

CHARTER
OF THE
CITY OF LITCHFIELD, MICHIGAN

EDITOR'S NOTE: The Charter of the City of Litchfield, Michigan, was approved by the voters at a general election held on August 4, 1970. Dates appearing in parentheses following a section in the text indicate that the section was subsequently enacted, amended or repealed on the date given.

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CHARTER OF THE CITY OF LITCHFIELD

STATE OF MICHIGAN

PREAMBLE

We, the people of the City of Litchfield, Michigan, pursuant to authority granted by the Constitution and laws of the State of Michigan, in order to obtain the benefits of Home Rule, to provide direct and efficient methods in the transaction of our Municipal affairs, to provide for the public peace, health and safety of persons and property of this community and otherwise to promote our general welfare, do hereby ordain and establish this Charter for the City of Litchfield.

CHAPTER I - BOUNDARIES OF THE CITY

BOUNDARIES

Section 1.1 The following described territory, together with such annexation thereto that may be made from time to time, shall constitute the territory of, and be known as, the City of Litchfield, Michigan.

All that parcel of land in the Township of Litchfield all in Section 9, 10, 14, and 15, T5S, R4W, Hillsdale County, Michigan, described as follows:

Commencing at a point 33 feet west of the east one-quarter post of Section 10, T5S, R4W, Litchfield Twp., Hillsdale County, Michigan, thence S 0° 33' E 2683.8 feet to the south R.O.W. line of St. Joseph Street; thence east along the south R.O.W. line of St. Joseph Street to the west one-eighth line of Section 14; thence southerly along said one-eighth line to the point where it intersects the extended south R.O.W. line of Hawkes Drive; thence westerly along said extended south R.O.W. line and the south R.O.W. line of Hawkes Drive to the east Section line of Section 15; thence south along said east Section line to the north R.O.W. line of Herring Road; thence west along the north R.O.W. line of Herring Road; thence west along the north R.O.W. line of Herring Road to the west one-eighth line of Section 15; thence north along said one-eighth line to the east-west one-quarter line of Section 15; thence west along said

east-west one-quarter line of Section 15 to the west one-quarter post of Section 15; thence N 1° 00' W 2691.7 feet to the north R.O.W. line of West St. Joseph Street; thence west along said north R.O.W. line of West St. Joseph Street to the east one-eighth line of Section 9; thence north along said east one-eighth line to the north one-eighth line of Section 9; thence east along said north one-eighth line of Section 9 and continuing east along the north one-eighth line of Section 10 to the west one-eighth line of Section 10; thence north along the said north one-eighth line of Section 10 to the south R.O.W. line of Mosherville Road; thence east along the said south R.O.W. line of Mosherville Road to the east one-eighth line of Section 10; thence south along said east one-eighth line of Section 10 to the east-west one-quarter line of Section 10; thence east along said east-west one-quarter line of Section 10 to the place of beginning.

Section 1.2 Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment to this Section.

Section 1.3 The City Clerk shall maintain and keep available in his or her office for public inspection, an official description and map of the current boundaries of the City.

Section 1.4 The City of Litchfield shall consist of one single ward.

CHAPTER II - GENERAL MUNICIPAL POWERS

GENERAL POWERS

Section 2.1 Except as otherwise provided or limited in this Charter, the City of Litchfield and its officers shall possess and be vested with all the powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted by law to exercise or to include in their charters, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and the enumeration of particular powers, privileges or immunities in this Charter shall not be held to be exclusive. The City and its officers shall have the power to exercise all Municipal powers in the management and control of Municipal property, whether such powers be expressly enumerated or not, and subject to the Constitution and general laws of the State and the provisions of this Charter, do any act to advance the interest of the City, the good government and prosperity of the Municipality and its inhabitants, to protect the public peace, health, safety and general welfare, and to pass and enforce all laws, ordinances and resolutions relating to Municipal concerns. The power of the City shall include, but shall not be limited to, the following:

(a) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds, which is, or may be, dangerous to the health, safety, or welfare of the inhabitants of the City; to provide for the abatement thereof, and to provide that the cost of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located.

(b) To provide for the public welfare by:

(1) Regulating trades, occupations, and amusements within the City, and prohibiting trades, occupations, and amusements which are detrimental to the safety, health or welfare of its inhabitants;

(2) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;

(3) Collecting and disposing of garbage and rubbish and licensing, regulating and prohibiting the same when done by others than the City;

(4) Regulating and restricting the locations of oil and gasoline stations;

(5) Licensing and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and charges, and determining the locations of stands for such vehicles;

(6) Licensing and regulating billboards and advertising signs and locations thereof;

(7) Regulating the construction, erection, alteration, equipment, repair, moving, removal, and demolition of buildings and structures and their appurtenances and service equipment;

(8) Regulating the location, height and type of fences abutting public or between private properties;

(9) Establishing zones within the City and regulating therein the use and occupancy of lands or structures; the height, area, size and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population;

(10) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;

(11) Regulating and controlling the use of streams, waters, and water courses within the City in any manner consistent with the provisions of the law.

(c) To establish and reasonably control streets, alleys, bridges, and public places, and the space above and beneath them, and the use thereof by:

(1) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor, including any surplus land which may be incidental to or necessary for the purchase of land required;

(2) Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the City;

(3) Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;

(4) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same hazardous or offensive to the public health or safety; and, upon failure of such persons to do so, to cut and remove such weeds and to remove such objects, and to assess the cost thereof against such property as a special assessment;

(5) Compelling all persons to care for the untraveled portions of streets lying between the traveled portion and the property line which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, cutting and removing such weeds and removing such objects and assessing the cost thereof against such property as a special assessment;

(6) Providing for the grade of streets and requiring public utility users of streets to conform thereto with respect to their tracks or facilities located on, above, or under the streets or alleys; requiring railroads to keep their tracks and the street surface between the tracks, and for a distance of one and one-half feet on each side of them, in reasonable repair at all times;

(7) Regulating the speed of vehicles, trains, and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;

(8) Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;

(9) Preventing and abating the encumbering of streets and alleys or any part thereof;

(10) Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street intersections with alleys and driveways, so as to provide for the public safety and welfare in the use of streets and alleys;

(11) Providing for and regulating the numbering of buildings upon property abutting streets and alleys and compelling the owners and occupants thereof to affix numbers thereto;

(12) Providing for the use by other than the owner, of property located on, above, or under the streets, alleys, and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof;

(13) Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the City and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officer or agency of the City;

(14) Providing for the control over all trees, shrubs and plants in the public streets, highways, parks, or other public places in the City and all dead and diseased trees on private property which, in the judgment of a majority of the Council, may cause a spread of the disease, endanger life, or abutting property, and trees on private property overhanging the street, sidewalk, or public places, including the removal thereof and assessing the cost thereof against the abutting property as a special assessment;

(15) Prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the City, and the right of the City to so regulate any house trailer shall not be abrogated thereof because of any detachment from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation or in any manner whatsoever.

(d) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another government unit or agency.

(e) To construct, provide, maintain, extend, operate, and improve:

(1) Within the City, a City Hall, City office buildings, community buildings, police stations, fire stations, civic auditoriums, public libraries, and polling places; and

(2) Either within or without the corporate limits of the City or Hillsdale County, public parks, cemeteries, recreation grounds and stadiums, municipal camps, public grounds, zoological gardens, museums, airports and landing fields, levees, embankments, and structures for flood control and other purposes related to the public health, safety, and welfare; electric light and power plants and systems, public heating plants and systems, gas plants and systems, waterworks and water treatment plants and systems, sewage disposal plants and systems, storm sewers, garbage collection and disposal facilities, refuse and rubbish collection and disposal facilities, market house and market places, facilities for storage and parking of vehicles, hospitals, facilities for the landing of helicopters and air vehicles having like landing characteristics, and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the City.

(f) To acquire by purchase, gift, condemnation, lease or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the City or of Hillsdale County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this Section.

(g) To join with any municipal corporation or with any other unit or agency of government, whether local, State, or Federal, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate, or perform separately.

CHAPTER III - OFFICERS OF THE CITY

ELECTIVE OFFICERS

Section 3.1 The elective officers of the City shall be a Mayor and six Councilmen.

Section 3.2 At each regular City election there shall be elected two Councilmen to serve for a term of three years, subject to provisions of Section 3.10(a). The Mayor shall hold office for a term of two years. The terms of office of the Mayor and each Councilman shall commence at eight o' clock p.m. on the Monday next following the regular City election at which they are elected.

QUALIFICATIONS FOR ELECTIVE OFFICE

Section 3.3 No person shall hold any elective office of the City unless he or she shall be a qualified elector of the City and was a resident of the City for at least one year immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy. No person shall be eligible for such office who is in default to the City. Each candidate for elective office shall file with his or her nomination petition an executed affidavit that he or she possesses the qualifications for such office required by this Section.

COMPENSATION OF ELECTIVE OFFICERS

Section 3.4 The members of the Council shall receive as compensation the sum of ten dollars (\$10.00) for each regular or special meeting of the Council attended, but not to exceed two hundred dollars (\$200.00) per annum. The Mayor shall receive as compensation the sum of twelve dollars and fifty cents (\$12.50) for each regular or special meeting attended, but not to exceed two hundred fifty dollars (\$250.00) per annum. Such compensation shall be paid annually and, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Mayor or the Councilmen for the discharge of any future duty for or on behalf of the City during their tenure in office, except for reimbursement for expenses actually incurred by them on City business or in the interest of the City when such reimbursement is approved by the Council.

APPOINTIVE OFFICERS

Section 3.5 The appointive officers of the City shall be a City Manager, City Treasurer, City Clerk, City Assessor, City Attorney and Board of Review. All administrative officers shall be appointed by the Council, serve at the pleasure of the Council, and have their compensation fixed by ordinance by the Council. The Council may, to the extent permitted by law and by this Charter, designate one person to exercise the powers and carry out the duties of two or more of the administrative offices designated herein, if it deems this necessary or advisable, for the proper and efficient operation of the City. No person who is in default to the City shall be eligible for any appointive City office. Except as may otherwise be provided by statute or this Charter, the Council shall establish by ordinance or resolution such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each such department.

VACANCIES IN OFFICE

Section 3.6 Any elective City office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of said office:

- (a) For any reason specified by law as creating a vacancy in office;
- (b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of this Charter;
- (d) If any officer ceases to have the qualifications for eligibility for such office required by this Charter;
- (e) If the officer is removed from office by the Council in accordance with the provisions of Section 3.8.

VACANCIES IN BOARDS AND COMMISSIONS

Section 3.7 The office of any member of any Board or Commission created by this Charter shall be declared vacant by the Council:

- (a) For any reason specified by law as creating a vacancy in office;
- (b) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting misconduct in office or violation of this Charter;
- (c) If the officer is removed from office by the Council in accordance with the provisions of Section 3.8.

REMOVALS FROM OFFICE

Section 3.8 Removals by the Council of elective or appointive officers or members of Boards or Commissions may be made for any of the following reasons:

- (a) For any reason specified by law for removal of City officers by the Governor;
- (b) For any act constituting a violation of this Charter;
- (c) Such removal by the Council shall be made only after a hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to his or her last known place of residence according to the records of the City. Such notice shall include a copy of the charges against the officer. The hearing shall afford an opportunity to the officer, in person or by an attorney, to be heard in his or her defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his or her failure to do so may be deemed cause for his or her removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

RESIGNATIONS

Section 3.9 Resignations of elective officers and of members of Boards and Commissions shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

FILLING VACANCIES

Section 3.10

- (a) If a vacancy occurs in any elective City office, the Council shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office to fill said vacant office until the next regular Municipal election. At said election, the successor of such appointee shall be elected for the remainder of the unexpired term of the person originally elected to such position.
- (b) If a vacancy occurs in any appointive office, it shall be filled in the manner provided for making the original appointment. In the case of members of Boards and Commissions appointed for a definite term, such appointments shall be for the unexpired term.

OATH OF OFFICE

Section 3.11 Every officer, elected or appointed, before entering upon the duties of his or her office, shall take the oath of office prescribed by the Michigan Constitution and shall file the same with the Clerk, together with any bond required by this Charter or by the Council.

CHAPTER IV - THE COUNCIL

CITY GOVERNING BODY

Section 4.1 The Mayor and six Councilmen shall constitute the legislative and governing body of the City. They shall be elected from the City at large.

MAYOR AND MAYOR PRO TEM

Section 4.2

(a) At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.

(b) The Mayor shall preside at Council meetings. He or she shall be the chief executive officer of the City insofar as required by law, and for all ceremonial purposes. He or she shall be a conservator of the peace, and shall have the powers conferred by law upon sheriffs in times of emergency to suppress disorder, preserve the public peace and health and safety of persons and property. He or she shall authenticate by his or her signature such instruments as may require such authentication, under the provisions of law. He or she shall have an equal voice and vote with other members of the Council on all matters before the Council, but shall not possess the veto power. He or she shall do all acts required of him or her by law.

(c) The Mayor Pro Tem shall act in the stead of the Mayor in the case of the Mayor's absence or disability to act. He or she shall succeed to the office of Mayor in the case of a vacancy in that office, thereby creating a vacancy in the office of Mayor Pro Tem. The Council shall fill any vacancy in the office of Mayor Pro Tem, but until such vacancy is filled, the senior member of the Council from the standpoint of continuous service shall act as Mayor Pro Tem. As between persons of equal seniority, the person who received the highest number of votes at the time of his or her last election shall act.

POWER, DUTIES, AND FUNCTIONS OF THE COUNCIL

Section 4.3 The Council shall determine all matters of policy of the City and adopt ordinances and necessary rules and regulations to make the same effective. Further, the Council shall, subject to the limitations of law, raise revenues and make appropriations for

the operation of City government, provide for the public peace and health and safety of persons and property, investigate Municipal affairs and, when it deems necessary, any office or department of the City, and do and perform all acts required of it by this Charter. In the event of any investigation by the Council, any officer or employee of the City who shall fail or refuse to obey any summons, or to give any evidence pertaining to such investigations subject to such exceptions as are permitted by law, shall, upon conviction thereof, be guilty of a violation of this Charter.

MEETINGS OF THE COUNCIL

Section 4.4

(a) The Council shall provide by ordinance for the time and place of its regular meetings and shall hold at least one meeting in each month.

(b) Special meetings of the Council may be called by the Clerk on the written request of the Mayor, City Manager, or any three members of the Council on at least twelve hours written notice to each member of the Council, designating the time, place, and purpose of such meeting, and served personally or left at his or her usual place of residence by the Clerk or someone designated by him or her. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Council shall be a legal meeting, provided all members are present or provided all members shall in writing waive the above requirements for notice and at which a quorum of the Council is present, and provided, further, that such meeting is called in such manner and pursuant to such notice as is required by State law.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice or call of such meeting. If no notice or call of such meeting has been served, and the meeting is legal under the provisions of Section 4.4(b), the Clerk shall state the purpose of the special meeting at the beginning of the meeting and no other business shall be transacted.

(d) All regular and special meetings of the Council shall be open to the public, and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

(f) The Council shall determine its own rules and order of business and shall keep a journal in the English language of all of its proceedings, which shall be signed by Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the

adoption of all resolutions, shall be by a "yes" or "no" vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. The people shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(g) Each Councilman shall be required to attend all meetings of the Council unless the absence be for confining illness or be excused by the Council at the time it occurs. The Council may order the attendance of its members and other officers of the City at its meetings in such manner, and may enforce such fines for non-attendance, as may, by ordinance, be prescribed. The refusal of any member of the Council, or other officer of the City, to attend such meetings or to conduct himself or herself in an orderly manner thereat shall be deemed a violation of this Charter. The Police Chief, or such other officer as the Council may direct, shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this Section.

(h) Except as otherwise provided in this Charter, a Councilman shall not vote on any question in which he or she shall have a direct personal financial interest, other than as a citizen of the community, but on all other questions he or she shall vote, unless excused therefrom by a vote of at least four members of the Council.

(i) Such standing committees of the Council as are from time to time determined by the Council to be necessary shall be established, provided that appointments to such committees shall be made by the Mayor, subject to the advice and consent of the Council and shall in no case extend beyond December 31 of the year in which they are made. (Subsection (i) enacted 11-6-79.)

HEALTH

Section 4.5 The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until a Board of Health is established for the City by ordinance, the Council shall constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

LICENSES

Section 4.6 The Council shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked, and may require and exact payment of such reasonable sums for any license as it may deem proper.

CEMETERY REGULATIONS

Section 4.7 The Council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. A plan for platting, sale and perpetual care of all lots, plots, and lands therein may be provided. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries may apply equally to all cemeteries within the City belonging to, or under the control of, any church or religious society, or any corporation, company or association.

TRUSTS

Section 4.8 The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other Municipal purpose. Any trusts now existing for the benefit of the Village of Litchfield, or any portion of Litchfield Township annexed hereby, shall be continued in full force in accordance with the cy pres doctrine.

RESTRICTIONS ON POWERS OF THE COUNCIL

Section 4.9

(a) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the City.

(b) Neither the Council nor any committee or member thereof shall direct or demand the appointment of any person to, his or her promotion within or to, or his or her removal from, any office or employment in the City government except those officers directly appointed by the Council. Except for purposes of inquiry authorized by it, the Council, its committees, and its members shall deal with the administrative officers and employees of the City solely through the City Manager concerning matters relating to the performance of their several official duties and employments.

No action contrary hereto shall be valid or binding upon the City Manager or any officer or employee of the City. Any violation of the provisions of this paragraph shall constitute a violation of this Charter.

(c) Except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed, nor shall any appointment be made, nor any person removed from office as required or permitted by this Charter, except by the affirmative vote of at least four members of the Council.

(d) (EDITOR'S NOTE: Section 4.9(d), which provided that there would be no standing committees of Council, was repealed by the voters on November 6, 1979. See Section 4.4(i).)

CHAPTER V - CITY LEGISLATION

LEGISLATIVE POWER

Section 5.1 The legislative power of the City is vested exclusively in the Council, except as otherwise provided by law.

PRIOR VILLAGE LEGISLATION

Section 5.2 All valid ordinances, resolutions, rules and regulations of the Village of Litchfield which are not inconsistent with this Charter and which are in full force and effect at the time of the effective date of this Charter shall continue in full force and effect, until repealed or amended. Those provisions of any effective valid ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

INTRODUCTION, CONSIDERATION AND STYLES OF ORDINANCES

Section 5.3

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City Of Litchfield Ordains."
- (b) Each ordinance, after adoption, shall be identified by number.
- (c) An ordinance or a part of an ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number only.
- (d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. This requirement shall not apply to the schedules of stop streets, one-way streets, and of parking limitations contained in any traffic ordinance or vehicular traffic regulating portion of the City's ordinance code.
- (e) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinances and the effective date thereof shall be certified by him or her therein.
- (f) No ordinance shall be passed until it shall have been read at two meetings of the City Council at least one week apart, provided that by consent of a majority of the City Council such readings may be by reading of the title of such ordinance.
- (g) All ordinances shall take effect thirty days from the date of their passage, subject to the provision as to referendum thereon.
- (h) The City Council may, by affirmative vote of five of its members, adopt emergency ordinances to take effect at the stated time therein, subject to the provision as to referendum and may by a like affirmative vote dispense with one reading. An

emergency ordinance is defined to be an ordinance for the immediate preservation of the public peace, property, health or safety. No ordinance making a grant of renewal or extension of a franchise or other privilege or regulating the rate or charge for services that may be lawfully regulated by the City Council shall ever be so passed as an emergency ordinance.

PUBLICATION OF ORDINANCES

Section 5.4

(a) Before an ordinance may become operative, it shall be published in at least one newspaper which is of general circulation in the City. The effective date of an ordinance shall be stated therein, but shall not be less than ten days after publication, unless it is declared by the affirmative vote of not less than five members of the Council to be an emergency ordinance. The publication of an ordinance in full as a part of the published proceedings of the Council shall constitute publication as required herein.

(b) All codes and other ordinances which are or may be permitted by law to be adopted by reference shall be adopted and published in the manner permitted and required by law.

PENALTIES

Section 5.5 The Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment, excluding the cost charged, shall exceed a fine of five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the City or County jail.

INITIATIVE, REFERENDUM AND RECALL

INITIATIVE

Section 5.6

(a) Any ordinance may be proposed to a vote of the electors by petition signed by qualified electors of the City equal to twenty percent of the registered electors of the City. Such petition shall be in a form approved by the City Clerk. Upon filing such petition, the City Clerk shall at once determine the sufficiency of the petition and certify accordingly to the City Council. The City Council shall, within twenty days after a certification of sufficiency, either (1) pass the ordinance without alteration,

subject to the referendum, or (2) call a special election, unless a general or Municipal election is fixed within ninety days thereafter, and at such general, special or Municipal election such proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

(b) Whenever any proposed ordinance is required by this chapter to be submitted to the voters of the City at any election, it shall be published in full in such manner as the City Council shall direct at least ten days before the election. The question of the adoption of such ordinance shall appear on the ballots in such form, to be approved by the City Attorney, as will concisely, clearly and fairly express the purpose of the same. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

(c) The City Council may submit the question of the repeal or amendment of any ordinance so adopted at any succeeding election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote cannot be repealed or amended except by electoral vote within two years after its adoption, after which time it may be repealed or amended by the City Council.

REFERENDUM

Section 5.7

(a) If at any time after the passage of an ordinance and prior to its taking effect, a petition signed by qualified electors of the City, equal in number to at least twenty percent of the registered electors of the City, be filed with the City Clerk, protesting against the going into effect of the ordinance mentioned in said petition, the same, unless it be an emergency ordinance, shall thereupon be suspended from going into effect. It shall thereupon be the duty of the City Council to reconsider such ordinance and, if the same be not entirely repealed, the City Council shall submit the ordinance to a vote of the qualified electors of the City either at the next general or Municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof. The referendary petition shall be in a form approved by the City Clerk and shall be subject to like determination and certification by the City Clerk as in an initiatory petition. The form of the question as it shall appear upon the ballots shall be approved by the City Attorney under like requirements as are provided for the initiative.

(b) Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be

considered repealed as regards any further action thereunder, but such measure so repealed shall be deemed sufficient authority for any prior action taken under the authority thereof.

(c) The City Council may, of its own motion, submit to electoral vote, for adoption or rejection, at any election, any proposed ordinance in the same manner and with the same force and effect as is provided under the subject of the initiative. If the provisions of two or more proposed ordinances adopted or approved at the same election conflict, then the ordinance receiving the highest affirmative vote shall control.

RECALL

Section 5.8 Any elective officer may be removed by the qualified electors of the City in the manner provided by the general law. A vacancy created by recall shall be filled in the manner prescribed by this Charter.

CHAPTER VI - ADMINISTRATIVE SERVICE

CITY MANAGER

Section 6.1

(a) The City Manager shall be the chief administrative officer of the City government in conformity with the provisions of this Charter. He or she shall serve at the pleasure of and be subject to removal by the Council.

(b) The City Manager shall supervise the administrative affairs of the City and shall carry out the policies formulated by the City Council. He or she shall exercise administrative supervision over all departments and administrative officers of the City, except as otherwise provided in this Charter. He or she shall keep the City Council informed of the condition and needs of the City and shall make such reports and recommendations as he or she may deem advisable and perform such other duties as may be prescribed by this Charter or required of him or her by ordinance or resolution of the City Council not inconsistent with this Charter. He or she shall prepare the budget annually and submit it to the Council and be responsible for its administration after adoption. Subject to any employment ordinance of the City, he or she shall employ or be responsible for the employment of all City employees and supervise and coordinate the personnel policies and practices of the City. He or she shall attend all meetings of the Council and shall possess such other powers and perform such additional duties as may be granted to or required of him or her from time to time by the Council so far as may be consistent with this Charter and the general law.

CITY CLERK

Section 6.2

- (a) The City Clerk shall be the clerk and clerical officer of the Council. He or she shall attend all meetings of the Council, and shall keep its journal.
- (b) He or she shall keep a record of all actions of the Council at its regular and special meetings.
- (c) He or she shall have the power to administer all oaths required by law and by the ordinances of the City.
- (d) He or she shall be the custodian of the City seal, and shall affix the same to documents required to be sealed. He or she shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided by this Charter.
- (e) He or she shall give to the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is a part.
- (f) He or she shall notify the Council of the failure of any officer or employee required to take an oath of office or to furnish any bond required of him or her.
- (g) He or she shall certify all ordinances and resolutions adopted by the Council.
- (h) The City Clerk shall act as director of elections in Municipal elections and shall perform the duties required by law of city clerks in the conduct of state, county and national primaries and elections. He or she shall perform such other duties as may be required by this Charter and the general law, or by the City Council.
- (i) He or she shall perform such other duties in connection with his or her office as may be required of him or her by law, the ordinances or resolutions of the Council, or by the City Manager.

CITY TREASURER

Section 6.3

- (a) The City Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value or indebtedness belonging to or held in trust by the City.
- (b) He or she shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine, and shall report the same in detail to the City Manager and Finance Officer.
- (c) He or she shall have such powers, duties and prerogatives in regard to the collection and custody of State, county, school district, and City taxes and moneys as are provided by law.

- (d) He or she shall perform such other duties in connection with his or her office as may be required of him or her by law, the ordinances or resolutions of the Council, or by the City Manager.
- (e) He or she shall be the general accountant of the City, shall keep the books of account of the assets, receipts, and expenditures of the City, and shall keep the Council and City Manager informed as to the financial affairs of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law.
- (f) He or she shall balance all the books of account of the City at the end of each calendar month, and shall make a report thereon, as soon as practical to the City Manager.
- (g) He or she shall, upon direction of the City Manager, examine and audit all books of account kept by any official or department of the City.

DEPUTY CLERK OR TREASURER

Section 6.4 The Clerk and the Treasurer may appoint and remove their deputies, subject to the budget allowances therefor and the approval of the City Manager in case of appointments. Each Deputy shall possess all powers and authorities of his or her superior officer to the extent authorized by State law.

