

# Summary of Proposed Zoning Ordinance

VILLAGE OF MUIR, MICHIGAN

This document is a summary of the current **draft** of the zoning ordinance. **You can read the entire draft by going to the Village Office (122 W Superior St) and asking to read the draft ordinance, or by going to the Village's website (VillageOfMuirMI.gov).** A public hearing will be held on **Monday, July 17<sup>th</sup>, at 7:00 PM** to hear public comments. After hearing public comment, the Planning and Zoning Commission (PZC) will vote on whether to recommend adoption of the ordinance or to revise the ordinance. If the PZC recommends adoption, the next step is for the Village Council to vote on whether to officially adopt the ordinance at their next meeting.

## What is Zoning?

Zoning is the ability for local governments, like the Village of Muir, to regulate the use of land within their community. Muir has never had local zoning in the past, but it is now considering a Zoning Ordinance.

## Why is Muir adopting local zoning?

In May of 2022, the Village Council designated a **Planning and Zoning Commission (PZC)** to undertake the development of a **Master Plan**. The Village Master Plan was adopted on January 10, 2023. The Master Plan set goals for the Village's development, and a zoning ordinance is the tool to achieve that vision.

With input from Village Council members, the new PZC members, and input from Village residents, the Master Plan is taking a "light touch" approach. Adopting local zoning opens up opportunities for the Village to receive grant funding from the state, which could help upgrade and maintain Village infrastructure or help bring new businesses to the community.

*Note: This document is a summary of the proposed zoning ordinance and is not a substitute for the official language. Please refer to the full text for exact proposed requirements and regulations.*

## Key Terms

### **Nonconforming Parcels:**

*A property that was built before the ZO was passed and does not comply with the new ZO's requirements. This does not apply to properties constructed after the ZO was passed that do not comply with regulations.*

### **Accessory Use/Structure:**

*Any unattached building or structure, or any use of land, that is incidental to the main building or use. For example, a shed is an accessory structure because the use of the shed is secondary to the main building. A home business is an accessory use because the primary purpose of the property is as a residence.*

### **Principal Structure:**

*A principal structure is the main building on the property where most operations occur. The principal use is the main activity which the property is used for.*

# The Zoning Bill of Rights

The Zoning Bill of Rights was created to ensure that the new Zoning Ordinance (ZO) does not unduly infringe on their property rights. This section of ZO lays out how the zoning ordinance can be used, and can only be changed by a unanimous vote of the Village Council.

## Any lot in the Village can:

- » Have as much or as little parking as the property owner chooses.
- » Include at least one dwelling unit.
- » Have an outdoor eating area on private property.
- » Be Mixed Use—have more than one principal purpose.

## The Zoning Ordinance will NOT:

- » Create single family zoning—a form of zoning where only single-family homes are allowed in a district, and no other use is permitted.
- » Completely exclude any legal use of land.
- » Restrict the content or design of any signage.

## Protections for Nonconforming Parcels:

A **Nonconforming Parcel** is a property that was built on before the ZO is passed that does not conform to the ZO's requirements. The Zoning Bill of Rights lays out protections for nonconforming lots:

- » The owners of nonconforming lots will not be asked to make any changes to fit the standards set forth in the ZO.
- » New construction on nonconforming properties is allowed, but the ZO regulations must be followed for all future projects.
- » The nonconforming portion of the property can be rebuilt without change if it is damaged or destroyed, as long as the nonconformity is not expanded beyond its original state.

# The Zoning Districts

**Neighborhood (N):** This district permits homes with up to four residential units, most types of businesses (especially home businesses), and even small-scale workshops and agriculture.

**Downtown (D):** Downtown can accommodate almost all types of uses, from single-family homes, to apartments, to businesses of all kinds.

**Highway (H):** The highway district allows everything that the other districts permit, as well as the highest-intensity uses—automotive-related businesses, manufacturing, and warehousing are permitted in this district.

**Agriculture (A):** Allows similar uses to the Neighborhood district, but also permits larger-scale agricultural, industrial, and business operations, as well as large-scale solar- and wind-power generation.

## The Schedule of Regulations

This chart provides the basic dimensional requirements within each of the zoning districts. The size requirements were formulated to ensure that very few existing lots in the Village will be out of compliance with the new ZO.

