To restrict excessive and confusing sign displays that do not relate to the premises on which they are located.

Section 10.2 General Requirements.

- A. **Permit Required.** Unless specifically indicated otherwise, a sign may not be constructed or erected unless a permit has been issued by the City. Refer to Section 22.10 for permit requirements and processes.
- B. **Signs in the public right-of-way.** Only those signs maintained by the city, county, state, or federal governments may be located in, project into or overhang a public right-of-way or dedicated public easement. No permits shall be issued building official for any nongovernment sign that will project over or into public right-of-way or dedicated public easements until a review building official is conducted.
- C. **Measurement of Sign Area.** For the purposes of determining compliance with the sign area requirements of this Article, sign area is calculated as follows:
 - 1. Measurement of a sign includes the entire area within a circle, triangle, parallelogram, or polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together

with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower.

2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

3. In the case of a sphere, the total area of the sphere shall be divided by four to determine the maximum permitted sign area.

D. Changeable Message Signs. Changeable Message Signs are any sign that includes a changeable copy area, either through physical means such as moveable letters or numbers, or electronic means through lighting or other effects. Readerboard signs are subject to the following regulations:

1. Change cycle. The message displayed on signs with an electronic readerboard area may change a maximum of once every 12 seconds. No message or image on an electronic readerboard sign may flash, move, be animated or use similar methods to attract attention.

2. Changeable copy area. The maximum changeable copy area for any site is 20 square feet.

E. Maintenance. Every sign permitted in this ordinance shall be kept in good condition as to repair and maintenance, as determined by the building official.

F. Compliance and measurement. Unless otherwise specifically outlined in the ordinance, all signs and outdoor display structures shall conform to the provisions of this ordinance as it relates to structures in report to height, setbacks and location. For purposes of determining setback, the area shall be measured from that portion of the sign that is the closest to the property line.

G. Signs permitted as accessory use. Signs are permitted when accessory to a permitted use, except for billboards which are a principal use.

H. Unsafe and unlawful signs.

1. All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the city. In event of conflict between this Code and other laws, the most restrictive shall govern.

2. All signs shall be so placed as to not interfere with visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or pedestrian movement on any public sidewalk or safety path.

3. No sign shall be erected, relocated, or maintained so as to obstruct fire fighting or prevent free access to any door, window, or fire escape.

4. When any sign becomes insecure, in danger of falling or otherwise unsafe or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm maintaining same, shall on written notice from the building official, forthwith in the case of immediate danger and in any case within not more than ten days, make such sign conform to the provisions of this ordinance, or shall remove it.

5. In situations when an improperly placed sign is obstructing the point of ingress to or egress from a building or structure, the building official shall notify the owner or lessee of the building or structure, or the contractor, whoever shall be deemed responsible by registered or certified mail, informing them of the hazardous nature of such sign and such hazard shall be corrected within ten days after the receipt of the notification.

6. In situations where the placement and/or location of any sign that presents a danger to pedestrians or vehicular traffic, the chief of police or his/her designee shall notify the owner thereof, lessee or person having charge of the sign to cause the immediate relocation of the sign so as to alleviate the danger to the public.

I. **Temporary and emergency safeguards.** When there is a danger of actual and immediate collapse or failure of a sign or display structure or any part thereof which could endanger life, the department of public works shall remove such sign or display structure, whether or not the legal procedure herein described has been instituted. Costs incurred in the performance of such emergency work shall be paid by the municipality and the legal authority of the municipality shall institute appropriate action against the owner of the premises where the unsafe sign or display structure was located for the recovery of such costs. The owner of the premises shall be liable to the municipality for the full costs of such work.

J. **Enlarging, reduction, or relocating signs.** No sign shall be enlarged, reduced in size, or relocated except in conformity to the provisions of this ordinance nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of the original approval and the requirements of this ordinance are not violated.

K. **Illumination.** No sign shall be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code. In no case shall any open spark or flame be used for display purposes unless specifically approved by the building official and the city fire chief or his/her designees.

1. In no case shall any sign illumination exceed a level of illumination of 0.08 foot candles, and a luminous brightness of 2,400 feet lamberts, when measured from the nearest or adjacent residential zoned property.

2. Illuminated signs shall not be erected or maintained closer than 75 feet to a residential use district on which there exist structures used for residential purposes. Also, all lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent residential zoning districts. Further, these signs shall be so arranged so as to not adversely affect driver visibility on adjacent thoroughfares.

3. The director of the department of public works and services is hereby authorized to order a change in the type of illumination of red or green neon signs, which conflict with traffic lights in the city.

4. No sign shall have blinkers, flashers, or fluttering lights or other illuminating device which has a changing light intensity or brightness of color. Beacon lights are not permitted. Electronic Changeable Message Signs shall be permitted, subject to the requirements of 22.2.D.

5. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

L. **Substitution.** Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Article may contain a non-commercial message.

M. **Obstruction Prohibited.** No sign shall be placed so as to obstruct any fire escape, required exit way, window, or door opening used as a means of passage or as access for firefighting purposes.

Section 10.3 Exempt Signs.

The following types of sign are permitted without requirement for a permit, subject to any listed standards:

A. **Address signs.** Address numbers legible from the street and one nameplate sign not exceeding two square feet in area indicating name of occupant(s) is permitted per lot.

B. **Commemorative signs.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

C. **Directional signs.** Signs providing traffic or property use direction may be permitted in any nonresidential district. Such signage shall have a maximum total area of 40 square feet of sign face per property, and no single sign shall exceed ten square feet of sign face area. Entry and exit signs are allowed provided the signs are two feet from any front lot line and 20 feet from any side or rear lot line of an adjacent residential district. Horizontal directional signs on and flush with paved areas are exempt from these standards.

D. **Non-Residential Uses in Residential Districts.** A sign identifying a legally established nonresidential use located entirely within the premises of that use, up to an area of 24 square feet. Such signs may be illuminated in accordance with the regulations contained hereinafter. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

E. **Murals** are a design or representation painted or drawn on the exterior surface of a structure with no readily discernible message and which does not advertise a business, product, service or activity. Murals are exempt from any sign area requirements of this ordinance and shall not be included in calculations for allowable sign area. Painted designs or representations determined to be advertising shall be subject to the calculations for allowable building mounted sign area. F. **Occupant signs.** Signs limited in content to name of occupant, address of premises, and signs of danger of a cautionary nature which are limited to: wall and ground signs, no more than two per street front; no more than four square feet per sign in area; no more than ten feet in height above grade, signs which may be illuminated only from a concealed light source which does not flash, blink, or fluctuate; and which are not animated.

G. **Temporary message signs.**

1. Location. Temporary message signs shall be confined into private property, and shall be set back from any property line 10 feet or half the setback applicable to a primary building in the zoning district, whichever is greater.
2. Display Period. Temporary message signs shall be removed within 14 days of completion of the event to which they pertain.
3. Size and Height. Temporary message signs shall not exceed an area of 5 square feet or a height of 4 feet.

H. **Parking lot identification signs.** Signs located in parking lots to identify limitations on the use of parking spaces, such as "customer parking," "reserved parking," or to identify barrier free accessible spaces are permitted, subject to the following:

1. The signs shall identify limitations on parking space use only and shall not contain commercial messages of any kind.
2. The signs shall have a maximum area of 1.5 square feet (a typical accessible barrier free parking space sign has a dimension of 1 foot x 1.5 feet).

I. **Public signs.** Signs of a noncommercial nature and in the public interest, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, identification signs announcing public recreational facilities or activities, signs for public buildings or uses, and the like.

J. **Real estate signs.**

1. In Residential Districts. Signs advertising premises for sale are permitted, and shall have a maximum area of six square feet for a single dwelling or building or vacant land. Permission to locate such sign shall be obtained from the owner or occupant of property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of such sign.

2. In Nonresidential Districts. Signs advertising the sale, rental or lease of the premises on which the signs are displayed are permitted with a maximum total area of 12 square feet. Such signs shall be removed within 14 days of the sale, rental or lease. Additional signs for directional purposes only shall be allowed.

K. **Rental signs** on the premises announcing rooms for rent, apartments or houses for rent shall not exceed one square foot in area in an any residential district.

L. **Seasonal decorations** that do not convey a commercial message are not considered signage and shall not require a permit.

M. **Signs within buildings.** Any sign placed inside a building may be erected without a permit but subject to the safety regulations of the building code, provided that any sign permanently attached to the interior of the structure and visible from the exterior thereof shall comply with the provisions of this section.

N. **Small signs.** Signs not exceeding one square foot in area, attached flat against the building, stationary and not illuminated, announcing only the name and occupation of building tenant.

O. **Street signs.** Signs erected by the city, county, state or federal government for street direction or traffic control.

P. **Vehicles.** Signs on vehicles of any kind, providing the sign is painted or attached directly to the body of the original vehicles and does not project or extend beyond the original manufactured body proper of the vehicle.

Q. **Window Signs.** Window signs that occupy not more than 25 percent of the inside surface of the window area of each floor level of a business or building are permitted.

Section 10.4 Prohibited Signs.

The signs and sign elements are prohibited in all zoning districts:

B. **Hazard Generating Signs.** Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stops," "go slow," "caution," "danger," "warning," or similar words.

C. **Traffic Sign Mimicry.** Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.

D. **Obsolete or Abandoned Signs.** Signs that advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located; signs with no face or no copy; faded or peeling wall signs; or signs in poor physical condition.

E. **Mechanical or Kinetic Signs.** Signs that contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices; or signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation.

F. **Portable Signs.** Signs that are designed to facilitate the movement of the sign from one location to another. The sign may or may not have wheels, changeable letters, and/or hitches for towing.

G. **Parasite Signs.** Signs that are affixed to trees, public or private utility poles, rocks, shrubs, or abandoned building or structures.

Section 10.5 Signs Permitted by Zoning District.

Signs requiring a permit include ground signs, building mounted signs, development entry signs, alley signs, and billboard signs. Such signs are subject to the requirements of this Section.

Note that signs in the C-C, G-O-T, MUD, and TC special purpose districts are subject to the sign requirements of the C-2 district.

A. **Where Permitted.** Ground signs, building mounted signs, development entry signs, alley signs, and billboard signs are allowed with a permit.

B. **Ground Signs.** Ground signs are subject to the area and placement regulations of the following Table and the design standards of this section.

