

ARTICLE IV - R ONE FAMILY RESIDENTIAL DISTRICTS

PREAMBLE

These districts are designed to be composed of low density residential development. The regulations are intended to stabilize, protect, and encourage the residential character of the district and prohibit activities not compatible with a residential neighborhood. Development is limited to single family dwellings and such other uses as schools, parks, churches, and certain public facilities which serve residents of the district. It is the intent of these districts to recognize that the City of Muskegon has been developed and platted with some lots that are smaller than those found in recently urbanized communities, and the standards in Section 2100 reflect residential development standards that the citizens of Muskegon find to be compatible.

SECTION 400: PRINCIPAL USES PERMITTED

In R, One Family Residential, Districts no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one or more of the following specified uses, unless otherwise provided in this Ordinance;

1. One Family detached dwellings.
2. Home occupations of a non-industrial nature may be permitted. Permissible home occupations include, but are not limited to the following: [amended 11/02]
 - a. Art and craft studios, lessons may be given to one client at a time
 - b. Hair and nail salons, limited to one client at a time
 - c. Dressmaking and tailoring
 - d. Tutoring, limited to one student at a time
 - e. Typing or clerical services
 - f. Teaching of music or dancing or similar instruction, limited to one client at a time
 - g. Offices located within the dwelling for a writer, consultant, member of the clergy, lawyer, physician, architect, engineer or accountant, limited to one client/family at a time.
 - h. All home occupations are subject to the following:
 - i) The businessperson operating the home occupation shall reside in the dwelling and only members of the immediate family residing on the premises may be employed.

- ii) The business shall have a local business license and any other appropriate licensing or registrations required by local, state or federal law.
- iii) No equipment or process shall be used in home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.
- iv) Explosives, flammable liquids or combustible liquids shall only be used in compliance with the applicable fire and building codes.
- v) Activities involving kilns or welding equipment shall comply with the applicable fire and building codes.
- vi) The outside appearance of the premises shall have no visible evidence of the conduct of a home occupation.
- vii) Home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- viii) All activity must be conducted within a preexisting structure. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
- ix) There shall be no exterior display or signage other than that signage allowed for home occupations under the sign requirements of this ordinance. [amended 11/00]
- x) No goods shall be kept, or sold which are made or assembled off-site, except as incidental to services rendered.
- xi) The primary function of the premises shall be that of the residence of the family, and the occupation shall not exceed twenty-five (25) percent of the principal building.
- xii) There shall be no outside storage or processing.
- xiii) The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises. There shall be no commercial vehicles associated with the home occupation, nor parking of more than one (1) business car, pickup truck or small van on the premises.
- xiv) Activities specifically prohibited (but not limited to) include:

- (1) A service or repair of motor vehicles, appliances and other large equipment
 - (2) A service or manufacturing process which would normally require industrial zoning
 - (3) A commercial food service requiring a license
 - (4) A limousine service
 - (5) A lodging service including but not limited to, a tourist home, motel or hotel
 - (6) A tattoo parlor
 - (7) An animal hospital or kennel
 - (8) A lawn service
- xv) No activity legally excluded by any deed restriction or other tenant or owner restrictions shall be permitted.
2. Adult Foster Care Family Homes, provided that such facilities shall be at least one thousand five hundred (1,500) feet from any other similar facility. [amended 11/02]
 3. Accessory buildings and accessory uses customarily incidental to any of the above Principal Uses Permitted.
 4. Uses similar to the above Principal Uses Permitted.

SECTION 401: SPECIAL LAND USES PERMITTED [amended 2/02, 6/07]

The following uses, and their accessory buildings and accessory uses, shall be permitted under the purview of Section 2332 after review and approval of the use (and a site plan, if required) by the Planning Commission, after Public Hearing, subject to the applicable conditions, and any other reasonable conditions imposed by the Planning Commission:

1. Private recreational areas, and institutional recreational centers when not operated for profit, and nonprofit swimming pool clubs, all subject to the following conditions: [amended 2/02]
 - a. In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed site shall have one property line abutting a major thoroughfare and the site shall be so planned as to provide ingress and egress directly onto said major thoroughfare.

