



Monday, July 6, 2026

To: Hartford Planning Commission Chair
From: Donovan Smith, AICP, NCI, Planning Manager

Subject: City of Hartford – Zoning Ordinance Update

The purpose of this memorandum is to provide the Planning Commission with the first installment of the draft City of Hartford Zoning Ordinance Update for review and discussion. This represents the initial phase of a comprehensive modernization of the City's zoning regulations and establishes the organizational framework, administrative foundation, and baseline provisions that will guide the remainder of the ordinance.

In addition to the draft ordinance articles, the Planning Commission is requested to review the proposed Future Land Use Map, the existing Zoning Map, and the proposed Zoning Map. These documents establish the policy framework that will guide future zoning district regulations and implementation of the City's long-term land use vision. Early review of these maps will help ensure consistency between the City's planning policies and the proposed zoning framework before the remaining articles of the ordinance are finalized.

The Planning Commission is requested to review the following draft materials:

- i. **Article 1 – Preamble**
- ii. **Article 2 – Toolbox**
- iii. **Article 3 – Definitions**
- iv. **Article 4 – General Provisions**
- v. **Article 15 – Administrative Organization**
- vi. **Future Land Use Map**
- vii. **Existing Zoning Map**
- viii. **Proposed Zoning Map**

Collectively, these materials establish the legal authority, purpose, interpretation, definitions, general development regulations, administrative framework, and long-range land use policies that serve as the foundation for the remainder of the ordinance. Specifically, these articles define the ordinance's statutory authority and intent, provide user-friendly guidance and development process information, establish consistent terminology, outline general regulations applicable throughout the City, and identify the roles and responsibilities of the Planning Commission, City Council, Board of Zoning Appeals, Zoning Administrator, and other reviewing entities. The accompanying Future Land Use Map and proposed Zoning Map are intended to implement the City's planning objectives by aligning future land use policy with appropriate zoning classifications and development patterns.



The draft ordinance and accompanying maps have been prepared to modernize the City's zoning regulations by:

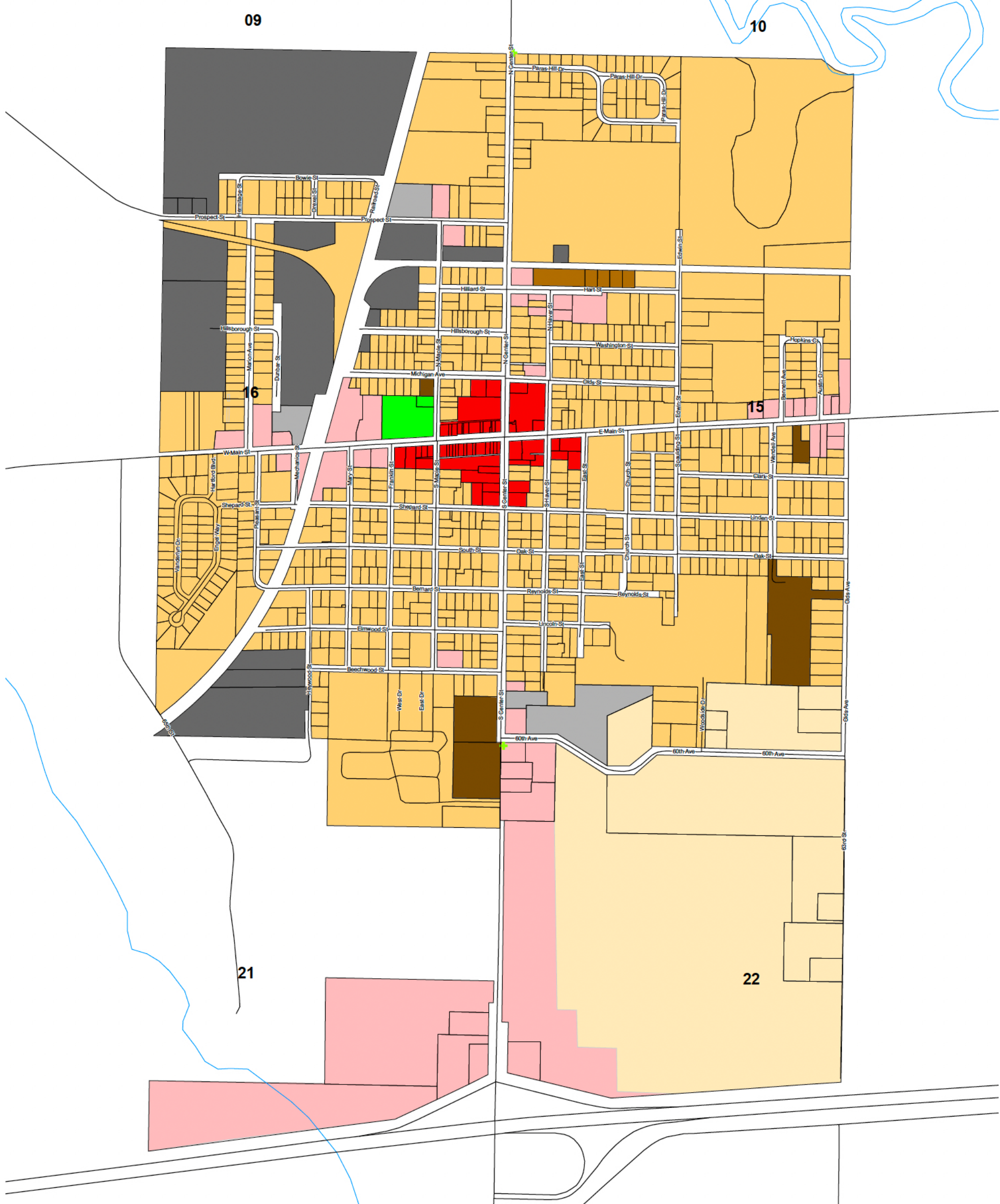
- i. Improving the organization and readability of the ordinance.
- ii. Incorporating current planning and zoning best practices.
- iii. Updating terminology and definitions for consistency.
- iv. Clarifying administrative procedures and decision-making responsibilities.
- v. Establishing clear general development standards applicable across zoning districts.
- vi. Aligning the zoning districts with the City's Future Land Use Plan and long-term planning goals.
- vii. Supporting implementation of the City's Master Plan through coordinated land use and zoning policies.
- viii. Providing greater predictability and transparency for property owners, developers, staff, and reviewing bodies.