Table XX: Dimension and Location Standards for Ground Signs

Zoning District	Number Permitted	Maximum Area	Maximum Height	Minimum Setback
AR, LDR, TLDR, MDR, MHDR, MHP	1 per home occupation	1 sq.ft.	4 feet	10 feet from property line or 1/2 of the front yard setback for the district, whichever is greater
C1	1 per street frontage	80 sq. ft.	8 feet	No minimum setback
C2	1 per street frontage	50 sq. ft.	5 feet	10 feet from any property line
LI	1 per street frontage	80 sq. ft.	10 ft.	1/4 of the minimum front yard setback for the district ⁽²⁾
HI	1 per street frontage	80 sq. ft.	10 ft.	1/4 of the minimum front yard setback for the district ⁽²⁾

¹ Shared Parking Areas. Where more than one tenant or building share a single parking area the maximum area of the sign may be increased by 20 square feet for each additional use.

² Sign Setback on Constrained Lots. In situations where the front setback requirement cannot be adhered to due to the location of the building, ground signs shall be set back 1/4 of the available front yard area.

Design Standards Applicable to All Ground Signs:

1. Corner Clearance. In addition to any applicable sign setback requirements, all ground signs must comply with the clear vision area requirements of [INSERT CLEAR VISION AREA SECTION REFERENCE].

2. Materials. Ground signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred sign construction materials.
3. Landscaping. Low level landscaping should be provided around the base of the sign, but shall not obscure any part of the sign message.
4. Drive-Through Signs. Any use that includes a drive-through is permitted to have signs that relate to the drive-through facility, such as menu order board signs or information signs. The drive-through signs may have a maximum height of seven feet and a maximum area of 32 square feet per drive-through use, and shall not be included in the computation of total sign area or quantity for the parcel unless such boards are legible from a point of observation off the premises. All freestanding drive-through signs shall be monument-style signs with a decorative base at least as wide as the sign.
5. Site Plan Review Required. No ground sign may be erected, expanded, or developed until the Planning Department has administratively reviewed and approved its location. For the **C2 district**, no ground sign may be erected, expanded, or developed until the Planning Commission has reviewed and approved its location.
6. Community and Institutional Uses in Residential Districts are permitted to have a ground sign that complies with the requirements applicable in the C-O district.

C. Building Mounted Signs. Building mounted signs are subject to the following standards:

1. Maximum Area. Each building may have building mounted signs with a maximum total area as follows. Where more than one tenant share a building, there shall be permitted one wall sign per tenant. The wall sign shall be allocated on a generally equal basis with the total area of all signs not exceeding that permitted in the district.

Zoning District	Maximum Number per Street Frontage	Maximum Area	Buildings or uses with more than one street frontage
A, TLDR, MHP, LDR, MHDR	-	2 square feet per lineal foot of ground floor frontage or 50 square feet, whichever is less.	May have additional wall signs with an area equal to 50% of that permitted for the primary frontage.
C1	-	3 square feet per lineal foot of ground floor frontage or 80 square feet, whichever is less.	May have additional wall signs with an area equal to 50% of that permitted for the primary frontage.
C2	-	2 square feet per lineal foot of ground floor frontage or 100 square feet, whichever is less.	May have additional wall signs with an area equal to 50% of that permitted for the primary frontage.

Zoning District	Maximum Number per Street Frontage	Maximum Area	Buildings or uses with more than one street frontage
Enterprise District?	Single occupant building – 1 Multi-tenant building—1 per tenant	1 square foot for each one foot of lineal building frontage or 100 square feet. In multi-tenant buildings, the wall sign shall be allocated on a generally equal basis with the total area of all signs to be limited to one square foot for each one foot of lineal building frontage, with a total surface area not exceeding 100 square feet in area.	-
LI, HI	-	15 percent of building facade area not to exceed 200 square feet maximum.	

2. Location.

a. *In All Districts.* Wall signs shall be attached directly to the building wall and the horizontal sign surface shall be parallel to the building wall.

b. *In Commercial Districts.* Building mounted signs shall only be located on a facade of the building that faces a street, an abutting parking area, vehicle circulation area that provides access to more than one parcel, or on a facade where a public entrance is located.

3. Wall Sign Projection. No sign shall project above any wall it is placed upon nor shall it project out from the wall more than six inches.

4. Wall Openings. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

5. Awning Signs. Sign lettering or logos may comprise up to 35% of the total exterior surface of an awning. Awnings with back-lit graphics or other kinds of internal illumination are prohibited.

6. Supports and Attachments. All signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws.

7. Clearance. Wall signs that project more than three inches from the surface of the wall shall maintain not less than 8 feet of clearance above a public sidewalk and a minimum of 15 feet above public driveways, alleys, thoroughfares, or easements, measured from ground level to the bottom of the sign.

8. Projecting Signs. The aggregate area of all wall and projecting signs per building or site shall not exceed the maximum permitted in the district.

a. *Projection.* Projecting signs may extend up to 4 feet, measured from the wall to which it is attached to the outer surface of the sign, or one-third of sidewalk width, whichever is less.

b. *Ground Clearance.* Projecting signs, including the sign face and all structural supports, shall maintain a minimum clearance of 8 feet above a public sidewalk and a minimum of 15 feet above public driveways, alleys, thoroughfares, or easements. Such clearance shall be measured from ground level to the bottom of the sign or any structural supports thereto.

c. *Maximum Area.* Projecting signs may have a maximum area of 12 square feet.

d. *Materials.* Projecting signs, including supports, shall be constructed out of wood or metal. Internally lit plastic signs are prohibited.

D. **Development Entrance Signs.** In any zoning district, subdivisions of single and two-family homes, housing complexes of more than one apartment or townhouse building, or commercial or industrial subdivisions with more than one parcel are permitted signs identifying the subdivision or housing complex. The size of such signs shall not exceed 200 square feet in area or 10 feet in height. Only one development entrance sign is permitted per street bordering or entering the subdivision, and each sign shall be set back a minimum of ten feet and shall be located wholly upon the premises.

E. **Alley Signs.** Any business with an entrance on an alley shall be permitted additional wall sign area of one square foot per linear foot frontage solely for signs facing such alley.

F. **Billboards.**

1. Where Permitted. Billboards may be established in the **M-1 and M-2 districts.**

2. Planning Commission Site Plan Approval Required. No billboard sign shall be erected, expanded, or developed until the planning commission has reviewed and approved its location in accordance with the site plan review process outlined in [INSERT SITE PLAN REVIEW CHAPTER/SECTION], in addition to the standards of this section.

3. Spacing. Billboards shall comply with all of the following spacing standards:

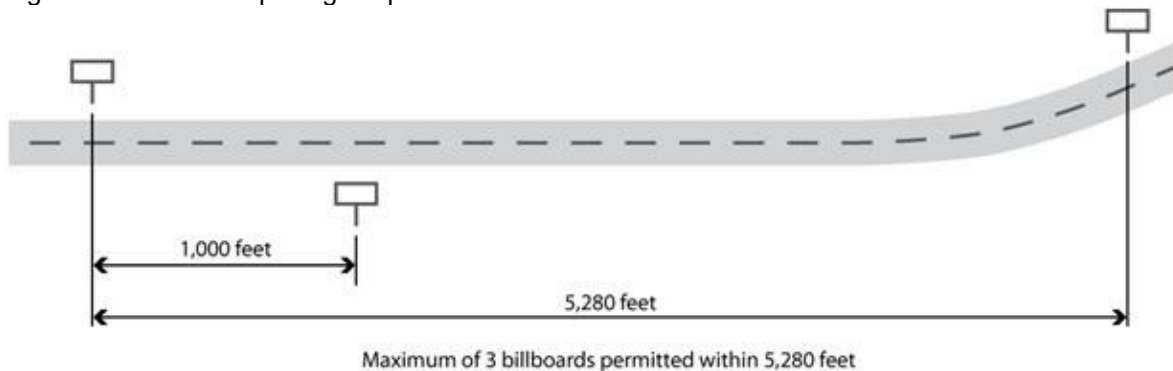
a. *Total per mile.* Not more than three billboards may be located within one linear mile of one another, regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the municipal corporate boundaries of the city where the particular street or highway extends beyond such boundaries. See Figure 11.

b. *Spacing between billboards.* No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway. See Figure 11.

c. *Set back from residential districts.* No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.

d. *Set back from property lines.* No billboard shall be located closer than 30 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.

Figure 11. Billboard Spacing Requirements



4. Sign Area. The surface display area of any face of a billboard may not exceed 300 square feet.
5. Maximum Height. The height of a billboard shall not exceed 40 feet above the grade of the ground on which the billboard sits, or the grade of the abutting roadway, whichever is higher.
6. Double-faced billboard structures (i.e., structures having back- to- back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
7. Tandem or Stacked Billboards Prohibited. Billboard structures having tandem or stacked billboard faces (i.e., two or more parallel billboard faces facing the same direction with one face being directly above the other) are prohibited.
8. Roof Billboard Signs Prohibited. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
9. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights; rotating or oscillating lights; animated display panels that move; or video, LED, or similar screens that are designed to display video images, scrolling or animated text or graphics, or other similar effects that can unduly distract drivers and endanger the public health, safety and welfare.
10. Construction and Maintenance. 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. Compliance with Federal Regulations. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA106, as amended) bordering interstate highways, freeways, or primary highways as defined in such Act shall, in addition to complying with the above conditions, as permitted by the state act shall also comply with all applicable provisions of such act and the regulations promulgated thereunder, as such may from time to time be amended.

Section 10.6 Temporary Signs.

A. Temporary sign construction standards.

1. Standards. No temporary sign consisting of a display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary materials, with or without a structural

frame, shall be erected onto the facade of any non-residential commercial structure, except as permitted by subsection 2, below.

2. When Permitted. The City may issue a permit for temporary signs of the type described in the preceding subsection 1 for a period of 30 days after the commencement of a new business at the location where the temporary sign will be located. The purpose of this provision is to allow new businesses to have appropriate signs while making arrangements for permanent signs. Any such temporary signs shall comply with the area and dimension requirements applicable to a wall sign in the district where they are located.

B. Temporary window signs. A business shall be permitted temporary exterior window signs which occupy not more than 25 percent of inside surface of the window area of such business. No such sign shall be displayed for more than 30 days in any 60-day period.