	Minimum Lot Dimensions		Maximum Structure Height		Minimum Required Setback (feet)			Minimum Dwelling Unit Size (total floor area square footage)
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front Yard	Each Side Yard	Rear Yard	
A	43,560	75	3	40	10	10	10	200
N	4,356	40	3	40	10	10	10	200
H	10,000	75	4	50	30	10	20	200
D	—	30	—	—	—	—	—	120

# Permitted Uses

The following table shows which uses will be permitted in each zoning district.

Use	A	N	H	D
Agritourism	S			
Bank			P	P
Barber Shops/Beauty Shops	P	HB	P	P
Bed and Breakfast	P	P	P	P
Boarding Kennels (Commercial)	P	S HB	S	
Breeding Kennels (Commercial)	P	S HB	S	
Brewpub/Microbrewery/Distillery			P	P
Cemetery	P	P	P	P
Child Care Center (Non-Home-Based)			P	P
Crop Cultivation	P	P	P	P
Drive-Thru			S	S
Dwelling Units				
• Single Family (One Unit on Lot)	P	P	P	P
• Duplex (Two Units on Lot)	P	P	P	P
• Triplex (Three Units on Lot)	P	P	P	P
• Quadplex (Four Units on Lot)	P	P	P	P
• Townhouse		S	P	P
• Multiple Family (More than Four Units, including Senior Housing)		S	P	P
• Manufactured Housing	P	P	P	
Accessory Dwelling Unit	P	P	P	P
State-Licensed Residential Facility (non-Daycare)	S	S	S	S
Essential Services	P	P	P	P
Family Day Care Home	P	P	P	P
Funeral Home and Mortuary			P	P
Government or Public Building	P	P	P	P
Group Day Care Home	P	P	P	P
Hotel			P	P
Institution of Higher Education	P	P	P	P
Manufacturing			P	S

A:	Agriculture	P	Permitted
D:	Downtown		Prohibited
H:	Highway		
N:	Neighborhood	HB	Permitted as a home-based business.
		S	Permitted with a special use permit.

Use	A	N	H	D
Medical or Dental Clinic	HB	HB	P	P
Mini-Warehouse			P	
Office	HB	HB	P	P
Open Air Business			S	S
Outdoor Event	S		S	S
Pet Shop and Pet Grooming	HB	HB	P	P
Preserve/Conservation Area	P	P	P	P
Primary/Secondary School	P	P	P	P
Recreation - Indoor			P	P
Recreation - Outdoor	P	S	P	P
Religious Institution	P	P	P	P
Restaurant/Bar			P	P
Retail Store, including Food Sales	HB	HB	P	S
Sexually Oriented Businesses			S	
Solar Energy System – Small	P	P	P	P
Solar Energy System – Large	S		S	
Theater			P	P
Utility Structures and Substations	P	P	P	P
Vehicle Dealership	HB	HB	P	S
Vehicle Filling Stations (Gas Stations)			P	S
Vehicle Repair	HB	HB	P	P
Vehicle Wash	HB	HB	P	P
Veterinary Clinics	HB	HB	P	P
Warehousing			P	P
Wholesale			P	P
Wind Energy Conversion Systems	S	S	S	S
Wireless Telecommunications	P	P	P	P






A: Agriculture  
D: Downtown  
H: Highway  
N: Neighborhood

**P** Permitted  
 Prohibited  
**HB** Permitted as a home-based business.  
**S** Permitted with a special use permit.





# Proposed Zoning Map

Village of Muir, Ionia County, Michigan

## LEGEND

-  Village Boundary
-  Parcel Lines
-  Water Features
-  Water Treatment Ponds
-  Village-Owned Parcels Outside Village Boundary