CITY ATTORNEY

Section 6.5

- (a) The City Attorney shall act as legal advisor of and be responsible to the Council. He or she shall advise the City Manager concerning legal problems affecting the City administration and any officer or department head of the City in matters relating to his or her official duties when so requested in writing and shall file with the Clerk a copy of all written opinions given by him or her.
- (b) He or she shall prosecute ordinance violations and shall represent the City in cases before the courts and other tribunals.
- (c) He or she shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this Charter or by the Council, and shall promptly give his or her opinion as to the legality thereof.
- (d) Upon request of the Council, he or she shall attend meetings of the Council.
- (e) He or she shall defend all officers and employees in all actions arising out of the performance of their official duties.
- (f) He or she shall perform such other duties as may be prescribed for him or her by this Charter or the Council.

(g) Upon the Attorney's recommendation, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist the City Attorney.

CITY ASSESSOR

Section 6.6

- (a) The City Assessor shall possess all the power vested in and shall be charged with the duties imposed upon assessing officers by law.
- (b) He or she shall make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the City.
- (c) He or she shall perform such other duties as may be prescribed by law or the ordinances of the City or by the City Manager.

CITY PLANNING COMMISSION

Section 6.7 The Council shall provide for and maintain a City Planning Commission which shall possess all of the powers and perform the functions of planning commissions as set forth in Act No. 285 of the Public Acts of 1931, as amended. The citizen members of the Planning Commission shall be appointed by the Mayor subject to confirmation by the Council. The members of the Commission shall serve without compensation except for necessary expenses in connection with their work.

ZONING BOARD OF APPEALS

Section 6.8 The City Council may serve as the Zoning Board of Appeals, or in its discretion a separate Board may be designated and appointed by the Mayor with the approval of the Council. The Board shall have such powers and duties as are authorized by law.

ADDITIONAL ADMINISTRATIVE POWERS, BOARDS AND COMMISSIONS

Section 6.9 From time to time, the Council may, by ordinance, prescribe additional administrative powers and duties or diminish any powers and duties in a manner not inconsistent with this Charter, nor contrary to the requirements of State law, to be exercised and administered by appropriate officers and departments of the City. The Council may also establish such additional boards and commissions authorized by law as it may in its discretion deem necessary or desirable.

MERIT SYSTEM OF PERSONNEL MANAGEMENT

Section 6.10 The Council may provide by ordinance for a merit system, including the creation of a Civil Service Commission and any and all other bodies, rules and regulations deemed necessary to effectuate the same.

EMPLOYEE BENEFITS

Section 6.11 The Council shall have the power to make available to the administrative officers and employees of the City and its departments, an actuarial pension plan, and any recognized standard group plan of life, hospital, health, or accident insurance or any one or more thereof.

CHAPTER VII - SUPERVISORS

Section 7.1 The City shall have the maximum number of representatives on the County Board of Supervisors to which it may from time to time be entitled by law.

CHAPTER VIII - ELECTIONS

QUALIFICATIONS OF ELECTORS

Section 8.1 The residents of the City having qualifications of electors in the State of Michigan shall be electors of the City when properly registered.

ELECTION PROCEDURE

Section 8.2 The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply and control all procedures relating to City elections, including qualifications of electors, establishment of precincts, verification of petitions, registration of voters, and voting hours. The Clerk shall give public notice of each City election in the same manner as is required by law for the giving of public notice of general elections in the State.

PRECINCTS

Section 8.3 The election precincts of the City shall remain as they existed on the effective date of this Charter, including the addition of the annexed territory, until altered by the Election Commission. The Election Commission shall establish convenient election precincts in accordance with this Charter and statutes.

REGULAR CITY ELECTION

Section 8.4 A non-partisan regular City election shall be held annually on the second Monday in March.

SPECIAL ELECTIONS

Section 8.5 Special elections, not exceeding two in one calendar year, shall be held when called by resolution of the Council at least forty-nine days in advance of such election, or when required by law. Any resolution calling a special City election shall set forth the purpose of such election.

ELECTION COMMISSION

Section 8.6 An Election Commission is hereby created consisting of the City Clerk, City Assessor and one other qualified City official to be designated by the City Council. The City Clerk shall act as Chairman thereof. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by law relating to the conduct of elections in the City. The compensation of the election personnel shall be determined in advance by the Council.

NOMINATIONS

Section 8.7 The method of nomination for all candidates for City elections shall be by petitions. Such petitions for each candidate shall be signed by not less than twenty nor more than forty registered electors of the City. No person shall sign his or her name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular City election. Where the signature of any individual appears on more petitions than he or she is so permitted to sign, the signatures bearing the most recent date shall be invalidated.

Nominating petitions for candidates to be nominated at any regular City elections, or to be elected at a special election, shall not be circulated more than thirty days prior to the last date for filing, and all such petitions shall be filed with the Clerk before 4:00 p.m. on the eightieth day preceding each election.

FORM OF PETITIONS

Section 8.8 The Election Commission shall prepare the form of nominating petitions which shall be substantially the same as that designated for the nomination of State non-partisan judicial officers. Official petition forms shall be provided and maintained by the

City Clerk, provided, however, any candidate may have such nomination petition forms printed provided they conform to the requirements of the State election law. Before the Clerk shall furnish a nominating petition to any person, he or she shall enter on each petition form in typewriter or ink the name of the person to be nominated as a candidate and the name of the office for which he or she is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing.

APPROVAL OF PETITIONS

Section 8.9

(a) The Clerk shall accept only nominating petitions which are on forms which conform to the requirements of the State election law and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for respective elective City offices as set forth in this Charter. The Clerk shall receive no nominating petitions for any person named thereon as a candidate unless an executed affidavit or other proofs establishing the facts which show the eligibility of such candidate for the office named in the executed affidavit. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

Any petition filed in the office of the Clerk which is not accompanied by such executed affidavit or letter of consent or other proofs shall not be valid.

(b) The Clerk shall, forthwith after the filing of a petition, notify, in writing, any candidate whose petition is then known not to meet the requirements of this section, but the failure to notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his or her final determinations as to the validity and sufficiency of each nomination petition and whether the candidate has the qualifications required for his or her respective elective City office by this Charter and shall write his or her determinations thereof on the face of the petition.

(c) The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his or her determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger or by certified or registered mail. Any candidate whose petition is found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 p.m. on the fifth day after the last day for filing original petitions; thereafter, no further petitions may be filed.

(d) Withdrawal of a candidate's name from consideration on the ballot must be made in writing and in conformance with the time allowed by statute.

(e) All nominating petitions filed shall be open to public inspection in the office of the Clerk, except during a five-day period immediately following the last day for filing such petitions.

(f) Provision in regard to filing of petitions (Section 8.7) and notification of candidates (Section 8.9(b) and (c)) shall be in accordance with Section 14.3 of this Charter.

FORM OF BALLOT

Section 8.10

(a) The form, printing and number of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear in regard to City offices. In all City elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading, shall be initially arranged alphabetically according to surname, and shall be rotated systematically in the manner prescribed by statute for rotation of names.

(b) If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the residence address under the names of each of such candidates or nominees on the ballots (or labels or slips to be placed on voting machines when used), provided that for any such candidate who is an incumbent of such office, the candidate shall be designated as "Incumbent."

(c) Except as provided in this section, and except as may be otherwise prescribed by law, there shall be no supplementary identification of candidates or nominees on the ballot.

CHAPTER IX - FINANCE AND BONDING

FISCAL YEAR

Section 9.1 The fiscal and budget year of the City and all of its agencies shall begin on the first day of July of each year.

BUDGET PROCEDURE

Section 9.2 On or before the second Monday in March of each year, each officer, department and board of the City shall submit to the City Manager an itemized estimate of its expected income, if any, and expenditures for the next fiscal year, for the department or activities under its control. The City Manager shall compile and review such budget requests and shall then prepare his or her budgetary recommendations and submit them to the Council at its meeting nearest the third Monday in April of each year.

BUDGET DOCUMENT

Section 9.3 The budget document shall include at least the following information:

- (a) Detailed estimates, with supporting explanations of all proposed expenditures for each department and office of the City, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current year to February 1, or the last day of the month preceding this for which he or she has a financial statement available, and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to February 1, or the last day of the month preceding this for which he or she has a financial statement available, and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting schedules as the Council may request.

BUDGET HEARING

Section 9.4 A public hearing on the budget proposal shall be held before its final adoption. Notice of the time and place of holding such hearing shall be published by the Clerk at least ten days in advance thereof. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the Clerk for a period of not less than one week prior to such public hearings.

ADOPTION OF THE BUDGET

Section 9.5

- (a) At a meeting held not later than May 15, the Council shall by resolution adopt a budget for the next fiscal year and make appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the

general purposes of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time herein set shall not invalidate either the budget or the tax levy therefor.

(b) Should the Council fail to adopt a budget for the next fiscal year on or before the first Monday in June, the budget proposal as recommended to the Council by the City Manager shall be deemed to have been finally adopted by the Council and, without further action by the Council, shall constitute an appropriation of the money needed for Municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount necessary to be raised by taxes upon real and personal property subject to the provisions of Section 10.1. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 10.1, the budget and appropriations and each item thereof shall be adjusted by the City Manager to conform to such limitations.

BUDGET CONTROL

Section 9.6

(a) Except for purposes which are to be financed by the issuance of bonds, special assessment, or other method not requiring a budget appropriation, no money shall be drawn from the Treasury of the City without an appropriation therefor, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the General Fund.

(b) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager and/or the officer responsible for maintenance of the City accounting system shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date, and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(c) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the General Fund.

DEPOSITORY

Section 9.7 The Council shall designate the depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for the State, except that personal security bonds shall not be deemed proper security.

INDEPENDENT AUDIT

Section 9.8 An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audits shall be made by a qualified public accountant experienced in municipal accounting selected by the Council. The results of such audit shall be made available to the public in such manner as the Council may determine, but, in any event, such audit shall be available for inspection by the public at the office of the City Clerk.

MUNICIPAL BONDING POWER

Section 9.9 Subject to the applicable provisions of law, the Council may, by ordinance or resolution, authorize the borrowing of money for any purpose within the scope of powers vested in the City and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include, but not be limited to, the following types:

- (a) General obligation bonds which pledge the full faith, credit, and resources of the City for the payment of such obligations;
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided in Section 9.6.
- (c) In case of fire, flood, or other calamity, emergency loans due in not more than five years for the relief of inhabitants of the City and for the preservation of Municipal property;
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts alone, or may be both an obligation of the special assessment district or districts and a general obligation of the City.
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by this Charter to acquire or operate.

- (f) Bonds for the refunding of the funded indebtedness of the City.
- (g) Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the City.
- (h) Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State which the City may be permitted by law to pledge for the payment of the principal and interest thereof.

LIMITATION OF BORROWING POWER

Section 9.10

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum percentage permitted by statute; provided that in computing such net bonded indebtedness there shall be excluded all money borrowed which by law does not constitute an indebtedness of the City within any constitutional or statutory debt limitation or changes permitted by law to be in excess thereof. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.
- (b) The amount of emergency loans which may be made under the provisions of Section 9.9(c) may not exceed the maximum amount permitted by law, and such loan may be made even if it causes the indebtedness of the City to exceed the limit of the net indebtedness fixed in this Charter.
- (c) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization, such authorization shall be null and void.
- (d) The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum, and other applicable procedural requirements.

PREPARATION AND RECORD OF BONDS

Section 9.11 Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this Charter, except that, whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue or for any other purpose permitted by law. All bonds or other evidence of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed

with the facsimile signature of the Mayor and the Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk or other designated officer. Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

DEFERRED PAYMENT CONTRACTS

Section 9.12 The City may enter into installment contracts for the purchase of property or capital equipment. Each such contract shall not extend over a period greater than ten years nor shall the total amounts of principal payable under all such contracts exceed a sum permitted by law.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER X - ASSESSMENT AND COLLECTION OF TAXES

TAX LIMITATION

Section 10.1 The City shall have the power to assess taxes and levy and collect rents, tolls, and excises. The annual ad valorem tax levy shall not exceed 1.5 percent of the assessed value, as equalized, of all real and personal property subject to taxation in the City.

SUBJECTS OF TAXATION

Section 10.2 The subjects of ad valorem taxation shall be the same for Municipal purposes as for State, county, and school purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected, and returned in the manner provided by statute.

EXEMPTIONS

Section 10.3 No exemptions from taxation shall be allowed except as expressly required or permitted by law.

TAX DAY

Section 10.4 Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day.

PREPARATION OF THE ASSESSMENT ROLL

Section 10.5

(a) On or before the first Monday in March in each year, the City Assessor shall prepare and certify an assessment roll of all property in the City. Such roll shall be prepared as required by the General Property Tax Act. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall be maintained as required by law.

(c) On or before the first Monday in March, the Assessor shall give, by first class mail, a notice of any change from the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

BOARD OF REVIEW

Section 10.6

(a) A Board of Review is hereby created, composed of three freeholders of the City who have the qualifications of holding elective City office, as set forth in Section 3.3 of this Charter, and who, during their term of office, shall be City officers, but shall not be otherwise employed by the City nor be nominees or candidates for elective City office.

(b) The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. The first members shall be appointed within thirty days after the effective date of this Charter for terms expiring on January 1, 1971, 1972, and 1973. Thereafter, one member shall be appointed in the month of December of each year, for a term of three years, commencing on the following January first. The Council shall, by ordinance, fix the compensation of the members of the Board.

(c) The Board shall, annually, on the first day of its meeting, select one of its members Chairman for the ensuing year. The Assessor shall be Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question. A majority of the members of the Board shall constitute a quorum.

DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW

Section 10.7 For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by

assessments and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law, no person, other than the Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

MEETINGS OF THE BOARD OF REVIEW

Section 10.8

(a) The Board of Review shall convene in its first session as provided by State law each year at such time of day and place as shall be designated by the Council and shall remain in session for at least six hours, two of which shall be evening hours, for the purpose of consideration and correction of the roll. In each case in which the assessed value of any property is increased over or decreased from the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing or decreasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owner as shown by such roll, by first class mail, mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place, and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

(b) The Board of Review shall convene in its second session as provided by State law each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than four hours. At the second session, the Board may not increase or decrease any assessment or add any property to the rolls, except in those cases in which the Board resolves at its first session to consider such increase or decrease or addition at its second session.

NOTICE OF MEETINGS

Section 10.9 Notice of the time and place of the annual meetings of the Board of Review shall be published by the Assessor not less than one week prior to each session of the Board.

CERTIFICATION OF ROLL

Section 10.10 After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

CLERK TO CERTIFY TAX LEVY

Section 10.11 Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by the general ad valorem tax. He or she shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed, or charged upon the said roll against any property of any person in accordance with the provisions of this Charter or any ordinance of the City.

CITY TAX ROLL

Section 10.12 After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 10.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property. He or she shall also spread thereon the amounts of the general ad valorem City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation of any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the City.

TAX ROLL CERTIFIED FOR COLLECTIONS

Section 10.13 After spreading the taxes the Assessor shall certify the tax roll and attach his or her warrant thereto directing and requiring the Treasurer to collect prior to March 1 of the following year, from the several persons named in said roll, the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him or her, for the purpose of collecting the taxes, assessments and charges on such roll all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June 1 the roll shall be delivered to the Treasurer for collection.

TAX LIEN PROPERTY

Section 10.14 On July 1 the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

TAX PAYMENTS DUE AND NOTIFICATION THEREOF

Section 10.15

(a) City taxes shall be due on July 1 of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he or she shall (1) publish between June 15 and July 1 notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof, and (2) mail a tax bill to each person named in said roll. In cases of multiple ownership of property only one bill need be mailed.

(b) Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or non-payment of the same.

COLLECTION CHARGES ON LATE PAYMENT OF TAXES

Section 10.16 No penalty shall be charged for City taxes paid on or before the first day of September. The Council shall provide, by ordinance, the tax payment schedule for City taxes paid after the first day of September, and the amount of penalty, collection fee, or interest charges to be added thereafter. Such charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

Section 10.17 If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or her or it, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the State, and from which seizure no property shall be exempt. He or she may sell the property

seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

COLLECTION OF DELINQUENT TAXES

Section 10.18 All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him or her shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes, and shall be declared delinquent as of March 1 of each year. Such returns shall include all the additional assessments, charges and fees hereinbefore provided which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If, by change in statute or otherwise, the Treasurer of the County of Hillsdale is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner provided by statute for the collection of delinquent township, school and county taxes.

STATE, COUNTY AND SCHOOL, TAXES

Section 10.19 For the purpose of assessing and collecting taxes for State, county, and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

CHAPTER XI - SPECIAL ASSESSMENTS

GENERAL POWERS RELATIVE TO SPECIAL ASSESSMENTS

Section 11.1 The Council shall have the power to provide for assessing and reassessing the costs, or any portion thereof, of public improvements to a special assessment district and to determine by resolution, with or without a petition, that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

The Council shall, in the exercise of its powers of financing the whole or a part of the cost of public improvements by special assessments upon districts benefited thereby, have power to provide for the following, but this list shall not be exclusive:

- (a) Install and connect sewers and water supply facilities on and to property within the City and finance the same in whole or in part by special assessments.
- (b) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement, and finance the same in whole or in part by special assessments.
- (c) Establish, construct and extend street improvements and facilities, including, but not limited to, constructing, grading, widening and paving of streets, alleys, curbs, gutters, storm sewers, sanitary sewers and water mains, and constructing and maintaining sidewalks.
- (d) Provide for the assessment of single lots when any expenditure is made on any separate or single lot, parcel of land, or lands, or premises, which the City is authorized to charge and collect as a special assessment against the same.
- (e) Provide for the assessment of the cost of construction, removal, or abatement of any condition which the Council determines to be a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City.
- (f) For installing a boulevard lighting system on any street as a public improvement.
- (g) All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE

Section 11.2

- (a) The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in special assessment rolls, the number of installments in which special assessments may be paid, collection of assessments, refunds of excess moneys, and any other matters concerning the making and financing of improvements by the special assessment method.
- (b) Such ordinance shall be subject to the following provisions:
 - (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be adopted by the Council until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding;

(2) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll;

(3) Ten days' notice of each meeting of the Council for a public hearing on the advisability of proceeding with any public improvement and to review any special assessment roll shall be given prior to the date and time of such meeting, which notice shall be published and sent to all property owners in the proposed district, as shown by the current assessment roll of the City, by first class mail;

(4) If, prior to the public hearing on the advisability of proceeding with the making of the improvement, written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty percent of the amount of such special assessment, the resolution determining to proceed with the improvement shall be adopted only by the affirmative vote of five or more members of the Council.

ADDITIONAL ASSESSMENTS

CORRECTION OF INVALID SPECIAL ASSESSMENTS

Section 11.3

(a) Additional pro rata assessments to defray the cost of any public improvement may be made when any special assessment roll and/or the proceeds of sale of special assessment bonds issued in anticipation thereof proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds or other evidence of obligation issued therefor, provided that the additional pro rata assessment shall not exceed fifteen percent of the assessment as originally confirmed, unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of the review of the original special assessment roll.

(b) Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have the power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment except respecting the correction of the proceedings for the purpose of making the proceedings legal.

Whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the reassessment, refunds shall be made.

(c) No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceedings might have been lawfully assessed thereupon.

DISPOSITION OF EXCESS SPECIAL ASSESSMENTS

Section 11.4 The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the General Fund of the City if such excess is five percent or less of the assessment. If the assessment should prove larger than necessary by more than five percent, the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the City. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

CONTESTED ASSESSMENTS: LIMITATIONS ON SUITS AND ACTIONS

Section 11.5 No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessments, (a) unless, within thirty days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

SPECIAL ASSESSMENT ACCOUNTS

Section 11.6 Except as otherwise provided in this chapter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto and to repay any money borrowed therefor.

FAILURE TO RECEIVE NOTICE

Section 11.7 Failure to receive any notice required to be sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

DEFERRED PAYMENT OF SPECIAL ASSESSMENTS

Section 11.8 The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and the City Assessor, by reason of poverty, are unable to contribute toward the cost thereof. In all such cases as a condition to the granting of such deferred payments, the City shall require mortgage security on the real property of the beneficiary, payable upon his or her death.

SPECIAL ASSESSMENTS A LIEN ON PROPERTY

Section 11.9 Upon confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed and, until paid shall be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for the City taxes.

The Council may provide by ordinance for any case where the owner of the land or of the building or structure itself is not known or cannot be found, the Council may order such hazard or nuisance abated by the property department or agency of the City which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement may be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment.

CHAPTER XII - CONTRACTS AND PURCHASING

CONTRACTING AUTHORITIES

Section 12.1

- (a) The power to authorize the making of contracts on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the law.
- (b) All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 12.2 hereof, shall be authorized by the Council and shall be signed on behalf of the City by the Mayor and the Clerk.

PURCHASE AND SALE OF PERSONAL PROPERTY

Section 12.2 The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City, for the direction of the City Manager. The ordinance shall provide the dollar limit within which purchase of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of prior Council approval, provided, however, that in no event shall any such purchase in excess of one thousand dollars (\$1,000) be made

without securing competitive bids, and provided, further, that in case an emergency is, by the affirmative vote of at least five members of the City Council, declared to exist, the City Council may authorize such purchase or sale involving not more than two thousand five hundred dollars (\$2,500) without requiring competitive bids.

CONTRACT LIMITATIONS

Section 12.3

(a) The Council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten years, unless such contracts shall first receive the approval of a majority of the qualified electors voting thereon at a regular or special election. This qualification shall not apply to any contract for services with a public utility or one or more other governmental units, nor to a contract for debt secured by bonds or notes which are permitted to be issued by the City by law.

(b) Except as provided by ordinance authorized by Section 12.2 of this chapter, each contract for construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public by the City Manager or his or her authorized representative at the time designated in the notice of letting and shall be reported by him or her to the Council at its meeting. The Council may reject any or all bids, if deemed advisable. If, after ample opportunity for competitive bidding, no bids are received or such bids as were received were not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or authorize the City Manager or other proper official of the City to negotiate for a contract on the open market.

(c) All contracts shall be in accordance with Sections 4.9(a) and 4.9(b) of this Charter.

LICENSES AND FRANCHISES REMAIN IN EFFECT

Section 12.4 All licenses and franchises granted by the Village of Litchfield and in force within the City when this Charter becomes law, shall remain in full force and effect until the expiration of the time for which they were respectively granted.

CHAPTER XIII - UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

GENERAL POWERS RESPECTING UTILITIES

Section 13.1 The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of

limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, transportation, and garbage and rubbish disposal facilities, or any of them, to the Municipality and its inhabitants thereof, and also to sell and deliver water, light, heat, power, gas, and other public utility services without its corporate limits as authorized by law.

MANAGEMENT OF MUNICIPAL UTILITIES

Section 13.2 All Municipally owned or operated utilities shall be administered as a regular department of the City government, under the management and supervision of the City Manager.

RATES

Section 13.3

(a) The Council shall have the power to fix, from time to time, such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the City.

(b) The rates and charges for any Municipal public utility shall be so fixed as to at least meet all the costs of such utility, including depreciation.

(c) Transactions pertaining to the ownership and operation of the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

Section 13.4

(a) The Council shall provide by ordinance for the collection of all public utility rates and charges of the City, and for such purpose shall have all the power granted to cities by statute.

(b) Except as otherwise provided by law, the City shall have as security for collection of charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

- (c) The ordinance shall specify the terms and conditions under which utility services may be discontinued in case of delinquency in paying of such rates and charges, and, that suit may be instituted by the City before a competent tribunal for the collection of such rates and charges.

DISPOSAL OF UTILITY PLANTS AND PROPERTY

Section 13.5 Unless approved by the affirmative vote of a majority of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege, or asset belonging to and appertaining to any Municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been or could, with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this section shall not extend to vacation or abandonment of streets as provided by law.

PUBLIC UTILITY FRANCHISES

Section 13.6

- (a) Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted only by ordinance. No franchise shall be granted for a longer period than thirty years.
- (b) No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his or her unconditional acceptance of all the terms of such franchise. No special election for such purpose shall be ordered, unless the expense of holding such election, as determined by the Council, shall have been first paid to the Treasurer by the grantee.
- (c) A franchise ordinance, or renewal or extension thereof or amendment thereto, which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have

been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is on file.

CONDITIONS OF PUBLIC UTILITY FRANCHISES

Section 13.7 All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the City, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the City to impose or require:

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (b) To require adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To use, control, and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;
- (f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

USE OF PUBLIC PLACES BY UTILITIES

Section 13.8 Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof and shall protect and save the City harmless from all damage arising from said use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City by the City and by other public utilities insofar as such joint use may be reasonably practical and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

RATES FOR FRANCHISED UTILITIES

Section 13.9 The rates charged by public utilities under the supervision of State regulatory agencies shall be fixed by such agency. The rates not pre-empted by the State for public utilities shall be set, after public hearing, by the City Council.

SALE AND ASSIGNMENT OF FRANCHISES

Section 13.10 The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council consents. Nothing in this Section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall this restrict the right of the purchaser upon foreclosure sale to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

CHAPTER XIV - MISCELLANEOUS

OFFICIAL PERFORMANCE

Section 14.1 Deleted.

QUORUM

Section 14.2 Except as otherwise expressly provided in this Charter a quorum of any board created by or under authority of this Charter shall consist of a majority of the number of its members as established by this Charter, or by and under the ordinance creating such commission or board. The concurring vote of a majority of such established number of members of each such board shall be necessary for official action by it.

SUNDAYS AND HOLIDAYS

Section 14.3 Whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

ESTOPPEL

Section 14.4 No estoppel may be invoked against the City.