C. Construction signs and street banners. The following signs may be permitted for a period of 180 days and renewable for additional 60 days periods, by approval of the building official, or his/her designee, except as specified below.

1. Construction signs that identify the architects, engineers, contractors and other individuals of firms involved with the construction, but not including any advertisement of any product, and signs announcing the character of the building enterprises for the purpose for which the building is intended, during the construction period, to a maximum area of 16 square feet for each firm. The signs shall be confined to the site of the construction and shall be removed before any occupant permits are issued.

2. Street banners that advertise a public entertainment or event, if specifically approved by the director of the department of public works and services and only for locations designated by the director of the department of public works and services, during and for 14 calendar days before and seven calendar days after the event.

D. Cold air inflatable balloon signs. Cold air inflatable balloon signs are permitted in C1 General Business, LI Light Industrial and I Industrial districts. These signs shall be firmly attached to the commercial establishment of which the advertisement is intended, and can be in place for a period not to exceed 30 calendar days.

E. Development signs. Temporary signs announcing the names of architect, engineers, contractors, or other individuals involved with the subdivision or development of property shall be confined to the site of the subdivision and shall be permitted for one year from the date of erection. If development of the subdivision is not completed within one year, the sign shall be permitted to exist an additional period not to exceed one year. Temporary inflated markers or signs are prohibited as permissibly temporary signs.

F. Construction signs. Any sign announcing the names of architects, engineers, contractors, or other individuals involved with the construction, alteration or repair of a building (but not including advertisement of any products) or announcing the character of the building enterprises or the purpose for which the building is intended. Such signs shall be confined to the site of construction and shall be removed within 21 days after completion of the work. Signs shall conform with standards for subdivision signs.

Section 10.7 C-2 District Sign Design Review Procedures.

All signs erected in a C-2 Central Business District shall be subject to design review approval by the DDA design committee.

A. Submittal Requirements. The applicant shall submit five copies of the following to the building official, all of which shall be under the seal of a registered architect, or members of American Institute of Graphics Arts, or a member of the Graphic Arts Association.

1. *Location plans:* Site plan of signs within the central business district shall indicate zoning district and location in the downtown.

2. *Sign design plan.* A detailed description of the sign, including elevation, scale, to not less than one-half inch equaling one foot, description of the materials to be used, and script, with a colored rendering of the layout of the proposed sign.

B. **Design review.** The planning administrator shall present the application with the above information (design review approval) to the downtown development authority, who shall review and approve/disapprove the proposed sign application. In making its decision, the DDA design committee record shall be expressed in writing and/or drawings as to the findings of fact and the reason for decision, with a statement of any conditions or limitations to which an approval or denial is subject to. In granting an approval, the DDA design committee shall make a findings or shall prescribe appropriate conditions and safeguards where applicable to insure the following:

1. The relationship of roadways, sidewalks, parking areas, and other right-of-way, to parking areas in the proposed development and to other right-of-way, both existing and proposed, adjacent to the site and on adjoining parcels, is conducive to the safe, efficient and expeditious movement of vehicular and pedestrian traffic, thereby avoiding undue traffic congestion and promoting public safety.
2. All signs shall be placed in a manner so as to be readily accessible, via public right-of-way, to fire and police protection, and that in any event, no structure shall be placed more than 500 feet from a public right-of-way, unless the accessibility of fire and police protection is otherwise assured.
3. The proposed sign will be compatible with the surrounding neighborhood to the extent that it will not adversely effect the development of adjacent or abutting properties.
4. The proposed sign will conform to all requirements and provisions of this ordinance.
5. The location of all proposed landscaping, fences, and lighting are shown, and are not incompatible with, or detrimental to, nearby properties or uses.
6. The height and dimensions of all signs are shown, and are not incompatible with, or detrimental to, nearby properties or uses.

Section 10.8 Nonconforming Signs.

A. **Legal Nonconforming Signs.** Signs existing at the time of enactment of this ordinance and not conforming to its provision, but which were constructed in compliance with previous regulations shall be regarded as legal nonconforming signs and may continue to exist when maintained in good condition, but may not be:

1. Changed to a different nonconforming use unless such different use is found by the board of appeals appointed and acting under this ordinance, as amended, to be no more detrimental than the previous use.
2. Re-established after discontinuance for more than 12 months.
3. Extended, enlarged, relocated, or structurally altered.

B. **Unsafe or Unlawful Signs.** Signs that are classified as unsafe or unlawful as discussed in [INSERT REFERENCE?] shall be considered illegal nonconforming signs.

1. Any sign existing in violation of section 22.4 (prohibited signs) of this ordinance shall be classified as illegal nonconforming signs and shall be removed, attended, or repaired in accordance with this ordinance.

Section 10.9 General Structural Requirements.

All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the city building code and the requirements of this section. All sign installations shall be performed by an insured contractor authorized under the Michigan Construction Code.

Section 10.10 Permits and Fees.

- A. Filing plans and specifications and applications for permits.
 - 1. Before any permit is granted for the erection of a sign or outdoor display structure, plans and specifications shall be filed with building official showing the dimensions, materials and required details of construction including loads, stresses, and anchorage.
 - 2. Application for sign permits shall be made upon forms provided for this purpose and shall be filed, along with the plans and specifications, building official
- B. Issuance of permits.
 - 1. No new sign shall hereafter be erected, constructed, altered or maintained except as herein provided and until after a permit has been issued by the building official. No permit shall be issued unless the sign complies with all of the requirements of this ordinance and all requirements of law and codes and ordinances of the city.

Section 10.11 Enforcement and Inspection.

- A. **Enforcement Official.** This ordinance shall be administered and enforced by the building official. The director of the department of public works and services shall be authorized to administer and enforce sign provisions which involve the public right-of-way or public easements.
- B. **Inspection Required.** All signs, signboards, projecting signs, roof signs, and marquees, for which a permit has been issued shall be inspected by the building official and if found to have been well constructed, supported, braced and painted in accordance with approved plans submitted and in accordance with the provisions of this ordinance, then a certificate of inspection shall be issued, upon request, without charge to the owner or erector.
- C. **Concealed Anchorages.** In cases where fastenings, anchorages, etc., are to be installed and bricked in or enclosed in such manner that the inspector cannot easily remove material to see anchorage, or fastenings and materials used, the sign erector who has secured the permit for such erection must advise the building official when such will be installed and stop further construction or erection of sign until such concealed anchorages are seen or approved by the building official.
- D. **Unsafe or Improper Construction or Installation.** Should any new sign erection of any kind be found unsafe, insecure, improperly constructed or not in accordance with approved plans or the requirements of this ordinance, the sign erector shall be required to make any such erection safe, secure and according to requirements of this ordinance or entirely remove the sign within 48 hours from the time of notification, in writing, to that effect by the building official.
- F. **Removal of Illegal Signs Located within the Public Right-of-Way.** The director of the department of public works and services, in the event of violations, shall cause the removal of any unauthorized signs from the public right-of-way.

Article 11. SITE PLAN REVIEW

Section 11.1 SITE PLAN REVIEW AND APPROVAL

- A. A site plan review procedure is hereby established for the City of Hartford. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the City, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures, additions, or alterations thereto without proper attention to siting and appearance.

Section 11.2 SITE PLAN REQUIRED

- A. Except as provided in the following sections herein, the development of any new use, the construction of any new structures, any change in existing use of land or structure, and all other building or development activities shall require site plan approval by the City of Hartford Planning Commission pursuant to this Section. For example, site plan review shall be required for any of the following activities (but not limited to):
1. Erection, moving, relocation, conversion, or structural alteration to a building or structure to create additional floor space, other than a single-family or two-family dwelling.
 2. Any development which would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as, for example, a single-family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single-family units.
 3. Development of all non-single family or two-family residential uses.
 4. Any change in use that could affect compliance with standards set forth in this Ordinance, other than for single-family and two-family residential uses.
 5. Expansion or paving of off-street parking involving twenty (20) or more spaces and/or change in circulation or access for other than a single-family or two-family dwelling.
 6. Any excavation, filling, soil removal, or creation of ponds.
 7. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family or two-family residential dwelling.
 8. Any use or development for which a submission of a site plan is required by the provisions of this Ordinance.

Section 11.3 SITE PLAN NOT REQUIRED

- A. Notwithstanding the preceding Section above, site plan approval by Planning Commission is not required for the following activities:
1. Construction, moving, relocating, or structurally altering a single-family or two-family home, including customarily incidental accessory structures.
 2. Any excavation, filling, soil removal, or creation of ponds that is less than one half (1/2) acre in area and less than fifty (50) cubic yards, provided that such activity is normally and customarily incidental to single-family or two-family uses described in this Section for which site plan approval is not required.
 3. Construction involving only interior improvements where there is no change of use.
 4. Construction of an accessory building which has a floor area of no greater than seven hundred and sixty-eight (768) square feet, where no new means of access from a public road is required, and where the proposal complies with applicable zoning requirements.

Section 11.4 SUBMISSION REQUIREMENTS

- A. Site plans shall be submitted to the Zoning Administrator or their designee per the site plan review schedule adopted by the City Council.
- B. All site plan reviews shall use the following procedures:
1. The Planning Commission shall review the site plan when the City Zoning Administrator, or their designee, finds the application to be complete and ready for a decision by the Planning Commission. The Planning Commission may elect to postpone or table a decision.
 2. The Planning Commission shall approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the standards described in this Article.
 3. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing.
 4. All copies of an approved site plan, with or without conditions, shall contain the signatures of the Chairperson of the Planning Commission and the applicant.
 5. Of the site plan copies submitted, one (1) shall be kept on file by the Planning Commission, one (1) retained by the City Clerk, one (1) given to the Zoning Administrator, and one (1) returned to the applicant.
 6. A complete digital copy of the full site plan submittal, including all drawings, documents, and supporting materials, shall be provided in a format acceptable to the City. The digital copy shall be retained as part of the official record.
- C. The following information shall accompany all plans submitted for preliminary and final review:
1. A legal description of the property under consideration.
 2. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 3. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan, including a stamped and signed seal from licensed professionals, as applicable.