### Zoning Districts

-  (N) Neighborhood
-  (D) Downtown
-  (H) Highway
-  (A) Agriculture

**PROPOSED DRAFT:**  
June 1, 2023

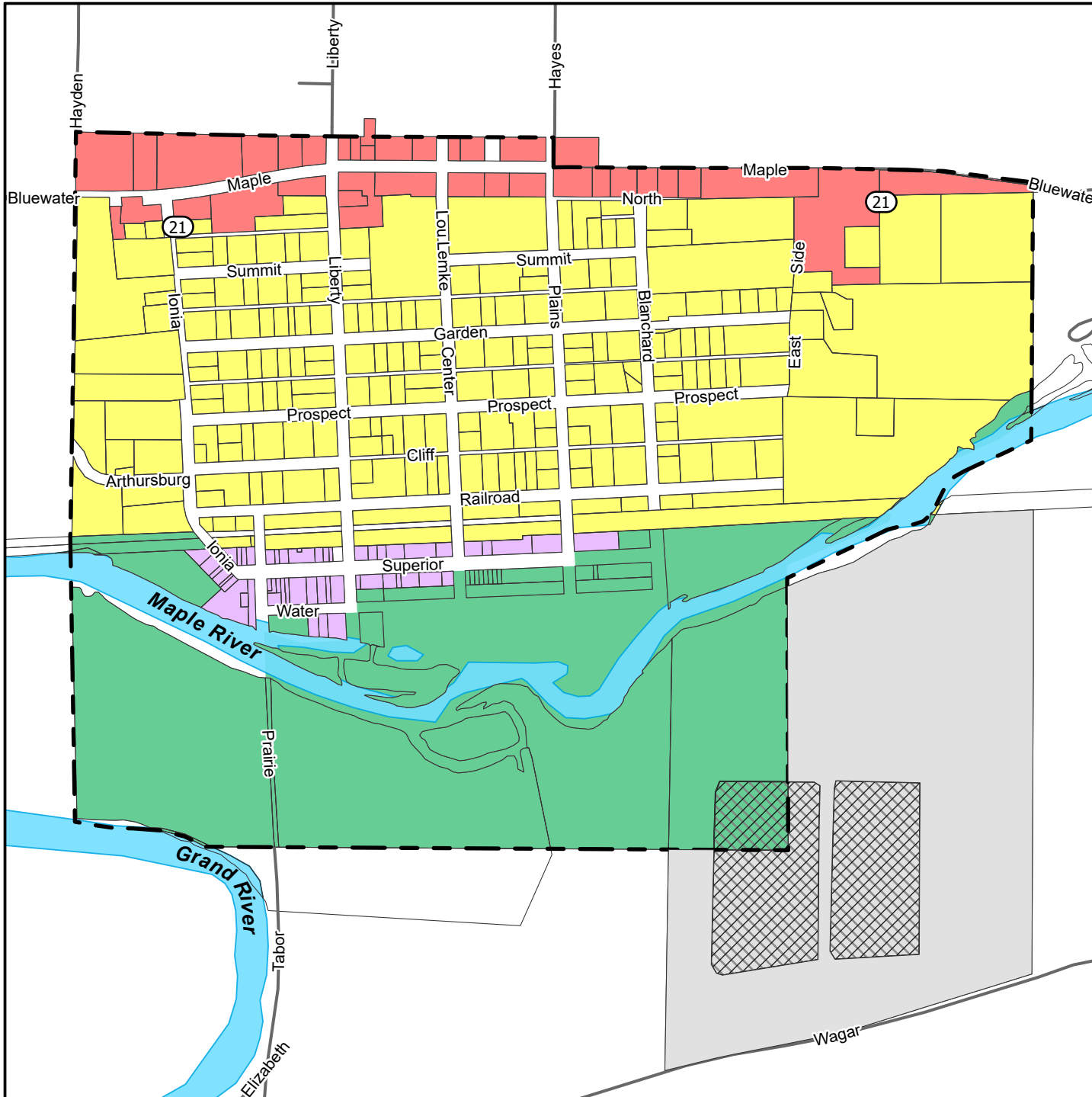


Basemap Source: Michigan Center for Geographic Information, v. 17a.

Data Source: Ionia County.  
McKenna 2023.



**MCKENNA**



# Approval Process

Different projects require different levels of approval. Many changes you might want to make to your property don't require any approval Village at all. Below are brief descriptions of the different approval processes and requirements, though complete explanations are available in the full text of the ZO. The following diagram shows the process for each type of approval. The Tables show which types of construction and uses require which processes.