Commissioners are encouraged to review each article and map for policy direction, clarity, consistency, organization, and overall functionality. Particular attention should be given to whether the proposed zoning districts appropriately implement the Future Land Use Map, whether district boundaries are logical and support existing development patterns, and whether the proposed administrative framework effectively supports implementation of the ordinance. Staff welcomes comments regarding ordinance language, regulatory approach, map classifications, district boundaries, and administrative procedures. Recommendations received during this review will be incorporated into subsequent draft revisions before the complete ordinance and associated maps are presented for public hearing and final consideration.

This review is intended to be collaborative and iterative. As additional articles are completed, staff will continue presenting them in logical groupings to allow for detailed discussion while maintaining continuity throughout the ordinance update process. The Future Land Use Map and proposed Zoning Map will likewise continue to be refined as necessary to reflect Planning Commission direction and ensure consistency with the City's adopted planning policies.

Staff Recommendation

Staff recommends that the Planning Commission review Articles 1–4 and 15 of the draft Zoning Ordinance Update, together with the proposed Future Land Use Map, existing Zoning Map, and proposed Zoning Map; provide comments and recommended revisions; and direct staff to incorporate the Commission's feedback into the next draft as work continues on the remaining articles and associated mapping components of the comprehensive Zoning Ordinance Update.



