

ZONING ORDINANCE
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN

PREVIOUS ZONING ORDINANCES ADOPTED:

1957

1952

1925

Adopted April 28, 1987
AS AMENDED
(See next pages)

AMENDED:

(Dates shown reflect City Commission approval)

November 1988

- ✕ *Articles I, IV, and VI-IX, Sections 401, 601, and 701-901: Special Land Uses Permitted*
(Added restricted parking areas as special uses subject to provisions of Section 2302.1.)
- ✕ *Article XXIII “General Provisions”, Section 2302.1: Restricted Parking Areas*
(Added regulations for establishment and operation of restricted parking areas.)
- ✕ *Article XXIII “General Provisions”, Section 2318: Yard Fences, #a*
(Amended size requirements for fences in residential districts.)

January 1989

- ✕ *Article XIII “B-4”, Section 1301: Special Land Uses Permitted, #(10)*
(Added language regarding non-accessory signs.)
- ✕ *Articles XIV “I-1” and IV “I-2”, Sections 1400, 1500: Principal Land Uses Permitted*
(Added language regarding non-accessory signs.)
- ✕ *Article XXIII “General Provisions”, Section 2308 (1) (f): Signs*
(Added language regarding regulations for non-accessory signs.)

August 1995

- ✕ *Article XXIV “Administration and Enforcement”, Section 2407: Violations and Penalties*
(Provided for civil infractions for violation of the zoning ordinance.)

May 1996

- ✕ *Article IV “R”, Section 402: One Family Dwelling Regulations, #6*
(Amended storage space requirements in dwelling units in R-1 districts.)
- ✕ *Article VI “RT”, Section 603: Area and Bulk Requirements, #1*
(Amended storage space requirements in dwelling units in RT districts.)
- ✕ *Article X “B-1”, Section 1001: Principal Uses Permitted, #5*
(Deleted automated car washes as a permitted use in B-1 districts.)
- ✕ *Article XIII “B-4”, Section 1301: Special Land Uses Permitted, #8*
(Added commercial kennels as a special use in B-4 districts.)
- ✕ *Article XXIII “General Provisions”, Section 2301: Accessory Buildings, #4, #7*
(Amended requirements for accessory buildings and added restriction that only one accessory building is permitted per lot.)
- ✕ *Article XXIII “General Provisions”, Section 2302: Off-Street Parking Requirements, #1, #3*
(Amended restrictions against front-yard parking in any residential districts.)
- ✕ *Article XXIII “General Provisions”, Section 2303: Off-Street Parking..., #2, #7*
(Amended requirements for off-street parking spaces.)
- ✕ *Article XXIII “General Provisions”, Section 2307: Plant Materials and Landscaping*
(Amended title of the section, renumbered paragraph 1 and added a new paragraph requiring landscaping in yard areas around buildings and parking areas.)
- ✕ *Article XXIII “General Provisions”, Section 2308: Signs, #1-g*
(Amended requirements for temporary signs.)
- ✕ *Article XXIII “General Provisions”, Section 2311: Storage of Vehicles, #1*
(Amended requirements parking areas for boats, trailers, motor vehicles and recreation equipment.)
- ✕ *Article XXIII “General Provisions”, Section 2312: Reduction of Parcels...*
(Added section to prohibit reduction of parcels below the minimum required size, width or depth.)
- ✕ *Article XXIII “General Provisions”, Section 2320: Corner Clearance*
(Amended regulations on corner clearance.)

March 1997

- ✂ *Table I: Heights, Areas and Yards, “LR”, “WM”*
(Changed lot coverage limits to percentages in LR and WM zoning districts.)
- ✂ *Article XXIII “General Provisions”, Section 2308: Signs, #1-b, #1-g*
(Added regulations for special event signage and changed some wording about sign encroachment on City rights-of-way.)
- ✂ *Article XXIII “General Provisions”, Section 2315: Special Land Uses..., #2*
(Changed specific fees shown to reflect the City’s Master Fee Schedule instead.)
- ✂ *Article XXIV “Administration and Enforcement”, Section 2405: Petitions, Fees*
(Changed specific fees shown to reflect the City’s Master Fee Schedule instead.)
- ✂ *Article XXV “Board of Zoning Appeals”, Section 2502: Appeals, Applications...*
(Changed specific fees shown to reflect the City’s Master Fee Schedule instead.)

August 1997

- ✂ *Error Correction*
(Made several minor corrections and small amendments to remove inconsistencies from the ordinance.)
- ✂ *Article XI “B-2”, Section 1100: Principal Uses Permitted, #8*
(Allowed social halls and private clubs as permitted uses in B-2 districts.)
- ✂ *Article XX “H”, Section 2001: Special Land Uses Permitted, #7*
(Allowed multiple family as a special use in the H district, under certain conditions.)
- ✂ *Article II “Definitions”, relating to daycare*
(Added definitions relating to daycare.)
- ✂ *Article XXIII “General Provisions”, Section 2314: Day Care/Child Care Facilities*
(Added language to allow daycare homes and centers under certain conditions.)