4. Drawing or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

D. Information Required. The following information shall be included on site plans submitted for final approval:

1. A scale of not less than 1" = 40', if the subject property is less than three (3) acres, and 1" = 100', if it is three (3) acres or more.
2. A schedule for completing the project, including the phasing or timing of all proposed developments.
3. Date, north point, and scale.
4. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
5. The siting of all structures on the subject property and abutting properties.
6. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
7. The location of all existing and proposed drives, driveway widths, site circulation, and parking areas with the number of parking and/or loading spaces provided. This includes parking calculations.
8. All pedestrian walks, malls, or open areas.
9. Location and height of all walls, fences, and screen plantings.
10. A landscaping plan showing the number of plants (with calculations in tabular format), type of plants, irrigation details, maintenance and planting schedule, and other applicable details.
11. Lighting plan details, including proposed fixture type(s), height of ground mounted fixtures, illumination details, and a photometric plan.
12. The location and right-of-way widths of all abutting streets.
13. Types of surfacing, such as paving, turfing, or gravel to be used at the various locations.
14. For new site development a grading plan with topographic elevation of at least two foot (2') contours in the area, showing method of storm drainage into city storm sewer system, through catch basins. Site plans for Manufactured Housing communities are exempt from this provision; however, the preliminary plan must show sufficient on-site stormwater retention from impermeable surfaces within the development for the EGLE regulated 24-hour, 25-year frequency rainfall for western Van Buren County.
15. Size and location of proposed sewer and water lines and connections. (Size, capacity, and location of connections required on preliminary site plans for manufactured housing communities).
16. For multiple family developments, the number of proposed units.
17. Significant environmental features such as wetlands, shoreline, streams, woodlots, existing trees, and vegetation.
18. Information as may be required by the Planning Commission or City Zoning Administrator, or their designee, to assist in the consideration of the proposed development.
19. For all Industrial Special Use applications, an environmental impact assessment is required. For all other Special Uses an environmental impact assessment may be required.

Section 11.5 REVIEW PROCEDURES

- A. In order that building, open space, and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise, and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one or more of such criteria are inapplicable. The Planning Commission may require an environmental impact study or traffic impact study for any of the below listed criteria:
1. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
 2. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining properties, and the type and size of buildings. The site shall be developed so as to not impede the normal and orderly development or improvement of surrounding properties for uses permitted by this Ordinance.
 3. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
 4. Appropriate measures shall be taken to ensure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the City Engineer.
 5. The vehicular transportation system shall provide for circulation throughout the site for efficient ingress and egress to all parts of the site by fire and safety equipment.
 6. Pedestrian walkways shall be provided as deemed necessary by The Planning Commission for separating pedestrian and vehicular traffic.
 7. Recreation and open space areas shall be provided in all multiple-family residential developments.
 8. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density, and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
 9. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in the Zoning Ordinance and as deemed appropriate by the Planning Commission.
 10. The applicant shall provide details pertaining to the proposed locations and mechanisms for on-site storage space related to the proposed use.
 11. Security measures shall be provided as deemed necessary by public safety personnel for resident protection in all uses, other than single- or two-family residential uses.
 12. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures and surrounding properties.
 13. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided.

14. Any use in any zoning district shall comply with applicable Federal, State, County, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and toxic and hazardous materials.

B. **Optional Pre-Application Conference.** In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the Zoning Administrator and other applicable City Staff and/or officials. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. At any time during the course of preparation of a site plan prior to submission of a formal application, the City will upon request provide information concerning the Zoning Ordinance procedures and standards.

Section 11.6 SITE PLAN APPROVAL

A. The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission feels should be imposed.

1. The Planning Commission shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances.
2. The Planning Commission shall have the function and power to request additional professional review from the City Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therein.
3. The Building Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the City Council shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the City Council. After conclusions of such review the City Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.

Section 11.7 SITE PLAN MODIFICATIONS

A. Any structure, use or field change added subsequent to the initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Building Inspector/Zoning Administrator shall not invalidate prior site plan approval.

B. **Minor Change.** Minor changes to an approved final site plan may be authorized by the Zoning Administrator, or their designee, without prior Planning Commission review.

1. Examples of minor changes include the following:

- a) Minor variations in concept of design of the development which are determined by the Zoning Administrator not to be major changes.
- b) A reduction in parking lot size, or an expansion of a parking lot by not more than ten (10) spaces;
- c) Increases or decreases of residential or non-residential floor areas by not more than ten percent (10%) or 1,000 square feet, whichever is greater, excluding properties subject to Architectural Design standards set forth in [Section 11.8](#).

- d) A change in the location of a proposed building or structure of not more than ten (10) feet, provided that all setback and other dimensional requirements continue to be satisfied, and excluding properties subject to Architectural Design standards set forth in [Section 11.8](#).
 - e) Increases or decreases in planned elevations of finish grades, or changes in the area or materials of paved areas, which affect less than five hundred (500) square feet or five percent (5%) of the total lot area, whichever is less, excluding properties subject to Architectural Design standards set forth in [Section 11.8](#).
 - f) Increases or decreases or changes in type, height, or length of walks, fencing, berms, or screen plantings, excluding properties subject to Architectural Design standards set forth in [Section 11.8](#).
 - g) Additions or deletions of permitted accessory uses to the principal uses permitted by the approved site plan.
 - h) Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate their installation.
 - i) A change in building materials to materials of comparable or higher quality.
 - j) Replacement of plant material specified in an approved landscape plan with comparable materials.
2. The Zoning Administrator may, in his or her discretion, refer any proposed minor amendment to the Planning Commission for review and decision in the same manner as the original site plan review, including, without limitation, where the proposed amendment, although otherwise meeting the criteria set forth above, raises substantial questions concerning compliance with this chapter, compatibility with adjacent properties, public safety, or the conditions imposed by the Planning Commission as part of the original approval.
3. An application for administrative approval of a minor amendment shall be made in writing to the Zoning Administrator on a form provided by the City and shall be accompanied by a fee in an amount established by the City Commission. The Zoning Administrator's decision shall be in writing and shall set forth the basis for the decision. A copy of the decision shall be provided to the applicant and shall be maintained in the City's records together with the approved site plan.
4. All other changes that do not meet these criteria shall be considered major changes and require planning commission approval. If an applicant decides to appeal the disapproval of a minor change, the City shall forward the applicant's file to the Planning Commission.

C. **Phased Construction.** Where phased or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

- 1. Relationship and identification of future structures.
- 2. Pedestrian and vehicular circulation.
- 3. Time schedule for completion of the various phases of the proposed construction.
- 4. Temporary facilities or construction of same as required to facilitate the stated development.

Section 11.8 REVIEW AND FINAL ACTION

A. **Initial Review.** At the first regular meeting at which a site plan proposal is considered, the Planning Commission shall identify major issues that must be resolved and other revisions necessary to obtain site plan approval.

- B. Public Hearing.** Site plans involving uses that are subject to Special Land Use approval require a public hearing. After the applicant submits payment of appropriate fees, the Planning Commission will set the date of the public hearing, subject to the requirements.
- C. Request for Revisions.** Upon review of the site plan proposal, the Planning Commission may require the applicant to complete revisions and submit the plans for revisions prior to formal action being taken. The applicant shall be given the opportunity to revise the plans and submit revised plans for further review. All required revisions must be completed or the site plan will not be put on the agenda for Final Review.
- D. Planning Commission Final Review.** The Planning Commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Zoning Administrator, City Engineer, and other reviewing agencies. The Planning Commission shall then make a final decision, based on the requirements and standards of this Ordinance. The Planning Commission may approve, approve with conditions, deny, or they may table the proposal, as noted below.
- 1. Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the site plan.
 - 2. Approval with Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may impose reasonable conditions upon approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances, obtain approvals from other agencies, or obtain special land use approval. The applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant must re-submit the site plan to the Planning Commission for final approval after conditions have been met, unless the Planning Commission waives its right to review the revised plan, and instead authorizes the Zoning Administrator to review and approve the site plan after all required conditions have been addressed.
 - 3. Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall deny the site plan. An applicant may reapply for site plan review after receiving denial no earlier than one (1) year after a denial taking place, provided that conditions to comply with provisions as required by this Ordinance are met.
 - 4. Tabling.** Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a later meeting.
- E. Time Period for Obtaining Approval.** An applicant shall have a maximum of two (2) years from the date of submittal of a site plan for formal review to achieve final approval. If approval is not achieved within this period, the application becomes null and void and a new application is required to pursue site plan review further.
- F. Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission. The grounds for action taken upon each site plan shall also be recorded in the minutes.
- G. Procedure After Site Plan Approval.**
- 1. Application for a Building Permit.** Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, or Federal permits prior to issuance of a building permit. No permits for construction in a proposed condominium project shall be issued until evidence of a recorded Master Deed has been provided to the City.

2. Expiration of a Site Plan Approval. If construction has not commenced, or if the project has commenced but has not made reasonable progress, within twelve (12) months after final approval of the site plan, the site plan approval expires and a new application for site plan review shall be required. However, the applicant may apply in writing to the Planning Commission, upon a showing of good cause, for an extension of site plan approval. In determining whether good cause has been shown, the Planning Commission may consider, among other factors, the diligence of the owner in pursuing development, the existence of circumstances beyond the owner's control that have delayed development, changes in market or financing conditions, and whether the approved site plan remains consistent with the zoning ordinance and other applicable regulations in effect at the time the extension is sought. An extension granted under this section shall not exceed twelve (12) months, and no more than two extensions shall be granted for any single site plan approval. An extension may be granted whether the application is filed before or after the site plan approval has become void, and any extension granted shall run from the date the prior approval expired.

3. Application for Certificate of Occupancy. Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy from the Building Official and/or Zoning Administrator, or their designee. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

4. Property Maintenance After Approval. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

H. Site Plan Violation. In the event that construction is not in compliance with the approved plans, the Zoning Administrator or their designee shall take corrective action, unless a revised site plan is submitted for review, following the normal site plan review procedures in [Article 19](#). If the builder or developer fails to take corrective action or pursue approval of an amended site plan, the Zoning Administrator or their designee may issue a citation, after which the City Council may commence and pursue appropriate action in a court having jurisdiction.

Section 11.9 PERMITS REQUIRED

A. After a site plan approval has been granted by the Planning Commission, the applicant shall obtain the following permits prior to any construction, alterations, or work of any kind occurring on site:

1. Building Permit from the City Building Official and/or Zoning Administrator, or their designee.
2. MDOT right-of-way permit (if applicable).
3. Perspective and current right-of-way permit by City Administrator.
4. Van Buren County Drain Commission permit (if applicable).
5. Permits required by the Department of Public Works.