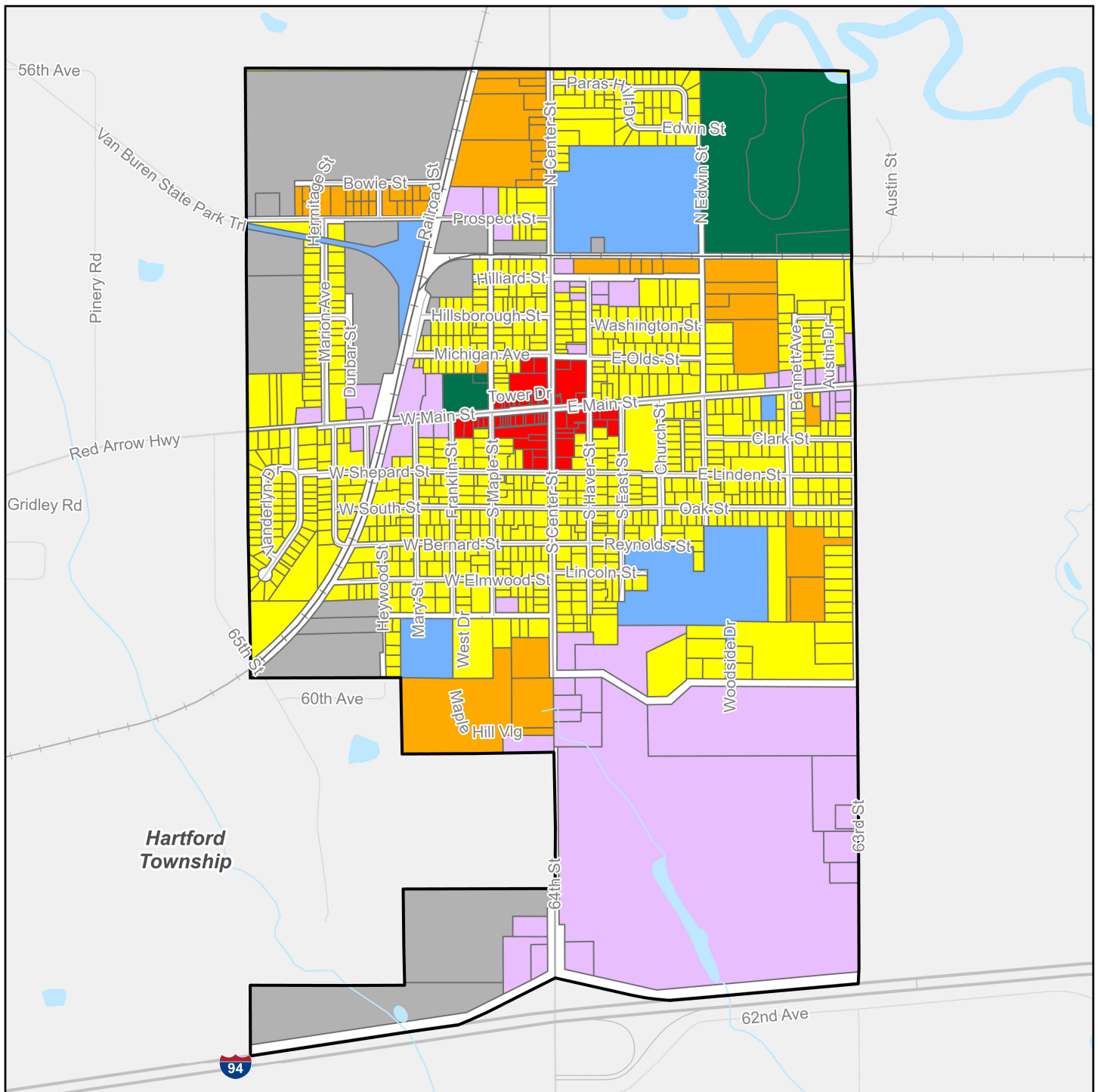
Van Buren County GIS
2010
(269) 657-8243
www.vbco.org

City of Hartford Zoning, 2010

	Rural_Residential		General_Business
	Single_Family_Residential		Central_Business_District
	Two_Family_Residential		Light_Industrial
	Multiple_Family_Residential		Industrial_District
	Park		



0 0.25 0.5 1 Miles



Future Land Use

City of Hartford, Michigan

November 6, 2025

LEGEND

- Agricultural
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial Residential
- Gateway
- Enterprise
- Institutional
- Recreation