December 1997

- ✂ *Article IV “R”, Section 403: Planned Unit Development Option*
(Added Planned Unit Developments as an option in the R-1 zoning district under certain conditions.)
- ✂ *Article XXIII “General Provisions”, Section 2321: Wireless Communication Service...*
(Added new section to deal with wireless towers and antenna.)
- ✂ *Article II “Definitions”, relating to wireless communication facilities*
(Added definitions relating to wireless communication towers and antenna.)

March 1998

- ✂ *Article I “Short Title”*
(Amended the short title of the Zoning Ordinance.)
- ✂ *Article II “Definitions”*
(Replaced definitions article and added graphics.)
- ✂ *Article XXIII “General Provisions”*
(Made many updates, changes and additions to sections in General Provisions.)
- ✂ *Article XIII “B-4”: ‘B-5 Governmental Service District’*
(Added new zoning district for governmental types of services.)

May 1998

- ✂ *Article XXIV “Administration and Enforcement”, Section 2407: Violation and Penalties*
(Permitted the issuance of civil infraction tickets to anyone in violation of the zoning ordinance.)

July 1998

- ✂ *Article IV “R”, Section 402: One Family Dwelling Regulations, #15*
(Stipulated that single-family dwelling construction cannot commence until a building permit has been issued.)
- ✂ *Article XXIII “General Provisions”, Section 2319: Outdoor Lighting*
(Provided for clarification of night sky regulations for outdoor lighting.)

August 1998

- ✘ *Article II "Definitions": 'Sign', #8*
(Added definition for Electronic Message Board.)
- ✘ *Article XXIII "General Provisions", Section 2334: Signs*
(Replaced entire section with new regulations for signs.)

October 1998

- ✘ *Article XIII "B-4", Section 1307: Signs*
(Repealed the sign requirements for the B-5 zoning district, as these were included in the new sign ordinance, and renumbered the rest of the sections in the article.)
- ✘ *Articles VI - XX, Sections 602 - 2002 respectively: Planned Unit Developments, Section 1603: Area and Bulk Requirements*
(Eliminated minimum acreage requirements for planned unit developments and created new section for schedule of regulations in OSC district language.)
- ✘ *Article II "Definitions": 'Mini Storage (Warehouse) Facilities'*
(Added definition for mini storage facilities.)
- ✘ *Article XIII "B-4", Section 1301: Special Land Uses Permitted, #9*
(Added mini storage facilities as a special use in the B-4 district.)

August 1999

- ✘ *Article II "Definitions": 'Family Day Care Home', 'Group Day Care Home'*
(Replaced definitions associated with daycare, which had been removed in 3/98 amendment of "Definitions".)

September 1999

- ✘ *Article XI "B-2", Section 1101: Special Land Uses Permitted, #5*
(Added language allowing hotels/motels/sleeping inns as special uses in B-2, under certain conditions.)

December 1999

- ✘ *Article IV "R", Section 401: Special Land Uses Permitted, #6*
(Added new language allowing previously existing commercial buildings to operate as special uses in R-1.)
- ✘ *Article VI "RT", Section 601: Special Land Uses Permitted, #9*
(Added new language allowing previously existing commercial buildings to operate as special uses in RT.)
- ✘ *Article VII "RM-1", Section 701: Special Land Uses Permitted, #6*
(Added new language allowing previously existing commercial buildings to operate as special uses in RM-1.)
- ✘ *Article VIII "RM-2", Section 801: Special Land Uses Permitted, #3*
(Added new language allowing previously existing commercial buildings to operate as special uses in RM-2.)
- ✘ *Article VIX, "RM-3", Section 901: Special Land Uses Permitted, #2*
(Added new language allowing previously existing commercial buildings to operate as special uses in RM-3.)

January 2000

- ✘ *Article XXIII "General Provisions", Section 2330: Site Plan Review*
(Replaced section with new regulations for Site Plan Review.)

April 2000

- ✘ *Article XV "I-2": 'WI-PUD Waterfront Industrial Planned Unit Development Districts'*
(Added new zoning district for port activities.)
- ✘ *Article II "Definitions": 'Lightering', 'Marine Cargo Handling', 'Stevedore'*
(Added definitions related to the new WI-PUD zoning district.)
- ✘ *Article IV "R", Section 404: Area and Bulk Requirements*
(Added area and bulk requirements for the R-1 district to that district's language.)
- ✘ *Articles VI - XX, Sections 603 - 2003 respectively: Area and Bulk Requirements*
(Added area and bulk requirements for each other district to that district's language.)
- ✘ *Table I: Heights, Areas, and Yards*
(Changed area and bulk requirements for all districts. Added minimum building heights, waterfront setback...)

- ✕ *Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls, Screens...*
(Replaced section with new regulations for Landscaping; incorporated language for fencing, walls, screens and lighting into same section as Landscaping.)
- ✕ *Article XXIII “General Provisions”, Sections 2308, 2310, 2313, 2314, 2315, 2319, 2333*
(Reserved these sections since language was incorporated into Section 2331.)

August 2000

- ✕ *Article XXIII “General Provisions”, Section 2307: Permitted Yard Encroachments, #3, #4*
(Added Zoning Administrator waiver for setback requirements for handicap ramps; changed lot coverage to reflect previous Table I changes.)