6. All other applicable permits as required by the City.

Article 12. SPECIAL LAND USES

Section 12.1 SPECIAL USE PERMIT

- A. Special Use Permits are required for proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance.
- B. **Application Procedures.** The following steps shall be taken when considering a proposed special use:
 1. A special use permit application shall be filed by the applicant with the City Zoning Administrator or their designee along with the required site plan, fees, statements with supporting evidence to which proposed activity meets the criteria, and any other pertinent information upon which the applicant intends to rely for approval.
 2. The City Zoning Administrator or their designee shall review the application for completeness and forward the application, with their recommendation, to the Planning Commission for their review and consideration.
 3. The City Clerk shall give public notice in a newspaper of general circulation in the City of official receipt of the special use permit application which:
 - a) Describes the nature of the special use.
 - b) Indicates the property in question.
 - c) States the time and place where the special use permit will be considered, provided notice is not less than fifteen (15) days before application will be considered.
 - d) Indicates when and where written comments will be received concerning the request, and
 - e) Indicates that a public hearing of the proposed special use application may be requested by any property owner or occupant located within three hundred (300) feet of the boundary of the property being considered before a decision is made on the application if the permit requires a decision by the Planning Commission on discretionary grounds. In such case, notices shall be mailed to all persons owning or occupying real property within three hundred (300) feet of the property in question. An affidavit of such mailing shall be maintained by the City in the special use permit application file.
 4. After review of the application and public hearing or written comments, if any, the Planning Commission shall approve, approve with conditions, or deny the permit based upon the standards of the special use as set forth in the appropriate use district. The decision on a special use permit application shall be incorporated in a statement of conclusion relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

- C. Review Procedures.** The Planning Commission shall review the application for special land use in accordance with the procedures in this Article, together with the public hearing findings and reports and recommendations from the Building Official, and/or Zoning Administrator, Public Safety Officials, City Engineer, and other reviewers. The Planning Commission shall then make a decision regarding the proposed special land use, based on the requirements and standards of this Ordinance. The Planning Commission may approve, approve with conditions, or deny the special land use application as follows:
1. **Approval.** Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the special land use.
 2. **Approval with Conditions.** The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.
 3. **Denial.** Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the City, the Planning Commission shall deny the special land use. An applicant may reapply for the same Special Land Use not less than one (1) year after the denial taking place, provided that all applicable requirements as described in this Ordinance are met.
 4. **Tabling.** Upon determination that a special land use is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a special land use until a later meeting.
- D. Appeals.** The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relates to setbacks and dimensional requirements.
- E. Expiration of a Special Land Use Approval.** If construction has not commenced, or if the project has commenced but has not made reasonable progress within twelve (12) months after final approval, the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of special land use approval. The Planning Commission may grant one or more extensions of up to twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.
- F. Special Land Use Violation.** In the event that construction or subsequent use is not in compliance with the approved special land use application, the Zoning Administrator or their designee shall take corrective action, unless a revised special land use application is submitted for review, following the normal special land use review procedures. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan, the Zoning Administrator or their designee may issue a citation, after which the City may commence and pursue appropriate action in a court having jurisdiction.

Section 12.2 MODIFICATIONS TO AN APPROVED SPECIAL LAND USE

- A. Modifications To an Approved Special Land Use.** Special land use approval in accordance with provisions of this Section may subsequently be modified, subject to the following requirements:

1. Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures described in [Article 19](#). In evaluating change in intensity of use, the Planning Commission shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.
2. Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.

Section 12.3 STANDARDS FOR GRANTING SPECIAL LAND USE APPROVAL

- A. Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in [Article 19](#), applicable site development standards for specific uses set forth in [Article 14](#), and the following standards:
1. **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - a) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c) The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - e) Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.
 2. **Compatibility with the Master Plan.** The proposed special land use shall be consistent with the general principles and objectives of the City's Master Plan.
 3. **Public Services.** The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, roads, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.
 4. **Impacts of Traffic.** The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a) Proximity and access to major thoroughfares.
 - b) Estimated traffic generated by the proposed use.

- c) Proximity and relation to intersections.
- d) Adequacy of driver sight distances.
- e) Location of and access to off-street parking.
- f) Required vehicular turning movements.
- g) Provisions for pedestrian traffic.

5. **Detrimental Effects.** The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
6. **Economic Well-Being of the Community.** The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.
7. **Compatibility with Natural Environment.** The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

Article 13. NON-CONFORMITIES

A. Non-Conforming Lots, Non-Conforming Uses of Land, Non-Conforming Structures, and Non-Conforming Uses of Structures and Premises.

1. **Intent.** It is the intent of this Ordinance to permit legal non-conforming lots, structures, or uses to continue until they are removed but not to encourage their expansion.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, except as provided below, nor shall non-conformities be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

B. Non-Conforming lots.

1. Minimum Lot Dimensions and Existing Lots of Record. Minimum lot area and minimum lot width requirements shown in the Schedule of Regulations apply only to newly created lots. Lots of record that existed prior to the effective date of this Ordinance, or any subsequent amendment, shall be considered legal lots of record regardless of whether they meet current minimum dimensional standards. Such lots may be used or developed in accordance with this Ordinance provided all other applicable yard, setback, and development standards are met.
2. Notwithstanding limitations imposed by other provisions of this Ordinance, a single-family detached dwelling and customary accessory buildings in zoning districts that permit single-family dwellings, may be erected on any single lot of record on the effective date of adoption or amendment of this Ordinance.
 - a) The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are required in the district; provided that yard dimensions and other requirements not involving area or width or both (e.g., setbacks), of the lot shall conform to the regulations for the district in which such lot is located.
3. Non-residential uses on non-conforming lots can be permitted provided that the proposed use is permitted for the district of which it is located. All other requirements, such as setbacks, landscaping, and other applicable site features shall be established in full conformance with this Ordinance.

C. Non-Conforming uses of land. Where, on the effective date of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance; and
3. If such non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

D. Non-conforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged, altered, or rebuilt in a way which increases its non-conformity.
2. Should such structure be moved for any reason, any distance whatever, it shall thereafter conform to the regulations for the district in which it is located.
3. In the event any non-conforming building or structure shall be damaged by fire, wind, or similar catastrophe, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height, and placement of the original building or structure.
 - a) **Towers and antennas.** Notwithstanding any other provisions of this Ordinance to the contrary, towers that are constructed and antennas that are installed in accordance with this Article shall not be deemed to be the expansion of a non-conforming use or structure.

E. Non-conforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the non-conforming uses, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside the building.
3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
4. When a non-conforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
5. Where non-conforming use status applies to a structure and land in combination, removal, or destruction of the structure shall eliminate the non-conforming status of the land.

F. Repairs and Maintenance. On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building as it existed at the time of passage or amendment of this Ordinance.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

1. Further, nothing in this Ordinance shall be deemed to prevent additions or alterations to existing single-family residences or two-family residences.

Article 14. LAND DEVELOPMENT OPTIONS

Section 14.1 PLANNED UNIT DEVELOPMENTS

- A. **Intent and Purpose.** Planned Unit Developments (PUD) are provided for by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in each Zoning District, the Planning Commission may review and recommend with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit.
1. The Planned Unit Development section of this Ordinance is also provided in order to promote and encourage the construction of residential developments with mixed housing typologies contained within.
 2. PUDs shall be subject to review and approval by the Planning Commission and City Council, in accordance with provisions set forth in [Article 18](#), Site Plan Review and [Article 19](#), Special Land Uses.
 3. All proposed PUDs shall require a PUD Agreement between the City of Hartford and the developer. The PUD Agreement shall be reviewed by the City of Hartford Attorney and approved by the Planning Commission and City Council at the time of review.
- B. **Public Hearing.** A public hearing by the Planning Commission is required for all planned developments.
- C. **PUD Objectives.** The following Objectives shall be met by any application for any PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range planning and development:
1. To provide more desirable living, shopping, and working environments by preserving as much of the natural character of the property as possible.
 2. To encourage the provision of open space and the development of recreational and, where included in the site plan, other support facilities in a generally central location within reasonable distance of all living units and other land uses.
 3. To encourage applicants to use a more creative and imaginative approach in the design and operation of development projects including combining and coordinating architectural styles, building forms and relationships, flexibility in design, and planned diversification in the location of structures.
 4. To allow phased PUDs with the knowledge that each phase will be constructed as approved by the City.
 5. To promote the use of land that facilitates economic and efficient design and use of public and private infrastructure, buildings, circulation systems, and land use.

6. To ensure a quality of construction that is equal to or better than other new developments within the City.
7. To ensure there are recognizable and substantial benefits to the community achieved by the PUD. These benefits must otherwise be infeasible or unlikely to be achieved by development under normal zoning requirements considering, without limitation:
 - a) The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation.
 - b) Reducing to a significant extent a nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that it conforms more closely to the requirements of the zoning district in which it is situated.
 - c) The provision of additional amenities that would not otherwise be provided in a conventional development, including but not limited to more usable open space, recreational facilities, higher quality building materials, etc.

Section 14.2 RESIDENTIAL PLANNED UNIT DEVELOPMENTS.

- A. A residential Planned Unit Development (PUD) shall be developed through the special use permit procedure. The granting of a special use permit for a residential PUD is permitted in the R-1, R-2, RM, B-1, and C2 Districts.
 1. **Site Eligibility.** The minimum lot area necessary to qualify as a PUD shall not be less than one (1) continuous acre of land. However, an owner of land less than the minimum required area may apply if the subject land is adjacent to a lawfully approved or constructed PUD having uses similar to the one proposed.
 - a) A planned single unit PUD may be constructed in any combination of uses and structures (except manufactured homes and principal commercial uses), provided that:
 - 1) At least twenty-five (25%) percent of the total area is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt areas, drainage easements, open space, or any recreational amenity; but shall not include any areas used for structures or off-street parking and loading.
 - 2) Full compliance with the provisions of this Ordinance and the tables/schedules contained here shall be met, unless waived by the City Council, after receipt of a recommendation by the Planning Commission.
 2. **Density and Open Space Requirements.**
 - a) The Planning Commission shall review a "parallel plan" showing a lot layout complying with the lot area, lot width, streets, easements, and setback requirements of the underlying zoning district. The purpose of the parallel plan is to establish a base density of residential development that could practically be located on the site.
 - b) The parallel plan shall be used to establish the density to be permitted on the site, as approved by the City Council, after receipt of a recommendation by the Planning Commission, in accordance with the requirements of this Article.
 3. **Residential Density Bonuses.** Bonuses in net residential density or that area devoted to residential PUD development are permitted, provided that additional land is reserved and dedicated for open space as follows:

- a) For each ten (10%) percent increment of additional open space above that required by this Section, the City Council, after receipt of a recommendation by the Planning Commission, may permit up to an equal percentage increase in the number of dwelling units permitted within the PUD. The bonus densities may be accommodated through alterations to the lot and yard requirements applicable to the appropriate residential use within the PUD, including lot area and lot width.