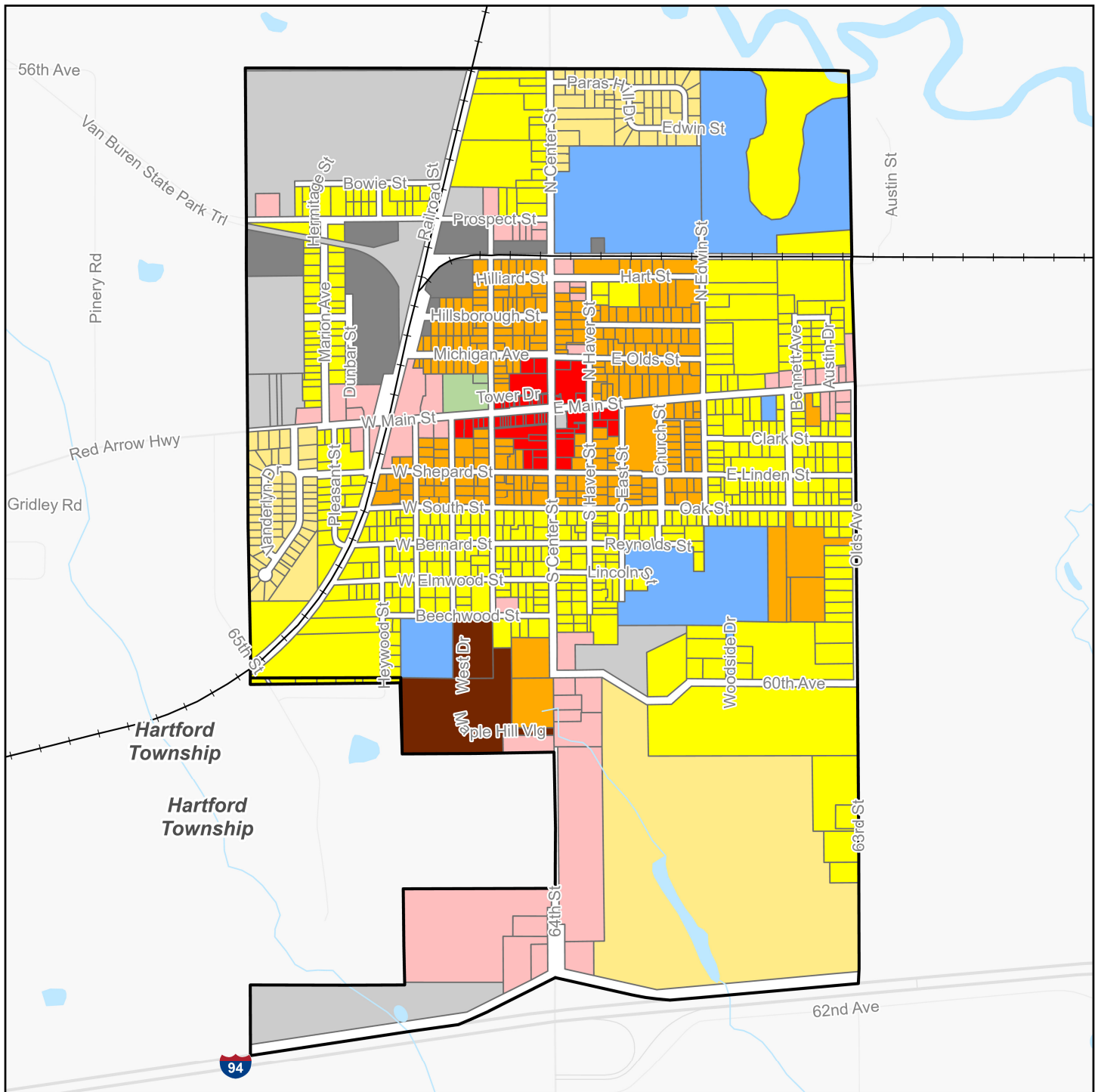
0 500 1,000
Feet



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: Van Buren County, 2025. McKenna 2025



MCKENNA



Zoning Map

City of Hartford, Michigan

July 2, 2026

LEGEND

- Agricultural
- Traditional Low-Density Residential
- Low-Density Residential
- Medium Density
- Medium-High Density Residential
- Mobile Home Park
- Central Business District
- General Business
- Light Industrial
- Industrial
- School/Civic
- Park
- Planned Unit Development

0 500 1,000
Feet



Basemap Source: Michigan Center for Geographic Information, v. 17a.
Data Source: USDA 2024. McKenna 2025.



MCKENNA

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.

1. Application and corresponding site plan package is filed and payment is submitted to the City for review. Required documentation and site plan information is listed in Article 18.