October 2000

- ✕ *Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls..., #8*
(Amended requirements for parking lot landscaping to add a sliding scale for the number of landscape islands required & to give the Zoning Administrator some flexibility to allow bump-outs, etc. on a case-by-case basis.)

November 2000

- ✕ *Article IV “R-1, Single-Family Residential”, Section 400: Principal Uses Permitted, #2b*
(Amended requirements for home occupation signage to reflect the requirements in the sign ordinance.)
- ✕ *Article VI “RT, Two-Family Residential”, Section 600: Principal Uses Permitted, #4b*
(Amended requirements for home occupation signage to reflect the requirements in the sign ordinance.)
- ✕ *Article VII “RM-1, Low-Density Multiple-Family Residential”, Section 700: Principal Uses Permitted, #7b*
(Amended requirements for home occupation signage to reflect the requirements in the sign ordinance.)
- ✕ *Article XXIII “General Provisions”, Section 2326: Off-Street Parking Requirements, #12*
(Amended the requirement for minimum parking space size to reflect the size described in the parking space definition in the Definitions section of the ordinance.)
- ✕ *Article XXV “Board of Zoning Appeals”*
(Amended language and standards for the Zoning Board of Appeals and added standards for the review of use variances by the ZBA.)
- ✕ *Article II “Definitions”*
(Deleted the definition of ‘Variance’ and added definitions of ‘Variance, Use’ and ‘Variance, Nonuse or Dimensional’.)
- ✕ *Article XXIII “General Provisions”, Section 2321: Wireless Communication Service Facilities, #4 under Overlay District Established for Wireless Communication...*
(Added a 60’ x 60’ portion of the Muskegon Community College campus to the overlay district for wireless communication support facilities.)

August 2001

- ✕ *Article IV “R-1, Single-Family Residential”, Section 402: One Family Dwelling Regulations*
(Repealed and reserved this section since language was incorporated into Section 2319.)
- ✕ *Article XXIII “General Provisions”, Section 2319: Residential Design Criteria*
(Added design criteria for all one and two-family homes in any zoning district.)
- ✕ *Article XXIII “General Provisions”, Section 2311: Accessory Structures & Buildings, #4*
(Added requirement for accessory structures to be of residential construction, properly sided and painted, and prohibits pole style storage buildings in all residential zones or developments.)

December 2001

- ✕ *Article XXIII “General Provisions”, Section 2334: Signs, #6c*
(Amended home occupation signage requirements to restrict signage to one wall sign.)
- ✕ *Article XI “B-2, Convenience and Comparison Business”, Section 1101: Special Land Uses Permitted*
(Added secondhand stores as special uses, under certain conditions.)
- ✕ *Articles VII - XX, Sections 703 - 2003 respectively, also Sections 1308 & 1507, all: Area and Bulk Requirements*

(Changed landscaping requirement for front setback to require 50% be landscaped, with conditions.)

- ✗ *Table I “Heights, Areas, and Yards”, Table Notes, #9*

(Changed landscaping requirement for setbacks to refer to landscaping requirements.)

- ✗ *Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls..., #5*

(Changed landscaping requirement for front setback to require 50% be landscaped, with conditions.)

January 2002

- ✗ *Article XII “B-3, Central Business”, Section 1201: Special Land Uses Permitted*

(Added specialized adult educational programs as special uses, under certain conditions.)

February 2002

- ✗ *Article XXIII “General Provisions”, Section 2326: Off-Street Parking and Loading*

(Amended standards and requirements for parking areas and parking spaces)

- ✗ *Article XXIII “General Provisions”, Section 2327: Restricted Parking Areas*

(Repealed and reserved this section)

- ✗ *Article XXIII “General Provisions”, Section 2328: Off-Street Parking Space Layout, Standards, Construction and Maintenance*

(Repealed and reserved this section since language was incorporated into Section 2326.)

- ✗ *Article IV “R One Family Residential Districts”, Section 401: Special Land Uses Permitted, #1(e)*

(Deleted since language was incorporated into Section 2326.)

- ✗ *Articles IV & VII, Sections 401 & 701 respectively, both: Special Land Uses Permitted, #9*

(Deleted since language was incorporated into Section 2326.)

- ✗ *Article VI “RT Two Family Residential Districts”, Section 601: Special Land Uses Permitted, #12*

(Deleted since language was incorporated into Section 2326.)

- ✗ *Article VIII “RM-2 Medium Density Multiple-Family Residential Districts”, Section 801: Special Land Uses Permitted, #6*

(Deleted since language was incorporated into Section 2326.)

- ✗ *Article IX “RM-3 High Density Multiple-Family Residential Districts”, Section 901: Special Land Uses Permitted, #5*

(Deleted since language was incorporated into Section 2326.)

- ✗ *Article V “MHP Mobile Home Park Districts”, Section 511: Off-Street Parking*

(Repealed and reserved this section since language was incorporated into Section 2326.)

- ✗ *Article XIII “B-4 General Business Districts”, Section 1301: Special Land Uses Permitted, #4(b)*

(Deleted since language was incorporated into Section 2326.)