B. Permitted Residential PUD Housing Types and Uses

- 1. The following are considered eligible for inclusion in an application:

- a) Principal Residential PUD Uses and Structures:

- 1) Single-family detached homes (excluding manufactured homes).
- 2) Two-family homes, including single family attached homes.
- 3) Three-family homes.
- 4) Bungalow courts.
- 5) Multiple-family structures (apartments).

Section 14.3 MIXED-USE PLANNED UNIT DEVELOPMENTS.

A. Mixed-Use Planned Unit Developments shall be restricted to specific portions of the City and under limited conditions specified below:

1. Mixed-Use Planned Unit Developments may be permitted in the B-1 or C2 Districts.
2. The minimum land area required for a mixed-use PUD shall be one (1) acre of contiguous property.
3. Mixed-Use PUDs shall include residential uses on at least fifty (50%) percent of the gross land area of the development and shall include defined open space(s) equal to at least ten (10%) percent of the gross area. The City Council, after recommendation from the Planning Commission, may approve not to exceed seventy-five percent (75%) residential gross floor area, provided that sufficient justification from the applicant is presented.
4. **Setbacks and Buffers.**
 - a) All commercial structures and parking for such structures shall be setback at least twenty-five (25) feet from all external lot lines unless the Planning Commission makes a finding-of-fact that a lesser setback would be sufficient to protect public health, safety, and adjacent property values.
 - 1) Such setback areas shall be screened from adjacent residential or open space uses, in accordance with [Section 15.8](#).
5. **Limitations on Commercial Structures.** No commercial use structure within a PUD shall exceed a maximum floor area of 1,500 square feet. All commercial structures shall have the general appearance of the adjacent residential structures.
6. **Density Bonuses.** The Bonus Density calculations may be used in a mixed-use PUD as described in [Section 21.2.A.3](#). For density purposes, each commercial use shall count as one (1) residential unit.
7. **Cluster residential development is encouraged.** Multi-family structures (5 or more dwelling units) may be included but each dwelling unit within the multi-family structure shall count as one (1) dwelling unit for density purposes.

B. Permitted Mixed use PUD Types and Uses

1. The following are considered eligible for inclusion in an application:
 - a) **Principal Mixed-Use PUD Uses and Structures.**
 - 1) Two-family homes, including single-family attached homes.
 - 2) Multiple-family structures (apartments).
 - 3) Professional offices and personal service establishments not to exceed 1,500 square feet of gross floor area (GFA).
 - 4) Small retail stores not to exceed 1,500 square feet GFA, excluding adult-oriented retail businesses.
 - 5) Restaurants, taverns, bars, or other similar establishments, not to exceed 2,000 square feet of gross floor area (GFA).
 - 6) Day care centers.
 - 7) Gymnasiums, studios, and galleries.

Section 14.4 PRE-APPLICATION CONFERENCE

- A. Prior to formal application submission for a proposed planned development, the developer/applicant shall be required to schedule a pre-application conference with the City Administrator, or their designee, in order to discuss initial design concepts and the application of said concepts to the land in question.

Section 14.5 ACCESSORY USES AND AMENITIES FOR PUDs

- A. The following are considered eligible for inclusion in an application:

1. Accessory Uses and Structures:
 - a) Open space – passive and active.
 - b) Indoor and outdoor recreational facilities.
 - c) Carports.
 - d) Community building and meeting hall.
 - e) On-premise laundry facilities.
 - f) Religious institutions and schools.
 - g) Other accessory structures and uses similar to those listed above.

Section 14.6 SITE DESIGN STANDARDS

- A. Unless modified by the Planning Commission in writing at the time of approval, compliance with the following design standards is required to be shown on the site plan:
1. New buildings shall be designed to blend with the architectural character of existing buildings and shall reflect traditional design details. Those traditional details are expressed around building entrances, window openings, and by building height and scale.
 2. Community amenities such as patio/seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged.
 3. In no case shall a PUD exceed fifty (50) feet, or three and one half (3.5) stories in height.
 4. PUDs located on sites subject to architectural design standards shall comply with [Section 11.8](#).
 5. Minimum spacing between detached buildings shall not be less than ten (10) feet unless a differing condition is approved by the City of Hartford Fire Department.
 6. All sensitive natural features such as wetlands shall remain unencumbered by all buildings and structures.
 7. Planted and maintained landscape buffer areas shall comply with standards set forth in [Article 15](#).
 8. Drainageways shall be protected by a public easement, as approved by the Van Buren County Drain Commissioner's office.
 9. Off-street parking shall comply with standards set forth in [Article 16](#).
 10. PUDs shall include green infrastructure elements, as set forth in [Section 17.7](#).

- B. **Facility Site Standards.** The site standards for all individual uses and facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.
- C. **Common property which is Privately Owned.** Common property is a parcel or parcels of land, a privately owned road, or roads, together with improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private service parking and recreational areas. This shall not be waived.
- D. **Public Easement on Common Property which is Privately Owned.** When common property exists in private ownership, the owners shall grant easements, over, under, and through such property to the City as may be required for public purposes.

Section 14.7 REVISIONS AND MODIFICATIONS

- A. After approval of a planned development, a site plan may be revised upon approval by the City Council, after a recommendation from the Planning Commission.

Section 14.8 SITE CONDOMINIUMS OR CONDOMINIUM SUBDIVISIONS

A. CONDOMINIUM DEFINITIONS

Condominium Documents. The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws, which affect the rights and obligations of a co-owner in the condominium.

Condominium Lot. The land in a condominium unit, together with land in the adjacent and appurtenant limited common element, if there is such a limited common element.

Condominium Subdivision Plan. The drawings and information prepared in accordance with the Condominium Act.

Condominium Unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Consolidating Master Deed. The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible Condominium. A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under the Condominium Act.

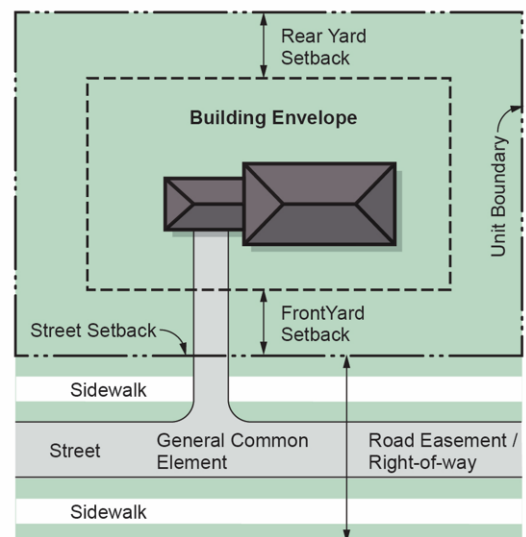
Expandable Condominium. A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

Master Deed. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by the Condominium Act.

Notice of Proposed Action. The notice required by the Condominium Act, to be filed with the City of Hartford and other agencies.

Site Condominium. A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Site Condominium



B. APPROVAL REQUIRED

1. Pursuant to authority conferred by the Condominium Act, preliminary and final site plans for all site condominiums or condominium subdivisions shall be approved by the Planning Commission and City Council.

- a) In determining whether to approve a site plan for a site condominium, the Planning Commission and City Council may consult with the Zoning Administrator, City Attorney, City Engineer, and others as deemed appropriate by the Planning Commission and City Council regarding the adequacy of the master deed, deed restrictions, utility systems and roads, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

C. GENERAL REQUIREMENTS

1. The City of Hartford Planning Commission and City Council have the authority to review and approve or deny preliminary and final site plans for site condominiums.
2. No construction, grading, work, or other development shall be done on a site until a final site plan has been approved, except with the express permission of the Planning Commission and City Council. No permits for erosion control, building construction, grading, or installation of water or sanitary sewer facilities shall be issued for property in a site condominium development until a final site plan has been approved by the Planning Commission and City Council and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
3. If a building, structure, or use to be placed on a condominium lot which requires site plan approval under this Article, a site plan for that building, structure, or use shall be approved in accordance with this Article and [Article 19](#), before a certificate of zoning compliance may be issued.
4. Preliminary and final site plans shall be submitted, reviewed, and approved or denied in accordance with [Article 19](#) and [Article 20](#), provided, however that preliminary and final site plans shall not be combined for site condominiums.
5. Each condominium unit shall be located with a zoning district that permits the proposed use.
6. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.
7. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, unless otherwise permitted by this Ordinance (e.g., accessory dwelling unit), nor shall a dwelling unit be located on a condominium with any other principal structure or use, except in a PUD district.
8. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
9. Each condominium lot shall be connected to public water and sanitary sewer facilities.
10. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made part of the bylaws and recorded as part of the master deed.
11. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.
12. All information required by this Ordinance shall be updated and submitted to the Zoning Administrator until the applicable certification of zoning compliance has been issued, as provided herein.

D. PRELIMINARY SITE PLAN REQUIREMENTS

1. A preliminary site plan shall be filed for approval at the time of a Notice of Proposed Action is filed with the City of Hartford. In the event a Notice of Proposed Action regarding a site condominium is filed with the Clerk, the Clerk, upon receipt of the notice shall transmit the preliminary site plan drawings to the City Planning Commission and City Council. However, no action is to be taken until the Planning Commission and City Council review the site plan drawings.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time a site plan application. In such case, the location and dimensions of condominium lots and all required yards, rather than individual buildings, shall be shown on the preliminary site plan.
4. All items required in [Article 19](#) are to be completed and presented at the time of the preliminary site plan submission.