2. The review process begins. The City will distribute the complete site plan package to all required review entities. Review and permitting entities are listed in **Section 2.2** below.

3. Site plan comments are submitted to applicant team once reviewed by all applicable City entities. Revisions are then made by the applicant and resubmitted to the City for review and confirmation. This step repeats as needed.

4. Site plans and project are discussed at the Planning Commission meeting and a decision is made by the Planning Commission to approve, deny, or table. A public hearing may be required.

5. If approved, the applicant will comply with any conditions of approval and begin project by securing required permits for construction. If tabled, the applicant must come back to a subsequent meeting for decision. If denied, the applicant may reapply in 12 months, provided that all requirements are satisfied.

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.

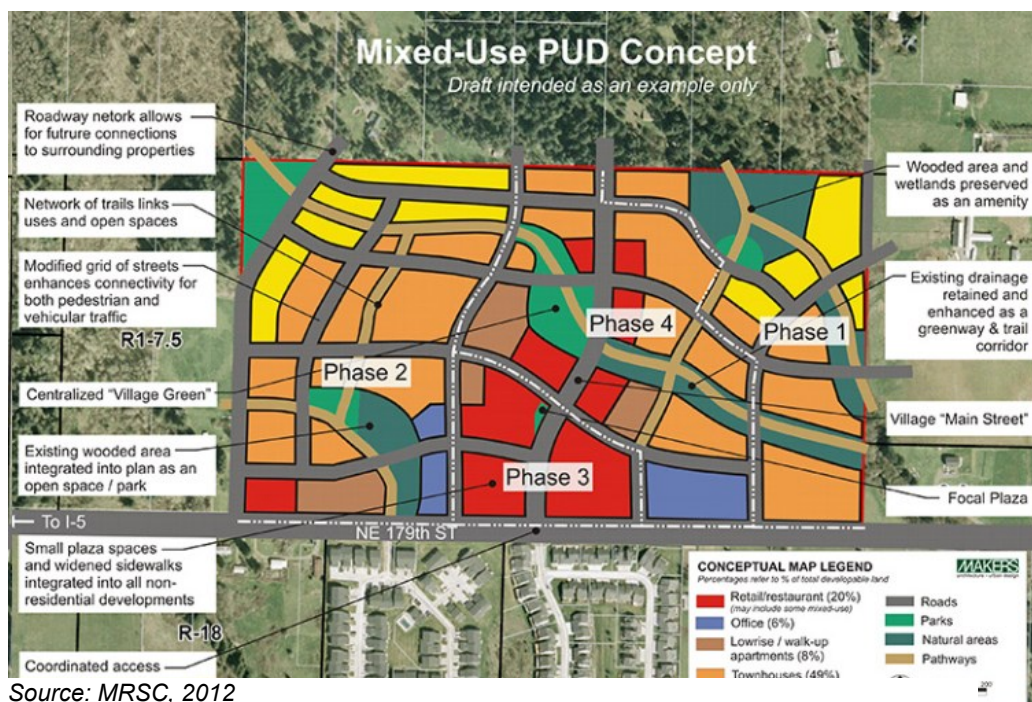
8. **How do I measure lot widths and setbacks?**

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.

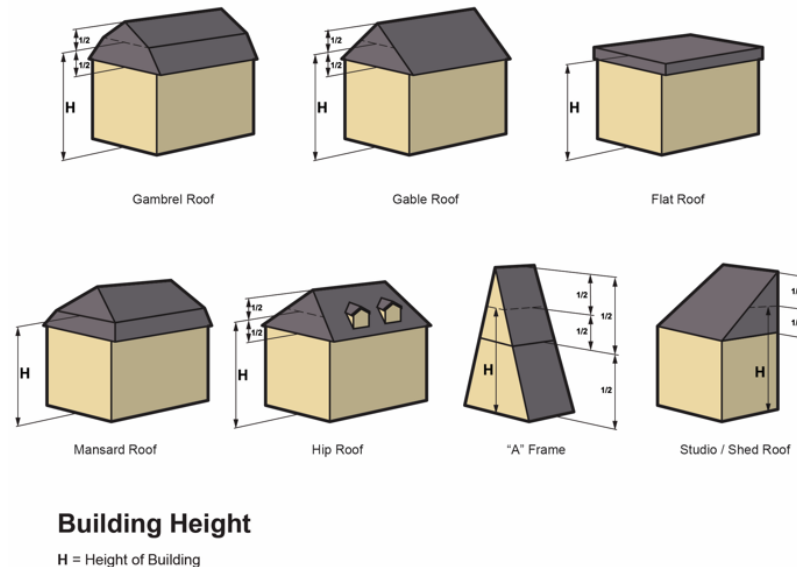
BUILDING LINE. A line parallel to the front lot line which marks the location of the building.