April 2002

- ✗ *Article XXIII “General Provisions”, Section 2319: Residential Design Criteria*

(Added minimum floor sizes for apartment units.)

- ✗ *Article XXIII “General Provisions”, Section 2334: Signs*

(Added signage requirements for legal businesses in residential zoning districts.)

- ✗ *Article XXIII “General Provisions”, Section 2321: Wireless Communication Service Facilities*

(Changed the height requirements for WCAs placed on existing buildings.)

May 2002

- ✗ *Article XI “B-2 Convenience and Comparison Business”, Section 1101: Special Land Uses Permitted*

(Added private schools operated for profit, as special uses.)

- ✗ *Article XIII “B-4 General Business”, Section 1300: Principal Uses Permitted*

(Added private schools operated for profit, as principal permitted uses.)

June 2002

- ✕ *Article XI “B-2 Convenience and Comparison Business”, Section 1100: Principal Uses Permitted & Section 1101: Special Land Uses Permitted*
(Added contractors’ offices with associated indoor storage - special uses if storage exceeds 5,000 sq. ft.)

July 2002

- ✕ *Article XXIII “General Provisions”, Section 2323: Flood Hazard Areas, #3*
(Changed minimum floor elevation requirements to reflect State requirements.)

August 2002

- ✕ *Article XXIII “General Provisions”, Section 2318: Keeping of Animals*
(Repealed and reserved this section since the language was incorporated into a separate City ordinance.)
- ✕ *Article XI “B-2 Convenience and Comparison Business”, Section 1100 Principal Uses Permitted*
(Added recording studios.)
- ✕ *Articles XI - XIII (B-2, B-3, & B-4), Sections 1101 - 1301 respectively: Special Land Uses Permitted*
(Added live music concert halls as special uses, under certain conditions.)

October 2002

- ✕ *Article XXIII “General Provisions”, Section 2324: Temporary Buildings, Structures & Uses*
(Amended the regulations regarding temporary uses, structures and buildings.)
- ✕ *Article II “Definitions”*
(Amended the definitions of ‘building line’, ‘carport’, ‘lot lines’, ‘setback’ and ‘yard’.)
- ✕ *Article II “Definitions”, Section 201: Diagrams, Graphics and Illustrations Pertinent to the Definitions in This Ordinance*
(Added a new graphic as Figure 2.9 to help show front building lines and other definitions for corner lots.)
- ✕ *Article IV “R One Family Residential Districts”, Section 404: Area & Bulk Requirements*
(Amended the regulations regarding setback measurement, and zero lot line option to clarify their meaning regarding yards and setbacks.)
- ✕ *Articles VI - XX (RT, RM-1, RM-2, RM-3, B-1, B-2, B-3, B-4, I-1, I-2, OSC, OSR, LR, WM, H), Sections 603 - 2003 respectively: Area & Bulk Requirements*
(Amended the regulations regarding setback measurement, and zero lot line option to clarify their meaning regarding yards and setbacks.)
- ✕ *Article XIII “B-4 General Business Districts”, Section 1308: Area & Bulk Requirements*
(Amended the regulations regarding setback measurement, and zero lot line option to clarify their meaning regarding yards and setbacks.)
- ✕ *Article XV “I-2 General Industrial Districts”, Section 1507: Area & Bulk Requirements*
(Amended the regulations regarding setback measurement, and zero lot line option to clarify their meaning regarding yards and setbacks.)
- ✕ *Table I “Heights, Areas, and Yards”, Table Notes, #7*
(Changed the explanation of how setbacks are measured.)
- ✕ *Article XXIII “General Provisions”, Section 2306: Allocation of Lot Areas & Configuration of Lots*
(Amended the regulations for determining setbacks for corner lots.)
- ✕ *Article XXIII “General Provisions”, Section 2307: Permitted Yard Encroachments*
(Amended the reference to ‘setback’ to remove the word ‘yard’.)
- ✕ *Article XXIII “General Provisions”, Section 2311: Accessory Structures & Buildings; Section 2316: Storage of Vehicles; Section 2317: Exterior Swimming Pools & Hot Tubs*
(Amended the references to ‘yard’ to remove the word ‘setback’.)
- ✕ *Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls, Etc.*
(Amended the regulations for fencing to clarify the words ‘yard’ and ‘setback’ and the regulations for corner lots.)

November 2002

- ✕ *Article II "Definitions"*
(Amended the definitions dealing with adult foster care facilities.)
- ✕ *Article IV "R One Family Residential Districts", Section 400: Principal Uses Permitted*
(Amended the regulations regarding adult foster care facilities.)
- ✕ *Articles VI - IX, and XX (RT, RM-1, RM-2, RM-3, H), Sections 600 - 900, 601 - 801 and 2000 respectively: Principal Uses Permitted*
(Amended the regulations regarding adult foster care facilities.)
- ✕ *Articles IV, VI, VII, and XX (R-1, RT, RM-1, H), Sections 400, 600, 700 and 2000 respectively: Principal Uses Permitted*
(Amended the regulations regarding home occupations and added the language to the H district.)