E. FINAL SITE PLAN REQUIREMENTS

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission and City Council unless a preliminary site plan has been approved by the Planning Commission and City Council and is in effect.
3. A final site plan shall include all information required by the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of a development that consists only of condominium lots and not building or other structures at the time of site plan application, the location and dimensions of condominium lots rather than individual buildings, and required yard setbacks shall be shown on the site plan.
4. The applicant shall provide proof of approvals by all County and State agencies required to review the condominium subdivision plan, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The Planning Commission and City Council shall not approve a final site plan until all County and State agencies required to review the condominium subdivision plan have approved that condominium subdivision plan.

F. REVISION OF CONDOMINIUM SUBDIVISION PLAN

1. If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission and City Council before any building permit may be issued, where such permit is required.

G. ROADS WITHIN A SITE CONDOMINIUM

1. All roads within a site condominium shall be dedicated as public roads to the City of Hartford and shall be developed to the design, construction, inspection, and approval and maintenance requirements of the City of Hartford. Roads shall be compliant with requirements set forth in [Article 17](#) and shall be subject to review and approval by appropriate agencies, such as the Van Buren County Road Commission or the City Engineer.
2. Each condominium lot shall have frontage abutting a public road as required by the regulations of the particular zoning district in which the condominium lot is located.

H. AMENDMENTS TO MASTER DEED OR BYLAWS

1. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission and the City Council before any building permit may be issued, where such permit is required.
2. The Planning Commission and the City Council may require its review of an amended site plan if, in their opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

I. RELATION TO SUBDIVISION ORDINANCE

1. All site condominiums shall conform to the plan preparation requirements, design, layout, improvement standards, and the financial guarantee requirements of the City of Hartford Subdivision Control Ordinance, (Ordinance No. 178), as amended, all of which are incorporated herewith by reference.
2. The standards and requirements of the Subdivision Control Ordinance, including financial guarantees, which apply to lots in a subdivision, shall also apply to condominium lots.
3. Nothing in this section shall be construed as requiring a site condominium to obtain plat approval under the Subdivision Ordinance or the Subdivision Control Act.

J. DEVELOPMENT AGREEMENT

1. The Planning Commission and the City Council may require, as a condition of approval, that the applicant enter into a development agreement between the Planning Commission and City Council and the City of Hartford, incorporating the terms and conditions of final site plan approval, and record the same in the office of the Register of Deeds for Van Buren County.

K. ASSOCIATION AUTHORIZATION

1. Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.

L. EASEMENTS AND RIGHTS-OF-WAY

1. Road rights-of-way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate easements to the appropriate public authority for all public water, sanitary sewer and storm sewer drainage lines and appurtenances.

M. DESIGN SPECIFICATIONS

1. All improvements for public utilities and streets in a site condominium shall comply with the design specifications as required by this Ordinance, the City of Hartford, and/or the City Engineer.

Section 14.9 **SUBDIVISIONS**

Article 15. ADMINISTRATIVE ORGANIZATION

Section 15.1 OVERVIEW

- A. The City Council or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following City entities:
1. City Council
 2. Planning Commission
 3. Board of Zoning Appeals
 4. City Administrator
 5. Zoning Administrator
 6. Other entities (e.g., Fire Department, City Engineer, etc.)

Section 15.2 CITY COUNCIL

- A. **Adoption of Zoning Ordinance, Amendments, and Rezoning.** Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the City Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction. The City Council shall have the final approval on any rezoning requests in the City of Hartford, after recommendation from the Planning Commission.
- B. **Review and Approvals.** The City Council shall review and have final approval of proposals for planned unit developments and site condominium developments, after recommendation from the Planning Commission.
- C. **Fees.** The City Council shall have the sole authority to establish the required fee schedule for all planning, zoning, and development activities.
- D. **Approval of Planning Commission and ZBA Members.** In accordance with Michigan Public Act 33 of 2008, as amended (MCL 125.3801 et seq.), members of the Planning Commission and Zoning Board of Appeals shall be appointed by the City Administrator with the approval of the City Council.

Section 15.1 PLANNING COMMISSION

- A. **Overview.** The City of Hartford Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act.
1. Members of the Planning Commission shall be appointed by the City Administrator with the approval of the City Council. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and applicable City ordinances.

2. The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

B. Organization.

1. **Rules of Procedure.** The Planning Commission may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Commission may annually elect a chairperson, a vice-chairperson, and a secretary.
2. **Meetings and Quorum.** Meetings of the Planning Commission shall be held at the call of the chairperson and at such other times as the board in its Rules of Procedure may specify. A majority of the total membership of the Commission shall comprise a quorum. All meetings shall be open to the public.
3. **Records.** The minutes of all meetings shall contain the grounds for every determination made by the Commission and the final ruling on each case. The Planning Commission shall file its minutes in the office of the City Clerk.

C. Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. **Formulation of Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the City Council.
2. **Site Plan Review.** The Planning Commission shall be responsible for review of applications for site plan approval.
3. **Special Land Use Review.** The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval.
4. **Planned Unit Development Review.** The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit developments. The Planning Commission shall be responsible for making a recommendation to the City Council to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.
5. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a master plan to guide the development of the City, in accordance with Michigan Public Act 33 of 2008, as amended.
6. **Review of Matters Referred by the City Council.** The Planning Commission shall be responsible for the review of plats or other matters relating to land development referred to it by the City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
7. **Report on Operation of the Zoning Ordinance.** In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the City Council a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 15.2 BOARD OF ZONING APPEALS

- A. **Overview.** The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that flexibility be provided for the strict application of this Ordinance, that the intent of the Ordinance be observed, public safety secured, and substantial justice done.
- B. **Creation and Membership.** A Zoning Board of Appeals is hereby established in accordance with Public Act 110 of 2006, as amended. The City Council may act as the Board of Appeals on questions arising under this Ordinance.
1. In the alternative, if the City Council desires it may appoint a Board of Appeals consisting of required number of members, each to be appointed for a term of three (3) years. Each member shall be appointed for a term of three (3) years, except for members serving because of their membership on the planning commission or legislative body, whose terms shall be limited to the time they are members of those bodies.
 2. When members are first appointed, the appointments may be less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
 3. Vacancies for unexpired terms shall be filled for the remainder of the term.
- C. **Organization.**
1. **Rules of Procedure.** The Zoning Board of Appeals may adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The Board may annually elect a chairperson, a vice-chairperson, and a secretary.
 2. **Meetings and Quorum.** Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the board in its Rules of Procedure may specify. A majority of the total membership of the Board shall comprise a quorum. All meetings shall be open to the public.
 3. **Oaths and Witnesses.** The chairperson may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.
 4. **Records.** The minutes of all meetings shall contain the grounds for every determination made by the Board and the final ruling on each case. The Zoning Board of Appeals shall file its minutes in the office of the City Clerk.
- D. **Jurisdiction.**
1. The Zoning Board of Appeals shall act upon questions as they arise in the administration of this Ordinance. The Board shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended.
 2. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance but does have the power to act on those matters for which this Ordinance provides an administrative review, interpretation, or variance.
 3. Within this capacity the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Zoning Administrator, Planning Commission or any official administering or enforcing the provisions of this Ordinance as set forth below.
 4. The Zoning Board of Appeals shall not be permitted to consider any requests for variances from the requirements and conditions of Planned Unit Developments or standards for special land uses.

5. The Zoning Board of Appeals shall have authority in specific cases to authorize one or more dimensional or “nonuse” variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or nonuse variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance.

6. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

E. Authorized Appeals. The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

1. **Administrative Review.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirements, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing the provisions of this Ordinance.

2. **Interpretation of the Ordinance.** The Board of Appeals shall hear and decide upon request to:

a) Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the Article in which the language in question is contained.

b) Determine the precise location of boundary lines between zoning districts where there is dissatisfaction with a decision made by the Zoning Administrator.

c) Classify a use, which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

d) Determine the parking space requirements of any use not specifically mentioned; either by classifying it with one of the groups listed, or by an analysis of the specific needs.

F. Variances.

1. The Zoning Board of Appeals shall not have the power to authorize use variances (a variance from the types of uses permitted, by right or special use, within applicable zoning district).

2. The Zoning Board of Appeals has the authority to approve non-use variances (a variance from development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulation, off-street parking and loading space requirement, etc. of the Zoning Ordinance) where there are practical difficulties, provided that all the required findings for the particular type of variance are met.

G. Criteria for Approvals. The Zoning Board of Appeals shall not approve a nonuse variance unless the Board makes a positive finding for each of the following criteria:

1. That the alleged practical difficulties are not deemed economic but shall be evaluated in terms of the use of a particular parcel of land.

2. That there are unique circumstances of physical condition of the land, such as narrowness, shallowness, shape, or topography of the property involved, that do not generally apply to other property uses in the same zoning district and shall not be recurrent in nature.

3. That the hardship or special conditions do not result from the actions of the applicant.

4. That the variance will be in harmony with the general purpose and intent of the Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district.

5. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular or mitigate the hardship.

H. **Conditions.** In granting a variance, the Zoning Board of Appeals may require appropriate conditions in conformity with this Ordinance. Violations of such conditions, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit. Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance.

2. The occupancy of land, premises, or building has taken place within one (1) year after the granting of the variance.

3. No application for the variance which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the ground of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

I. Appeal Procedures.

1. **Notice of Appeal.** Appeals to the Zoning Board of Appeals may be made by any person aggrieved, or by an officer or department of the City, filing a written Notice of Appeal with the City Clerk. Upon receipt of a Notice of Appeal, the City Clerk shall promptly transmit the records concerning the appealed action to the chairperson of the Appeals Board. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrators decision.

2. **Hearing.** Upon receipt of a Notice of Appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal.

3. **Notice of Hearing.** Upon determination of the date and time of the Public Hearing the City Clerk shall provide notice of the hearing by publication in a newspaper of general circulation in the City not less than fifteen (15) days before the public hearing. Notice shall also be sent by mail or personal delivery to the owner of the property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to all occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the City. The notice shall do all of the following:

a) Describe the nature of the request.

b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses with the property. If there are no street addresses, other means of identification may be used.

c) State when and where the request will be considered. Indicate when and where written comments will be received concerning the request.

4. **Appearance.** Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

5. **Fee.** A fee as established by the City Council, shall be paid to the City Clerk at the time the petitioner files and application with the Board. The purpose of such a fee is to cover the necessary advertisements, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the City or any Official body of the City is the moving party.
6. **Decision.** The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision and is agreed upon by the appellant and a majority of members of the Appeals Board present. The vote of a majority of members of the Board shall be necessary to take action on an appeal.