- b. Front, side, and, rear yards shall be at least fifty (50) feet wide, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - c. Buildings erected on the premises shall not exceed one (1) story or fourteen (14) feet in height.
 - d. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence six (6) feet in height, and entry shall be protected by means of a controlled gate or turnstile.
 - e. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission who may impose reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected.
2. Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education not operated for profit, all subject to the following conditions:
- a. Any use permitted herein shall be developed only on sites of at least five (5) acres in area.
 - b. All ingress to and egress from said site shall be directly onto a major thoroughfare.
 - c. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
3. Churches and other facilities normally incidental thereto subject to the following conditions:
- a. The site shall be so located as to provide for ingress and egress from said site directly onto a major or secondary thoroughfare.
 - b. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than thirty (30) feet.
 - c. Buildings of greater than the maximum height allowed in Section 2100, may be allowed provided front, side, and rear yards are increased above the minimum requirements by one (1) foot for each foot of building that exceeds the maximum height allowed.

4. Elementary, intermediate, and/or secondary schools offering courses in general education, provided such uses are set back thirty (30) feet from any lot in a residential zone.
5. Cemeteries.
6. Previously existing or established commercial uses not already converted to a residential use may be authorized under Special Use Permit for the following [amended 12/99]:
 - a. Retail and/or service establishments meeting the intent of the neighborhood Limited Business Zone (B-1) dealing directly with consumers including:
 - 1) Any generally recognized retail business which supplies new commodities on the premises for persons residing in adjacent residential areas such as: groceries, meats, dairy products, baked goods or other foods, drugs, drygoods, and notions or hardware.
 - 2) Any personal service establishment which performs services on the premises for persons residing in adjacent residential areas, such as: shoe repair, drop-off dry cleaning shops, tailor shops, beauty parlors, barber shops, dressmaker, tailor, pharmacist, or an establishment doing radio, television, or home appliance repair, and similar establishments that require a retail character no more objectionable than the aforementioned, subject to the provision that no more than five (5) persons shall be employed at any time in the sale, repair, or other processing of goods.
 - 3) Professional offices of doctors, lawyers, dentists, chiropractors, osteopaths, architects, engineers, accountants, and similar or allied professions.
 - 4) Restaurants, or other places serving food, except drive-in or drive-through restaurants.
 - b. Prohibited uses: Activities specifically prohibited include repair or service of motor vehicles and other large equipment; manufacturing processes which would normally require industrial zoning; any activity which may become a nuisance due to noise, unsightliness or odor; and any activity which may adversely affect surrounding property.
 - c. Conditions:
 - 1) Outdoor storage is prohibited.
 - 2) The area devoted to approved uses shall not exceed 2,500 square feet.
 - 3) All goods produced on the premises shall be sold at retail on the premises where produced.
 - 4) All business, servicing, or processing shall be conducted within a

completely enclosed building, or in an area specifically approved by the Planning Commission.

- 5) Parking shall be accommodated on site or with limited street parking.
- 6) Hours of operation may be limited by the Planning Commission.
- 7) Signs must comply with those set forth for the residential zoning district.
- 8) The Planning Commission may allow a use to sell alcohol, however the Commission may limit the type of license applied for or obtained for the sale of alcohol to an SDM, hours of operation, and any other restrictions intended to stabilize, protect, and encourage the residential character of the area. The use must gain approval from the Michigan Liquor Control Commission before alcohol can be or sold.

7. Bed & Breakfast facilities, under the following conditions:

- a. The home must be located in the Clay-Western or National Register Historic District, as identified by the City of Muskegon Historic District Commission map.
- b. The owner or operator of the tourist home shall live full-time on the premises.
- c. No structural additions or enlargements shall be made to accommodate the tourist home use and no exterior alterations to the structure shall be made which will change the residential appearance of the structure.
- d. Breakfast may be served on the premises, only for guests of the facility, and no other meals shall be provided to guests.
- e. No long-term rental of rooms for more than fourteen (14) consecutive days shall be permitted. No guest may stay for more than twenty-eight (28) nights in any given year.
- f. There shall be a maximum of five (5) guestrooms. No more than two (2) adults are permitted to stay in any guestroom.
- g. Signage shall conform to that which is permitted for home occupation businesses only.
- h. Rental of the tourist home for special gatherings such as wedding receptions and parties shall be prohibited.
- i. The property shall meet all local and state code requirements regarding bed and breakfast facilities.