February 2003

- ✕ *Article XXIII "General Provisions", Section 2326: Off-Street Parking and Loading*
(Added downtown parking overlay district)
- ✕ *Article VI "RT Two-Family Residential Districts", Section 601: Special Land Uses Permitted, #4*
(Deleted home offices for physicians and other professionals)
- ✕ *Article VII "RM-1 Low Density Multiple Family Residential Districts", Section 701: Special Land Uses Permitted, #4 & #5*
(Deleted home offices for physicians and other professionals and hospitals)
- ✕ *Article VIII "RM-2 Medium Density Multiple Family Residential Districts", Section 801: Special Land Uses Permitted, #2*
(Deleted hospitals)
- ✕ *Article IX "RM-3 High Density Multiple Family Residential Districts", Section 901: Special Land Uses Permitted, #1*
(Deleted hospitals)
- ✕ *Article XXIII "General Provisions", Section 2322: Day Care/Child Care Facilities*
(Added daycares as uses in the MC district)
- ✕ *Article VII "RM-1": 'MC Medical Care Districts'*
(Added new zoning district for medical care activities and facilities)
- ✕ *Article II "Definitions"*
(Added definition of 'campus')
- ✕ *Article XXIII "General Provisions", Section 2334: Signs*
(Added #10, 'Campus Signage')

April 2003

- ✕ *Article XXIII "General Provisions", Section 2326: Off-Street Parking and Loading, #4*
(Removed #4, correction related to previous downtown parking overlay amendment.)

June 2003

- ✕ *Article XXIII "General Provisions", Section 2334: Signs*
(Moved banners from 'Prohibited' signs to 'Exempt' signs, under certain conditions.)

July 2003

- ✕ *Article XXIII "General Provisions", Section 2307: Permitted Yard Encroachments, #2*
(Clarified setback requirements for patios, porches and decks.)
- ✕ *Article II "Definitions"*
(Added definitions of 'patio', 'porch' and 'deck'. Amended the definition of 'tourist home' and moved it to 'bed and breakfast facilities'.)
- ✕ *Article VII "RM-1 Low Density Multiple Family Residential Districts", Section 700: Principal Permitted Uses, #4*
(Amended the requirements for tourist homes – bed and breakfast facilities.)

November 2003

☒ Article II “Definitions”

(Added definitions of ‘assisted living facility’, ‘hospice care’, ‘hospice care facility’ and ‘nursing home’. Amended definitions of ‘commercial kennel’, ‘loading space’, ‘convalescent home’, ‘parking space’ and ‘street’. Deleted definition of ‘parking exempt district’.

January 2004

☒ Article XXIII “General Provisions”, Section 2334: Signs

(Amended nonconforming sign maintenance language. Added Multi-suite signage requirements. Amended to regulate signage for lots with corner frontage, parallel frontage or water frontage.)

February 2004

☒ Article XXIII “General Provisions”, Section 2334: Signs

(Created provisions regarding the installation of “Community Promotional” banners on poles located on City owned property)

April 2004

☒ Article XXIII “General Provisions”, Section 2311: Accessory structures and Buildings

(Created provisions regarding permits)

May 2004

☒ Article XI “B-2, Convenience and Comparison Business”, Section 1101: Special Land Uses

(added Indoor Theaters as a Special Use)

☒ Article XIII “B-4, General Business”, Section 1301: Special Land Uses

(added Taxi/Limousine services under Special Uses)

August 2004

☒ Article IV “R”, Section 401: Special Land Uses Permitted, #6

(Added new language allowing previously existing commercial buildings to sell alcohol as a special use in R-1.)

☒ Article VI “RT”, Section 601: Special Land Uses Permitted, #9

(Added new language allowing previously existing commercial buildings to sell alcohol as a special use in RT.)

☒ Article VII “RM-1”, Section 701: Special Land Uses Permitted, #6

(Added new language allowing previously existing commercial buildings to sell alcohol as a special use in RM-1.)

☒ Article VIII “RM-2”, Section 801: Special Land Uses Permitted, #3

(Added new language allowing previously existing commercial buildings to sell alcohol as a special use in RM-2.)

☒ Article VIX, “RM-3”, Section 901: Special Land Uses Permitted, #2

(Added new language allowing previously existing commercial buildings to sell alcohol as a special use in RM-3.)

January 2005

☒ Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls, Screens, and Lighting, #19

(Amended the outdoor light in all districts language to be “Outdoor lighting” from “Street lighting”.)