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.

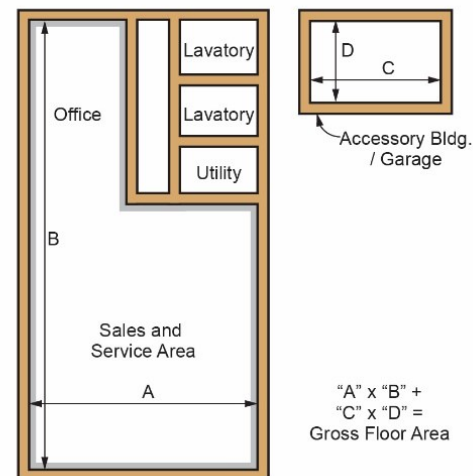
FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 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.

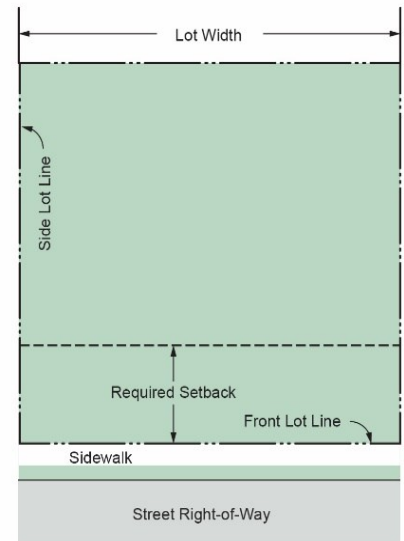
HOUSEHOLD. One (1) or more persons living together in a dwelling unit as a single nonprofit housekeeping unit, sharing cooking facilities, and functioning as a cohesive domestic unit, regardless of relationship by blood, marriage, or adoption. This term does not include boarding houses, lodging houses,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



Lot Width

Frontage

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.

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.

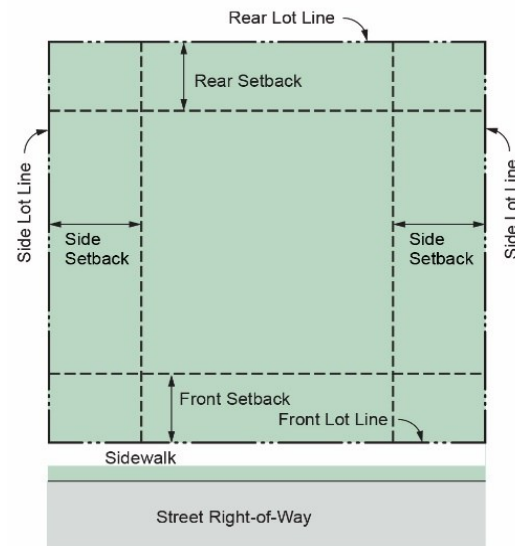
SHED. A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

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

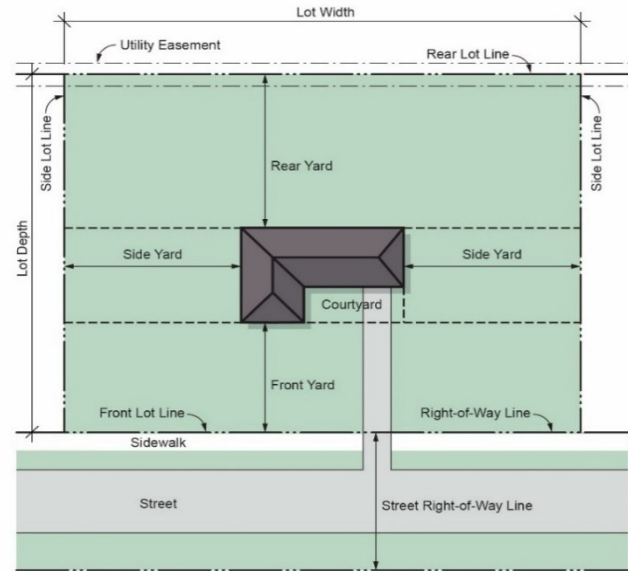
X

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.