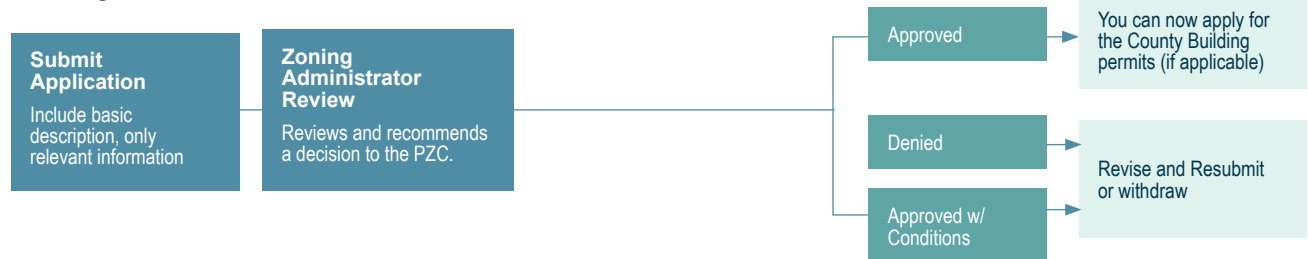
## Site Plan Approval + Special Land Use Approval



## Administrative Site Plan Review



## Zoning Permit



Approval Type: Construction of Structures	A	N	H	D
Fence	N	N	N	N
Accessory Structure	N	N	Z	Z
Sign (first 24 square feet)	N	N	N	N
Sign (additional square footage)	Z	Z	Z	Z
Parking Lot Expansion	Z	Z	Z	Z
Expansion of Principal Structure	Z	Z	SPA	A
New Principal Structure	A	A	SPA	SPA

Approval Type: Establishing New Uses	A	N	H	D
Agritourism	SLU			
Bank			A	Z
Barber Shops/Beauty Shops	Z	Z	A	Z
Bed and Breakfast	SPA	SPA	SPA	SPA
Boarding Kennels (Commercial)	Z	SLU	SLU	
Breeding Kennels (Commercial)	Z	SLU	SLU	
Brewpub/Microbrewery/Distillery			A	Z
Cemetery	SP	SP	SP	SP
Child Care Center (Non-Home-Based)			SP	SP
Crop Cultivation	N	N	N	N
Drive-Thru			SLU	SLU
Dwelling Units				
• Single Family (One Unit on Lot)	N	N	Z	Z
• Duplex (Two Units on Lot)	Z	Z	A	Z
• Triplex (Three Units on Lot)	Z	Z	A	Z
• Quadplex (Four Units on Lot)	Z	Z	A	Z
• Townhouse		SLU	SPA	SPA
• Multiple Family (More than Four Units, including Senior Housing)		SLU	SPA	SPA
• Manufactured Housing	A	Z	SPA	
• Accessory Dwelling Unit	Z	Z	Z	Z
• State-Licensed Residential Facility (non-Daycare)	SLU	SLU	SLU	SLU
Essential Services	Z	Z	Z	Z
Family Day Care Home	Z	Z	Z	Z
Funeral Home and Mortuary			SPA	SPA

A: Agriculture  
D: Downtown  
H: Highway  
N: Neighborhood

A Administrative Site Plan Review  
N No approval process required.  
SLU Special Land Use Approval

SPA Site Plan Approval  
Z Zoning Permit  
Prohibited



Approval Type: Establishing New Uses	A	N	H	D
Government or Public Building	SPA	SPA	SPA	SPA
Group Day Care Home	Z	Z	Z	Z
Hotel			SPA	SPA
Institution of Higher Education	SPA	SPA	SPA	SPA
Manufacturing			SPA	SLU
Medical or Dental Clinic	Z	Z	A	Z
Mini-Warehouse			SPA	
Office	N	N	A	Z
Open Air Business			SLU	SLU
Outdoor Event	SLU	SLU	SLU	SLU
Pet Shop and Pet Grooming	Z	Z	A	A
Preserve/Conservation Area	N	N	N	N
Primary/Secondary School	SPA	SPA	SPA	SPA
Recreation - Indoor			SPA	SPA
Recreation - Outdoor	SPA	SPA	SPA	SPA
Religious Institution	SPA	SPA	SPA	SPA
Restaurant/Bar			A	A
Retail Store, including Food Sales		Z	A	A
Sexually Oriented Businesses			SLU	
Solar Energy System – Small	Z	Z	Z	Z
Solar Energy System – Large	SLU			
Theater			SPA	SPA
Utility Structures and Substations	Z	Z	Z	Z
Vehicle Dealership	Z	Z	SPA	SLU
Vehicle Filling Stations (Gas Stations)			SPA	SLU
Vehicle Repair	Z	Z	SPA	SPA
Vehicle Wash	Z	Z	SPA	SPA
Veterinary Clinics	Z	Z	SPA	SPA
Warehousing			SPA	SPA
Wholesale	SPA		SPA	SPA
Wind Energy Conversion Systems	SLU	SLU	SLU	SLU
Wireless Telecommunications	A	A	A	A