PENALTIES FOR VIOLATION OF CHARTER

Section 14.5 Any person or officer of the City found guilty by a court of competent jurisdiction of any violation of this Charter may be punished by a fine which, in addition to court costs charged to him or her, shall not exceed five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the court. For an officer of the City, the punishment provided in this Section shall be in addition to that of having the office declared vacant as provided in this Charter. This Section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

CHAPTER AND SECTION HEADINGS

Section 14.6 The chapter and section headings used in this Charter are for convenience only, and shall not be considered as part of this Charter.

AMENDMENTS

Section 14.7 This Charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

SEVERABILITY OF CHARTER PROVISIONS

Section 14.8 If any provision, section or clause of this Charter, or the application thereof to any person or circumstances, shall be found to be invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and, to this end, this Charter is declared to be severable.

CITY LIABILITY

Section 14.9 The City shall not be liable to pay damages for injuries which arise out of governmental functions sustained by any person, either to his or her person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of

such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him or her.

The City shall not be liable for any damage to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of the damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon, either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as required in this Section were not presented and filed within the time and in the manner herein provided. This Section shall not apply to claims arising out of the exercise of any proprietary function of the City.

TRANSFER OF JURISDICTION

Section 14.10

(a) After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and records, files, books and papers belonging to the Village of Litchfield and to that part of Litchfield Township being annexed thereby.

(b) No right or liability, either in favor or against the Village of Litchfield existing at the time this Charter becomes effective, and no suit or prosecution of any character, shall in any manner be effected by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City and all fines and penalties imposed at the time of such change shall be collected.

CHAPTER XV - SCHEDULES

PURPOSE AND STATUS OF SCHEDULE CHAPTER

Section 15.1 The purpose of this chapter is to inaugurate the government of the City of Litchfield under this Charter and to provide for the transition from the former governments of the Village of Litchfield and the Township of Litchfield to the new city status under this Charter. It shall constitute a part of the Charter of the City of Litchfield only to the extent and for the time required to accomplish that end.

ELECTION TO ADOPT CHARTER

Section 15.2 This Charter shall be submitted to a vote of the qualified and registered electors of the territory comprising the proposed City of Litchfield, at an election to be held at the State primary election, on Tuesday, August 4, 1970, between the hours of 7:00 a.m. and 8:00 p.m. All provisions for such election shall be held in the manner provided by law, except as provided in this Charter. Proper and sufficient notice of such election and of the registration therefor shall be given by the Secretary of the Charter Commission as provided by law. If, at such election, a majority of the qualified electors of the proposed City, voting on the issue, vote in favor of the adoption of this Charter, the Secretary of the Charter Commission shall do and perform all other acts which are required by law to carry this Charter into effect and to consummate the incorporation of the City.

The election shall be conducted by the officers of the Township of Litchfield charged with the conduct and supervision of elections following usual election procedure.

FORM OF BALLOT

Section 15.3 The form of the ballot for the submission of this Charter shall be as follows:

Instructions: A cross (X) in the square after the word "YES" is in favor of the proposed Charter, and a cross (X) in the square after the word "NO" is against the proposed Charter.

Shall the proposed Charter of the City of Litchfield which was drafted by the Charter Commission elected November 5, 1968, be adopted?

Yes ()

No ()

ELECTION OF OFFICERS

Section 15.4

(a) At the time of the election upon the adoption of the Charter, the first elective officers of the City under this Charter shall, by separate ballot, be elected, viz: A Mayor and six Councilmen to be elected from the City at large. The two Councilmen receiving the highest number of votes shall hold office beginning on the effective date of this Charter and extending to the Monday next following the regular City election on the second Monday in March, 1973. The two Councilmen having the next highest number of votes shall have terms beginning on the effective date of this Charter and

extending until the Monday following the regular City election on the second Monday in March, 1972. The remaining two Councilmen, having the next highest number of votes shall have terms beginning on the effective date of this Charter and extending until the Monday following the regular City election on the second Monday in March, 1971. The Mayor's term of office shall begin on the effective date of this Charter and extend to the Monday next following the regular City election on the second Monday in March, 1972. The term of the Mayor and Councilmen shall commence at 8:00 p.m. of the day herein designated. Thereafter, the successors of all such officers shall be elected at the regular City elections and shall hold office for the term established therefor.

The nomination and election of such first elected officers shall be non-partisan and no primary shall be held therewith.

(b) Candidates for such offices shall be nominated by the filing of petitions signed by not less than twenty nor more than forty of the qualified and registered electors of the territory comprising the proposed City of Litchfield and filed with the Secretary of the Charter Commission or his or her appointed deputy not later than 4:00 p.m. Eastern Standard Time on Monday, June 16, 1970, at the office of the Township Clerk of Litchfield Township. The Township Clerk shall publish notice of the last day and time for filing such nominating petitions, which notice shall be published in the Litchfield Gazette or some other newspaper of general circulation in the City on or before June 22, 1970. Such petitions shall be in the form designated by the Secretary of State for the use in the nomination of non-partisan judicial officers. The manner of approval of nomination petitions and those who qualify to sign shall be in general as outlined in Sections 8.7 to 8.9, inclusive, of this Charter.

(c) The Litchfield Township Clerk shall conduct the election, shall appoint and supervise the Election Inspectors for the election, and shall perform the duties required by law respecting such election. Such votes shall be canvassed in accordance with the provisions of the State law.

(d) Friday, July 3, 1970, shall be the last day of registration for such election. The Clerk of Litchfield Township will act as Registrar for the purpose of registering the electors of the proposed City for the election to be held on August 4, 1970. Those persons presently registered in Litchfield Township in the areas proposed for incorporation into the new City will be eligible to vote without further registration if their registrations are in order under the law.

FORM OF BALLOT FOR CITY OFFICERS

Section 15.5 At the election held for the first City officers, the names of the several candidates for such offices shall be placed on ballots, separate from the Charter ballot, containing no party designation with respect to the candidate and in the following order: candidates for the office of Mayor, and candidates for the office of Councilman. The names

of candidates on such ballot shall be rotated so that the name of each candidate for an office will head the list of names of candidates for that office approximately an equal number of times, and the names of the candidates shall be arranged alphabetically by surname to initiate the rotation.

VOTING AT CHARTER ELECTION

Section 15.6 Each person voting at the election of the adoption of this Charter may, in addition to voting on the adoption of this Charter, vote for a Mayor and six Councilmen.

CANVASS OF VOTES

Section 15.7

(a) The regularly constituted County Board of Canvassers of the County of Hillsdale shall meet following the election on the adoption of this Charter, and canvass the votes cast at such election as provided by law.

(b) If the canvass of the votes cast at such election shows this Charter to have been adopted, the votes cast for the several first City officers shall then be canvassed. Those to be declared to be elected and their terms of office shall be as specified in Section 15.4 of this Schedule.

EFFECTIVE DATE OF CHARTER

Section 15.8 If the canvass of votes upon the adoption of this Charter shows it to have been adopted, it shall take effect and become law as the Charter of the City of Litchfield for all purposes on August 23, 1970, at which time the control of the officers of the Village of Litchfield and the Township of Litchfield over any of that part of the new City shall cease and be superseded by that of the officers of the City of Litchfield.

FIRST MEETING OF CITY OFFICERS

Section 15.9 On or before the effective date of this Charter, all appointive officers and all employees of the Village shall continue in that City office or employment which they held in the Village prior to the effective date of this Charter and they shall be subject in all respects to the provision of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally elected or appointed.

COUNCIL ACTION

Section 15.11 In all cases involving transition of the Village government to City government, which are not covered by this Chapter, the Council shall supply necessary details and procedures and may adopt such rules, regulations, resolutions, and ordinances as may be required therefor.

FISCAL YEAR: CITY BUDGET

Section 15.12 The Council shall on the recommendation of the City Manager make an interim budget required to defray the cost of operating the City from August 23, 1970, to June 30, 1971, in order to bring the City's financial plan in conformity with the fiscal year herein provided.

COUNCIL MEETINGS

Section 15.13 Until otherwise provided by ordinance, regular meetings of the Council shall be held in the established Council Chamber in the City Hall on the first Monday of each calendar month at 7:30 p.m.

BOARDS AND COMMISSIONS

Section 15.14 The present boards and commissions established by the Village of Litchfield shall continue under the ordinance establishing them unless in conflict with this Charter. The terms of office of the members of such boards and commissions shall continue as established and they shall continue in office until their successors are appointed in accordance with the terms of office established in the ordinance creating them.

CODIFIED ORDINANCES OF LITCHFIELD

PART TWELVE – PLANNING AND ZONING CODE

TITLE TWO – Planning

Chap. 1220. Planning Commission.

Chap. 1222. Community Development Plan.

TITLE FOUR – Subdivision Regulations

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Platting Procedures.

Chap. 1246. Design Standards.

Chap. 1248. Improvements.

TITLE SIX – Zoning

Chap. 1260. General Provisions and Definitions.

Chap. 1262. Administration, Enforcement and Penalty.

Chap. 1264. Zoning Board of Appeals.

Chap. 1266. Districts Generally and Zoning Map.

Chap. 1268. District Regulations.

Chap. 1270. Nonconforming Lots, Uses and Structures.

Chap. 1272. Off-Street Parking and Loading.

Chap. 1274. Signs.

Chap. 1275. Conditional Use Approval Criteria.

Chap. 1276. Site Plan Review.

Chap. 1278. Supplementary Regulations.

Appx. I. Zoning Map.

Appx. II. Zoning Map Changes.

CODIFIED ORDINANCES OF LITCHFIELD

PART TWELVE – PLANNING AND ZONING CODE

-
- TITLE TWO – Planning
 - Chap. 1220. Planning Commission.
 - Chap. 1222. Community Development Plan.
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CHAPTER 1220
Planning Commission

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| <p><u>Article 1. Planning Commission – Creation and Administration.</u></p> <p>1220.101 Planning Commission; membership; appointment; terms; vacancies; representation; qualifications; ex officio members; conflict of interest; removal of members.</p> <p>1220.102 Chairperson, secretary, and other offices; election; terms; appointment of advisory committees.</p> <p>1220.103 By-Laws; adoption; public record requirement; annual report by Planning Commission.</p> | <p>1220.104 Meetings; frequency; time; place; special meetings; notice; compliance with Open Meetings Act; availability of writings to public.</p> <p><u>Article 2. Continuation of Master Plan and Requirement for Review.</u></p> <p>1220.201 Continuation of Master Plan; required review and amendment procedures.</p> |
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CROSS REFERENCES

- Planning Commission - see CHTR. Sec. 6.7
Municipal planning commissions - see M.C.L.A. Sec. 125.31 et seq.
Authority re subdivisions - see P. & Z. 1244.05, 1244.08
Authority re conditional use permits - see P. & Z. Ch. 1275
Authority re site plan review and approval - see P. & Z. 1276.02(c)
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ARTICLE 1. PLANNING COMMISSION – CREATION AND ADMINISTRATION.**1220.101 PLANNING COMMISSION; MEMBERSHIP; APPOINTMENT; TERMS; VACANCIES; REPRESENTATION; QUALIFICATIONS; EX OFFICIO MEMBERS; CONFLICT OF INTEREST; REMOVAL OF MEMBERS.**

(a) The Litchfield Planning Commission is hereby continued pursuant to the authority of the Michigan Planning Enabling Act (M.C.L.A. 125.3801 et seq.). and the Planning Commission is vested with the powers and duties corresponding with the powers and duties of Planning Commissions specifically set forth in that Act. The Mayor shall appoint members of the Planning Commission, subject to approval by majority vote of the City Council.

(b) The City Planning Commission shall consist of seven members. Members of the Planning Commission other than ex officio members shall be appointed for three-year terms. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.

(c) The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the City of Litchfield, in accordance with the major interests as they exist in the City, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the City to the extent practicable.

(d) Members of the Planning Commission shall be qualified electors of the City of Litchfield, except that one member of the Planning Commission may be an individual who is not a qualified elector of the City.

(e) The City Manager or a person designated by the City Manager, if any, the Mayor, one or more members of the City Council, or any combination thereof, may be appointed to the Planning Commission, as ex officio members. However, not more than one third (1/3) of the members of the Planning Commission may be ex officio members. Except as provided in this section, an elected officer or employee of the City of Litchfield is not eligible to be a member of the Planning Commission. The term of an ex officio member of the Planning Commission shall be as follows:

- (1) The term of the Mayor shall correspond to his or her term as Mayor;
- (2) The term of the City Manager shall expire with the term of the Mayor that appointed him or her as City Manager;
- (3) The term of a member of the City Council shall expire with his or her term on the City Council.

(f) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the By-Laws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. The Planning Commission shall define conflict of interest in its By-Laws.

(g) The legislative body may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. (Ord. 2001-03. Passed 6-11-01; Res. 2001-17. Passed 9-10-01; Ord. 2006-08. Passed 10-10-06; Ord. 2011-04. Passed 6-14-11.)

1220.102 CHAIRPERSON, SECRETARY, AND OTHER OFFICES; ELECTION; TERMS; APPOINTMENT OF ADVISORY COMMITTEES.

(a) The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The terms of each officer shall be one year with opportunity for re-election as specified in the Planning Commission's By-Laws.

(b) The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission. (Ord. 2011-04. Passed 6-14-11.)

1220.103 BY-LAWS; ADOPTION; PUBLIC RECORD REQUIREMENT; ANNUAL REPORT BY PLANNING COMMISSION.

(a) The Planning Commission shall adopt By-Laws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(b) The Planning Commission shall make an annual written report to the Litchfield City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development. (Ord. 2011-04. Passed 6-14-11.)

1220.104 MEETINGS: FREQUENCY; TIME; PLACE; SPECIAL MEETINGS; NOTICE; COMPLIANCE WITH OPEN MEETINGS ACT; AVAILABILITY OF WRITINGS TO PUBLIC.

(a) The Planning Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the By-Laws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the By-Laws provide otherwise, the secretary shall send written notice of a special meeting to the Planning Commission members not less than forty-eight hours before the meeting.

(b) The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, M.C.L.A. 15.261 et seq. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that Act.

(c) A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, M.C.L.A. 15:231 et seq. (Ord. 2011-04. Passed 6-14-11.)

ARTICLE 2. CONTINUATION OF MASTER PLAN AND REQUIREMENT FOR REVIEW.

1220.201 CONTINUATION OF MASTER PLAN; REQUIRED REVIEW AND AMENDMENT PROCEDURES.

(a) The Litchfield Master Plan heretofore adopted is continued pursuant to the authority of the Michigan Planning Enabling Act at Section 81 (M.C.L.A. 125.3881).

(b) At least every five years, the Planning Commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the Planning Commission.

(c) Any proposed amendment to the master plan shall follow the procedures set forth in the Michigan Planning Enabling Act. (Ord. 2011-04. Passed 6-14-11.)

TITLE FOUR – Subdivision Regulations

- Chap. 1240. General Provisions and Definitions.
 - Chap. 1242. Administration, Enforcement and Penalty.
 - Chap. 1244. Platting Procedures.
 - Chap. 1246. Design Standards.
 - Chap. 1248. Improvements.
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1240.03 DEFINITIONS.

For the purpose of these Subdivision Regulations, certain rules of construction apply to the text: words used in the present tense include the future tense and the singular includes the plural, unless the context clearly indicates the contrary; the term "shall" is always mandatory and not merely discretionary and the word "may" is permissive; words or terms not interpreted or defined by these Subdivision Regulations shall be used with a meaning of common or standard utilization. The following definitions shall apply in the interpretation and enforcement of these Subdivision Regulations unless otherwise stated.

- (1) ALLEY: A block or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.
- (2) AS-BUILT PLANS: Revised construction plans in accordance with all approved field changes.
- (3) BLOCK: An area of land that is entirely bounded by streets or highways, except alleys, or a combination of streets or highways and railroad rights-of-way, unsubdivided acreage, bulkhead lines or shorelines, public parks, cemeteries, or the corporate boundary lines of any village, city, or township.
- (4) BUILDING LINE OR SETBACK LINE: A line parallel to a street right-of-way line, lakeshore, or river-bank, established for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or lakeshore or riverbank.
- (5) CLUSTER DEVELOPMENT: A subdivision in which houses are grouped together in several modules, each one visually identifiable as an individual group, and the remainder of the subdivision being undeveloped and reserved for the common enjoyment of the residents of the subdivision as open space or a recreation area.
- (6) COMMERCIAL DEVELOPMENT: A planned commercial center providing building areas, parking areas, service areas, screen planting, and turning movement and safety lane roadway improvements, where necessary.
- (7) COMPREHENSIVE DEVELOPMENT PLAN: A comprehensive land use plan for the City of Litchfield which, through any combination of text, charts, and maps, sets forth proposals for general locations of the various land uses, streets and highways, parks, schools, public buildings, and all physical development of the City of Litchfield, to achieve an orderly, coordinated, and efficient pattern of development. This plan includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof adopted by the governing body of the City of Litchfield.
- (8) COUNTY DRAIN COMMISSIONER: The Hillsdale County Drain Commissioner.
- (9) COUNTY HEALTH DEPARTMENT: The Hillsdale County Health Department.

- (10) COUNTY PLAT BOARD: The Hillsdale County Plat Board.
- (11) COUNTY ROAD COMMISSIONER: The Hillsdale County Road Commissioner.
- (12) DEDICATION: The intentional appropriation of land by the owner to public use.
- (13) DEVELOPMENT: Any subdivision of land as herein defined or any material change in the use or appearance of any parcel of land subject to the provisions of these Subdivision Regulations, or the act of building structures and installing site improvements.
- (14) ENVIRONMENTAL IMPACT STATEMENT: To be obtained from the Department of Natural Resources.
- (15) FILING DATE: The date of the Planning Commission meeting at which the Planning Commission receives a completed application from the Clerk.
- (16) FLOOD PLAIN: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood that can reasonably be expected for that region.
- (17) GOVERNING BODY: The Litchfield City Council.
- (18) GREENBELTS OR BUFFERS: A strip or parcel of land, privately restricted or publicly dedicated as open space, located between incompatible uses for the purpose of protecting and enhancing the environment of the subdivision.
- (19) IMPROVEMENTS: Any structure incident to servicing or furnishing facilities for a subdivision, such as grading, street surfacing, curbs and gutters, driveway approaches, sidewalks, pedestrian ways, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate items, with appurtenant construction.
- (20) INDUSTRIAL DEVELOPMENT: A planned industrial area designed specifically for industrial use providing screened buffers, wider streets, and turning movement and safety lane roadway improvements, where necessary.
- (21) LOT: A measured portion of a parcel or tract of land, which is described and filed in a recorded plat.
 - A. Lot Area: The total area within the lot lines of the lot.
 - B. Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
 - C. Lot Width: The horizontal distance between the side lot lines measured at the setback line and at right angles to the lot depth.
 - D. Lot Coverage: That part or percent of the lot occupied by buildings or structures including accessory buildings or structures.
- (22) OUTLOT: When included within the boundary of a recorded plat, a lot set aside for purposes other than a building site, park, or other land dedicated to public use or reserved for private use.

- (23) PARCEL OR TRACT: A piece or area of land in single or joint ownership.
- (24) PEDESTRIAN WAY: A separate right-of-way dedicated to or reserved for public use, which crosses blocks or other tracts of land for the purpose of facilitating pedestrian access to adjacent streets and properties.
- (25) PLANNED UNIT DEVELOPMENT: A large-scale development to be constructed, usually in stages, involving a related group of residences and associated uses, planned as an entity and which can be planned, developed, and regulated as one land use unit, rather than as an aggregation of individual buildings on separate lots.
- (26) PLANNING COMMISSION: The Planning Commission of the City of Litchfield as established under Act 168, Public Acts of 1959, as amended.
- (27) PLAT: A map or chart of a subdivision of land showing the lot and street arrangement and other features of the area being subdivided.
- A. Pre-Preliminary Plat: An informal plan or sketch drawn to scale and in sufficient detail to show existing features of a site and its surroundings and the general layout of a proposed subdivision.
- B. Preliminary Plat: A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- C. Final Plat: A map of a subdivision of land made up in final form for approval and recording.
- (28) PROPRIETOR: Any person, firm, association, partnership, corporation, or government agency, or a combination of any of them, undertaking any development of land, whether recorded or not, as defined in these Subdivision Regulations. The proprietor is also commonly referred to as a subdivider, developer, or owner.
- (29) PUBLIC UTILITY: All persons, firms, corporations, co-partnerships, or municipal or other public authorities providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other services of a similar nature.
- (30) REPLAT: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.
- (31) RIGHT-OF-WAY: Land reserved, used, or to be used for a street, alley, walkway, or other public purpose.
- (32) SIDEWALK: A facility, placed within the right-of-way of existing streets, or a facility connecting with buildings, parking lots, or other activities, having access to the street right-of-way for the purpose of providing safe and convenient movement of pedestrians.

- (33) **STREET**: A public or private right-of-way which provides for vehicular and pedestrian access to abutting properties.
- A. **Major**: Those streets of considerable continuity having the primary functions of accommodating relatively large volumes of vehicular traffic generation and designated as an arterial street in the Comprehensive Development Plan.
 - B. **Collector**: Those streets used to collect and distribute traffic between minor and arterial streets, including principal entrance streets to large residential and nonresidential developments.
 - C. **Local**: Those streets having a primary function of providing service and access to abutting land uses and not designed for high volumes of traffic.
 - D. **Cul-de-sac**: A local street of short length, having one end terminated by a vehicular turn-a-round.
 - E. **Street Width**: The shortest distance between those lines delineating the right-of-way streets.
- (34) **STRUCTURE**: Any object constructed, erected, or placed with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground.
- (35) **SUBDIVIDE OR SUBDIVISION**: The division of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of the sale or lease of more than one year, or of building development, where the act of subdivision creates five or more parcels of land, each of which is ten acres or less in area; or five or more parcels of land, each of which is ten acres or less in area as created by successive division within a period of ten years.
- (36) **SUBDIVISION CONTROL ACT**: Act 288 of the Public Acts of 1967, as amended.
- (37) **SURVEYOR**: Either a land surveyor who is registered in the State or a registered land surveyor or civil engineer who is registered in the State as a registered professional engineer.
- (38) **TOPOGRAPHICAL MAP**: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.
- (39) **WATER RESOURCES COMMISSION**: The Water Resources Commission of the Michigan Department of Conservation, of the Department of Natural Resources.
(Ord. 1980-2. Passed 5-12-80.)

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01	Administration.	1242.07	Cluster subdivision or Planned Unit Development variance.
1242.02	Recording of plats; construction of improvements.	1242.08	Commercial and industrial subdivision variance.
1242.03	Issuance of building and occupancy permits.	1242.09	Applications for variances.
1242.04	Schedule of fees.	1242.10	Authority of Council re variances.
1242.05	Variances generally.	1242.11	Amendments.
1242.06	Topographical or physical limitation variance.	1242.99	Penalty.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43
 Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44
 Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45
 Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.
 Planning Commission - see P. & Z. Ch. 1220

1242.01 ADMINISTRATION.

The approval provisions of these Subdivision Regulations shall be administered by the governing body in accordance with Act 288 of the Public Acts of 1967, as amended, and by the Planning Commission in accordance with Act 168, of the Public Acts of 1959, as amended.

(Ord. 1980-2. Passed 5-12-80.)

1242.02 RECORDING OF PLATS; CONSTRUCTION OF IMPROVEMENTS.

No subdivision plat required by these Subdivision Regulations or the Subdivision Control Act shall be admitted to the public land records of the County or received or recorded by the County Register of Deeds, until such subdivision plat has received final approval by the governing body. No public board, agency, commission, official or other authority shall proceed with the construction of, or authorize the construction of, any of the public improvements required by these Subdivision Regulations unless such public improvement shall have already been accepted, opened or otherwise received the legal status of a public improvement prior to the adoption of these Subdivision Regulations, unless such public improvement shall correspond in its location and to the other requirements of these Subdivision Regulations.

(Ord. 1980-2. Passed 5-12-80.)

1242.03 ISSUANCE OF BUILDING AND OCCUPANCY PERMITS.

(a) Building Permits. The Building Inspector shall not issue permits for the building of houses or other structures for occupancy, or any portion thereof, until the final plat has been approved as provided in Act 288 of the Public Acts of 1969, as amended, and until he or she has been officially notified of such approval by the governing body.

(b) Occupancy Permits. The Building Inspector shall not issue permits for the occupancy of structures or any parts thereof until all improvements required by these Subdivision Regulations and agreed to in the approved preliminary plat have been completed or otherwise provided for according to these Subdivision Regulations and until he or she has been notified of the completion of or provision for improvements by the governing body. Completion shall mean inspection, approval, and acceptance, where applicable, by the City of Litchfield. A certificate of completion shall be issued by the City of Litchfield Engineer as evidence of adequate and complete installation of facilities.

(Ord. 1980-2. Passed 5-12-80.)

1242.04 SCHEDULE OF FEES.

The schedule of fees for the review of plans and plats, the inspection of improvements for the administration of these Subdivision Regulations, and for other costs incurred by the City of Litchfield in the platting process, shall be determined by resolution of the governing body of the City of Litchfield.

(Ord. 1980-2. Passed 5-12-80.)

1242.05 VARIANCES GENERALLY.

The Planning Commission may recommend to the governing body a variance from the provisions of these Subdivision Regulations on a finding that undue hardship may result from strict compliance with specific provisions or requirements of these Subdivision Regulations or that application of such provision or requirement is impractical. The Planning Commission shall only recommend variances that it deems necessary to or desirable for the public interest. Variances shall apply only to improvements and specifications set forth in these Subdivision Regulations. No variances shall be granted on procedures required herein. In making its findings, as required below, the Planning Commission shall take into account the nature of the proposed use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the probable effect of the proposed subdivision upon traffic conditions in the vicinity, preservation of natural features, and relation to the adopted Comprehensive Development Plan. No variance shall be recommended unless the Planning Commission finds the following:

- (a) That there are such special circumstances or conditions affecting said property that the strict application of the provisions of these Subdivision Regulations would clearly be impractical or unreasonable. In such cases, the proprietor shall first state his or her reasons, in writing, as to the specific provision or requirement involved and submit them to the Planning Commission.
- (b) That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- (c) That the variance is necessary for the preservation and enjoyment of a substantial property right of the proprietor.
- (d) That such variance will not violate the provisions of the State Subdivision Control Act.
- (e) That such variance will not have the effect of nullifying the intent and purpose of these Subdivision Regulations and the adopted Comprehensive Development Plan and the Zoning Code of the City of Litchfield.