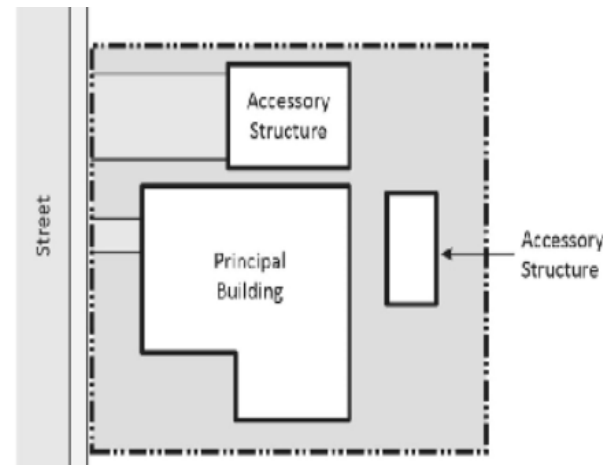
1. **Restoring Unsafe Buildings.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or the Van Buren County Health Department. A building or structure condemned by the Building Inspector 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

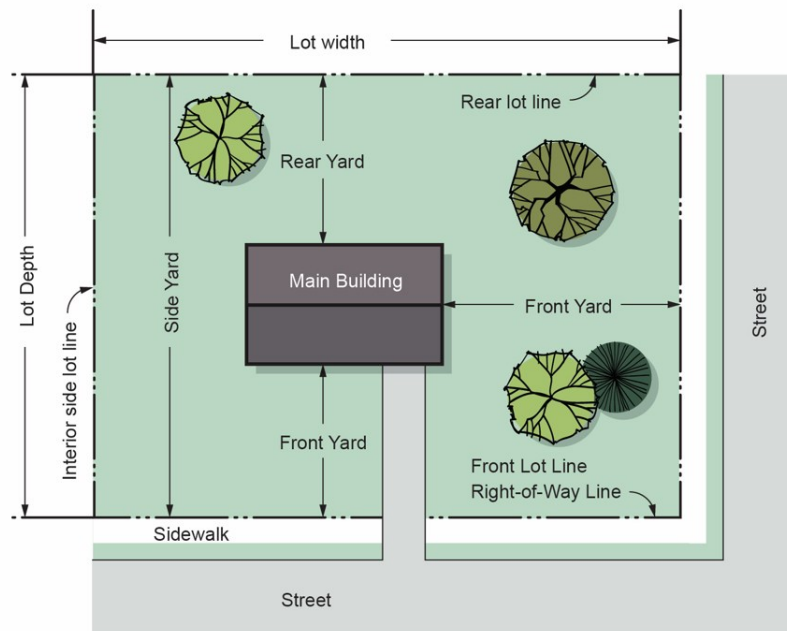
- A. A. Travel trailers, camper trailers, and motor homes shall not be connected to sanitary facilities when parked or stored on any residential lot. No unlicensed or inoperable recreational vehicle shall be parked or stored within any front yard. Licensed recreational vehicles may be parked or stored 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.

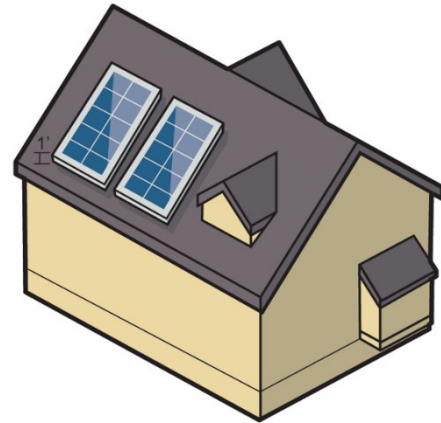
Section 4.13 COMMERCIAL DISTRICT PERFORMANCE STANDARDS