☒ Article IV, “R-1, One Family Residential Districts”. Section 404: Area and Bulk Requirements, #7

(Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)

☒ Article VI, “R-T, Two Family Residential Districts”. Section 603: Area and Bulk Requirements, #7

(Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)

☒ Article VII, “RM-1, Low Density Multiple-Family Residential Districts”. Section 703: Area and Bulk Requirements, #9

- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article VIII, “RM-2, Medium Density Multiple Family Residential Districts”. Section 803: Area and Bulk Requirements, #9*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article IX, “RM-3, High Density Multiple Family Residential Districts”. Section 903: Area and Bulk Requirements, #9*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article IX, “MC, Medical Care Districts”. Section 907: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article X, “B-1, Limited Business Districts”. Section 1003: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XI, “B-2, Convenience and Comparison Business Districts”. Section 1103: Area and Bulk Requirements, #18*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XII, “B-3, Central Business Districts”. Section 1203: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XIII, “B-4, General Business Districts”. Section 1303: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XIII, “B-5, Governmental Service District”. Section 1308: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XIV, “I-1, Light Industrial Districts”. Section 1403: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XV, “I-2, General Industrial Districts”. Section 1503: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XV, “WI-PUD, Waterfront Industrial Planned Unit Development Districts”. Section 1507: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XVI, “OSC, Open Space Conservation Districts”. Section 1603: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XVII, “OSR, Open Space Recreation Districts”. Section 1703: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XVIII, “LR, Lakefront Recreation Districts”. Section 1803: Area and Bulk Requirements, #8*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XIX, “WM, Waterfront Marine Districts”. Section 1903: Area and Bulk Requirements, #9*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)
- ✕ *Article XX, “H, Heritage Districts”. Section 2003: Area and Bulk Requirements, #6*
- (Amended the front setback requirement for a major street to be the same as a collector street, to match Table I)

March 2005

- ✕ *Article XXIII, “General Provisions”. Section 2319: Residential Design Criteria, #9*
 (Amended the minimum storage space in multi-family dwelling units)

April 2005

✕ *Article XXIII, “General Provisions”. Section 2334: Signs (#10)*
(Amended the sign ordinance regarding campus signage)

✕ *Article II, “Definitions”*
(Added definitions for ‘Informational Sign’)

✕ *Article II, “General Provisions”*
(Amended definition of ‘Setback-Front’)

May 2005

✕ *Article XI, “B-2 Convenience and Comparison Business”, Section 1101: Special Land Uses Permitted*
(Added veterinary clinics, without outdoor kennels, as special use)

June 2005

✕ *Article XXIII, “General Provisions”. Section 2334: Signs (#4)*
(Amended the sign ordinance regarding “Prohibited Signs (all districts”, added “A-frame” language)

August 2005

✕ *Article XXIII, “General Provisions”. Section 2334: Signs (#5)*
(Amended the sign ordinance regarding “Exempt Signs” to allow “One additional flag per premise”.)

✕ *Article XXIII, “General Provisions”. Section 2331: Landscaping, Fencing, Walls, Screens and Lighting (#16)*
(Amended the ordinance regarding “Corner Clearance” to include “driveways”.)

September 2005

✕ *Article II, “Definitions”*
(Amended definitions for ‘Hotel’ and ‘Motel’)

✕ *Article XXV, “Zoning Board of Appeals”. Section 2501*
(Amended the language on ‘Creation and Membership’ to require 2/3 concurring vote of the members to grant a use variance.)

October 2005

✕ *Article XXIII, “General Provisions”. Section 2334: Signs (#7)*
(Amended the sign ordinance to add MC in ‘Permitted Signs’)

✕ *Article XI, “B-2 Convenience and Comparison Business”, Section 1101: Special Land Uses Permitted* (Added ‘Antique Shops’, as special use)

✕ *Article II, “Definitions”*
(Added definition for ‘Antique Shop’)

January 2006

✕ *Article XXIII, “General Provisions”. Section 2311: Accessory Structures & Buildings (#9)*
(Amended to prohibit ‘Solid Fuel Heating Appliances’)

✕ *Article II, “Definitions”*
(Added definition for ‘Solid Fuel Heating Appliance’)

March 2006

✕ *Article XX, “H, Heritage Districts”. Section 2000: Principal Uses Permitted (#5) and Section 2001, Special Land Uses Permitted (#7, 8, & 9)*

(Amended to include additional principal uses for properties fronting on W. Western Avenue between 4th and 9th Streets and additional special uses for the entire H, Heritage District)

April 2006

- ∅ *Article XXIII, “General Provisions”. Section 2334: Signs (#5)*
(Amended to allow a building wrap for a building undergoing construction or major renovation)
- ∅ *Article II, “Definitions”* (Added definition for ‘Building Wrap)
- ∅ *Article XXIII, “General Provisions”. Section 2323: Flood Hazard Areas (#3)*
(Amended regarding reference numbers for the Michigan Residential Code and Michigan Building Code)
- ∅ *Article XXII, “Nonconforming Lots, Uses, and Structures”. Sections 2200, 2201, 2202, 2203)*
(Amended and updated the entire Section with the exception of Section 2005)

June 2006

- ∅ *Article XXIII, “General Provisions”. Section 2321: Wireless Communication Service Facilities (#2)* (Amended substitute 2301 Harvey Street for 1350 E. Keating Avenue as Wireless Communication Service Facility)

July 2006

- ∅ *Article XXIII, “General Provisions”. Section 2334: Signs (#6, b)* (Amended to add wall signage for lawful institutional uses such as churches and schools)

August 2006

- ∅ *Article XXIII, “General Provisions”. Section 2319: Residential Design Criteria (#2)*
(Amended regarding roof pitch of additions to correspond to the principal structure)
- ∅ *Article XXIII, “General Provisions”. Section 2334: Signs (#5, hb)*
(Amended to clarify window signage allotments)