**A:** Agriculture  
**D:** Downtown  
**H:** Highway  
**N:** Neighborhood

**A** Administrative Site Plan Review  
**N** No approval process required.  
**SLU** Special Land Use Approval

**SPA** Site Plan Approval  
**Z** Zoning Permit  
 Prohibited

## General Provisions (Misc. Regulations)

1. **Rules for Accessory Buildings, Structures, and Uses:** Required distance from other structures and properties.
2. **Exceptions:** Essential services are not regulated by this zoning ordinance.
3. **Home Based Businesses:** You must receive a zoning permit to conduct a home-based business, and the home-based business must remain accessory to the property's use as a home.
4. **Keeping of Animals:** This section only includes regulations for commercial kennels.
5. **Lighting:** Ensuring sufficient lighting while preventing light pollution and nuisance.
6. **Streets, Roads, and Other Means of Access:** All properties must front a public road or an approved private road.
7. **Temporary Structures and Uses:** Temporary structures are permitted during construction or repairs and do not require a zoning permit.
8. **Trash Removal and Collection:** Regulates long-term location and screening of dumpsters and ensures they are kept on concrete padding—intended to protect adjacent properties.
9. **Outdoor Storage:** Outdoor storage of hazardous materials should be enclosed within a 6-foot-tall fence.
10. **Outdoor seating:** Permitted on public property so long as there is a clear path through the area.
11. **Fences:** Location and height need to be approved to prevent blocking views of intersections and adjacent driveways.
12. **Landscaping and Screening:** These rules apply only to the Highway District
  - a. Fencing or landscaping must provide adequate screening from adjacent neighborhood or agricultural district (only for buildings which require site plan approval).
  - a. Lots shall be seeded or sodded within (90) days of occupancy, landscaping must be watered appropriately, protected from vehicles, and not allowed to become overgrown.

## Sign Regulations

- » Does not in any way regulate the content or design of signage.
- » A property may have signage adding up to 24 square feet without approval.
- » Beyond 24 square feet a zoning permit is required.
- » Signs must never obstruct corner vision at intersections and driveways.

# Nonconformities – What if my property doesn't fit the new rules?

## Can I renovate my building if it doesn't fit the dimensional requirements?

Some buildings may not conform to the ZO's dimensional requirements, like maximum height or minimum distance from the property line. **You are free to renovate, maintain, repair, expand and rebuild**—as long as you don't make the nonconformity worse, and new construction follows the zoning ordinance. In the case of catastrophe, even if a building is completely destroyed, you are permitted to build it back exactly as it was.

## What happens if my nonconforming building is destroyed?

Any unintentional change of a nonconforming property can be built back exactly as it was, as long as the nonconformity isn't expanded. For instance, if your house is 8 feet from the property line instead of the required 10, you can rebuild it where it was, but cannot build any closer to the property line than where it originally was.

## What if the use of my property is no longer permitted?

You can continue to operate as normal. However, if you decide to change the use of your property, you will no longer be able to conduct the original nonconforming use. Once it is converted into a new use it can no longer be reverted back to a nonconforming use. Additionally, a property cannot have a mix of permitted and nonconforming uses.

## Can I expand my business if it's no longer permitted in the district?

No, you cannot build new buildings to support the nonconforming use. For instance, if you owned a warehouse in the Neighborhood District, you could continue to use it for normal business operations, but you could not build an additional warehouse.

## What if my property is sold or inherited?

A change in ownership will not affect the nonconformity's status. The nonconformities can still be maintained so long as they are not expanded.

## What if my property is vacant?

If a property is built for a nonconforming use, and then the property goes unused for more than 12 months, it will lose its privileges as a protected nonconformity. Open land that is nonconforming will lose its protections after 180 days. Future use of such properties after sale, and future construction on such properties, will be required to conform with the ZO. A property is considered "unused" if public utilities are disconnected, or if the use of utilities reduces to a level below what should be expected from the intended use of the property.

## Can I substitute one nonconformity for another nonconformity?

No. You cannot fix one nonconformity in order to be allowed to conduct a different nonconformity. Once a nonconformity is "made right" with the ordinance, it cannot be reverted back to its nonconforming quality.