- 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 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 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
- RMU Residential Mixed Use
- C1 General Business
- C2 Central Business
- LI Light Industrial
- HI Heavy Industrial
- I/C Institutional/Civic
- P Park
- PUD Planned Unit Development

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	Definitions and Standards
Residential													
Dwelling or Dwelling Unit													
Dwelling, Single-Unit Detached	P	P	P	P	P								
Dwelling, Two-Unit		S		P	P			S					
Dwelling, Three-Unit				S	P								
Dwelling, Four-Unit				S	P								
Dwelling, Multiple-Unit, Attached				S	P								
Dwelling, Multiple-Unit Detached				S	P								
Dwelling, Second Story Residential								P					
Mobile Home Park						P							
Short Term Rental	S	S	S	S	S			S					
Accessory Dwelling Unit	S	P	P	P	P								
Accessory Building or Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation	P	P	P	P	P	P		P					
Care and Social Assistance	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Definitions and Standards
Adult Day Care Facility													
Adult Day Care Facility, Day Care Center	P	P	P	P	P			P					
Adult Day Care Facility, Family Day Care Home	P	P	P	P	P								
Adult Day Care Facility, Group Day Care Home		S	S	S	S								
Adult Foster Care Facility													
Adult Foster Care Facility, Family Home	P	P	P	P	P								
Adult Foster Care Facility, Small Group Home		P	P	P	P								
Adult Foster Care Facility, Large Group Home		S	S	P	P								
Adult Foster Care Facility, Congregate Facility				S	S								
Adult Foster Care Facility, Camp or Adult Camp	P												
Child Care Facility													

Child Care Facility, Family Day Care Home	P	P	P	P	P								
Child Care Facility, Group Day Care Home		S	S	S	S								
Child Care Facility, Day Care Center		S	S	S	S		P	P					
Child Foster Care Home													
Child Foster Care Home, Foster Family Home	P	P	P	P	P								
Child Foster Care Home, Family Group Home	P	P	P	P	P								
Residential Human Care and Treatment Facility				S	S		S	S					
Institutional	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Definitions and Standards
Campground	P	S					S				S	P	
Cemetery	P	S					S				P	P	
Institutional Uses	S	S	S	P	P		P	P			P	S	
Park	P	P	P	P	P		P	P			P	P	
Places of Assembly over 4,000 sq. ft.	S	S	S	S	P		P	P			P	S	
Places of Assembly under 4,000 sq. ft.				S	S		P	P			P	S	
Recreation Facility, Indoor		S		S	P		P	P			P		
Recreation Facility, Outdoor	S	S		S			S				P	P	
Retail/Commercial	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Definitions and Standards
Automobile or Trailer Sales							P		P	P			
Auto Repair, Minor							P		P	P			
Auto Repair, Major							P		P	P			
Bed and Breakfast Establishment		S	S	S	P		S	P					
Drive Through Facility							P						
Excavation	S									S			
Farming	P												
Food Establishment							P	P					
Gasoline Filling Station							P						
Greenhouse, Commercial	P						P	S	S	S			
Hotels and Motels							P	P					
Kennel, Commercial	S	S					S						
Lumberyard							P		P	P			
Medical Clinic				S	P		P	P					
Mortuary of Funeral Home				S	P		P	P					
Office				P	P		P	P					
Open Front Store							P	P					
Outdoor Storage							S		P	P			
Retail Establishments							P	P					
Sexually Oriented Business							S						

Shopping Center							P						
Theater							P	P					
Veterinary Clinic				S	P		P	P					
Industrial	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Definitions and Standards
Contractor's Storage Yards									P	P			
Manufacturing or Assembly Facility									P	P			
Planned Industrial Park									S	S			
Research and Development Facility							S		P	P			
Salvage or Junk Yard										P			
Self Storage Facilities							P		S				
Truck Terminals and Freight Yards									S	P			
Warehousing							S		P	P			
Utilities	AR	LDR	TLDR	MDR	MHDR	MHP	C1	C2	LI	HI	I/C	P	Definitions and Standards
Battery Energy Storage Systems (BESS)	S						S		P	P	S		
Electric Vehicle Charging Station	S	S	S	S	S		P	P	P	P	P	P	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	
Major Utility Facilities							S		P	P	S		
Wireless Telecommunications	S	S	S	S	S		S	S	P	P	P	S	