November 2006

- ∅ *Article XXIV, “Administration and Enforcement”. Section 2405: Petitions, Fees (paragraph #2)* (Amended regarding Planning Commission notices in areas within 300 feet)
- ∅ *Article XXV, “Zoning Board of Appeals”. Section 2503: Appeals, filing Procedure and Fees (paragraph #1)* (Amended regarding “aggrieved parties” language)
- ∅ *Article XXV, “Zoning Board of Appeals”. Section 2504: Appeals, filing Hearings, Notices, and Adjournments (#1)* (Amended regarding newspaper notice for ZBA)
- ∅ *Amendment to the Preamble.* (Amended reference to the Michigan Zoning Enabling Act of 2006)
- ∅ *Article XII, “B-3, Central Business District”. Section 1200: Principal Uses Permitted #9.*
(Amended requirement for minimum lot size for residential uses as part of a building)
- ∅ *Article XII, (B-3, Central Business District). Section 1202: Special Land Uses Permitted, #7.*
(Added multi-family residential uses as special use)
- ∅ *Article XXV, “Zoning Board of Appeals”. Section 2501: Creation and Membership (paragraph 4)* (Amended regarding the removal of a ZBA member for malfeasance)

January 2007

- ∅ *Article XXV, “Zoning Board of Appeals”. Section 2501: Creation and Membership (paragraph 1)* (Amended regarding the appointment of a successor ZBA member within one month)

- ☒ *Article XXV, “Zoning Board of Appeals”. Section 2504: Appeals, filing Hearings, Notices, and Adjournments (#1)* (Amended regarding newspaper notice for ZBA, removed weekend & holiday language)

March 2007

- ☒ *Article XXIII, “General Provisions, Section 2308: Outdoor Seating* (Amended allowing outdoor seating for restaurants, and similar uses)
- ☒ *Article XXIII, “General Provisions”, Section 2319, (#22): Residential Design Criteria* (Amended to require native vegetative ground cover.)

May 2007

- ☒ *Article XX, “H, Heritage District”.* (Amended to remove the H, Heritage District from the ordinance)
- ☒ *Article IV, “R, One Family Residential District, Section 401: Special Land Uses Permitted* (Added bed and breakfast facilities as a special land use with conditions.)
- ☒ *Article XII, “B-3, Central Business”, Section 1200: Permitted Uses* (Amended to clarify retail sales in a B-3 zoning district)
- ☒ *Article XII, “B-3, Central Business”, Section 1201: Special Land Uses Permitted* (Amended to allow additional special land uses)

June 2007

- ☒ *Article XXIII, “General Provisions”, Section 2326: Off-Street Parking and Loading* (Amended to reduce the number of residential parking spaces in the Downtown Parking Overlay District)

July 2007

- ☒ *Article XXIII “General Provisions”, Section 2331: Landscaping, Fencing, Walls, Screens, and Lighting, #20, d* (Amended to clarify “horizontal plane”)

December 2007

- ☒ *Article XXIII “General Provisions”, Section 2334: Signs, #5, o* (Amended to add “sidewalk signs” as exempt signs in all zoning districts)
- ☒ *Article XXIII “General Provisions”, Section 2334: Signs, #4, io* (Amended to remove “A-frame signs” from “Prohibited signs”)
- ☒ *Article II “Definitions”,* (Amended to add a definition for “Sidewalk Signs”)

February 2008

- ☒ *Article XIII “B-4, General Business”, Section 1301: Special Land Uses Permitted, #14; Article XIV, “I-1, Light Industrial”, Section 1400: Special Land Uses Permitted, #13; and Article XV, “I-2, General Industrial”, Section 1500, #9* (Amended to remove reference to Section 2308)

May 2008

- ☒ *Article XXIII “B-4, General Business, Section 1301: Special Land Uses Permitted, #12”,* (Amended to add “Craft Shops” as a special land use)

September 2008

- ☒ *Article IV “R, One Family Residential, Section 404: Area and Bulk Requirements, #6”,* (Amended to allow homes in established Historic Districts to be up to 3 stories or 45 feet in height)
- ☒ *Table I “Heights, Area, and Yards”, Table Notes, #10.* (Noted special accommodation for 3 stories in R-1.)

- ∅ *Article XIX “WM, Waterfront Marine Districts, Section 1901: Special Land Uses Permitted”, (Amended to add “Museums” as a special land use)*

October 2008

- ∅ *Article XXIII, “General Provisions”, Section 2308: Outdoor Seating* (Amended requiring 6 feet of paved area for pedestrian circulation)

January 2009

- ∅ *Article XXIII, “General Provisions”, Section 2324, #1: Temporary Buildings, Structures, and Uses* (Amended to include “movie production” structures as permitted temporary buildings)

October 2009

- ∅ *Article XXIII, “General Provisions”, Section 2311, #10: Temporary Buildings, Structures, and Uses* (Amended to include “wind turbines” as permitted temporary structures.)

- ∅ *Article XXIII, “General Provisions”, Section 2310* (Amended to include “Wind Turbine Facilities (WTF)”.)