8. Accessory buildings and accessory uses customarily incidental to any of the above Special Land Uses Permitted.
9. Uses similar to the above Special Land Uses Permitted.

SECTION 402: [RESERVED] [amended 8/01]

SECTION 403: PLANNED UNIT DEVELOPMENT OPTION [amended 12/97]

Planned unit developments (PUDs) may be allowed by the Planning Commission under the procedural guidelines of Section 2101. The intent of Planned Unit Developments in the single family residential district is to allow for flexibility in the design of housing developments, including but not limited to condominium developments and cluster subdivisions, to allow for the preservation of open space; allow for economies in the provision of utilities and public services; provide recreational opportunities; and protect important natural features from the adverse impacts of development.

1. Determination: The Planning Commission, in reviewing and approving a proposed PUD may allow lots within the PUD to be reduced in area and width and setbacks below the minimum normally required by this ordinance in return for common open space where it is determined that the benefits of the cluster approach will decrease development costs, increase recreational opportunities, or prevent the loss of natural features. The Planning Commission, in its determination, shall consider the densities permitted in the Zoning Ordinance and, if applicable, the land's capability to bear the higher density.
2. Basic Requirements:
 - a. The net residential acreage including improvements and occupied land shall be calculated by taking the total area of the tract and subtracting, in order, the following:
 - 1) Portions of the parcel(s) shown to be in a floodplain.
 - 2) Portions of the parcel(s) which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to; slopes greater than 15%; organic, poorly drained soils, and wetlands.
 - 3) Portions of the parcel(s) covered by surface waters.
 - 4) Portions of the tract utilized for storm water management facilities.
 - b. Undevelopable areas may be used for common open and recreational areas.

- c. No building shall be sited on slopes steeper than 15%, within 100 feet of any ordinary high water mark, wetland, or on soil classified as being very poorly drained.
- 3. Density determination: To determine the maximum number of dwelling units permitted on the parcel(s) of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance.
- 4. Open space requirement: At least 15% of the site shall be set aside as dedicated common open space. At least one third (1/3) of the common open space shall be usable open space. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach such recreational or common open spaces.
- 5. Spacing: The distance between buildings shall not be less than 10 feet and front setbacks shall not be less than 10 feet. In no case shall an individual dwelling lot be less than 4,000 square feet.
- 6. Waterfront: Where a cluster development abuts a body of water, at least 50% of the shoreline, as well as reasonable access to it, shall be a part of the common open space land.
- 7. Utility of common open space: Common open space in any one residential cluster shall be laid out, to the maximum extent feasible, to connect with other open space existing or proposed.
- 8. Size: Minimum parent parcel size is 21,780 square feet (one-half acre).
- 9. Bonus units: Where the developer provides additional open space or amenities within the development, additional density may be granted. A maximum of a 10% unit bonus may be granted to the development for additional amenities such as: public trail easements, additional open space, additional common waterfront area, and additional landscaping.

SECTION 404: AREA AND BULK REQUIREMENTS [amended 4/00]

- 1. Minimum lot size: 6,000 sq. feet
- 2. Density (see definition in Article II): 7 dwelling units per buildable acre.
- 3. Maximum lot coverage:
 - Buildings: 50%
 - Pavement: 10%
- 4. Lot width: 50 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).

5. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
6. Height limit: 2 stories or 35 feet. Exception: Homes located in an established Historic District may be up to 3 stories or 45 feet, if found to be compatible with other homes within 600 feet. [amended 9/08]

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-3).

7. Front Setbacks: [amended 1/05]

Minimum:

Expressway or Arterial Street: 30 feet
Collector or Major Street: 25 feet
Minor Street: 15 feet

Note: For minimum front setbacks new principal structures on minor streets may align with existing principal structures in the immediate area even if the front setback is below the minimum required.

8. Rear setback: 30 feet
9. Setback from the ordinary high water mark or wetland: 30 feet (principal structures only).
10. Side setbacks:
 - 1-story: 6 feet and 10 feet
 - 2-story: 8 feet and 12 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

11. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]
 - a. The building has an approved fire rating for zero-lot line development under the building code.
 - b. The building has adequate fire access preserved pursuant to fire code requirements.
 - c. The zero lot line side is not adjacent to a street.

- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.