Section 15.3 ZONING ADMINISTRATOR

- A. The provisions of this Ordinance will be administered and enforced by the Zoning Administrator.
 1. Except as otherwise provided, the Zoning Administrator will administer and enforce this Ordinance.
 2. The Zoning Administrator will be designated by the City Administrator.
- B. **Responsibilities of the Zoning Administrator.** In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or their duly authorized assistants or agents shall have the following responsibilities:
 1. Provide citizens and public officials with information relative to this Ordinance and related matters.
 2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
 3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
 4. Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.
 5. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are in compliance with this Ordinance.
 6. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.
 7. Perform other related duties required to administer this Ordinance.
- C. **Zoning Permits Required.**
 1. No person shall commence excavation or construction of any building or structure or make structural changes in any existing structure, or change of use, without first obtaining applicable permits from the Zoning Administrator.
 2. The Zoning Administrator shall not issue a zoning permit for the construction, alteration, or remodeling of any structure until an application has been submitted showing that the proposed construction complies with all of the provisions of this Ordinance.

3. A zoning permit will be issued when the Planning Commission, Zoning Administrator, Board of Appeals, or City Council has approved an application under the terms of this Ordinance. Any property owner, developer, or applicant proposing any potential use or change of use within the City requiring a building permit will first need a zoning permit. No building permit will be issued, nor any construction activities initiated without the Zoning Administrator having issued and the applicant having received a zoning permit.

a) **Issuance of zoning permit.** Within ten (10) working days after receipt of a completed request for a building permit, the Zoning Administrator will either:

- 1) Issue a zoning permit if the proposed work is in conformance with the terms and provisions of this Ordinance, or
- 2) Deny issuance of a zoning permit and state the reason(s) or cause(s) for such denial in writing.

(a) In each case, the zoning permit or the written reason(s) or cause(s) for denial will be transmitted to the owner or their agent.

D. **Board of Appeals approval.** When the terms and provisions of this Ordinance require authorization by the Zoning Board of Appeals as a variance and such authorization is given, the application shall be marked approved by the Board of Appeals and a copy forwarded to the Zoning Administrator.

E. **Expiration of zoning permit.** A zoning permit for a residential building for which all construction work has not been started within one year from the date of its issuance will expire automatically. A zoning permit for any other building or structure for which all construction work has not been started within two (2) years from the date of issuance will expire automatically. A zoning permit expiring automatically pursuant to this subsection may, upon re-application, be renewable once for additional terms of one (1) and two (2) years, respectively (one (1) year for residential buildings, two (2) years for any other building or structure).

F. Cancellation of Zoning Permits.

1. The Zoning Administrator will have the power to revoke and cancel any zoning permit if there is failure or neglect to comply with all of the terms and provisions of this Ordinance or if there were any false statements or misrepresentations in the application of the zoning permit.
2. Notice of cancellation and revocation will be securely posted on the construction site, such posting to be considered as service upon and notice to the zoning permit holder of the cancellation and revocation of the zoning permit.

G. Certificate of Occupancy.

1. No land, structure, or altered structure will be used or occupied until a Certificate of Occupancy is obtained from the building inspector.
2. The building inspector will not issue a Certificate of Occupancy unless the proposed use is in compliance with the approved plans and specifications and is in accordance with any other relevant information submitted by the applicant to obtain required building and zoning permits.
3. The building inspector will keep a record of all certificates and a copy of all such certificates provided to the City Clerk.

Section 15.4 OTHER ENTITIES

A. The City of Hartford reserves the right to consult and seek the opinion(s) and/or approval(s) from the following additional entities as part of the administration of this Ordinance and development processes:

1. The City of Hartford Fire Department
2. The City of Hartford Police Department
3. The City Engineer
4. The City Attorney
5. The Michigan Department of Transportation
6. The Michigan Department of Environment, Great Lakes, and Energy (EGLE)
7. Van Buren County Environmental Health Department
8. Van Buren County Drain Office
9. Van Buren County Road Commission
10. Any other local, County, State, or federal agencies as deemed appropriate.

Article 16. AMENDMENTS

Section 16.1 PURPOSE AND INTENT

- A. The purpose of this Article is to establish and maintain sound, stable, and desirable developments within the territorial limits of the City.
- B. Only the City Council may amend this Ordinance, by recommendation from the Planning Commission. Proposals for amendments or changes may be initiated by the City Council on its own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- C. The City Council shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the City Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is a governmental body.

Section 16.2 PROCEDURES FOR AMENDMENTS

- A. **Application.** A petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the City Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- B. **Action of Clerk.** The City Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.
- C. **Notice of Hearing.** After transmitting the amendment application to the Planning Commission, the Clerk shall establish a date for a public hearing on the application, which will be conducted by the Planning Commission within forty-five (45) days of the date of application receipt. The Clerk shall give notice of the public hearing in the following manner:
 - 1. By one (1) publication in a newspaper of general circulation in the City not less than fifteen (15) days before the date of the hearing.
 - 2. For any proposed amendment to the zoning map, written notice will be delivered by mail, or hand-delivered, to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question, and to the occupants of all structures within three hundred (300) feet of the premises in question.
 - 3. The notice shall be made not less than fifteen (15) days prior to the hearing. This subsection (i.e., requirements of written notice to property owners and occupants) shall not apply if eleven (11) or more adjacent properties are proposed for rezoning.
- D. **Application Information.**
 - 1. When the petition involves a change in the zoning map, the applicant shall submit the following information to the City Clerk:
 - a) A legal description of the property.

- b) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- c) The name and address of the applicant.
- d) The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
- e) Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- f) The desired change and reasons for such change.

E. Planning Commission Recommendation.

1. **Scope of Examination.** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings in full along with its recommendations for disposition of the application to the City Council within a period of sixty (60) days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - a) What identifiable conditions related to the application have changed which justify the proposed amendment?
 - b) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
 - c) What is the impact on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - d) Does the petitioned district change adversely affect environmental conditions or the value of the surrounding property?
 - e) What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?
 - f) Will the rezoning be consistent with the policies and uses proposed for that area in the City's Master Land Use Plan?
 - g) Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
 - h) Would the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?
2. **Finding of Fact.** All findings of fact shall be made a part of the public records of the meeting of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the City Council.

F. Outside Agency Reviews. In determining the above-mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

1. Van Buren County Health Department
2. Van Buren County Road Commission
3. Van Buren County Drain Commission
4. Other agencies as deemed appropriate

- G. Consideration by the City Council.** After receiving the recommendation of the Planning Commission, the City Council at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the City Council. If an application is referred back to the Planning Commission, the City Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. The City Council will make a written record of the rationale for each action taken.
- H. Publication of Notice of Ordinance Amendments.** Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:
1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 2. The effective date of the amendment.
 3. The place and time where a copy of the amendment may be purchased or inspected.
- I. Resubmittal.** No application for a rezoning which has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the City Council to be valid.

Section 16.3 CONDITIONAL REZONINGS

- A. Intent.** It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.**
1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time of application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without an offer of conditions, except as modified by the requirements of this Section.
 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Article, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. **City Council Review.** After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Council's deliberations shall include, but not be limited to:

1. A consideration of the factors for rezoning set forth in this Article.
2. Should the City Council consider amendments to the proposed conditional rezoning advisable.
3. If such conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. **Approval.** If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.

1. The Statement of Conditions shall:
 - a) Be in a form recordable with the Van Buren County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
 - b) Contain a legal description of the land to which it pertains.
 - c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d) Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the Van Buren County Register of Deeds.

f) Contain the notarized signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

2. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with the designation that the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

3. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the Van Buren County Register of Deeds. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.

4. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the zoning requirements regulating use.

5. Development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.

1. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and be subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

1. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion.

2. This time limitation may, upon written request, be extended by the City Council if:

a) It is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and

b) The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

H. Reversion of Rezoning. If approved development and/or use of the rezoned land does not occur with the time frame specified above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405.

1. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

- I. Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion or zoning pursuant to above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the City Clerk shall record with the Van Buren County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- J. Amendment of Conditions.**
1. During the time period for commencement of an approved development or use specified pursuant to this Article or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended thereafter in the same manner as prescribed for the original rezoning and Statement of Conditions.
- K. City Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3401 et seq.).
- L. Failure to Offer Conditions.** The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.

Article 17. INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE

Section 17.1 INTERPRETATION AND CONFLICTS

- A. In interpreting and applying provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity, and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, or annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 17.2 SEVERANCE CLAUSE

- A. Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

Section 17.3 VESTED RIGHT

- A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 17.4 REPEALS

- A. All ordinances and amendments thereto enacted and/or adopted by the City by virtue of Public Act 110 of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offence committed or right accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time it was enforced, prosecuted, or inflicted.

Section 17.5 PENALTIES AND REMEDIES

- A. **Civil Infractions.**

1. Any building or structure which is erected, constructed, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained, or used or any use of a lot or land which is begun, maintained, or changed in violation of any term provisions of this Ordinance is hereby declared to be a nuisance per se.
2. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any amendment thereof, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the City, and a fine of an amount to be established by the City Council, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense.
3. Increased civil fines may be imposed for repeated violations of the Ordinance, a repeat violation means a second or subsequent civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:
 - a) The fine for any offense which is a first repeat offense, which amount shall be established by the City Council, plus costs and other sanctions.
 - b) The fine for any offense, which is a second, repeat offense or any subsequent repeat offense shall be established by the City Council, plus costs and other sanctions.
 - c) The City Administrator, Zoning Administrator, City of Hartford Police Department, Fire Department, and any other individuals who may be appointed by resolution of the City Council, are hereby designated as the authorized City Officials to issue municipal civil infraction citations as provided by the Municipal Civil Infractions Ordinance adopted by the City.

B. **Remedies.** The City Council may institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are civil in nature. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 17.6 ADMINISTRATIVE LIABILITY

A. No officer, agent, employee, or member of the Planning Commission, City Council, or Board of Zoning Appeals shall be held personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Section 17.7 EFFECTIVE DATE

A. This Ordinance was approved and adopted by the City Council of the City of Hartford, Van Buren County, Michigan on _____ after a public hearing as required pursuant to Michigan Act of 207 of 1921, as amended, and after introduction and first reading on _____ as required by the City Charter.

B. This Ordinance shall be effective upon publication.

[Redacted]

City Mayor

[Redacted]

City Clerk