- ∅ *Article II “Definitions”,* (Amended to add definitions for “Wind Turbine” and “Wind Turbine Facility”.)

- ∅ *Article XI, “B-2”, Section 1101, #14; Article XII, “B-3” Section 1201, #11; Article XIII, “B-4” Section 1301, #6 and Article XIII “B-5”, Section 1306, #6; Article XIV, “I-1”, Section 1401, #7; Article XV, “I-2”, Section 1501, #5* (Amended to include “Wind Turbine Facilities (WTF) as special uses”.)

December 2009

- ∅ *Article XXIII, “General Provisions”, Section 2334, #5 (f): Signs* (Amended to modify “exempt signs”.)

- ∅ *Article II “Definitions”,* (Amended to modify the definition of “Mezzanine”.)

February 2010

- ∅ *Article II, “Definitions”* (Amend to add definition for “vintage shops.”)

- ∅ *Article XI “B-2, Convenience and Comparison Business Districts”, Section 1101: Special Land Uses Permitted* (Amended to include “vintage shops” as special use permitted.)

March 2010

- ∅ *Article XXIII, “General Provisions”, Section 2334, #5(p): Signs* (Amend to allow sporting venues to display signage to those in attendance)

- ∅ *Article XXIII, “General Provisions”, Section 2334, #5(q): Signs* (Amend to allow signage related to on-site sustainability and conservation efforts)

April 2010

- ∅ *Article VII, “RM-1, Low Density Multiple-Family Residential Districts”, Section 700, #9: Principle Uses Permitted* (Amend to allow “assisted living facilities” as a principal use permitted in RM-1, Low Density Multiple-Family Residential Districts)

May 2010

- ✕ *Article XIII, “General Provisions”, Section 2313: Community Gardens* (Amended to add provisions for “community gardens”.)

June 2010

- ✕ *Article XXIII, “General Provisions”, Section 2334, #5m: Signs* (Amended to modify the rules on banners.)

September 2010

- ✕ *Article II, “Definitions”* (Amended to provide a definition for Transitional Living Centers)

October 2010

- ✕ *Article XXIII, “General Provisions,” Section 2326: Off-Street Parking and Loading* (Amended to ease the parking restrictions on small businesses in the downtown parking overlay district.)

November 2010

- ✕ *Article XXIII, “General Provisions,” Section 2324: Temporary Buildings, Structures and Uses* (Amended to allow temporary fencing as part of erosion control methods.)

December 2010

- ✕ *Article XIV, “B-5, Governmental Services District,” Section 1306: Special Use Permits* (Amended to allow Transitional Living Centers as a special use permitted in B-5, Governmental Services Districts)

March 2011

- ✕ *Article XXIII, “I-2,” General Provisions,” Section 2331: Landscaping, Fencing Screens, Walls and Lighting* (Amended to modify the guidelines on outdoor lighting.)

March 2011

- ✕ *Article XV, “I-2, General Industrial District,” Section 1500: Principal Uses Permitted* (Amended to allow medical marihuana caregiver facilities as a principal use permitted in I-2, General Industrial Districts.)

February 2012

- ✕ *Article XI “B-2, Convenience and Comparison Business District,” Section 1100: Principal Uses Permitted* (Amended to allow stores selling second hand merchandise as a principal use permitted in B-2, Convenience and Comparison Business Districts.)

February 2012

- ✕ *Article XI “B-2, Convenience and Comparison Business District,” Section 1101: Special Land Uses Permitted* (Amended to remove the restrictions on stores selling second hand merchandise in B-2, Convenience and Comparison Business Districts.)

March 2012

- ✕ *Article II, “Definitions”; Article XI, “B-2,” Section 1100 & 1101; Article XII, Section 1200 & 1201; Article XIII, “B-4,” Section 1300 & 1301; Section 1304, “B-5”; Article XIV, “I-1,” Section 1400:* (Amended to include alcohol manufacturing facilities.)

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**ZONING ORDINANCE
CITY OF MUSKEGON
MUSKEGON COUNTY, MICHIGAN**

TITLE

AN ORDINANCE, enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the City of Muskegon, Muskegon County, Michigan, to regulate and restrict the location and use of buildings, structures and land, for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Municipality into districts and establish boundaries thereof; provide for changes in the regulations, restrictions and boundaries of such districts; define certain terms used herein; provide for enforcement; establish a Board of Appeals; and impose penalties for the violation of this Ordinance.

PREAMBLE

[amended 12/06]

An ordinance enacted under the provisions and authority of the Public Acts of the State of Michigan to establish districts and zones within which the use of land and structures, the height, area, size, and location of buildings are regulated, and within which districts, zone regulations are established for the light and ventilation of such buildings, and within which districts, density of population is regulated; to provide for the acquisition by purchase, condemnation, or otherwise, of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this Ordinance; to provide for amendments, supplements, or changes hereto; all in accordance with an adopted Land Use Plan and Housing Plan as provided in Public Act 110, of 2006, the Municipal Planning Act, as amended, being the Michigan Zoning Enabling Act, M.C.L. 1253101, et seq. hereinafter referred to as the "Zoning Act".

ENACTING CLAUSE

The City of Muskegon Ordains: