

TITLE SIX – Zoning

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CHAPTER 1260

General Provisions and Definitions

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CROSS REFERENCES

- Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i
 Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
 Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
 Regulation of congested areas - see M.C.L.A. Sec. 125.583
 Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

1260.01 TITLE.

This Title Six of Part Twelve of these Codified Ordinances shall be known and may be cited as the "City of Litchfield Zoning Ordinance" and shall be referred to throughout this Title Six of Part Twelve of these Codified Ordinances as the "Zoning Code."

1260.02 COMPLIANCE REQUIRED.

No structure or part thereof shall be located, erected, constructed, reconstructed, altered, converted or enlarged and maintained, nor shall any structure or land be used or be designed to be used, except in full compliance with the provisions of this Zoning Code.

1260.03 PRIOR CONSTRUCTION STARTS.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code.

1260.04 PURPOSE.

This Zoning Code is adopted to promote the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and properties, and with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, buildings and population development as studied and recommended by the Planning Commission and pursuant to regulations adopted therefor by the Council.

1260.05 INTERPRETATION.

The provisions of this Zoning Code shall be considered minimum standards and requirements within each respective district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the intent of this Zoning Code.

1260.06 RULES OF CONSTRUCTION.

The following rules of construction apply to the text of this Zoning Code:

- (a) The particular shall control the general.
- (b) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular.

1260.07 AMENDMENTS; FEE.

From time to time, on recommendations from the Planning Commission, or on its own motion or petition, the Council may amend, supplement, modify or change this Zoning Code, including modification of district boundaries shown on the official Zoning Map.

- (a) Private Petitions. Private property owners may petition the Planning Commission for amendments, said requests being forwarded to the Council with recommendations.
- (b) Fee. Upon presentation to the Planning Commission of a petition for amendment of said Zoning Code by an owner of real estate to be affected, a fee to defray the expense of publishing the required notices and the expense of said Planning Commission shall accompany the petition. The amount of the fee shall be set by resolution of the Council.
- (c) Special Condition Map Amendments (SCMA). An owner of land may voluntarily offer in writing and the Planning Commission may approve certain uses and development of the land as a condition to a rezoning of the land or an amendment to the official Zoning Map.
 - (1) In approving the conditions under this section, the Planning Commission may establish a time period during which the conditions apply to the land. Except for an extension under division (c)(3) below, if the conditions are not satisfied within the time specified, the land shall revert to its former zoning classification.
 - (2) The City shall not add to or alter the conditions approved during the time period specified.
 - (3) The time period specified may be extended upon the application of the landowner and approval of the Commission.
 - (4) The City shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under division (c)(1) shall not otherwise affect a landowner's rights under this section, the ordinances of the City, or any other laws of this state.
(Ord. 2006-08. Passed 10-10-06.)

1260.08 HEARING PROCEDURES.

- (a) When required to provide notice and hearing under this Zoning Code, the Zoning Administrator shall publish notice of the hearing in the official journal of the City at least 15 days prior to the hearing.
- (b) Except for requests pertaining to 11 or more contiguous parcels of land or for an ordinance interpretation or amendment that does not pertain to any specific parcel of land, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the same zoning district.
- (c) The Zoning Administrator shall prepare a list of those notified by mail and of those notified by personal delivery.
- (d) The notice shall be given not less than 15 days before the date that the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this division (d). The notice shall do all of the following:
 - (1) Describe the nature of the petition or request being considered;
 - (2) Indicate the property that is the subject of the request, including a listing of all existing street addresses within the property or other means of identification;

- (3) State when and where the request will be considered; and
- (4) Indicate when and where written comments will be received concerning the request.
(Ord. 2006-08. Passed 10-10-06.)

1260.09 CONFLICTS OF LAWS.

Whenever there is a difference between minimum standards or dimensions or provisions specified herein and those contained in other lawfully adopted rules, regulations, or ordinances, the most restrictive, or those imposing the highest standards, shall govern.

1260.10 SEVERABILITY; VALIDITY.

(a) Sections of this Zoning Code shall be deemed to be severable. Should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Zoning Code as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

(b) If any section, subsection, paragraph, sentence or phrase of this Zoning Code is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Zoning Code.

1260.11 DEFINITIONS.

Certain words used in this Zoning Code are defined below. The words defined in this section shall, for all purposes of this Zoning Code and all ordinances amending or supplementing this Zoning Code, have the meanings herein specified. Words not herein defined shall have the meaning customarily assigned to them.

- (1) Accessory Structure. A structure customarily incidental and subordinate to the principal structure and located on the same zoning lot as the principal building.
- (2) Accessory Use. A use customarily incidental and subordinate to the principal use of the land or building and located on the same zoning lot as the principal use.
- (3) Actual Construction. The placing of construction materials in a permanent position and fastened in a permanent manner.
- (4) Agriculture. Any land or building used for pasturage, floriculture, dairying, horticulture, viticulture and livestock and poultry husbandry.
- (5) Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, and girders, the consummated act which may be referred to herein as "altered" or "reconstructed."
- (6) Automobile Repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; glass and trim shops; and painting.
- (7) Automobile Service Station. A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
- (8) Basement. A portion of a building partly below grade and having more than one-half of its height below grade.

- (9) Boarding (or Rooming House). A dwelling, other than a hotel or motel, where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement, but not for transients.
- (10) Building. Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.
- (11) Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridges for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
- (12) Building Inspector. The City building official, or his or her authorized representative.
- (13) Clinic. Any establishment where human patients are examined and treated by doctors or dentists, but not hospitalized overnight.
- (14) Club. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.
- (15) Council. The City Council of the City of Litchfield.
- (16) District. A portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Zoning Code, or within which certain lot areas are established or within which a combination of such aforesaid conditions are applied.
- (17) Drive-In Establishments. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather within a building or structure.
- (18) Dwelling, Multiple Family. A building used or designed as a residence for three or more families living independently of each other
- (19) Dwelling, Single Family. A detached building designed for and occupied exclusively by one family.
 - A. For purposes of this Zoning Code, a "state licensed residential facility" under the Adult Foster Care Facility Licensing Act, being 1979 PA 218, M.C.L.A. 400.701 to 400.737, or 1973 PA 116, M.C.L.A. 722.111 to 722.128, which provides residential services for six or fewer persons under 24-hour supervision or care shall be considered a single-family dwelling.
 - B. For purposes of this Zoning Code, a "family day-care home" and a "group day-care home" as defined in Section 1 of 1973 PA 116, being M.C.L.A. 722.111, which only apply to the bona fide private residence of the operator of the family or group day-care home, shall be considered a single-family dwelling.
 - C. For purposes of this Zoning Code, adult foster care facilities providing for the care and treatment of persons released from or assigned to adult correctional facilities shall not be considered dwellings.
- (20) Dwelling, Two Family. A detached building designed for or occupied exclusively by two families living independently of each other.

- (21) Dwelling Unit. Any building or portion thereof which is designed or used for one family exclusively for residential purposes and having cooking facilities.
- (22) Essential Services. The erection, construction, alteration or maintenance by public utilities or Municipal departments or commissions, of overhead or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication (excluding any wireless cellular and personal communications service [PCS] telecommunications antenna towers, hereinafter included in the definition of "telecommunication facilities"), supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, telephone exchange buildings, public utilities or Municipal buildings and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Municipal department or commission or for the public health or safety or general welfare. Such essential services shall be permitted as authorized or regulated by law and other ordinances of the City of Litchfield in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of the provisions of this Zoning Code.
(Ord. 2001-02. Passed 4-9-01.)
- (23) Family. One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. A family may also consist of up to three persons not related by blood or marriage.
- (24) Home Occupation. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- (25) Hotel. A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:
- A. Maid service.
 - B. Furnishing of linen.
 - C. Telephone, secretarial, or desk service.
 - D. Bellboy service.
- A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.
- (26) Junk. Any discarded material or article, including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers, and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.
- (27) Junkyard. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

- (28) Kennel. Any lot or premises on which five or more dogs, cats or other household pets are either permanently or temporarily boarded. A kennel shall also include any lot or premises where household pets are bred or sold.
- (29) Loading Space. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (30) Lot. Land which is vacant or occupied by a building and its accessory buildings, together with such yards and open spaces as are required under the provisions of this Zoning Code. A lot need not be a lot of record.
- (31) Lot Area. The total horizontal area within the lot lines exclusive of any portion of the right-of-way of any public street.
- (32) Lot Corner. A lot at the junction of and fronting on two or more intersecting street rights-of-way.
- (33) Lot Coverage. The part or percent of a lot occupied by buildings or structures, including accessory buildings or structures.
- (34) Lot Depth. The mean horizontal distance from the front lot line to the rear lot line.
- (35) Lot, Double Frontage. An interior lot having frontages on two more or less parallel streets as distinguished from a corner lot.
- (36) Lot Lines. The property lines bounding a lot, as defined herein:
- A. Front Lot Line. In the case of a lot abutting upon one public or private street, the line separating such lot from such street right-of-way.
 - B. Rear Lot Line. The lot line which is opposite and most distant from the front lot line of the lot.
 - C. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- (37) Lot of Record. A lot which actually exists in a subdivision plat as shown on the records of the Register of Deeds of Hillsdale County.
- (38) Lot Width. The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot side shall be considered as the average of the width between such side lot lines.
- (39) Lot, Zoning. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.
- A zoning lot shall satisfy this Zoning Code with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.
- (40) Mobile Homes. Any vehicle constructed and/or licensed as a vehicle and so constructed as to permit its occupancy as a dwelling or sleeping place for one or more persons, and having no foundations other than wheels, jacks, or skirting, so arranged as to be integral with, or portable by, said house trailer.

- (41) Motel. A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space, wherein such unit has a separate individual entrance leading directly from the outside of the building.
- (42) Nonconforming Structure. A building or portion thereof lawfully existing on the effective date of this Zoning Code, or amendments thereto, and that does not conform to the provisions of this Zoning Code for the district in which it is located.
- (43) Nonconforming Use. Any use of land or a building which does not conform at the time of the adoption of this Zoning Code, or amendments thereto, to the regulations, other than height, area and yard requirements, for the district in which it is situated.
- (44) Nursery School, Day Nursery, or Child Care Center. An establishment wherein three or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.
- (45) Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entering and exiting for the parking of more than two automobiles.
- (46) Park. An area used as a public park and open space; public garden; public playground; public swimming pool; public beaches; or other public recreational areas.
- (47) Planning Commission. The City Planning Commission of the City of Litchfield, Hillsdale County, Michigan.
- (48) Principal Building. A building in which is conducted the main use of the lot upon which it is situated.
- (49) Principal Use. The main use to which the premises are devoted and the main purpose for which the premises exist.
- (50) Public. Refers to a building, structure, service or use that is owned, operated, leased by or otherwise exclusively controlled by a governmental or educational entity or agency which is open to use by the general public on a non-profit basis, either with or without a fee.
- (51) Public, Parochial and Private Schools. Institutions offering courses in general education, not operated for profit.
- (52) Real Value. The assessed value multiplied by the City assessment factor.
- (53) Recreational. Means and includes public ball fields; public skating rinks; public pedestrian and non-motorized bicycle trails and paths; and other similar recreational areas and uses, including but not being limited to areas used as public fishing sites, areas used by the public for picnics, reunions and cook-outs, areas used by the public for outdoor sports such as horseshoes, tennis, shuffleboard, volleyball, basketball, etc.
- (54) Setback Lines. A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located.
- (55) Sewers, Public. A system of pipes and structures, including pipes, channels, conduits, manholes, pumping stations, sewage or waste treatment works, diversion and regulatory devices, out-fall structures, and appurtenances, collectively or severally, actually used or intended for use by the general public, or a segment thereof, for the purpose of collecting,

- conveying, transporting, treating or otherwise handling sanitary sewage or other industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated and maintained by the general public, residential district or area, firm or corporation.
- (56) Sign. Any structure or natural object, such as a tree, rock, and the ground itself, or a device attached thereto or planted or represented thereon, which is used to attract the attention of any object, product, place, activity, person, institution, organization, or business which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction, or advertisement. For the purpose of this Zoning Code, the word "sign" does not include the flag, pennant, or insignia of this nation, State, City or other political unit, or any political, charitable, or civic or like campaign or event, nor does it include legal notices, addresses or official signs of any governmental agency.
- (57) Street. A public dedicated right-of-way, other than an alley, which affords traffic circulation and is the principal means of access to abutting property.
- (58) Structure. Anything constructed or erected which requires a permanent location on the ground or an attachment to something having such location on the ground, not limited to all buildings, free-standing signs and utility power transmission poles, but not including sidewalks, drives, fences and patios.
- (59) Telecommunication Facilities. A facility that transmits or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or the receipt of such signals for wireless cellular and personal communication service (PCS); telecommunication towers or similar structures supporting such equipment; equipment buildings; parking areas; and other accessory development. (Ord. 2001-02. Passed 4-9-01.)
- (60) Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests.
- (61) Travel Trailer. A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger automobile and not exceeding 200 square feet in area.
- (62) Yards. The open spaces on the same lot with a principal building between the principal building and the nearest lot line and unoccupied and unobstructed from the ground upward, except for accessory structures and uses or such projections as are expressly permitted by this Zoning Code.
- A. Yard, Front. A yard extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- B. Yard, Rear. An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- C. Yard, Side. An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.
- (63) Zoning Administrator. The City Zoning Administrator, or his or her authorized representative.

- (64) Zoning Code. Title Six of Part Twelve (the Planning and Zoning Code) of the Codified Ordinances of the City of Litchfield, Michigan.
(Ord. 2001-02. Passed 4-9-01; Ord. 2002-01. Passed 3-11-02; Ord. 2006-08. Passed 10-10-06.)