The Planning Commission shall include its findings and the specific reasons therefor in its report of recommendations to the governing body and shall also record its reasons and actions in its minutes.

The governing body, upon recommendation of the Planning Commission, may require conditions to the variance that will substantially secure the objectives of the standards or requirements so varied or modified.

(Ord. 1980-2. Passed 5-12-80.)

1242.06 TOPOGRAPHICAL OR PHYSICAL LIMITATION VARIANCE.

Where, in the case of a proposed subdivision, it can be shown that strict compliance with the requirements of these Subdivision Regulations would result in extraordinary hardship to the proprietor because of unusual topography, other physical conditions, or such other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of these Subdivision Regulations, the Planning Commission may recommend to the governing body that variance modifications or a waiver of these requirements be granted.

(Ord. 1980-2. Passed 5-12-80.)

1242.07 CLUSTER SUBDIVISION OR PLANNED UNIT DEVELOPMENT VARIANCE.

The governing body may authorize a variance from specified portions of these Subdivision Regulations in the case of a cluster subdivision or Planned Unit Development upon request of the proprietor. The governing body shall find that such development is permitted by the Zoning Code and shall have the recommendation of the Planning Commission before acting on the variance.

The governing body shall determine, based on the report of the Planning Commission, that the plan provides adequate public spaces and includes provisions for efficient circulation, light and air, and other needs, and otherwise meets the intent of the Zoning Code and the adopted Comprehensive Development Plan, or parts thereof. The governing body, in making its findings shall take into account the considerations set forth in Section 1042.05 and the following:

- (a) That the proposed project will constitute a desirable and stable community development.
- (b) That the proposed project will be in harmony with the existing or proposed development of adjacent areas.
- (c) That the standards and requirements of the Zoning Code are met.
- (d) That the Planning Commission has reviewed the project plan and recommends its approval as having met the standards and intent of the Comprehensive Development Plan, or any part thereof, as it applies to the area in and around the subdivision or a Planned Unit Development.
- (e) That in granting the variance, it shall be valid only as long as the plan for the complete development is carried out as approved. Any departure from the approved plan shall immediately rescind any variance granted.
- (f) That the governing body shall establish a time schedule for the completion of the various aspects of the complete subdivision or planned unit plan.

Variances may include, but not be limited to, a reduction in minimum lot area and width, modifications in street and utility standards, yard and setback requirements and permission for the mixing of related uses otherwise segregated by the Zoning Code.

(Ord. 1980-2. Passed 5-12-80.)

1242.08 COMMERCIAL AND INDUSTRIAL SUBDIVISION VARIANCE.

The governing body may authorize a variance from provisions of these Subdivision Regulations for commercial and industrial subdivisions, upon request of the proprietor, that are in line with the standards established in Sections 1246.37 and 1246.38. The governing body shall find that the variances do not violate provisions of the Zoning Code and shall have the recommendation on the variances from the Planning Commission before acting therein.

The governing body shall determine, based on the report of the Planning Commission, that the variances will result in a plan that meets the following conditions, in addition to those set forth in Section 1242.05.

- (a) That the proposed project will constitute a desirable and stable community development.
- (b) That the proposed project will be in harmony with the existing or proposed development of adjacent areas and will not interfere with the liability of adjacent and nearby residential areas.
- (c) That the standards and requirements of the Zoning Code are met.
- (d) That the Planning Commission has reviewed the project plan, finds that it meets the standards and interests of the Comprehensive Development Plan, or any part thereof, as it applies to the area in and around the subdivision, and recommends its approval.
- (e) That in granting the variance it shall be valid only as long as the plan for the complete development is carried out. Any departure from the approved plan and plat shall immediately rescind any variance granted.
- (f) That the governing body shall establish a time schedule for the completion of the various aspects of the complete subdivision. Variances may include, but not be limited to, modifications in lot areas and width, block sizes, and changes in street and utility standards appropriate for commercial and industrial development.

(Ord. 1980-2. Passed 5-12-80.)

1242.09 APPLICATIONS FOR VARIANCES.

(a) Required Improvement Variance or Topographical Variance. An application for any such variance shall be submitted in writing by the proprietor when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner. The Planning Commission shall submit a report thereon to the governing body.

(b) Cluster Subdivision, Planned Unit Development or Commercial and Industrial Subdivision Variance. An application for any such variance shall be made in writing by the subdivider at the time when the pre-preliminary plat is filed for the consideration of the Planning Commission, stating fully and clearly all facts relied upon by the proprietor and shall be supplemented with maps, plans, or other additional data which may aid the Planning Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan. The Planning Commission shall submit a report thereon to the governing body, as set forth in Section 1242.05.

(Ord. 1980-2. Passed 5-12-80.)

1242.10 AUTHORITY OF COUNCIL RE VARIANCES.

The governing body shall be the agency for granting variances for relief from hardships or for permitting cluster and planned unit developments, and variances for commercial and industrial subdivisions. (Ord. 1980-2. Passed 5-12-80.)

1242.11 AMENDMENTS.

The governing body may, from time to time, amend, supplement, or repeal the regulations and provisions of these Subdivision Regulations in the manner prescribed by Act 246 of the Public Acts of 1945, as amended. A proposed amendment, supplement, or repeal may be originated by the governing body, the Planning Commission, or by petition. All proposals regarding changes in these Subdivision Regulations not originating with the Planning Commission shall be referred to it for a report thereon before any action is taken on the proposal by the governing body.

(Ord. 1980-2. Passed 5-12-80.)

1242.99 PENALTY.

(a) Penalties for failure to comply with the provisions of these Subdivision Regulations shall be as follows: violations of any of the provisions of these Subdivision Regulations, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates these Subdivision Regulations, or fails to comply with any of its requirements, shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty days, or both. Each day such violation continues shall be considered a separate offense.

(b) The land owner, tenant, proprietor, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing contained herein shall prevent the governing body, or any other public official or private citizen, from taking such lawful action as is necessary to restrain or prevent any violation of these Subdivision Regulations or of the Subdivision Control Act.

(Ord. 1980-2. Passed 5-12-80.)

CHAPTER 1244
Platting Procedure

1244.01	Initial procedures.	1244.10	Submission of preliminary plat to approving authorities.
1244.02	Purpose of pre-preliminary plat.	1244.11	Duration of preliminary plat approval.
1244.03	Submission of pre-preliminary plat.	1244.12	Submission of preliminary plat to Council for final approval.
1244.04	Information required on or with pre-preliminary plat.	1244.13	Information required for final approval of preliminary plat.
1244.05	Approval or disapproval of pre-preliminary plat by Planning Commission.	1244.14	Final approval or disapproval of preliminary plat by Council.
1244.06	Submission of preliminary plat.	1244.15	Submission of final plat.
1244.07	Information required on or with preliminary plat.	1244.16	Information required on or with final plat.
1244.08	Approval or disapproval of preliminary plat by Planning Commission.	1244.17	Approval or disapproval of final plat by Council.
1244.09	Tentative approval or disapproval of preliminary plat by Council.		

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43
 Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44
 Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45
 Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.
 Planning Commission - see P. & Z. Ch. 1220

1244.01 INITIAL PROCEDURES.

The proprietor is encouraged to consult the general development plan and detailed plans of any units of government that affect the tract to be subdivided and the area surrounding it. He or she should also become acquainted with the Zoning Code, these Subdivision Regulations, and other ordinances and requirements which regulate the subdivision of land in the City of Litchfield. He or she should also discuss the concepts of the proposed subdivision with the City Manager, the Planning Commission, and the Region II Planning Commission. (Ord. 1980-2. Passed 5-12-80.)

1244.02 PURPOSE OF PRE-PRELIMINARY PLAT.

The purpose of the pre-preliminary plat stage of the platting process is to acquaint the developer with the planning policies of the City of Litchfield as they apply to the property to be subdivided, and to give the Planning Commission an opportunity to discuss the subdivision with the developer before expensive surveys and drawings are made.

The basic decision as to the interpretation of planning policy for the site in question, and possible modification of such policy as a result of the proposed development, will be made in this procedure. The pre-preliminary plat, when approved, shall form the basis of the preliminary plat.

(Ord. 1980-2. Passed 5-12-80.)

1244.03 SUBMISSION OF PRE-PRELIMINARY PLAT.

Ten copies of the pre-preliminary plat and application therefor, and all fees, shall be submitted to the City Clerk at least ten days prior to the regular Planning Commission meeting at which the plan is to be considered. The Clerk shall check the completeness of the submittal, and, if complete, transmit the same to the Planning Commission in adequate time for inclusion on the agenda for the Planning Commission's next regular meeting. If the application is not complete, the Clerk shall so notify the applicant in writing and shall list the deficiencies. The Planning Commission may require that copies of the plat be submitted to other agencies for review which, in the Planning Commission's opinion, would have an interest in the proposed development.

(Ord. 1980-2. Passed 5-12-80.)

1244.04 INFORMATION REQUIRED ON OR WITH PRE-PRELIMINARY PLAT.

In applying for approval of a pre-preliminary plat, the proprietor shall submit the following information for the entire tract of land, including land to be developed in stages. Information may be combined for presentation on one or more drawings and in sketch form. However, the Planning Commission shall have the authority to request that the information be divided and presented on more maps than those submitted, in the interest of clarity, speed, and efficiency of the Planning Commission's review. All plans shall be drawn to scale.

Because the purpose of the pre-preliminary plat is to discuss the basic concept and layout of the proposed development in relation to existing and future conditions on and around the site, the proprietor shall provide information such as:

- (a) Description of existing and proposed features on and surrounding the site which are of importance to the proposed development, including, but not limited to, a description of the location, nature and extent of natural features, such as large trees or groves of trees, watercourses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets.

- (b) General description of topographic and soil conditions on the site (available from Jackson Metropolitan Area Regional Planning Commission and other sources). The location of any areas of land within the proposed subdivision which lie either wholly or partially within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding or inundation by storm water, shall be clearly shown on the pre-preliminary plat.
- (c) A site analysis showing which of the conditions the proprietor intends to retain or modify as part of the subdivision.
- (d) The concept, general layout, and location of the various uses and facilities to be incorporated within the subdivision.
- (e) Stages of development.
- (f) Property dimensions and area.
- (g) Aerial photograph of the site and surrounding area, with the site defined (photos available from the County Drain Commissioner and other sources).
- (h) Environmental statement (can be supplied by the Planning Commission).
(Ord. 1980-2. Passed 5-12-80.)

1244.05 APPROVAL OR DISAPPROVAL OF PRE-PRELIMINARY PLAT BY PLANNING COMMISSION.

(a) The Planning Commission shall review the pre-preliminary plat for conformance to development policies, the Zoning Code, and these Subdivision Regulations, and shall review the manner in which the plan accommodates or modifies the significant features of the tract.

(b) The Planning Commission shall complete its review and act on the pre-preliminary plat within sixty days of the date of filing. The sixty-day review period may be extended by written agreement between the Planning Commission and the proprietor. If the Planning Commission does not act on the plan within the sixty-day period, and if an extension is not agreed to, the pre-preliminary plat shall be deemed to be approved.

(c) Action of the Planning Commission shall consist of approval, conditional approval, or disapproval. In the case of conditional approval, the Planning Commission shall record the conditions in the minutes and on the copies of the approved plat. In both the case of conditional approval and disapproval, the reasons for such action shall be presented to the proprietor in writing and shall be recorded in the minutes of the Commission.

(d) Disapproval of the pre-preliminary plat by the Planning Commission concludes official action thereon. Future consideration by the Planning Commission of a proposed subdivision for the subject property shall require submittal of a new application by the proprietor.

(e) The Chairperson of the Planning Commission shall sign each of five copies of the approved plat and shall cause them to be distributed as follows:

- (1) One copy to the Clerk of the governing body for its information;
- (2) One copy to the School Board offices having jurisdiction in the subject area;
- (3) One copy to the proprietor; and
- (4) Two copies to be retained in the permanent files of the Planning Commission.

(Ord. 1980-2. Passed 5-12-80.)

1244.06 SUBMISSION OF PRELIMINARY PLAT.

The proprietor shall file ten copies of the preliminary plat and two sepias or other reproducible drawings thereof, the application form, and fees, with the Clerk. The application shall be filed in accordance with Section 1244.03.

(Ord. 1980-2. Passed 5-12-80.)

1244.07 INFORMATION REQUIRED ON OR WITH PRELIMINARY PLAT.

The following information shall be required for preliminary plat approval:

- (a) Name of proposed subdivision.
- (b) Legal description of the entire site to be subdivided.
- (c) Date, north point, scale (not more than 200 feet to one inch).
- (d) Name, address, and phone number of the proprietor, other owners, if any, and the planner, engineer, surveyor, or designer who prepared the subdivision layout.
- (e) Names of adjacent subdivisions, layout of streets indicating street names, right-of-way widths and connections with adjoining platted streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the proposed subdivision, and lot layout and dimensions of lots adjacent to the proposed subdivision.
- (f) Topography, existing and proposed, at two-foot intervals, with elevations of existing and proposed streets. Proposed grading and landfilling shall be indicated on the plans.
- (g) Plans and specifications of soil erosion and sedimentation control measures.
- (h) A site report by the Health Department for subdivisions that will not be served by public water and sewer. The information listed therein, not required elsewhere in these Subdivision Regulations, shall be submitted as part of the application for preliminary plat approval.
- (i) Ten copies of proposed deed restrictions or protective covenants; if none, a statement of such in writing.
- (j) Layout and width of rights-of-way and pavement of all streets or public ways proposed for the subdivision.

- (k) Lot layout, dimensions, setback requirements, area (in square feet or acres), and number of proposed lots.
- (l) All parcels or lands to be dedicated or reserved for public use or for use in common by property owners in the subdivision shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.
- (m) Location and size of all existing and proposed sanitary sewer, storm sewer, and water supply facilities and points of connection of proposed lines to existing lines, elevations and grades, direction of flow, profiles, location of valves and hydrants, location of electricity, telephone, and gas supply lines, and location, description, and details of any on-site facilities to serve the utility needs of the entire subdivision.
- (n) Preliminary engineering plans for all improvements required by Sections 1248.05 et seq. All plans shall be in conformance with applicable local, County and State standards.
- (o) Identification, location, and nature of all uses other than single-family residences to be included within the subdivision.
- (p) Staging of development of the entire subdivision.
- (q) Location, dimension, and purpose of all easements.
- (r) Location and type of sidewalks, street lighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, manholes, basins and underground conduits. The Planning Commission, however, shall have the authority to request that the information be present on more maps than those submitted, in the interests of clarity, speed, and efficiency in the review process.
- (s) A description of the location, nature and extent of natural features, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets.
- (t) Location of any areas of land within the proposed subdivision which lie either wholly or partially within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding or inundation by storm water.
(Ord. 1980-2. Passed 5-12-80.)

1244.08 APPROVAL OR DISAPPROVAL OF PRELIMINARY PLAT BY PLANNING COMMISSION.

- (a) The Planning Commission shall review the preliminary plat for conformance to the approved preliminary plat. If the Planning Commission determines that substantial conformance exists, it shall transmit one copy of the plat to the School Board or the Superintendent in which jurisdiction the proposed subdivision will be located.

(b) After receiving comments and recommendations from the local school administration, the Planning Commission shall re-evaluate the preliminary plat in view of the new information and may request modifications in the plat. The Planning Commission shall then take action on the plat, such action being an approval, conditional approval, or disapproval. The Planning Commission shall transmit the plat, together with reasons for its action, to the governing body.

(c) The Planning Commission shall take action on the preliminary plat within sixty days of the date of filing of the plat, unless an extension is agreed to as set forth in Section 1244.05(b). If no action is taken by the Planning Commission within the sixty-day period, and if no extension is secured, the governing body shall assume that the preliminary plat has been approved by the Planning Commission.

(Ord. 1980-2. Passed 5-12-80.)

1244.09 TENTATIVE APPROVAL OR DISAPPROVAL OF PRELIMINARY PLAT BY COUNCIL.

(a) The governing body shall, within thirty days after receiving the Planning Commission's recommendation, tentatively approve or disapprove the preliminary plat.

(b) The governing body shall record its tentative approval on the plat, and return one copy to the proprietor. If disapproved, the governing body shall record its reason for disapproval and the conditions to be met to qualify for tentative approval, which reasons and conditions shall be sent to the proprietor.

(Ord. 1980-2. Passed 5-12-80.)

1244.10 SUBMISSION OF PRELIMINARY PLAT TO APPROVING AUTHORITIES.

After receiving tentative approval from the governing body, the proprietor shall submit the preliminary plat to all authorities as required in Sections 113 to 119 of the Subdivision Control Act (Act 228 of the Public Acts of 1967, as amended), including the County Road Commission, the County Drain Commissioner, the County Health Department, the Water Resources Commission, the County Plat Board, and public utilities serving the area.

(Ord. 1980-2. Passed 5-12-80.)

1244.11 DURATION OF PRELIMINARY PLAT APPROVAL.

Final approval of the preliminary plat shall confer upon the proprietor, for a period of two years from the date of approval, the conditional right that the general terms and conditions under which preliminary approval was granted will not be changed. The two-year period may be extended if applied for by the proprietor and granted by the governing body, in writing. Written notice of the extension shall be sent by the governing body to the other approving authorities. (Ord. 1980-2. Passed 5-12-80.)

1244.12 SUBMISSION OF PRELIMINARY PLAT TO COUNCIL FOR FINAL APPROVAL.

The preliminary plat for final approval, along with the required written application form and fees, shall be submitted to the Clerk at least fifteen days prior to the meeting of the governing body at which the plat is to be considered. The Clerk shall determine if the application is complete and thereafter follow procedures set forth in Sections 1244.02 et seq. (Ord. 1980-2. Passed 5-12-80.)

1244.13 INFORMATION REQUIRED FOR FINAL APPROVAL OF PRELIMINARY PLAT.

The proprietor shall submit the following information to the governing body for final approval of the preliminary plat:

- (a) A list of all authorities required by Sections 113 to 119 of the Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended) to approve the plat, certifying that the list is complete and that each authority has approved the preliminary plat.
- (b) One approved copy of the preliminary plat from each authority as required by Act 288 of the Public Acts of 1967, as amended.
- (c) Copy of a receipt from the City of Litchfield Treasurer that all fees required under these Subdivision Regulations have been paid.
- (d) Final engineering drawings or construction plans of all improvements required under Sections 1248.05 et seq.
(Ord. 1980-2. Passed 5-12-80.)

1244.14 FINAL APPROVAL OR DISAPPROVAL OF PRELIMINARY PLAT BY COUNCIL.

(a) The governing body shall review the preliminary plat at its next regular meeting after submittal of the complete application, or within twenty days of the date of submission to the Clerk. The governing body shall give its final approval to the preliminary plat given tentative approval by the governing body, and if all other required approvals have been obtained by the proprietor. The governing body shall instruct the Clerk to so notify the proprietor in writing.

(b) The governing body shall disapprove the plat if it does not conform to the preliminary plat given tentative approval, or if it has not been approved by the various authorities as required by Act 288 of the Public Acts of 1967, as amended. The governing body shall instruct the Clerk to promptly notify the proprietor of the disapproval and the reasons therefor in writing. The reasons for disapproval shall be recorded in the minutes of the meeting. Notice shall be sent to each of the other approving authorities by the governing body.

(c) In case of disapproval, further consideration of a plan for subdividing the subject property can only be obtained if the proprietor applies for pre-preliminary plat review.

(d) In order to expeditiously reach a reasonable compromise when disapproval of the preliminary plat by the governing body is pending, the proprietor and the governing body may agree, in writing, to extend the twenty-day period. Any changes made in the plan during this extended period shall be sent to each authority that reviewed the preliminary plat under Sections 113 to 119 of Act 288 of the Public Acts of 1967, as amended. The approval of each such authority shall be obtained before the governing body may grant its final approval to the preliminary plat. This provision is intended to be used only in situations where, in the opinion of the governing body, the conditions standing in the way of final approval are minor.

(e) The governing body shall instruct the Clerk to note all proceedings in the record of the meeting at which action on the preliminary plat is taken, with the record to be open for inspection.

(f) No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence on the subject property until the proprietor has:

- (1) Received a written notice from the Clerk that the governing body has given its final approval to the preliminary plat.
- (2) Entered into a subdivision agreement with the governing body for completion of all improvements required in the preliminary plat.
- (3) Deposited with the City of Litchfield a bond or other form of security as required by these Subdivision Regulations for the provision of improvements.
- (4) Received a certificate of approval or similar evidence of approval of the engineering plans from the City of Litchfield Engineer of each improvement to be installed prior to approval of the final plat. Where approval of such plans must be obtained from the County Road Commission, the County Drain Commissioner, the County Health Department, or other County or State agency, the proprietor shall provide evidence of such approvals to the City of Litchfield Engineer prior to his or her report and recommendation to the governing body. Such plans and approvals shall include those for soil erosion and sedimentation controls as provided in Sections 1244.02 et seq.

(g) The proprietor shall prepare a detailed estimate of costs of all required improvements not to be installed prior to final plat approval, as provided in Chapter 1248. The estimate of costs shall be checked and approved by the City of Litchfield Engineer prior to the governing body's final review of the preliminary plat.

(Ord. 1980-2. Passed 5-12-80.)

1244.15 SUBMISSION OF FINAL PLAT.

Final plats shall be submitted in the form required in Act 288 of the Public Acts of 1967, as amended, and shall be submitted to the Clerk at least fifteen days prior to the meeting of the governing body at which it is to be considered. The Clerk shall check the application for final plat approval for completeness in the manner set forth in Section 1244.03. A final plat shall not be accepted for review after the date of expiration of the preliminary plat final approval.

Final plats shall be submitted to the following agencies, in the indicated order, and the proprietor shall obtain signatures from the agency thereon, prior to filing the final plat with the governing body for approval.

County and City of Litchfield Treasurer
Drain Commissioner
County Road Commission.

(Ord. 1980-2. Passed 5-12-80.)

1244.16 INFORMATION REQUIRED ON OR WITH FINAL PLAT.

All final plats shall be in the form and contain the information required by the Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended).

- (a) Five mylar copies, four paper prints of the final plat, and the filing and recording fee shall be filed by the proprietor with the Clerk.
- (b) An abstract of title or other certificate to establish ownership interests and to ascertain if all proper parties have signed the plat, for all land included in the subdivision, shall be filed with the Clerk.
- (c) The proprietor shall provide the City of Litchfield information which clearly indicates the location, nature, and extent of any changes in the subdivision as constructed, with respect to the final approved preliminary plat. In addition, he or she shall supply a complete record of all improvements that have been installed (other certificates) prior to the final plat application.

(Ord. 1980-2. Passed 5-12-80.)

1244.17 APPROVAL OR DISAPPROVAL OF FINAL PLAT BY COUNCIL.

(a) The final plat shall conform closely to the preliminary plat as finally approved. The final plat may constitute only a portion of the area covered by the preliminary plat.

(b) All improvements and facilities to be provided by the proprietor shall be installed, or adequate security in lieu thereof shall be provided, and all dedications and easements shall be evidenced as having been made before the governing body may approve the final plat. However, approval of the final plat shall not constitute acceptance of items for dedication. All such installations shall be inspected and approved by the City of Litchfield Engineer before the governing body may approve the final plat.

(c) The governing body shall review all recommendations and either approve or disapprove the final plat at its next regular meeting after the date of submission or at a meeting called within twenty days of the date of submission. The governing body shall approve the plat if it conforms to the final approval of the preliminary plat and to the provisions of the Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended).

(d) If the final plat is approved, the Clerk shall transmit the five mylar copies and the filing and recording fee to the Clerk of the County Plat Board. The four paper prints shall be forwarded as follows: one to the Planning Commission; one to the Building Department; and two to be retained by the Clerk. All mylar copies and paper prints shall have the date of approval marked thereon.

(e) If the final plat is approved, the Clerk of the governing body shall sign a certificate signifying approval of the final plat by the governing body, which shall include the date of approval and the date on which the Clerk signs the certificate.

(f) If the final plat is disapproved, the governing body shall instruct the Clerk to record the reasons for rejection in the minutes of the meeting, notify the proprietor in writing of the action and the reasons therefor, and return the plat to the proprietor.
(Ord. 1980-2. Passed 5-12-80.)

CHAPTER 1246
Design Standards

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1246.02	Streets generally.	1246.23	Lots to be buildable.
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CROSS REFERENCES

- Approval of plats; street system - see M.C.L.A. Sec. 125.43
 Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44
 Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45
 Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.
 Planning Commission - see P. & Z. Ch. 1220

1246.01 MINIMUM STANDARDS; WAIVER.

In considering applications for subdivision of land, the Planning Commission and the governing body shall be guided by the design standards set forth in this chapter. These standards shall be considered to be minimum requirements; where plans adopted by the Planning Commission and for the governing body require higher standards, these latter standards shall apply. Waivers in standards shall be granted only under circumstances set forth in Sections 1242.05 et seq.

(Ord. 1980-2. Passed 5-12-80.)

1246.02 STREETS GENERALLY.

The specifications contained in these Subdivision Regulations are the standards for all highways, streets, and alleys which might hereafter be platted or accepted within the City of Litchfield.

(Ord. 1980-2. Passed 5-12-80.)

1246.03 STREET LAYOUT.

(a) Streets shall be of sufficient width, suitable location, and adequate construction to conform to the adopted Comprehensive Development Plan or the portion thereof relating to streets and traffic. The arrangement of streets in the subdivision shall provide for the continuation of streets in adjacent subdivisions where such extensions are deemed desirable by the Planning Commission and the Road Commission, and where such extension is not precluded by topographic or other existing conditions. The layout shall provide for proper projection of principal streets into adjoining properties not yet subdivided.

(b) All such streets shall have a width at least as great as the street being extended.

(c) Residential streets shall be laid out so as to discourage their use by through traffic.

(d) Streets shall be arranged in proper relation to topography to create usable lots, safe streets, and reasonable grades, both for the streets and for driveways which intersect therewith.

(e) The street layout shall not isolate lands from existing public streets or roads, unless suitable access is provided, and such access shall be granted by easement or dedicated to public use. Such access shall be constructed to standards required by the County Engineer.

(f) Opposing streets shall be in direct alignment at the point of intersection. Where offsets cannot be avoided, a minimum distance of 125 feet shall be established between centerlines of the intersecting streets.

(g) Where outlots are required to provide future connections when adjacent areas are platted, such outlots shall be indicated on the plat and designated "future road". Each such outlot shall be sixty-six feet wide and a right-of-way instrument for road purposes shall be executed and filed with the Hillsdale County Road Commission at the time of plat approval.

(h) Intersections of local roads with collector and arterial roads shall be reduced to a reasonable minimum, but shall, in general, be at least 500 feet apart, centerline to centerline, to preserve the traffic-carrying capacity of the collector and arterial roads and to reduce the potential of accidents at such intersections. In general, all streets shall intersect each other so that, for a distance of at least 100 feet, the street is approximately at right angles to the street it joins. In no case shall an intersection form an angle of less than eighty degrees. No more than two streets shall cross at one intersection.

(i) All street construction shall be centered on the street right-of-way. Section line and quarter line and quarter line roads shall be centered on these lines unless the City of Litchfield Engineer approves an exception.

(Ord. 1980-2. Passed 5-12-80.)

1246.04 DRAINAGE FACILITIES.

All streets and alleys shall be provided with facilities for adequate surface drainage. This may be accomplished by the use of ditches, County drains, natural water courses, or constructed tributaries thereto. It is strongly recommended that this be done with underground storm drains. In the urban area of Hillsdale County, as defined by the County Road Commission, the storm drain shall be underground and only curb-type design shall be permitted. Exceptions will be made for subdivisions in which each single-family dwelling lot is one acre or larger in area and has a minimum frontage of 150 feet, in which case a thirty-foot wide pavement section with open ditches will be permitted.

(Ord. 1980-2. Passed 5-12-80.)

1246.05 HALF STREETS.

Half streets shall generally be prohibited, except where unusual circumstances make them essential to the reasonable development of a tract in conformance with these Subdivision Regulations. (Ord. 1980-2. Passed 5-12-80.)

1246.06 CUL-DE-SACS.

Cul-de-sac streets shall not be more than 600 feet in length (1000 feet in subdivisions of one acre lots or larger), except where unusual circumstances make them essential to the reasonable development of a tract in conformance with these Subdivision Regulations.

Exceptions may be made where topographic or other unusual existing conditions would so require. Each cul-de-sac shall terminate with an adequate turn-around of a minimum external diameter of 150 feet.

(Ord. 1980-2. Passed 5-12-80.)

1246.07 ALLEYS.

Alleys shall be prohibited, except in commercial and industrial areas. Where alleys are provided, they shall be at least thirty feet wide. Alleys shall be provided in accordance with standards of the City of Litchfield.

(Ord. 1980-2. Passed 5-12-80.)

1246.08 PRIVATE STREETS.

Private streets are prohibited. (Ord. 1980-2. Passed 5-12-80.)

1246.09 MARGINAL ACCESS STREETS.

Where marginal access streets are required, the proprietor shall dedicate property for the purpose of a marginal access street to the governing body or the Road Commission and shall be responsible for improving and maintaining said marginal access streets. A landscaped strip at least ten feet wide shall be provided between the marginal access street and the adjacent, parallel road. (Ord. 1980-2. Passed 5-12-80.)

1246.10 OTHER REQUIRED STREETS.

Where a subdivision borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential areas, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

(Ord. 1980-2. Passed 5-12-80.)

1246.11 SPECIAL TREATMENT ALONG MAJOR STREETS.

When a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such other treatment as might be necessary for adequate protection of residential properties to afford separation of through and local traffic and to retain the traffic-carrying capacity of the arterial streets. (Ord. 1980-2. Passed 5-12-80.)

1246.12 STREET NAMES; HOUSE NUMBERS.

Street names shall not duplicate names of any existing street in Hillsdale County, except where a new street is a continuation of an existing street. Street names that may be spelled differently but sound the same shall be avoided. Duplication shall be avoided by checking new street names with the master listing of the Hillsdale County Road Commission. Street house numbers shall be assigned by Consumers Power Company. Generally, no street should change direction by more than ninety degrees without a change in street name. In general, streets shall have names and not numbers or letters.

(Ord. 1980-2. Passed 5-12-80.)

1246.13 LOCATION OF UTILITIES.

Utilities shall be located so as to best conform to the layout of existing facilities. In streets where no pattern has been established, utilities shall be located in conformance with the standards of the City of Litchfield.

(Ord. 1980-2. Passed 5-12-80.)

1246.14 STREET STANDARDS AND SPECIFICATIONS.

Streets and roads shall be provided in accordance with the street and road standards and specifications adopted by the Hillsdale County Road Commission and the Michigan State Highway Department.

<u>TYPE OF STREET</u>	<u>ROW WIDTH</u>
<u>ARTERIAL</u>	
Boulevards	35' + MED.
One-Way Streets	66'
<u>COLLECTOR</u>	
Collector Streets	66'
Local Roads	66'
<u>LOCAL</u>	
Local Streets	66'
Local Streets in Industrial Subdivisions	66'

(Ord. 1980-2. Passed 5-12-80.)

1246.15 LENGTH AND WIDTH OF BLOCKS; CONFORMITY OF BLOCKS TO ZONING REQUIREMENTS.

(a) Blocks generally shall be greater than 500 feet and less than 1320 feet in length, as measured from centerlines of streets. No block width shall be less than twice the normal lot depth, except where the lots back into a major street, natural or subdivision boundary.

(b) In blocks exceeding 800 feet in length, the Planning Commission may require the reservation of a twenty-foot wide easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify further, at its discretion, a four-foot wide paved footpath be provided by the proprietor.

(c) Blocks intended for non-residential purposes shall be especially designed for such purposes, and in accordance with the Zoning Code. In such cases, the above dimensions do not apply.

(Ord. 1980-2. Passed 5-12-80.)

1246.16 LOT DIMENSIONS.

Lots shall conform to the requirements of local zoning ordinances in terms of width, depth, and area, except for outlots that are provided for a designated and approved purpose. The depth of a lot should not be less than one and one-half, nor more than three times, the width as measured at the building line.

In areas not served by a public sewer and water system, the minimum area shall be one acre and the minimum road frontage 150 feet.

(Ord. 1980-2. Passed 5-12-80.)

1246.17 CORNER LOTS.

Corner lots shall have extra width to permit appropriate building setbacks from both streets. If the Zoning Code does not require a greater width, these Subdivision Regulations shall control, in which case the corner lot should be ten to twenty percent wider than minimum interior lots. Lots abutting a pedestrian mid-block crosswalk shall be treated as corner lots unless the width of the crosswalk right-of-way is not less than one-third of the width of the street right-of-way that the crosswalk intersects.

(Ord. 1980-2. Passed 5-12-80.)

1246.18 LAYOUT OF LOTS.

Lots shall not open or face directly onto a freeway right-of-way, an arterial street or other heavily traveled street, shopping centers, or other large non-residential areas. In such situations, lots shall be laid out in one of the following ways:

- (a) Lots can back onto the above features, but shall be separated therefrom by a permanent fence or wall and a twenty-foot wide landscaped strip along the rear property line. The twenty-foot wide strip shall not be considered part of the lot's minimum length or area. The landscaping shall be such as to create a screen to insure the privacy of each lot.
- (b) Lots may face onto a marginal access street. Such a street shall be separated from the right-of-way of the main street or the edge of the non-residential area by a landscaped median strip not less than twenty feet wide. The median may be dedicated to the governing body or other appropriate public agency.

- (c) Lots may be faced onto intersecting streets with driveways opening onto the intersecting streets. These corner lots which abut the major street right-of-way or the non-residential area shall each have the fence or wall and twenty-foot wide landscape strip as required in subsection (a) hereof.
- (d) Lots may be grouped around short cul-de-sac or loop streets which open onto the major street. In such situations, the corner lots abutting the major street right-of-way shall each contain the fence or wall and landscaped strip required in subsections (a) and (c) hereof.
- (e) The layout of lots, whichever method is used, is intended to restrict the number of access points to the major streets and thereby reduce the number of traffic hazard points and preserve the traffic-carrying capacity of the major streets and to protect each lot's privacy and its freedom from noise and litter. Any landscaped strip required above shall not be part of the normal road right-of-way or utility easement.
(Ord. 1980-2. Passed 5-12-80.)

1246.19 LOT FRONTAGE.

- (a) Lots extending through a block shall be prohibited. Except for corner lots, no lot shall front on two streets.
- (b) All lots shall abut, by their full frontage, on a dedicated public street. Variances to this provision may be permitted in approved unit developments.
- (c) The portion of a lot bordering on a lake, stream, open area, or similar amenity may be designated as the front, provided that a setback can be obtained on the street side equal to the setback provided for the front. In no case, however, shall either setback be less than the front setback required in the Zoning Code.
(Ord. 1980-2. Passed 5-12-80.)

1246.20 FUTURE RESUBDIVIDING OR LOT SPLITTING.

Where a tract is to be subdivided into lots substantially larger than the minimum size required in the Zoning Code, or when the tract is in an area which the Planning Commission can reasonably expect to be served with public sewer and water system in the future, but which, at the time of subdividing, does not have sewer services available, the Planning Commission may require that streets and lots be laid out so as to permit future resubdivision in a logical manner and in accordance with provisions of these Subdivision Regulations. Lot arrangements shall allow for the ultimate extension of adjacent streets through blocks or the splitting of lots into smaller lots. Whenever such future resubdividing or lot splitting is contemplated, the plan thereof shall be approved by the Planning Commission before divisions of lots may be made.
(Ord. 1980-2. Passed 5-12-80.)

1246.21 UNINHABITABLE AREAS.

Land subject to flooding or otherwise deemed uninhabitable in its natural state shall not be platted for residential use, or for any other use that might create danger to health, life or property, or which might increase the flood hazard within or outside the subdivision. Such land shall be retained in its natural state as open space. Such lands may be platted, however, if the features making the lands uninhabitable can reasonably be removed without destruction to adjacent or nearby property or natural features and, if approval is obtained from the various agencies involved in the review process according to these Subdivision Regulations and the Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended). (Ord. 1980-2. Passed 5-12-80.)

1246.22 ANGLE OF SIDE LOT LINES TO STREETS.

(a) Side lot lines shall generally be perpendicular to the right-of-way lines of curved streets. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent.

(b) Variations in these provisions may be made when in the opinion of the Planning Commission, such variation would result in a better arrangement of lots. (Ord. 1980-2. Passed 5-12-80.)

1246.23 LOTS TO BE BUILDABLE.

The lot arrangement shall be such that in constructing a building in compliance with the Zoning Code, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. Acute angles of side lot lines, odd-shaped and pie-shaped lots should be avoided.

The size, shape, and location of each lot should have the following qualities:

- (a) A suitable site for placing a house without excess grading, footings, or foundations walls;
- (b) Adequate surface drainage away from the house site and outdoor living areas; and
- (c) Driveway grades should be reasonable.

(Ord. 1980-2. Passed 5-12-80.)

1246.24 SETBACKS; CONFORMITY TO YARD REQUIREMENTS REQUIRED.

Placement of the building on the site shall conform to all yard requirements. However, the proprietor should vary the placement of the building on each lot; particularly, the front setback should be varied among several adjacent lots to create a more attractive neighborhood appearance and to relieve the monotony that results from rigid adherence to the minimum requirements.

The setbacks provided should conform to topography and natural features of the site. (Ord. 1980-2. Passed 5-12-80.)

1246.25 DRIVEWAYS; CURBS.

Driveways and curbcuts shall conform to standards of the County Road Commission. The curb section of driveways and aprons shall be designed so that excessive break-over angle and rear bumper and exhaust pipe dragging will be eliminated.

(Ord. 1980-2. Passed 5-12-80.)

1246.26 LOT DIVISION.

The division of a lot in a recorded plat is prohibited unless approved, following application to the governing body, in conformance with Act 288 of the Public Acts of 1967, as amended. The application shall be filed with the City of Litchfield Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided into lots for building purposes each of which is less in area and dimensions than permitted by the City of Litchfield's Zoning Code. No building permit shall be issued, nor any construction commenced, until the division has been approved by the governing body and the suitability of the land for building sites has been approved by the County Health Department for all sites not served by a public sewer and water system. The division of a lot that results in lots smaller than lots permitted in this Zoning Code may be permitted, but only for the purpose of adding to an existing building site or sites. The application shall so state and shall be in affidavit form.

(Ord. 1980-2. Passed 5-12-80.)

1246.27 DIVISION OF UNPLATTED PARCELS.

The division of an unplatted parcel of land into two, three, or four lots involving the dedication of a new street shall require the approval of the governing body prior to the division. Application for division shall be made in writing and shall be accompanied by a drawing of the proposed division. No building or occupancy permit shall be issued in such cases until the governing body has approved the division and unless the owner has first secured approval of the County Health Department for lots intended for building purposes and if said lots are not served by public water and sanitary sewer.

(Ord. 1980-2. Passed 5-12-80.)

1246.28 RESERVE STRIPS.

Privately held reserve strips controlling access to streets shall be prohibited. A one-foot reserve shall be placed at the end of "stub" or dead-end streets which terminate at subdivisions boundaries and between half streets, to control access and to prevent erection of structures which might obstruct future street extensions or widenings. The reserves shall be deeded in fee simple to the County Road Commission for areas lying within the corporate limits. (Ord. 1980-2. Passed 5-12-80.)

1246.29 NON-RESIDENTIAL LOTS.

Lots intended for uses other than residential shall be identified on the site plan and shall be specifically designed for such uses, in accordance with provisions of these Subdivision Regulations and the Zoning Code.

(Ord. 1980-2. Passed 5-12-80.)

1246.30 PEDESTRIAN WAYS AND SIDEWALKS.

(a) Pedestrian ways, other than sidewalks in street rights-of-way, shall be at least ten feet wide, when required. The Planning Commission may require a paved walkway to be provided by the proprietor. The pedestrian way shall be treated as an easement.

(b) Sidewalks may be required on both sides of a street, or on one side of a street, or, in very low-density developments, sidewalks may be excepted entirely, according to the discretions of the governing body, based on recommendations from the various approving agencies. Street rights-of-way shall be sufficient on both sides of the street, except in Planned Unit Developments, where variations may be permitted. Streets leading directly to a school shall have sidewalks on both sides.

(c) Walkways in pedestrian ways and sidewalks shall have a minimum pavement width of four feet, and shall have a minimum lateral slope of one-eighth of an inch per foot of width. Sidewalks shall be placed one foot away from the street right-of-way line. Sidewalks shall be concrete, four inches thick, with six-inch thickness under driveways. Driveway aprons shall not break the sidewalk leve.

(d) The pavement of pedestrian ways shall consist of concrete, asphalt, stone, or other surface material, according to requirements of the local engineer or County Road Commission Engineer. Planting pockets shall be provided in pedestrian ways for tree and shrub planting. The planting plan and surface treatment shall meet the approval of the Planning Commission. Fences and/or other improvements may also be required if the Planning Commission and/or governing body determines such are necessary to protect the adjacent property owners or the pedestrians. The Planning Commission may require that pedestrian ways be lighted, with the lighting to be located so as to adequately illuminate the walkway, but not to disturb the adjacent residences. Steps shall not be permitted inside walks or pedestrian paths. Grade changes shall be accommodated by ramps.

(Ord. 1980-2. Passed 5-12-80.)

1246.31 NATURAL FEATURES.

The Planning Commission shall, wherever possible, require the preservation of all natural features which add value to the proposed subdivision and to the community at large, such as large trees or groves of trees, water courses, vistas, historic spots and features, wildlife habitats and ecological areas, and similar irreplaceable assets. The location, nature, and extent of such features shall be identified in the pre-preliminary plat stage and made a

part of the plan to the greatest extent possible and feasible. The preservation and/or inclusion of such features may be made a condition of approval of the pre-preliminary plat and the tentative preliminary plat.

(Ord. 1980-2. Passed 5-12-80.)

1246.32 FLOOD PLAINS.

Any areas of land within the proposed subdivision which lie either wholly or partially within the flood plain of a river, stream, creek, or lake, or any other areas which are subject to flooding or inundation by storm water shall be clearly shown on the pre-preliminary plat, the preliminary plat, and the final plat. Such land shall not be platted for any other uses that might increase the danger to health, life, or property, or unduly aggravate the flood hazard, for properties within the proposed subdivision or up or downstream therefrom. Such land shall be set aside for uses that will not be endangered by periodic or occasional inundation.

(Ord. 1980-2. Passed 5-12-80.)

1246.33 SURFACE DRAINAGE; EASEMENTS.

(a) Where a subdivision is traversed by a water course, drainageway, channel or stream, a storm water easement or drainage right-of-way shall be provided in accordance with standards of the City Engineer. Such easements shall be placed on the edges of lots and shall not interfere with the livability of the lots. Existing drainageways may be made if such changes conform to an overall drainage plan for the particular drainage district.

(b) The Planning Commission may require the subdivider to carry away by pipe or open ditch in appropriate easements, any spring or surface water that might exist either previous to, or as a result of, the subdivision.

(c) A culvert or other drainage facility to be provided in the proposed subdivision shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The City Engineer or the County Drain Commissioner shall approve the design and size of the facility based on anticipated runoff from a 100-year storm under conditions of total potential development permitted by the Zoning Code and recommended in adopted development policies for the area lying within the watershed.

(d) The subdivider shall study the effect of the subdivision on existing downstream drainage facilities outside the subdivision; this shall also be reviewed by the City Engineer or the County Drain Commissioner. Where it is anticipated that the additional runoff resulting from development of the subdivision will overload an existing downstream drainage facility during a 100-year storm, the Planning Commission shall notify the governing body of such potential condition. In such situations the Planning Commission shall not approve the subdivision until provision has been made for the improvement of said condition.

(e) All drainage improvements shall conform to adopted development plans for the area covered by the proposed subdivision and for the upstream and downstream areas involved.

(f) The Planning Commission may, if it considers such requirements necessary for the proper and safe development of the subdivision and surrounding area, require that the drain be tiled and enclosed.

(Ord. 1980-2. Passed 5-12-80.)

1246.34 EASEMENTS.

(a) Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Such easements shall be at least twelve feet wide; six feet on either side of each lot line. Utility easements on lot lines abutting unplatted land may be six feet in width. The proposed layout of telephone and electric utility easements shall be submitted by the proprietor to the utility company serving the area.

(b) All public utilities serving the subdivision shall be underground.

(c) All easements shall be clearly identified on the appropriate plans, as to dimensions, location, purpose, and conditions.

(Ord. 1980-2. Passed 5-12-80.)

1246.35 DEDICATION OR PRESERVATION OF AREAS FOR PUBLIC USES.

Where a proposed park, playground, open space, public school, library or other public use area shown in the adopted Comprehensive Development Plan, or in an adopted applicable part of such Plan, is located in whole or in part in a proposed subdivision, such area or areas shall be shown on the plat. Such area or areas may be dedicated to the City of Litchfield or other applicable public agency by the proprietor if the governing body or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the proprietor for future purchase by the City of Litchfield or other appropriate public agency.

The precise nature, location, and extent of the reservation shall be determined during the pre-preliminary plat and tentative preliminary plat stages. The reservation shall be valid for a maximum period of two years from the date on which the governing body approves the final plat. If the governing body does not purchase the property, or purchases only a portion of the property, the entire property or remaining portion thereof shall revert to the proprietor at the end of the two-year period. The reservation shall freeze the price per acre of the property for the two-year period at the average value per acre that existed at the time the pre-preliminary plat is filed. During the two-year period, the governing body, or other public agency, shall not be required to pay more than this amount per acre, nor the proprietor required to accept less. Since the governing body, or other public agency, has the option not

to purchase the reserved property, the plan for the entire subdivision should include provisions for utilizing and incorporating the reserved area into the overall plan should it revert to the proprietor.

(Ord. 1980-2. Passed 5-12-80.)

1246.36 CLUSTER DEVELOPMENTS.

(a) With approval of the Planning Commission, a proposed residential subdivision may be designed instead as a cluster subdivision for the purpose of creating a more desirable living environment than is possible under these Subdivision Regulations as applied to individual residential lots; encouraging the provision and maintenance of open space and recreation areas for the residents of the subdivision; obtaining creativity, variety, efficiency, and economy in the physical development pattern of the community; and assuring the preservation of natural features of the community and their inclusion into the development pattern of the subdivision and community.

(b) The plan for a cluster development shall be submitted in accordance with the procedures and standards of these Subdivision Regulations.

(c) The development must be designed to produce a stable and desirable residential character. Overall densities shall not exceed those permitted in appropriate districts in the Zoning Code. Open space areas shall meet the standards of open space and recreation areas established in the adopted Comprehensive Development Plan. The governing body, with advice from the Planning Commission, shall have the right and responsibility to reject a proposed cluster development if the open space areas are, in its opinion, of such size and shape as to be unusable or unmaintainable for open and recreational purposes. The open space character of the area shall be secured by restrictive covenants or other means to protect the public's interest in maintaining the destiny of development and open space character. Such open space and recreation areas shall be set aside as common land for the sole benefit, use, and enjoyment of the subdivision lot owners, present and future. All open space, tree cover areas, recreation areas, scenic vistas, pedestrian easements or other similar areas, where acreage is utilized in determining the size and extent of common land, shall be included in the covenants or other measures as permanent open space.

(d) Open space in any one cluster development shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity, whether such areas are or will be public or private. In the case of two or more adjacent subdivisions, proprietors may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission.

(e) Cluster subdivisions shall be laid out so as to reduce the linear feet of street for economy and safety that would otherwise be needed to serve the area; to economize on the cost of utility installations; to retain and take advantage of existing natural features and vistas; to reduce the amount of grading required; to take maximum advantage of storage, absorption, and drainage characteristics of the natural landscape; and to otherwise secure the objectives set forth in this section. In so doing, the minimum lot areas, lot widths, and other standards may be modified in accordance with these Subdivision Regulations and the City of Litchfield's Zoning Code.

(f) The cluster subdivision shall be laid out so that its development can be staged in an efficient and economical manner with respect to the opening and maintenance of new streets, the provision of utilities, access to schools and other public and private service facilities, and similar considerations.

(g) Utility easements, such as electric transmissions and storm sewer easements, may be included in the open space area calculation only if they are available to residents of the subdivision, may be landscaped and developed for open space or recreation purposes, and shall be safe for use by persons engaging in open space and recreation activities.

(h) Open drainage courses, suitably graded and stabilized with sod or other ground cover, and planted with trees, shrubs, and other landscape materials, and made an integral part of the overall open space and recreation system, may be acceptable, if approved by the County Drain Commissioner and the County Health Department.

(i) In cluster subdivisions, the common open space shall remain and be maintained as open space in perpetuity. The proprietor shall insure the permanence of both the existence and proper maintenance of the open space by either dedicating it to a public agency responsible for such areas and activities or by dedicating it to a homeowner's association to be made up of the residents of the subdivision. The latter method is, in general, to be preferred.

(j) Where homeowner's associations are to be used, the following conditions shall be met: (1) The association shall be established before dwellings are sold; (2) Membership shall be mandatory for each home buyer and any successive buyer; (3) Open space must be held and maintained as open space in perpetuity; and (4) The association shall be responsible for local taxes, maintenance of grounds and facilities, liability insurance, and other similar duties of ownership. The proprietor shall file a declaration of covenants and restrictions with the preliminary plats, setting forth these and other features of the association. He or she shall also supply to the governing body a copy of Articles of Incorporation and a complete set of by-laws of the association.

(k) The governing body may require that, in addition to the restrictive covenants and the homeowner's association, an easement over the open space area be given to the public to insure that the area will remain open in perpetuity. Such an easement is intended only to preserve open space, and is not intended to provide public access thereto.

(l) Cluster developments for single-family residences may be provided in areas not served by public water and/or sanitary sewers if each lot is adjacent to an open area which, in the opinion of the County Health Department, can be considered to be part of the site for purposes of supplying the area necessary for drainage fields. In such cases the minimum lot size may be reduced to 20,000 square feet from the one-acre minimum. Total overall density in such areas shall not exceed one dwelling unit per acre at completion of the development or during any stage of construction. The County Health Department may require a maximum density of less than one dwelling unit per gross acre if soil conditions are not suitable for development of such density. (Ord. 1980-2. Passed 5-12-80.)

1246.37 COMMERCIAL DEVELOPMENTS.

(a) Where commercial developments such as shopping centers or office parks, fall within the definition of subdivision as set forth in Act 288 of the Public Acts of 1967, as amended, such development shall conform to all provisions of these Subdivision Regulations that may be reasonably applied. Such development shall conform to all Zoning Code requirements.

(b) In addition to other requirements of these Subdivision Regulations, the plan shall show the basic building pattern to be constructed and the general pattern of tenants or types of stores and shops. The parking and circulation pattern shall be clearly delineated and shall be designed so that the circulation system is convenient to customers, can be used with a minimum of congestion, and permits ease of entry and exit from parking spaces. Parking traffic and traffic for entry, exit, and general circulation should be separated (but interconnected) to the maximum feasible extent. Truck and other service traffic should have a separate circulation pattern. Traffic entering or leaving parking spaces should be controlled so that it cannot move in random patterns, but should be channeled into clearly marked and designed traffic ways. Entry drives shall be so designed and located so as not to create congestion or hazardous conditions on the streets serving the center. Traffic ways from parking areas, in their intersections with entry or exit drives, shall be located so as not to interfere with traffic entering or leaving the center.

(c) The Planning Commission may require the provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances. The Planning Commission may also require a wider buffer strip for community and regional centers.

(d) Landscaping features around the buildings should be provided.

(e) Any intended future expansion should be provided for in the layout of the initial center and should be shown on the pre-preliminary plat. The area to be included in the expansion, and all connections thereto, shall be indicated on the preliminary and final plats.

(f) All separate buildings in the center, not connected to the principal center buildings, such as, but not limited to, supermarkets, gasoline service stations, theaters, offices, drive-ins, and facilities, shall be shown on the plan along with the circulation and parking patterns to service such facilities.

(g) Pedestrian movement from parking bays to the center and other buildings should be clearly defined and so laid out as to separate, to the greatest extent possible, pedestrians from moving vehicles. (Ord. 1980-2. Passed 5-12-80.)

1246.38 INDUSTRIAL PARKS.

(a) Where industrial developments, such as industrial parks, fall within the definition of subdivision as set forth in Act 288 of the Public Acts of 1967, as amended, such developments shall conform to all provisions of these Subdivision Regulations that may be reasonably applied. Such developments shall conform to all Zoning Code requirements.

(b) In addition to the other requirements of these Subdivision Regulations, the plan should show the basic pattern of streets, service drives, parking areas, and blocks. Individual lots within each block should be defined as they are sold. The plan should emphasize flexibility to accommodate various industrial needs for space and should concentrate on the size and shape of blocks rather than on individual lots.

(c) The plan shall clearly show the various stages for developing the industrial park.

(d) The parking areas and circulation systems should be clearly delineated. Service and loading areas should be separated from other parts of the parking and circulation system. The parking lots shall be designed so as to channel traffic into appropriate aisles and to prohibit random movements. Streets shall be laid out so as to prohibit through traffic.

(e) All streets within the park shall be designated and constructed to easily and conveniently accommodate the movement of large trucks. The internal circulation system and the points of its connection to the public street system serving it shall be so designed and constructed that congestion or hazardous traffic conditions on either system will not be created. Streets within the park normally shall not be extended to the boundaries of adjacent existing or potential residential areas, or connected to streets intended for predominately residential traffic.

(f) The entire park shall be landscaped with trees, sod, shrubs, and other materials suitable for this area. Parking lots shall be landscaped. Maintenance requirements for landscaping on each lot shall be set forth in restrictive covenants.

(g) Buffer strips of at least twenty feet in width, and landscaped, shall be required along the side and rear property lines of the industrial park where these abut a residential, agricultural, institutional, or commercial area. The Planning Commission may require provision of a fence, wall, or screen if it determines that such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.

(h) Pedestrian movements within the park shall be provided for with sidewalks and clearly marked pedestrian paths. These shall be convenient and safe, with the greatest separation from vehicular traffic that is feasible.

(i) Restrictive covenants carried in deeds or leases are encouraged to be provided by the proprietor. Items such as, but not limited to, types of activities permitted, minimum site size, site coverage, outdoor storage, landscaping, building design and construction, and sign control should be covered. The covenants should be discussed with the Planning Commission in the pre-preliminary plat and preliminary plat stages. The covenants should be coordinated with, and complementary to, the City of Litchfield's police power controls.

(j) The proprietor's continuing interest in the park shall be clearly described.

(k) All streets in the Industrial District shall have curbs and gutters and shall be paved, according to standards and specifications of the County Road Commission. Unless otherwise regulated, the grade of streets shall not exceed five percent. Street intersections shall have a minimum curb radius of fifty feet. Drives shall have a minimum curb radius of twenty-five feet.

(l) Parking and loading on all streets in the Industrial District shall be prohibited. Adequate parking and loading areas, and space necessary for maneuvering trucks in loading/unloading operations, shall be provided on each site. Parking and loading areas shall be paved and loading areas shall be adequately screened. (Ord. 1980-2. Passed 5-12-80.)

1246.39 PLANNED UNIT DEVELOPMENTS.

(a) Proposed developments generally larger than a subdivision and including some or all of the activities, land uses, and facilities necessary to serve the principal use of the development may be given certain modifications consistent with the public interest. Such modifications are intended to accommodate the site planning, financial, engineering, and other needs of contemporary large development projects. Such modifications may include, but not be limited to, time extensions, schedules for installation of improvements, security requirements for improvements, reductions in minimum lot widths and areas, mixtures of residential densities and building types, etc.

(b) Modifications shall be made in accordance with Sections 1242.05 et seq. and with the Zoning Code provisions regulating large scale or Planned Unit Developments. All required zoning changes shall be made prior to governing body approval of the tentative preliminary plat.

(c) The proposed development shall conform to the adopted Comprehensive Development Plan with respect to type, location, extent, and density of uses; character and location of roadways; and location and character of neighborhood and community services, facilities, and utilities.

(d) Reservations shall be made in accordance with Section 1246.35. The approved final preliminary plat shall become a part of the adopted Comprehensive Development Plan. (Ord. 1980-2. Passed 5-12-80.)

1246.40 EROSION AND SEDIMENTATION CONTROL.

Since considerable erosion can take place prior to the construction of houses and other buildings and features in a subdivision, the various plats for a subdivision shall contain proposed erosion and sediment control measures. The measures shall be incorporated into the final plat and final construction drawings. Erosion and sediment control measures shall conform to the standards established by the U.S. Soil Conservation Service. The measures shall apply to all street and utility installations as well as to the protection of individual lots. Measure shall also be instituted to prevent and control erosion and sedimentation during the various stages of construction of the subdivision. (Ord. 1980-2. Passed 5-12-80.)

1246.41 SANITARY SEWERS; WATER SUPPLY FACILITIES.

(a) Sanitary sewer and water supply facilities shall be designed and located according to the specifications and procedural requirements of the local engineer or the County Health Department.

(b) Storm sewer facilities shall be designed and located according to the specifications and procedural requirements of the local engineer or the County Drain Commissioner.

(c) In areas with on-site sewage disposal systems, tile fields shall be graded so that storm water drains way from such fields.
(Ord. 1980-2. Passed 5-12-80.)

1246.42 RESTRICTIVE COVENANTS.

(a) Covenants designed to preserve the character of the neighborhood subdivision and to help retain its stability, permanence, and marketability are encouraged to be provided by the proprietor. Such covenants should be recorded with the plat and should be blanket covenants that apply to the entire subdivision. Such covenants are intended to complement the public's continuing control of the subdivision through its zoning and building code powers.

(b) Blanket covenants may contain items such as land use control; architectural control, including walls and fences, as well as buildings; yard and setback requirements; minimum lot size; prohibition of nuisances; regulation of signs; control of type, duration, location, etc. of temporary buildings or vehicles, such as travel trailers, etc., to be stored on each site; scenic or open space easements; and other similar controls.

(c) All covenants shall be discussed with the Planning Commission during the pre-preliminary plat and/or preliminary plat stages and shall be coordinated with existing or anticipated public police power controls.

(d) Covenants should be recorded prior to the sale of any lot within the subdivision.
(Ord. 1980-2. Passed 5-12-80.)

CHAPTER 1248
Improvements

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CROSS REFERENCES

- Approval of plats; street system - see M.C.L.A. Sec. 125.43
 Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44
 Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45
 Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.
 Planning Commission - see P. & Z. Ch. 1220
 Construction of improvements - see P. & Z. 1242.02; 1242.09(a)

1248.01 PURPOSE.

It is the purpose of this chapter to establish and define the public improvements which the proprietor will be required to provide as conditions for final plat approval; to outline the procedures and responsibilities of the proprietor and the various public officials and agencies concerned with the administration, planning, design construction and financing of public facilities; and to establish procedures for assuring compliance with these requirements.

(Ord. 1980-2. Passed 5-12-80.)

1248.02 COMPLIANCE REQUIRED; MINIMUM STANDARDS.

(a) Improvements shall be provided by the proprietor in accordance with these Subdivision Regulations and/or with any other applicable standards and requirements which may from time to time be established by ordinance by the governing body, and by the published rules of the various departments of the City of Litchfield and County and State agencies.

(b) The improvements required under this chapter shall be considered as the minimum acceptable standards. (Ord. 1980-2. Passed 5-12-80.)

1248.03 RESPONSIBILITY FOR PLANS.

It shall be the responsibility of the proprietor to have prepared by a registered engineer a complete set of construction plans for the required public streets, utilities, and other facilities required in Sections 1248.05 et seq. Such construction plans shall conform to the preliminary plans which have been approved with the tentative preliminary plat, and shall be prepared in conjunction with the final preliminary plat. Construction plans are subject to approval by the responsible public agencies and shall be prepared in accordance with their standards and specifications.

(Ord. 1980-2. Passed 5-12-80.)

1248.04 ENGINEERING DRAWINGS.

(a) Drawings Required Prior to Construction. Engineering drawings of all required improvements shall be reviewed and approved by the City of Litchfield Engineer or Building Inspector, except for improvements to be made under the jurisdiction of the County Road Commission, the County Drain Commissioner, or other County or State agencies, in which case the drawings shall be submitted to the appropriate agency for review and approval. Where review and approval of engineering drawings is made by a County or State agency, the City of Litchfield Engineer or the Building Inspector shall obtain written confirmation of such approvals.

No grading, land filling, removal of trees or other vegetation, or construction of improvements, shall commence until the engineering drawings of the same have been approved as provided in Section 1244.14(f).

(b) Modification During Construction. All installations and construction shall conform to the approved engineering drawings; however, if the proprietor chooses to make minor modifications in design and/or specifications during construction, he or she shall make such changes at his or her own risk, without any assurance that the City of Litchfield or other public agency will accept the changed facility. It shall be the responsibility of the proprietor to notify the appropriate agency of any changes in the approved drawings.

(c) As-Built Drawings. The proprietor shall submit to the City of Litchfield Engineer or the Building Inspector one copy of "as-built" engineering drawings of each of the required improvements that have been completed prior to final plat approval. Each set of drawings shall be certified by the proprietor's engineer. Similar drawings shall also be submitted of improvements installed under bond, after final plat approval.

(d) Construction Schedule. The proprietor shall submit to the City of Litchfield Engineer or the Building Inspector a general schedule of the timing and sequence for the construction of all required improvements prior to final approval of the preliminary plat. The schedule shall meet the procedural requirements and inspection needs of the City of Litchfield, County, and State agencies. (Ord. 1980-2. Passed 5-12-80.)

1248.05 COMPLIANCE REQUIRED.

The proprietor shall be required to install the following improvements in accordance with the conditions and specifications of these Subdivision Regulations.
(Ord. 1980-2. Passed 5-12-80.)

1248.06 MONUMENTS.

Monuments shall be set in accordance with the State Subdivision Control Act (Act 288 of the Public Acts of 1967, as amended) and the rules of the State Department of the Treasury.
(Ord. 1980-2. Passed 5-12-80.)

1248.07 STREETS AND ALLEYS.

All streets, curbs, gutters, and alleys shall be constructed in accordance with the standards and specifications of the County Road Commission and as provided in Sections 1246.02 et seq.
(Ord. 1980-2. Passed 5-12-80.)

1248.08 PUBLIC UTILITIES.

Public utilities placed in street rights-of-way shall be located in accordance with County Road Commission requirements and Sections 1246.02 et seq.
(Ord. 1980-2. Passed 5-12-80.)

1248.09 DRIVEWAYS.

All driveway openings, from the street surface edge to the property line, shall be installed in conformance with standards of the County Road Commission, or, when applicable, to standards of the Michigan Department of State Highways.

(Ord. 1980-2. Passed 5-12-80.)

1248.10 DRAINAGE.

(a) An adequate storm drainage system, including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions, and shall conform to the specifications and procedures established by the County Drain Commissioner. All proposed storm drainage construction plans shall be approved by the County Drain Commissioner. Construction shall follow the specifications and procedures of the "State Drain Law".

(b) All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner. If, in the judgment of the Drain Commissioner, a natural water drainage way or impoundment area should be reserved in the public interest, a storm drainage easement of a width or to an elevation specified by the Drain Commissioner shall be required and reserved as a public storm drainage easement or impoundment area with access rights to the same dedicated to the public through the Drain Commissioner and placed on file with the County Register of Deeds. All easements and storm drainage improvements shall be accepted by the County Drain Commissioner for administration, operation, and maintenance, if approved by him or her.

(Ord. 1980-2. Passed 5-12-80.)

1248.11 FIRE HYDRANTS AND OTHER WATER SYSTEM APPURTENANCES.

(a) When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the proprietor. If there is no existing or accessible public water supply system, the proprietor may be required to install a water supply system for the common use of the lots within the subdivision in accordance with the requirements of Act 98 of the Public Acts of 1913, as amended. All easements and improvements for such systems shall be dedicated to the public and accepted by the governing body for administration, operation, and maintenance.

(b) Individual wells may be permitted where public water supplies are not available, in accordance with the requirements of the County Health Department.

(c) All features of the installations shall conform to the requirements of Act 98 of the Public Acts of 1913, as amended.

(Ord. 1980-2. Passed 5-12-80.)

1248.12 SANITARY SEWERS AND APPURTENANCES.

(a) When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and their appurtenances shall be provided by the proprietor. Sewer systems shall comply with provisions of Act 98 of the Public Acts of 1913, as amended.

(b) If there is no existing or accessible public sanitary sewer system, a sewer system for the common use of lot owners may be required to be provided by the proprietor, if feasible, by the local engineer and the County Health Department, and shall comply with provisions of Act 98 of the Public Acts of 1913, as amended. Where such a system is permitted, said system, together with necessary easements, shall be dedicated to the public and accepted by the governing body for administration, operation, and maintenance.

(c) Where it is determined, in the judgment of the Planning Commission, with the advice of the local engineer and the County Health Department, that a subdivision cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the subdivision itself, septic tanks and disposal fields on individual lots may be approved, if such tanks and fields are in compliance with standards and specifications of the County Health Department. However, where studies by the Planning Commission or the local engineer indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a three-year period, sanitary sewer mains and house connections shall be installed and capped on each lot therein. (Ord. 1980-2. Passed 5-12-80.)

1248.13 STREET NAME SIGNS.

Street name signs shall be installed by the proprietor in appropriate locations at each street intersection in accordance with the requirements of the City of Litchfield. (Ord. 1980-2. Passed 5-12-80.)

1248.14 SIDEWALKS AND PEDESTRIAN PATHS.

Sidewalks and pedestrian paths shall be provided by the proprietor in accordance with Chapter 1246. (Ord. 1980-2. Passed 5-12-80.)

1248.15 RECREATION AREAS; SCHOOLS.

(a) Sites for recreation facilities shall be provided by the proprietor as set forth in Section 1246.35.

(b) Sites for schools shall be provided by the proprietor as set forth in Section 1246.36. (Ord. 1980-2. Passed 5-12-80.)

1248.16 STREET TREES.

(a) Trees shall be provided by the proprietor in the margins of both sides of all streets, and shall be placed at the minimum rate of two per single-family residential lot or at a maximum distance apart of sixty feet. Trees may also be required to be installed according to the same distances in pedestrian ways. Trees to be installed in the street margins shall be of the large deciduous type, such as, oak, hard maple, ash, hackberry, and sycamore. All large deciduous trees shall have a minimum caliper of two inches.

(b) The following trees are not permitted in the street margins, pedestrian ways, or any other landscaped area required by these Subdivision Regulations: box elder, soft maple, American elm, poplar, ailanthus (Tree of Heaven), and willow.

(c) All trees shall be protected from damage by wind and other elements during the first full year after planting.

(Ord. 1980-2. Passed 5-12-80.)

1248.17 STREET LIGHTING.

Street lighting shall be located and installed in accordance with Consumer Power specifications. Street lighting poles and standards shall be of metal, and treated so as to be non-corrosive. All street lighting poles shall be provided with underground service. Street lights shall be installed prior to the sale of any lots in the subdivision.

(Ord. 1980-2. Passed 5-12-80.)

1248.18 UNDERGROUND UTILITIES.

The proprietor shall arrange for all lines for telephone, electric, and other similar services distributed by wire or cable, to be placed underground entirely throughout a subdivided area. Such conducts or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. Overhead lines may be permitted upon recommendation of the Planning Commission and approval by the governing body at the time of final plat approval where it is determined that such lines will not be a detriment to the health, safety, general welfare, design, and character of the subdivision.

All such utilities placed in dedicated public ways shall not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards approved by the Michigan Public Service Commission. All underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor. (Ord. 1980-2. Passed 5-12-80.)

1248.19 EROSION AND SEDIMENTATION CONTROL.

Installation and maintenance of the specified erosion and sediment control measures shall be accomplished as specified in the approved preliminary plat. Any financial guarantees of performance with respect to such measures shall comply with specifications and recommended schedules of the Soil Conservation Service.

(Ord. 1980-2. Passed 5-12-80.)

1248.20 GUARANTEES OF PERFORMANCE.

(a) Financial Guarantee Arrangements. In lieu of the actual installation of public improvements as required in Section 1248.05, the proprietor may elect to provide a financial guarantee of performance in one or a combination of the following arrangements for those improvements which are over and beyond the requirements of the County Road Commission or any other agency responsible for the administration, operation, and maintenance of the applicable public improvement. Such guarantee shall be required for only those required improvements that have not been installed and without certificates of completion prior to the date of application of final plat approval.

(b) Performance or Surety Bonds.

- (1) The bond shall accrue to the governing body for administering the construction, operation, and maintenance of the specific public improvement.
- (2) The bond shall be an amount equal to the total estimated cost for completing construction of the specific public improvements, including contingencies as estimated by the governing body.
- (3) The term length in which the bond is in force shall be for a period to be specified by the governing body for the specific public improvement.
- (4) The bond shall be with a surety company authorized to do business in the State of Michigan.
- (5) An escrow agreement shall be written and furnished by the governing body.

(c) Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit.

- (1) A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the City of Litchfield, shall accrue to the City of Litchfield for administering the construction, operation, or maintenance of the specific public improvement. These deposits shall be made with the Treasurer, or deposited with a reasonable escrow agent, or trust company, subject to the approval of the governing body.

- (2) The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be equal to the total estimated cost of construction of the specific improvement, including contingencies as estimated by the governing body.
- (3) The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit, shall be for a period to be specified by the governing body.
- (4) In the case of cash deposits or certified checks, an agreement between the City of Litchfield and the proprietor may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the estimated cost of the completed portion of the public improvement, in accordance with the financial guarantees previously entered into by agreement with respect to a financial guarantee.

(Ord. 1980-2. Passed 5-12-80.)

1248.21 CONDITION OF APPROVAL OF FINAL PLAT.

The approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- (a) The construction of improvements required by these Subdivision Regulations shall have been completed by the subdivider and approved by the governing body.
- (b) A surety acceptable to the City of Litchfield shall have been filed in the form of a certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

(Ord. 1980-2. Passed 5-12-80.)

1248.22 INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION.

Before approving a final plat and construction plans and specifications for the required improvements, an agreement between the proprietor and the governing body shall be made to provide for checking or inspecting the construction or installation of each improvement and its conformity to the approved plans.

(Ord. 1980-2. Passed 5-12-80.)

1248.23 PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION OF PUBLIC IMPROVEMENTS.

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the governing body to proceed to have such work completed. In order to accomplish this, the governing body shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the proprietor may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company as included in the written agreement with the governing body and the proprietor. (Ord. 1980-2. Passed 5-12-80.)

1248.24 MAINTENANCE BONDS.

The governing body may require, in addition to the security, an amount of ten percent thereof to cover such contingency expenses that might occur due to failure, unforeseen costs, etc., of any improvement required in these Subdivision Regulations. The period covered by the contingency fee shall not exceed two years from the date of acceptance of the improvement. Excess funds, if any, shall be returned to the proprietor at the end of the two-year period. (Ord. 1980-2. Passed 5-12-80.)

1248.25 PROTECTION AND REPAIR BONDS.

The City of Litchfield may also require, in addition to the performance bond and the maintenance bond, a bond to cover damage that might occur during construction to existing improvements, facilities, and features on or around the construction site. This bond shall include any cleaning of construction debris from the subdivision that might be necessary. (Ord. 1980-2. Passed 5-12-80.)

1248.26 INSPECTION OF IMPROVEMENTS.

(a) Inspection Required. All improvements required by these Subdivision Regulations shall be inspected by the City of Litchfield Engineer or the Building Inspector, except for improvements made under the jurisdiction of the County Road Commission, the County Drain Commissioner, and other public agencies, in which case engineers or inspectors of each agency will make the necessary inspections. Where inspections are made by other agencies, the City of Litchfield Engineer or the Building Inspector shall obtain written reports of each such inspection.

(b) Inspection Schedules. It shall be the responsibility of the proprietor to notify the City of Litchfield or other appropriate public agency when installations are ready for inspection. The proprietor shall arrange with each public agency involved in the subdivision a general schedule and timing of inspections before the preliminary plat is given final approval.

(c) Inspection Reports. Reports of all inspections of required improvements shall be made by the City of Litchfield Engineer or the Building Inspector.

(d) Inspection Costs. The proprietor shall pay all inspection costs incurred by the City of Litchfield according to schedules determined by the governing body, by deposit made at the time of final approval of the preliminary plat. Any funds not used by the City of Litchfield in its inspections shall be refunded to the proprietor when the subdivision, or stage thereof, is completed.

(Ord. 1980-2. Passed 5-12-80.)

1248.27 RESPONSIBILITY OF PROPRIETOR RE IMPROVEMENTS.

The proprietor shall bear the final responsibility for the installation and construction of all required improvements according to the provisions of these Subdivision Regulations and to the standards of the various public agencies.

(Ord. 1980-2. Passed 5-12-80.)

1248.28 APPROVAL NOT DEEMED ACCEPTANCE OF DEDICATION.

Approval of installation and construction shall not constitute acceptance of the dedication of the improvement.

(Ord. 1980-2. Passed 5-12-80.)

1248.29 SITE CLEAN-UP.

The proprietor shall be responsible for removal of all equipment, material, and general construction debris from the subdivision and from any lot, street, or public way or property therein.

(Ord. 1980-2. Passed 5-12-80.)

TITLE SIX – Zoning

- Chap. 1260. General Provisions and Definitions.
 - Chap. 1262. Administration, Enforcement and Penalty.
 - Chap. 1264. Zoning Board of Appeals.
 - Chap. 1266. Districts Generally and Zoning Map.
 - Chap. 1268. District Regulations.
 - Chap. 1270. Nonconforming Lots, Uses and Structures.
 - Chap. 1272. Off-Street Parking and Loading.
 - Chap. 1274. Signs.
 - Chap. 1275. Conditional Use Approval Criteria.
 - Chap. 1276. Site Plan Review.
 - Chap. 1278. Supplementary Regulations.
 - Appx. I – Zoning Map.
 - Appx. II – Zoning Map Changes.
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CHAPTER 1260
General Provisions and Definitions

1260.01	Title.	1260.07	Amendments; fee.
1260.02	Compliance required.	1260.08	Hearing procedures.
1260.03	Prior construction starts.	1260.09	Conflicts of laws.
1260.04	Purpose.	1260.10	Severability; validity.
1260.05	Interpretation.	1260.11	Definitions.
1260.06	Rules of construction.		

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 than 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.)

CHAPTER 1262
Administration, Enforcement and Penalty

1262.01	Enforcement by Zoning Administrator.	1262.05	Fees.
1262.02	Duties of Zoning Administrator.	1262.06	Violations as Municipal civil infractions and nuisances per se; penalties and abatement.
1262.03	Certificates of compliance.		
1262.04	Certificates of occupancy.		

CROSS REFERENCES

Zoning Board of Appeals - see CHTR. Sec. 6.8; M.C.L.A. Sec. 125.585;
P. & Z. Ch. 1234

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

City zoning ordinances; public hearing, notice; report of Planning Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Conflicting laws; governing law - see M.C.L.A. Sec. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

1262.01 ENFORCEMENT BY ZONING ADMINISTRATOR.

The Council designated Zoning Administrator shall administer and enforce the provisions of this Zoning Code, except where otherwise provided. Under no circumstances is the Zoning Administrator permitted to make changes to this Zoning Code, nor to vary the terms of this Zoning Code in carrying out his or her duties.

(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.02 DUTIES OF ZONING ADMINISTRATOR.

(a) The Zoning Administrator shall have the power to grant certificates of compliance, and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Zoning Code. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Zoning Code. The Zoning Administrator shall not vary or change any terms of this Zoning Code. The Zoning Administrator shall maintain a record of all certificates of compliance and all certificates of occupancy.

(b) If the Zoning Administrator shall find that any of the provisions of this Zoning Code are being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structure; removal of illegal structures; or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Code to ensure compliance with or prevent violation of its provision.

(c) The Zoning Administrator is hereby authorized to issue Municipal infraction citations for violations of the provisions of this Zoning Code. The authority to issue Municipal civil infraction citations shall be in addition to the other powers herein conferred upon the Zoning Administrator and the issuance of the Municipal infraction citation shall not prevent the enforcement of this Zoning Code or the abatement of violations through other authorized means.

(Ord. 2008-08. Passed 9-9-08.)

1262.03 CERTIFICATES OF COMPLIANCE.

No building or structure, or part thereof, shall be hereinafter located, erected, constructed, reconstructed, altered, converted, or enlarged or moved nor shall any change be made in the use of any building or land without a certificate of compliance having been first issued by the Zoning Administrator.

(a) Application. A compliance certificate application shall be submitted to the Zoning Administrator and shall contain the following information:

(1) All applications for certificates of compliance shall be accompanied by sufficient information for the Zoning Administrator to determine that the proposed uses and structures will meet all requirements of this Zoning Code, including:

- A. The shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential in determining whether the provisions of this Zoning Code are being observed.

(2) The owner of the premises or his or her agent shall sign the application.

(b) Certificate Issuance. The Zoning Administrator shall issue a certificate of compliance upon determination that the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Zoning Code. Upon receipt of a certificate of compliance, the applicant shall apply for a building permit in accordance with the requirements of the Michigan Building Code and shall pay such fees for inspection and issuance of building permits as might be required.

In the event the Zoning Administrator determines that the buildings, structures, and uses as set forth in the application are not in conformity with the provisions of this Zoning Code, he shall deny the request for a certificate of compliance and provide the applicant with a written explanation for the denial.

(1) Fees for inspections and the issuance of building permits required by the Michigan Building Code shall be the responsibility of the Hillsdale Building Inspector.

(2) Where action of the Zoning Board of Appeals or the Planning Commission is required as set forth in this Zoning Code, the Zoning Administrator shall issue a certificate of compliance promptly following such action.

(3) In any case, where the certificate is refused, the cause shall be stated in writing to the applicant.

(c) Certificate Expiration. Any certificate of compliance under which no work is done within six months from its issuance shall be deemed expired. An expired certificate of

compliance is renewable upon reapplication and upon payment of all fees required to secure an original certificate of compliance, subject, however, to all provisions of this and all other ordinances in effect at the time renewal is requested.

(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.04 CERTIFICATES OF OCCUPANCY.

No land, building or part thereof shall hereafter be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (a) Certificate Required. Until a certificate has been issued, no person shall:
 - (1) Occupy or use any vacant land;
 - (2) Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged;
 - (3) Change the use of a structure or land to a different use; or
 - (4) Change a nonconforming use.
- (b) Application. Applications for certificates of occupancy shall be made in writing to the Zoning Administrator on forms furnished by him or her, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this Zoning Code and all building or health laws and ordinances as verified by the Building Inspector. If such certificate is refused for cause, the applicant thereof shall be notified of such refusal and the cause thereof within the aforesaid five-day period.
- (c) Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a propriety or tenancy interest in the property involved.
(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.05 FEES.

The City Treasurer or the City Treasurer's designee, in advance of issuance, shall collect fees for inspections and the issuance of certificates, or copies thereof, required by the provisions of this Zoning Code. The amount of such fees shall be established by resolution of the Council and shall reimburse the City for costs resulting from enforcement of this Zoning Code. No permit, certificate, conditional use permit, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until all applicable charges and fees have been paid in full.

(Ord. 2008-08. Passed 9-9-08.)

1262.06 VIOLATIONS AS MUNICIPAL CIVIL INFRACTIONS AND NUISANCES PER SE; PENALTIES AND ABATEMENT.

(a) Violations as Civil Infractions - Penalties. Any violation of any provision of this Zoning Code shall constitute a Municipal civil infraction. Upon a defendant being determined to be responsible or responsible with explanation for such a violation, the court shall impose a civil fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), in the discretion of the court, together with costs of the action which may include all expenses, directly or indirectly, to which the City has been put in connection with the Municipal civil infraction, up to the

entry of Judgment. Costs of not more than five hundred dollars (\$500.00) shall be ordered and, except as otherwise provided by law, shall be payable to the general fund of the City. The imposition or payment of any Municipal civil infraction penalty shall not prevent the City from seeking injunctive relief as may be required by law.

(b) Violations as Nuisances Per se - Abatement. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle used, altered, raised or converted in violation of this Zoning Code is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land, is liable for maintaining a nuisance per se.

(c) Separate Offense. Each day that a violation of this Zoning Code is continued and permitted to exist, shall constitute a separate violation, punishable upon an admission or determination of responsibility or responsibility with explanation as prescribed herein.
(Ord. 2008-08. Passed 9-9-08.)

CHAPTER 1264
Zoning Board of Appeals

1264.01	City Council as Zoning Board of Appeals.	1264.05	Powers; concurring vote of majority of members.
1264.02	Quorum.	1264.06	Procedures.
1264.03	Conflicts of interest.	1264.07	Procedures for the review and standards for approval of nonuse variances.
1264.04	Elections; meetings; rules; record of proceedings; fees.		

CROSS REFERENCES

Zoning Board of Appeals - see CHTR. Sec. 6.8; M.C.L.A. Sec. 125.585
 Meetings of the Board; freedom of information - see M.C.L.A. Sec. 125.585a
 Review by Circuit Courts; appeals to Supreme Court; procedure - see M.C.L.A. Sec. 125.590
 Actions for review; proper and necessary parties; notice; failure to appear - see M.C.L.A. Sec. 125.591

1264.01 CITY COUNCIL AS ZONING BOARD OF APPEALS.

Pursuant to Section 6.8 of the Litchfield City Charter, the Litchfield City Council shall serve as the Zoning Board of Appeals.
 (Ord. 2008-09. Passed 9-9-08.)

1264.02 QUORUM.

The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
 (Ord. 2008-09. Passed 9-9-08.)

1264.03 CONFLICTS OF INTEREST.

A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the same member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.
 (Ord. 2008-09. Passed 9-9-08.)

1264.04 ELECTIONS; MEETINGS; RULES; RECORD OF PROCEEDINGS; FEES.

The Zoning Board of Appeals shall annually elect its own Chairperson, Vice-Chairperson and Secretary. Meetings of the Zoning Board of Appeals shall be heard at the call of the Chairperson and at such other times as the Board may determine by rule. Such Chairperson, or, in his or her absence,

the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall adopt its own rules or procedures and shall maintain an accurate record of its proceedings and findings, which shall be filed in the office of the City Clerk and shall be a public record. The fees to be charged for appeals shall be sent by resolution of the City Council. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Zoning Board of Appeals, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Zoning Board of Appeals.

(Ord. 2008-09. Passed 9-9-08.)

1264.05 POWERS; CONCURRING VOTE OF MAJORITY OF MEMBERS.

(a) The Zoning Board of Appeals shall hear and decide questions that arise in the administration of this Zoning Code, including the interpretation of the zoning map, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall also herein decide matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this chapter. It shall hear and decide appeals and review any administrative order, requirement, decision or determination made by an administrative official or body charged with enforcement of this chapter. The Zoning Board of Appeals shall also have the power to authorize a variance as defined in this chapter.

(b) It shall not have the power to hear appeals from decisions of the Planning Commission in accordance with Chapters 1275 and 1276 of this Zoning Code.

(c) The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, a requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under this chapter, or to grant a variance.

(Ord. 2008-09. Passed 9-9-08.)

1264.06 PROCEDURES.

(a) An appeal to the Zoning Board of Appeals may be taken by any person, firm or corporation aggrieved or by an officer, department, board or bureau of the State or the City. The Zoning Board of Appeals shall state the grounds of any determination made by it.

(b) An appeal under this section shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the officer for whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeals. The body or officer from who the appeal is taken shall immediately transmit it to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

(c) An appeal to the Zoning Board of Appeals stays all proceedings in furtherance from the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.

(d) Following receipt of a written report concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing for the request and give notice as provided in Section 1260.08.

(e) Upon receipt of a written request seeking an interpretation of the Zoning Code or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting that interpretation not less than fifteen days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the notice of the interpretation request and the time, date and place of the public hearing on the interpretation request shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(f) At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit.

(g) The Zoning Board of Appeals has the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Zoning Code or to any other nonuse-related standard in the Zoning Code. The Zoning Board of Appeals may grant a nonuse variance in accordance with this section, so that the spirit of the Zoning Code is observed, public safety secured and substantial justice done. The procedures for the review and standards for the approval of nonuse variances shall be as hereinafter set forth.

(h) The Zoning Board of Appeals shall not have authority to grant use variances.

(i) Decisions of the Board of Appeals and Appeals to Circuit Court.

- (1) The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirements, decision or determination appealed from, and shall make such order, requirement, decision, or determination as in its opinion ought be made in the premises, and to that end, shall have all the powers of the zoning administrator or body from whom the appeal is taken. The Board of Appeals decision shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Hillsdale County Circuit Court.
- (2) The decision of the Board of Appeals shall be final, and any party aggrieved by any such decision may appeal to the Circuit Court for Hillsdale County. Such appeal shall be filed within thirty days after the Zoning Board of Appeals issues its decision in writing signed by the Chairperson, or within twenty-one days after the Zoning Board of Appeals approves the minutes of its decision. The records of the Board of Appeals shall be made available for the court's review.

(Ord. 2008-09. Passed 9-9-08.)

1264.07 PROCEDURES FOR THE REVIEW AND STANDARDS FOR APPROVAL OF NONUSE VARIANCES.

The Board of Appeals must make a determination within ninety days from receipt of an appeal, whether or not to authorize a variance from the strict application of the provisions of this Zoning Code whereby reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this chapter or by reason of exceptional conditions of such property, the strict application of regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. Examples of other variance considerations would include parking space regulations, sign size and height regulations. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Zoning Code shall not be granted by the Board of Appeals unless and until:

- (a) A written application for a variance is submitted, demonstrating the following:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (2) That literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
 - (3) That the special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings in the same district.
 - (5) That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (b) The Board of Appeals shall determine that the requirements of the Zoning Code have been met by the applicant for a variance.
- (c) The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the maximum variance that will make possible the reasonable use of the land, building, or structure.
- (d) The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Zoning Code, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (e) In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.
- (f) Each variance granted under the provisions of this chapter shall become null and void unless:
 - (1) The construction authorized by such variance or permit has been commenced within 180 days after the granting of such variance and pursued diligently to completion;
or

- (2) The occupancy of land or buildings authorized by such variance has taken place within 365 days after the granting of such variance.
- (g) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.
- (Ord. 2008-09. Passed 9-9-08.)

CHAPTER 1266
Districts Generally and Zoning Map

1266.01	Division of City into districts.	1266.05	Intent and purpose of districts.
1266.02	Zoning Map.	1266.06	District use schedule.
1266.03	Interpretation of boundaries.	1266.07	Area, yard, height and bulk regulations.
1266.04	Zoning annexed areas.		

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1266.01 DIVISION OF CITY INTO DISTRICTS.

The City is hereby divided into districts as stated in this Zoning Code, as shown by the district boundaries on the Zoning Map. The districts shall be known as the following:

- R-1 Residential District
- R-2 Residential District
- B-1 Highway Business District
- B-2 General Business District
- I-1 Industrial District
- P-1 Parks/Public Owned District

(Ord. 2002-01. Passed 3-11-02.)

1266.02 ZONING MAP.

A map entitled "Amended Litchfield Zoning Map" is hereby adopted and incorporated as part of this Zoning Code, except as hereinafter provided. Said Map shall be kept on file available for examination at the City Hall. (See Appendix I following the text of this Zoning Code.)

1266.03 INTERPRETATION OF BOUNDARIES.

District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow their center lines. When district boundaries are approximately lot or property lines, said lines shall be deemed to coincide unless otherwise indicated. When the location of a district boundary is uncertain, the Zoning Board of Appeals shall interpret the exact location of the district boundary.

1266.04 ZONING ANNEXED AREAS.

Any unzoned area annexed to the City shall immediately upon such annexation be automatically classified as R-1 (Residential District) until a Zoning Map for said area has been adopted by the Council.

1266.05 INTENT AND PURPOSE OF DISTRICTS.

The intent and purpose of the districts are set forth below:

- (a) Residential Districts. The R-1 and R-2 Residential Districts are designed principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods. Commercial and industrial uses are excluded in order to reduce excessive noise, traffic and congestion.
- (b) B-1 (Highway Business District). This District is intended to provide for various commercial establishments offering accommodations, supplies and services to local as well as through automobile and truck traffic. This District should be located along major thoroughfares and should encourage grouping of various facilities into centers and discourage dispersion and strip development of these activities.
- (c) B-2 (General Business District). This District is intended to encompass retail, service and office establishments that form a Core Central Business District and which provide retail convenience and comparison goods and services for the trade area. The nature and high density and intensity of commercial and related uses in this District eliminate the necessity for lot and yard requirements. Only uses that are compatible in such a higher density environment should be encouraged.
- (d) I-1 (Industrial District). This District is designed to provide suitable space for industrial uses, which are primarily of a manufacturing and assembling character, to operate in a safe, non-objectionable and efficient manner, without adverse effects on residential and commercial areas in the City.
- (e) P-1 (Parks/Public Owned). This District is intended to provide sufficient space for public recreational areas, public parks, public gardens, public playgrounds, public swimming pools, public beaches and other similar uses.
(Ord. 2002-01. Passed 3-11-02.)

1266.06 DISTRICT USE SCHEDULE.

Permitted and conditional uses for each district are as set forth in this section. Any use not expressly listed for a district or interpreted to be the same as a listed use by the Zoning Board of Appeals pursuant to Section 1264.03(d), is prohibited in that district. Conditional uses require the review and approval of the Planning Commission, subject to the provisions of Chapter 1276.

(Ord. 2002-01. Passed 3-11-02; Ord. 2005-04. Passed 7-12-05; Ord. 2006-07. Passed 8-24-06; Ord. 2007-02. Passed 4-10-07; Ord. 2007-04. Passed 5-15-07; Ord. 2007-05. Passed 5-15-07; Ord. 2008-11. Passed 9-9-08; Ord. 2011-01. Passed 3-8-11; Ord. 2013-02. Passed 11-19-13; Ord. 2013-03. Passed 11-19-13; Ord. 2016-07. Passed 5-17-16; Ord. 2017-03. Passed 8-15-17; Ord. 2018-01. Passed 3-20-18.)

R-1 RESIDENTIAL DISTRICT

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Single-family detached dwellings.	1. Agricultural.
2. Home occupations.	2. Medical and dental clinics.
3. Essential services.	3. Churches.
4. Accessory buildings and uses customarily incidental to any of the above permitted uses.	4. Cemeteries.
	5. Swimming pool clubs.
	6. Public, private and parochial schools.
	7. Publicly owned and operated libraries, parks and recreational facilities, community centers.
	8. Golf courses.
	9. Funeral home, ambulance service.
	10. Beauty parlors with a maximum of one operator, two chairs and in compliance with Section 1272.03.
	11. Real estate sales.
	12. Private or publicly owned and operated historical buildings or museums.

R-2 RESIDENTIAL DISTRICT

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Multiple-family dwellings.	1. Single-family detached dwellings.
2. Two-family dwellings.	2. Mobile home park.
3. Medical and dental clinics.	3. Public, private and parochial schools.
4. Convalescent homes.	4. Publicly owned and operated libraries, parks, and recreational facilities.
5. Churches.	5. Hospitals for humans.
6. Nursery schools.	6. Private or publicly owned and operated historical buildings or museums.
7. Swimming pool clubs.	7. Publicly owned and operated libraries.
8. Boarding, rooming or lodging house.	
9. Accessory buildings and uses customarily incidental to any of the above permitted uses.	
10. Essential services.	

B-1 HIGHWAY BUSINESS DISTRICT

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Automobile service stations.	1. Radio and television sending or boosting stations.
2. Eating and drinking establishments. (Drive-in and non drive-in)	2. Outdoor lawn and garden supplies and equipment sales.

<u>Permitted Uses (Cont.)</u>	<u>Conditional Uses (Cont.)</u>
3. Motels.	3. Outdoor motor vehicle, trailer, boat sales and service.
4. Commercial indoor and outdoor amusement.	4. Drive-in theaters.
5. Self-service laundromats and dry-cleaning establishments.	5. Animal clinics and kennels.
6. Retail business which sells foods, drugs, liquor and notions.	6. Automobile repair.
7. Car washes.	7. Professional offices.
8. Mini-storage (all items stored must be fully enclosed in the structure).	8. Convalescent homes.
9. Churches.	9. Private or publicly owned and operated historical buildings or museums.
10. Offices and office building of an administrative or professional nature.	10. Woodworking/furniture refinishing.
11. Personal Services such as, but not limited to restoration, content cleaning, and temporary housing of displaced individuals and/or families due to unforeseen natural disaster of their current physical residence i.e. fire, water, tornado victims for a time of no more than one year.	11. Publicly owned and operated libraries.
12. Storage facilities.	12. Single family dwelling.

B-2 GENERAL BUSINESS DISTRICT

<u>Permitted Uses</u>	<u>Conditional Uses</u>
1. Business service, including banks, loan offices, insurance offices and real estate offices.	1. Ambulance service.
2. Indoor retail business which supplies commodities such as, but not limited to, food, drugs, liquor, furniture, clothing, dry goods, notions, or hardware.	2. Automobile service stations.
3. Offices and office building of an executive, administrative or professional nature.	3. Motels and hotels.
4. Personal services, such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors, photographers, barber shops and dry cleaners.	4. Automobile repair.
5. Eating and drinking establishments of non drive-in type.	5. Animal clinics.
6. Indoor commercial amusements.	6. Private or publicly owned and operated historical buildings or museums.
7. Newspaper offices and printing plants.	7. Publicly owned and operated libraries.
8. Skilled trade services, including plumbing, electric and heating.	8. Automobile sales
9. Business schools, including, but not limited to, dance schools, music and voice schools, art studios. (Cont.)	9. Single-family dwelling.

Permitted Uses (Cont.)

11. Clubs, fraternal and lodge halls.
12. Essential services including offices.
13. Accessory structure customarily incidental to the above permitted uses.
14. Second floor and subterranean residential apartment units incidental to the use of the building as otherwise permitted in the B-2 General Business District, also ground floor residential apartment units except for the area considered the store front.
15. Churches.

I-1 INDUSTRIAL DISTRICT

Permitted Uses

1. Warehousing and wholesale sales establishments.
2. Vehicle sales and service.
3. Truck terminals.
4. Printing shops.
5. Building material sales.
6. Storage facilities for building materials, equipment and supplies.
7. Research and testing laboratories.
8. Essential services, including offices and maintenance depots.
9. Assembly of articles or merchandise from previously prepared materials.
10. Accessory buildings and uses customarily incidental to the above permitted uses.
11. Mini-storage (either enclosed or screened according to the guidelines pertaining to a certified Industrial Park.)
12. Operation of mobile food trucks or carts.

Conditional Uses

1. All manufacturing actually involving the conversion, treatment, or processing of raw material or previously processed material into another form.
2. Bulk fuel storage.
3. Sewage disposal plants.
4. Incineration plants.
5. Airports.
6. Sanitary landfills.
7. Power-generating plants.
8. Child caring institution, sports training/boarding.
9. Rehabilitation/medical care facility.
10. Radio, Internet and Television sending or boosting stations.

P-1 PARKS/PUBLIC OWNED DISTRICT

Permitted Uses

1. Buildings and/or land erected, altered, moved, maintained or used for park or recreational uses.
2. Buildings, structures and accessory uses customarily incidental to the principal permitted use.
3. Essential services.

Conditional Uses

1. The placement of excavation or fill material.
2. Drainage ponds.
3. Earth station antennas.

1266.07 AREA, YARD, HEIGHT AND BULK REGULATIONS.

The minimum lot area, minimum width of lot, minimum front yard, minimum width of each side yard, minimum rear yard, maximum structure height, and maximum lot coverage for each district shall be in accordance with the schedule of regulations set forth in this section.

SCHEDULE OF REGULATIONS

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM YARD REQUIREMENTS					Maximum Lot Coverage (Percent of Lot Area)
	Area Per Unit	Lot Width (feet)	Front Yard (feet)	Each Side Yard (feet)	Rear Yard (feet)	Maximum Height (feet)	
R-1 Residential All uses served by public sewers	9,600 sq. ft.	80	20	10	35	35	25
All uses not served by public sewers	15,000 sq. ft.	100	30	15	35	35	15
R-2 Residential Single-family dwellings	7,200 sq. ft.	60	20	10	30	25	25
Two-family dwellings	10,000 sq. ft.	100	25	10	30	25	35
Multiple-family dwellings	5,000 sq. ft., plus 4,000 sq. ft. for each 3 bedroom unit; 3,000 sq. ft. for each 2 bedroom unit and 1,000 sq. ft. for each 1 bedroom unit	100	30	20	40	30	35
Mobile Home Parks	3 acres	(a)	(a)	(a)	(a)	(a)	(a)
Other Uses	—	—	25	10	30	25	35
B-1 Highway Business	—	—	50	0	30	30	40
B-2 General Business	—	—	0	0	0	35	70
I-1 Industrial	—	—	75	50	50	35	50
P-1 Parks/Public Owned	—	—	25	10	30	25	35

(a) See Section 1278.01
(Ord. 2002-01. Passed 3-11-02.)

CHAPTER 1268
District Regulations

1268.01	Accessibility to public streets.	1268.05	Visibility.
1268.02	Height exceptions.	1268.06	Flood plains.
1268.03	Yard requirements.	1268.07	Substandard lots.
1268.04	Accessory structures and uses.		

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1268.01 ACCESSIBILITY TO PUBLIC STREETS.

No building permit or certificate of occupancy shall be issued for any land use activity where there is no direct access from the lot or area upon which such activity is located to a public street.

1268.02 HEIGHT EXCEPTIONS.

Exceptions to the maximum height regulations for each district specified in Section 1266.07 may be permitted subject to the following provisions:

- (a) Height Limitations. The limitations affecting the height of structures shall not apply to the following appurtenant appendages and structures, provided that they comply with all other provisions of this Zoning Code or any other applicable ordinance: parapet walls, chimneys, smokestacks, silos, church spires, flag poles, radio and television towers, masts and aerials, penthouses for mechanical equipment and watertanks.
- (b) Increased Building Height. Building height in excess of the height above average ground level allowed in any district may be permitted, provided that all minimum front, side and rear yard depths are increased one foot for each additional one foot of height, and provided, further, that adequate fire protection can be demonstrated.

1268.03 YARD REQUIREMENTS.

The following provisions shall apply to the yard requirements specified in the schedule of regulations set forth in Section 1266.07.

- (a) Setback Lines. All front, side, and rear yard setback lines shall be the minimum perpendicular distance measured from the structure, excluding all projections not exceeding three feet in length from the structure wall to the respective front, side, or rear lot line, provided, however, that the point of measurement of such front, side, or rear lot line shall be at a point within the subject lot and on a line which will measure not less than twenty feet in length and is parallel to the side of the structure from which the distance is measured.
- (b) Accessory Structures. All accessory structures in any district shall be subject to the same dimensional requirements affecting the principal structure, except, however, that in Residential Districts, such accessory structure may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line, provided, however, that no such structure shall be built closer than the minimum front yard or side yard setback required on the lot upon which the structure is proposed or upon the contiguous lot closest to the location of such accessory structure, nor shall any structure be placed closer than the established setback from any street right-of-way.
- (c) Corner and Double Frontage Lots. Lots which abut on more than one street shall provide the required front yards along every street.
- (d) Waterfront Lots. Lots which abut on a waterway shall provide the required front yard along the waterfront and along every street.
- (e) Yard for Single Building. No space which, for the purpose of a building, has been counted or calculated as part of a side yard, rear yard or front yard, required by this Zoning Code, shall be counted or calculated to satisfy or comply with a yard requirement for any other building.
- (f) Nonresidential Buildings. Principal buildings of a nonresidential use hereafter constructed or uses hereafter established shall not be located or conducted closer to any lot line in any of the Residential Districts than a distance of forty feet.

1268.04 ACCESSORY STRUCTURES AND USES.

Accessory structures and uses, except as otherwise permitted in this Zoning Code, shall be subject to the following regulations:

- (a) Yard Requirements. All accessory structures in any district shall be subject to the same yard requirements affecting the principal structure, except, however, that in Residential Districts, detached accessory structures may be placed not less than three feet from any rear lot line or the rear yard portion of any side lot line, provided, however, that no such structure shall be built closer than the minimum front yard or side yard setback required on the lot upon which the structure is proposed or upon the contiguous lot closest to the location of such accessory structure.
- (b) Bulk Requirements. Accessory structures shall not occupy more than twenty-five percent of a required rear yard.
- (c) Placement of Structure. No detached accessory structure shall be located closer than ten feet to any principal building.

- (d) Use as Residence Prohibited. No accessory structure shall be used or occupied as a residence, either temporarily or permanently.
(Ord. 2008-03. Passed 3-11-08.)

1268.05 VISIBILITY.

In all districts, no obstruction, including structures, walls, fences or plantings, in excess of two feet in height, shall be placed on any corner lot within twenty-five feet of the point of intersection of two street right-of-way lines.

1268.06 FLOOD PLAINS.

Notwithstanding any other provision of this Zoning Code, land subject to periodic flooding shall be used only for the following uses:

- (a) Agriculture uses, provided no structures are located within the area subject to flooding.
- (b) Recreational uses, provided no structures are located within the area subject to flooding.

The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the Michigan Water Resources Commission or other official authority.

1268.07 SUBSTANDARD LOTS.

No building permit shall be issued for the construction of any structure upon any lot within any district which lot cannot meet the dimensional standards and requirements of such district and which lot was created after the enactment of this Zoning Code, or after the enactment of any amendment which affects such standards or requirements.

CHAPTER 1270
Nonconforming Lots, Uses and Structures

1270.01	Compliance required.	1270.05	Nonconforming uses of structures.
1270.02	Purposes.	1270.06	Nonconforming uses of land.
1270.03	General provisions.	1270.07	Nonconforming lots.
1270.04	Nonconforming structures.		

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1270.01 COMPLIANCE REQUIRED.

All nonconforming structures, nonconforming uses of land or structures, and nonconforming lots shall comply with the provisions set forth in this chapter.

1270.02 PURPOSES.

Nonconforming uses, structures and lots are incompatible with and detrimental to permitted uses, structures, and lots in the zoning districts in which they are located; they cause disruption of the comprehensive land use pattern of the City; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

It is the intent of this chapter to recognize that nonconformities are not to be expanded, and that they should be abolished or reduced to conformity as quickly as the fair interests of the parties will permit.

It is the further intent of these provisions that existing nonconformities shall not cause further departures from this Zoning Code, and, therefore, the existence of any present nonconformity anywhere in the City shall not be used as grounds for the issuance of a variance for any other property.

1270.03 GENERAL PROVISIONS.

(a) There may be a change of tenancy, ownership, or management of any existing nonconforming use of land or structure, provided that there is no change in the nature or character of such nonconforming use.

(b) Uses of land or structures existing prior to the enactment of this Zoning Code, which are listed as conditional uses in the district in which they are located, shall not be considered as nonconforming uses, but shall be deemed a conforming use in such district without further action.

(c) A nonconforming use may be changed to another nonconforming use provided that the Planning Commission finds the proposed use to be more appropriate to the district than the existing nonconforming use.

(d) Any structure, parcel of land, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter not again be devoted to any use other than those uses which are permitted in the district in which the structure or land is located.

1270.04 NONCONFORMING STRUCTURES.

Any nonconforming structure may be continued subject to the following provisions:

- (a) No such structure may be enlarged or structurally altered during its life to an extent exceeding, in aggregate, fifty percent of the assessed value of the building at the time the first permit is issued unless said building is changed to a conforming use, and upon approval of proposed plans by the Zoning Board of Appeals, who shall determine whether the enlargement or alteration will have a detrimental effect on neighboring property.
 - (b) Should such structure be destroyed by any means to an extent of more than sixty percent of its true cash value, exclusive of the foundation, at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
 - (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (Ord. 2003-06. Passed 5-12-03.)

1270.05 NONCONFORMING USES OF STRUCTURES.

Nonconforming uses of structures may be continued subject to the following provisions:

- (a) Should any structure containing a nonconforming use be moved, for any reason, for any distance, the result of the moving shall be to end the nonconforming use.
- (b) On any structure devoted in whole or in part to any nonconforming use, work in any period of 12 consecutive months on ordinary repairs to ensure proper maintenance and replacement of nonbearing walls, fixtures, wiring, or plumbing with similar materials placed in the same manner may be permitted to an extent not exceeding 50% of the current real value of the structure at the time the permit is issued.
- (c) When a nonconforming use of a structure is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (d) There may be a change of tenancy, ownership or management of any existing nonconforming structure, provided there is no change in the nature or character of such nonconforming structure.

(Ord. 2006-02. Passed 4-11-06.)

1270.06 NONCONFORMING USES OF LAND.

Any nonconforming use of land may be continued subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- (b) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.
- (c) If such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) There may be a change of tenancy, ownership or management of any existing nonconforming use of land, provided there is no change in the nature or character of such conforming use.

1270.07 NONCONFORMING LOTS.

(a) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

(b) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Code.

CHAPTER 1272
Off-Street Parking and Loading

1272.01	Parking requirements.	1272.06	Requirements cumulative.
1272.02	Parking space requirements.	1272.07	Parking area standards, construction and maintenance.
1272.03	Schedule of parking spaces.	1272.08	Off-street loading.
1272.04	Location of parking spaces.		
1272.05	Collective parking.		

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592
 Parking generally - see TRAF. Ch. 430
 Parking Violations Bureau - see TRAF. Ch. 440

1272.01 PARKING REQUIREMENTS.

Off-street parking in all districts shall be provided in accordance with the following minimum specifications whenever any new use is established or an existing use is enlarged. Such off-street parking space shall be maintained and shall not be encroached upon by structures or other uses so long as the principal structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Zoning Code.

1272.02 PARKING SPACE REQUIREMENTS.

The minimum number of off-street parking spaces required is set forth in Section 1272.03. Where a use is not specifically mentioned, requirements for similar uses shall apply and shall be interpreted by the Zoning Board of Appeals.

1272.03 SCHEDULE OF PARKING SPACES.

<u>Uses</u>	<u>Required Parking Spaces</u>
(a) Dwelling units.	2 per dwelling unit.
(b) Motels.	1 per rooming unit, plus 1 for each employee.
(c) Hotels.	1 per rooming unit, plus 1 for each employee.

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|---|--|
| (d) Boarding, rooming or lodging houses. | 1 per bed or 1 per 100 sq. feet of gross floor space, whichever will require the larger number of parking spaces. |
| (e) Nursery, elementary, and junior high schools. | 1 per classroom plus 5; or 1 per 9 permanent seats or per 63 sq. ft. of assembly space in each assembly hall, whichever will require the largest number of parking spaces. |
| (f) High schools. | 4.5 per classroom; or 1 per 3 permanent seats or 21 sq. ft. of assembly space in each assembly hall, whichever will require the largest number of parking spaces. |
| (g) Golf clubs and swimming pool clubs. | 1 for each member family or individual, plus 1 for each employee. |
| (h) Assembly halls, clubs, mortuaries, theaters, lodges, and churches. | 1 per 3 seats or per 21 sq. ft. of assembly space, whichever will require the largest number of parking spaces. |
| (i) Hospitals. | 2 per bed. |
| (j) Convalescent homes, and homes for the aged. | 1 per each 2 beds. |
| (k) Business services establishments, except as otherwise specified herein. | 1 per 100 sq. ft. of sales space on ground floor area, not including loading and unloading space. |
| (l) Professional offices of architects, attorneys, accountants, engineers, etc. | 1 per 200 sq. ft. of floor area, with not less than 3 spaces. |
| (m) Medical and dental clinics. | 1.5 per 200 sq. ft. of floor area, with not less than 10 spaces. |
| (n) Retail stores, except as otherwise specified. | 1 per 100 sq. ft. of sales area, with a minimum of 5 spaces. |
| (o) Laundromats and coin-operated dry cleaners. | 1 for each 2 machines. |
| (p) Miniature golf. | 3 for each 1 hole. |
| (q) Retail stores of appliances, furniture, motor vehicles, lumber, hardware | 1 per 300 sq. ft. of sales area, but with not less than 10 spaces. |

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|-----|--|---|
| (r) | Restaurants and bars. | 1 per 2 seats. |
| (s) | Beauty parlors or barber shops. | 2 for each beauty or barber shop chair. |
| (t) | Personal service establishments, except as otherwise specified herein. | 1 per 30 sq. ft. of sales area, with a minimum of 3 spaces. |
| (u) | Bowling alleys. | 7 per lane. |
| (v) | Poolrooms, archery and other indoor amusement facilities. | 1 per 50 sq. ft. of activity area. |
| (w) | Automobile service stations. | 1 per 50 sq. ft. of office space, plus 2 per hoist, with a minimum of 5 spaces. |
| (x) | Industrial establishments. | 1 for each 2 employees in the largest working shift. |
| (y) | Wholesale establishments. | 5, plus 1 for each 2 employees in the largest working shift. |

1272.04 LOCATION OF PARKING SPACES.

All required off-street parking spaces, whether public or private, for nonresidential uses shall be either on the same lot or within 500 feet of the building they are intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking area. Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit.

1272.05 COLLECTIVE PARKING.

Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the various individual uses computed separately.

1272.06 REQUIREMENTS CUMULATIVE.

The parking requirements for all uses proposed on a parcel of land shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occurs at different hours from those of other land uses such that such particular land use parking requirements can be advantageously used by other land uses, in which event the required parking spaces for such particular land uses need not be required.

1272.07 PARKING AREA STANDARDS, CONSTRUCTION AND MAINTENANCE.

Whenever a parking lot is constructed as required off-street parking, such parking lot shall be laid out and constructed in accordance with the following requirements:

- (a) Each parking space shall constitute a net area of not less than 200 square feet. The total parking lot space, including access lanes, shall constitute at least 300 square feet per parking space.
- (b) Ingress and egress points shall be located to minimize traffic congestion and avoid undue interference with pedestrian movement. There shall be no more than two clearly defined access ways abutting on any one street for each parking lot. Approval for the location of exits and entrances shall be obtained from the Hillsdale County Road Commission.
- (c) Where a parking lot does not abut a public street, there shall be provided an access drive leading to the parking area not less than twenty feet in width.
- (d) Any off-street parking area shall be surfaced with a durable dustless surface, and shall be graded and drained to eliminate surface water accumulation, and, further, shall provide with a masonry retaining wall if necessitated by a difference in elevation with adjoining lots.
- (e) Off-street parking areas which abut residential property shall provide a screening of evergreen hedge or other natural landscaping. It may also have a uniformly painted wooden or metal fence not less than four feet nor more than six feet in height and shall be maintained, in good condition, by the party or parties required to install the same. The Planning Commission shall decide as to which kind of screening shall be used in every case.
- (f) Off-street parking areas shall be no closer than three feet from each property line, provided, however, that a wooden or metal fence may be constructed on the property line.
- (g) The off-street parking area shall be subject to the approval of the Planning Commission to insure its adequacy, relation to traffic safety, and protection of the adjacent property.
- (h) Any person desiring to establish a parking area as an accessory use in a Residential District shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, curb cuts and other features of the parking lot.

1272.08 OFF-STREET LOADING.

(a) Compliance Required. Off-street loading shall be provided in accordance with the specifications in this section in all districts whenever any new use is established or an existing use is enlarged.

(b) Loading Space Required. Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths in accordance with the following:

- (1) Retail commercial uses. All retail sales facilities exceeding 10,000 square feet in area shall provide two loading spaces, plus one loading space for each 30,000 square feet of floor space over 10,000 square feet.
- (2) Industrial and wholesale commercial uses. All industrial and wholesale commercial land uses shall provide one loading space for each 10,000 square feet of floor space, with a minimum of not less than two loading spaces.

(c) Loading Space Location; Dimensions. All loading spaces shall be located and designed to avoid traffic hazards to public uses of all public rights-of-way or any required access aisles for off-street parking areas.

Each loading space shall not be less than ten feet in width, fifty feet in length, and fifteen feet in height.

CHAPTER 1274
Signs

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|---------|---------------------------------|---------|---|
| 1274.01 | Compliance required. | 1274.04 | Signs in Business and Industrial Districts. |
| 1274.02 | General requirements. | | |
| 1274.03 | Signs in Residential Districts. | | |

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1274.01 COMPLIANCE REQUIRED.

No sign shall be permitted except as herein provided.

1274.02 GENERAL REQUIREMENTS.

In any district, all signs shall comply with the following general requirements:

- (a) There shall be no flashing, oscillating or intermittent type of illuminated sign within 100 feet of any Residential District or street intersection or railroad.
- (b) No sign shall project over public rights-of-way except those established and maintained by the City, Township, County, State or Federal Government.
- (c) No sign shall project above the maximum height limitation of the use district in which located.
- (d) A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conformity to the requirements of the district wherein said sign or signs are to be located and the requirements of this section. No building permit shall be required for a sign described in Sections 1274.03(a) and (b) and 1274.04(a) and (b).
- (e) No sign shall resemble any official traffic control device or railroad sign or signal.

- (f) No sign shall use the word "stop" or "danger" prominently displayed, or present or imply the need for a requirement to stop or the existence of danger.
- (g) No sign shall be placed nearer any street than the minimum setback building line of the district wherein said sign is to be located.
- (h) All directional signs required for the purpose of orientation, when established by the City, Township, County, State or Federal Government, shall be permitted in all districts.
- (i) No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage or which is at a horizontal distance of less than ten feet from any fire hydrant, traffic light or fire call box.
- (j) No person shall erect, display or maintain any sign at any location where, by reason of its position, size, shape, color, animation or illumination, it will interfere with or obstruct the view of traffic, nor shall any sign be permitted which may be confused with any authorized traffic sign, signal or device.

1274.03 SIGNS IN RESIDENTIAL DISTRICTS.

No sign shall be permitted in a Residential District except as herein provided:

- (a) One nonilluminated sign not exceeding two square feet in area which announces the name and professional activity of the occupant on each lot on which a dwelling unit is located shall be permitted.
- (b) One nonilluminated real estate or construction sign not exceeding eight square feet in area will be permitted on any property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.
- (c) One sign with a surface area not exceeding six square feet which identifies the use on a premises for any permitted or conditionally permitted use in the respective Residential District in which the property is located shall be permitted.
- (d) One bulletin board not exceeding eighteen square feet in area will be permitted in connection with any church, school or similar public structure.
- (e) One reflective lighting sign with a surface area not exceeding twenty-five square feet which identifies a residential subdivision or a multiple residential complex shall be permitted.

1274.04 SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.

In Business and Industrial Districts, no sign shall be permitted except as herein provided:

- (a) Except as otherwise specifically provided in this section:
 - (1) Not more than one sign shall be permitted on the premises of a business or industrial facility; provided that such sign shall not contain any information other than the name, symbol, phone number, and nature of the business or industrial activity conducted on or within the premises.
 - (2) If the business or industrial use or structure is located on premises bordering more than one public road, one such sign shall be allowed on each public road frontage.
 - (3) If the business or industrial use or structure is located on premises that are accessed by way of an easement or private right-of-way, one such sign shall be allowed at the entrance from the public road to and within said easement or private right-of-way.
- (b) No sign, except a sign offering the premises for sale, lease, or development, shall contain any information or advertising for any product or service that is not sold, processed, or manufactured on premises.
- (c) Notwithstanding anything in this section to the contrary, not more than one sign offering the premises for sale, lease, or for development may be placed on the premises in any location that is permitted for signs otherwise allowed.
- (d) No sign shall have an aggregate area that is greater than one and one-half square feet for each foot of width of the principal building on the premises. Freestanding signs shall not exceed beyond the existing roof line. Any sign attached to the building shall not extend above the roof line.
- (e) No sign shall be erected, displayed, or maintained within 30 feet of the edge of any road, easement, or private right-of-way, nor shall any sign be erected, displayed, or maintained within any sight clearance triangle created by the intersection of two roads or the intersection of an access easement or private right-of-way with a road, a "sight clearance triangle" being defined as being that area within the triangle that is created by beginning at the corner of where the road rights-of-way or the road right-of-way and access easement or private right-of-way intersect, as the case may be, and running along the edge of each 30 feet and then connecting the ends of those lines with each other.
(Ord. 2009-02. Passed 7-14-09.)

CHAPTER 1275
Conditional Use Approval Criteria

1275.01	Conditional uses.	1275.03	Approvals or disapproval of
1275.02	Standards to be met for approval of conditional uses.		conditional use permit.

1275.01 CONDITIONAL USES.

The formation and enactment of this Zoning Code is based upon the division of the City into districts in each of which are permitted uses which are mutually compatible, as delineated in Section 1266.06. In addition to such permitted and specified uses, however, certain other uses have been listed in specific districts as being necessary or desirable, provided they are appropriately regulated.

- (a) Authority of Planning Commission. The Planning Commission may approve conditional uses as identified in Section 1266.06 according to the criteria established in Section 1275.02.
- (b) Permit Applications; Fee. Applications for conditional approval shall be made to the Planning Commission on forms supplied by the Zoning Administrator, accompanied by a site plan and by the required application fee as established by City Council resolution.
- (c) Application Content. The application shall identify the applicant, a description of the property under consideration for conditional use along with an affidavit verifying ownership of said property, a site plan drawn in accordance with Section 1276.02, and a list of all property owners of record within 300 feet of the parcel under review for development.
- (d) Public Hearing. The Planning Commission shall hold a public hearing on the application according to procedures delineated in Section 1260.08.
(Ord. 2006-08. Passed 10-10-06.)

1275.02 STANDARDS TO BE MET FOR APPROVAL OF CONDITIONAL USES.

The Zoning Administrator shall not authorize the issuance of a building permit for conditional uses unless the Planning Commission, after reviewing requests for approval of said conditional use has determined that all of the following conditions exist on the property.

- (a) The proposed conditional use shall be served adequately by essential public facilities and services such as highways and/or streets, police and fire protection, drainage structures, and refuse disposal or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- (b) The proposed conditional use shall not be hazardous or disturbing to existing or future neighboring uses.
- (c) The proposed conditional use shall not create excessive additional requirements at public cost for the provision of public facilities and/or services.

- (d) The proposed conditional use is harmonious with and in conformance with the general objectives, intent, and purposes of this Zoning Code.
- (e) The proposed conditional use shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- (f) The proposed conditional use shall meet all other requirements of the City's Code of Ordinances. If the facts of the case do not establish beyond a reasonable doubt that the proposed conditional use will meet the standards set forth in this Zoning Code, then the Planning Commission shall not grant a conditional use permit.
(Ord. 2006-08. Passed 10-10-06.)

1275.03 APPROVALS OR DISAPPROVAL OF CONDITIONAL USE PERMIT.

Upon holding a public hearing, the Planning Commission shall promptly notify the applicant in writing of its approval or disapproval, including a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed.

- (a) Disapproval. In the case of a finding that the requirements of Section 1276.02 do not or will not be met by the proposed conditional use, the Planning Commission shall inform the applicant of the specific standards not met and the procedure for reconsideration.
- (b) Approval. If approved, the Zoning Administrator shall issue a conditional use permit, and he or she shall so inform the Building Inspector of that fact.
- (c) Expiration of Permit. Any conditional use permit granted under this Zoning Code shall become null and void and fees forfeited unless construction and/or use is commenced within 365 days and completed within 575 days of the date of issuance.
- (d) Cancellation of Permit. A violation of a requirement, condition, or safeguard shall be considered a violation of the Zoning Code and grounds for termination or cancellation of such conditional use permit.
(Ord. 2006-08. Passed 10-10-06.)

CHAPTER 1276
Site Plan Review

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| 1276.01 Purpose of site plan approvals. | 1276.03 Standards for mini-storage developments. |
| 1276.02 Site plan review and approval. | |

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated
 need for certain land use - see M.C.L.A. Sec. 125.592

1276.01 PURPOSE OF SITE PLAN APPROVALS.

This Zoning Code recognizes both the value and hazard of use and design flexibility. To allow appropriate use flexibility, with safeguards, the code provides for conditional uses according to standards established in Chapter 1275. Further, to allow and encourage greater design flexibility for location for buildings comprising a planned group or for certain higher density structures, the requirement for a separate lot for each building is waived and two or more buildings may be erected and maintained on the same lot, if all of the conditions described in this chapter are met. (Ord. 2006-08. Passed 10-10-06.)

1276.02 SITE PLAN REVIEW AND APPROVAL.

It is recognized by this Zoning Code that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; and, further, that there are benefits to the public in conserving natural features. Toward this end, this Zoning Code requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

- (a) Buildings, Structures, and Uses Requiring Site Plan. The Zoning Administrator shall not issue a building permit for the construction of the buildings and structures identified in this subsection unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- (1) Any conditional use.
 - (2) A multiple-family building containing six or more dwelling units.
 - (3) More than one multiple-family building on a lot, parcel, tract of land, or on a combination of lots under one ownership.
 - (4) A mobile home park.
 - (5) An office in any Residential District.
 - (6) Any gasoline service station abutting a Residential District.
- (b) Application and Fee for Site Plan Review. Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk a completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the City of Litchfield.

Fees applicable to site plan reviews for planned unit developments and conditional uses are waived in lieu of fees established by resolution of the City Council for these purposes. As an integral part of said application, the applicant shall file at least four copies of a site plan.

- (c) Planning Commission Review of Site Plans. Upon receipt of an application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within 30 days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Zoning Code.
- (d) Required Data for Site Plan. Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:
- (1) Every site plan submitted, except site plans required for uses as prescribed in division (d)(2) hereof, shall be drawn to a readable scale and shall include the following:
 - A. The name of the applicant, the scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 - B. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 - C. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project; and
 - D. The current zoning classifications on the subject property and all adjacent property.
 - (2) Site plans submitted for the following conditional uses shall be subject to the requirements of division (d)(3) hereof.
 - A. Travel trailer parks.
 - B. Mobile home parks.
 - C. Automobile service stations.
 - D. Hotels or motels.
 - E. Drive-in businesses.
 - F. Automobile repair garages.
 - G. Drive-in theaters.
 - H. Junk yards.

- I. Bulk oil storage.
 - J. A multiple-family building structure containing six or more dwelling units.
 - K. More than one multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
 - L. An office in any Residential District.
 - M. Any gasoline service station abutting a Residential District.
- (3) Site plans submitted for the uses prescribed in division (d)(2) hereof shall be submitted in accordance with the following requirements:
- A. The site plan shall be of a scale not greater than one inch equals 20 feet, nor less than one inch equals 200 feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
 - B. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
 - C. The site plan shall show the scale; north point; boundary dimensions; topography (at least two-foot contour intervals); and natural features, such as woodlots, streams, rivers, lakes, drains, and similar features.
 - D. The site plan shall show existing man-made features, such as buildings and structures; high-tension towers; pipelines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains and easements; and shall identify adjacent properties and their existing uses.
 - E. The site plan shall show the location, proposed finished floor and grade line elevations, the size of proposed principal and accessory buildings, the relation of one to another and to any existing structure on the site, the height of all buildings, and the square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
 - F. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
 - G. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- (e) Standards for Site Plan Review. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Zoning Code and State and Federal statutes. Further, in consideration of each site plan, the Planning Commission shall find that provisions of divisions (c) and (d) hereof, as well as the provisions of the zoning district in which said buildings, structures, and uses

as indicated in the proposed site plan, have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Code. A site plan shall be approved if it contains the information required in division (d) hereof and is in compliance with this Zoning Code, the conditions imposed pursuant to this Zoning Code, other applicable ordinances, and State and Federal statutes.

In addition, each of the following standards shall apply:

- (1) The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - (2) The use shall not inappropriately change the essential character of the surrounding area.
 - (3) The use shall not interfere with the general enjoyment of adjacent property.
 - (4) The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet shall also be in keeping with the natural environment of the site.
 - (5) The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare or dust.
 - (6) The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
 - (7) The use shall not place demands on public services and facilities in excess of current capacity.
 - (8) The use shall be consistent with the intent and purpose of this Zoning Code.
- (f) Approval of Site Plan. Upon the Planning Commission approval of a site plan, the applicant shall file with the Clerk four copies thereof. The Clerk shall, within ten days, transmit to the Zoning Administrator one copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Zoning Code as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten days after such action. The Zoning Administrator shall not issue a building permit until he or she has received a certified approved site plan.
- The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with division (h) hereof.
- (g) Expiration of Site Plan Certificate. The site plan certificate shall expire, and be of no effect, 365 days after the date of issuance thereof, unless within such time the Zoning Administrator has issued a building permit for any proposed work authorized under said site plan certificate.
- (h) Amendments to Site Plan. A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in this

section. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

- (i) Surety Bond. A surety bond may be required by the Planning Commission to ensure the complete construction of structures and the development of the land area, as proposed and approved, and for which a building permit is required. Such bond may be up to an amount equal to the estimated cost of the site improvement, and may be reduced in proportion to the amount of work accomplished and accepted by the City Building Inspector. A surety bond, if required, shall be returnable in full upon issuance of a certificate of occupancy.

Upon notification of discrepancies in the implementation of the activity or structure within the approved site plan, the Planning Commission may declare the surety bond forfeited.

- (j) Enforcement by Building Inspector. The Building Inspector shall, through site inspection, ascertain that the implementation of any development undertaken is in accordance with the approved site plan, and notify the Planning Commission and the applicant in writing of any discrepancies therewith.

1276.03 STANDARDS FOR MINI-STORAGE DEVELOPMENTS.

- (a) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "Mini-storage developments." A commercial enterprise consisting of rented storage space with individual unit areas not exceeding 350 square feet.
- (2) "Impervious surface." A surface on the ground which does not allow passage of water, including but not limited to, buildings and structures, and concrete, gravel, stone, and shell parking areas, driveways and walkways.
- (3) "Impervious surface ratio." The ratio of all impervious surfaces on a lot to the total area of said lot.

- (b) Setbacks Required. Notwithstanding the lesser setback requirements specified in the various districts, the following setback requirements shall apply to all mini-warehouse developments.

- (1) Front yards: 25 feet.
- (2) Side yards: 5 feet, except that a side yard abutting on a public street shall equal or exceed 20 feet.
- (3) Rear yards: 10 feet.

- (c) Height Limitations. Notwithstanding the height limitations of the various districts, all mini-storage developments shall be limited in height to 35 feet, said height limitation shall apply to all structures on the site including signs.

- (d) Surfaces. The impervious surface ratio for any mini-storage development shall not exceed 65:1; however, the ratio may be increased to 75:1 if all pervious surfaces are in the front yard of the development.

(Ord. 2006-08. Passed 10-10-06.)

CHAPTER 1278
Supplementary Regulations

1278.01	Mobile homes.	1278.08	Telecommunication facilities.
1278.02	Mobile home parks.	1278.09	Temporary occupancy of motor homes, travel trailers, recreational vehicles and tents.
1278.03	Home occupations.		
1278.04	Multiple-family dwellings.	1278.10	Prohibition of marihuana establishments
1278.05	Fences.		
1278.06	Temporary structures.		
1278.07	Junkyards, open storage and similar storage areas.		

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
 Effect of zoning ordinance on zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

1278.01 MOBILE HOMES.

No mobile home shall be used other than as a single-family dwelling and in a duly licensed mobile home park, provided, however, that mobile homes shall be allowed in Residential Districts, subject to the other provisions of this Zoning Code, if they comply with the following standards:

- (a) Prior to locating a mobile home upon an individual site or lot within the City of Litchfield, a building permit shall be obtained.
- (b) Mobile homes shall be firmly attached to an approved foundation or basement constructed on the site in accordance with the State of Michigan Building Code. Additionally, mobile homes shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (c) No exposed wheels, towing mechanism, undercarriage or chassis shall be permitted, and no storage shall be allowed in any crawl space or foundation area which is not a standard basement.

- (d) The dwelling must have no less than two exterior doors, with one being in either the rear or the side of the home, and must contain permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- (e) The dwelling must comply with all pertinent building, maintenance, plumbing, electrical and fire codes.
- (f) Mobile homes and all accessory structures shall comply with all applicable sections of this Zoning Code relative to the district in which they are located, including, but not limited to, lot size, yard space, setbacks and all other pertinent requirements.
- (g) The foregoing standards shall not apply to a mobile home located in a mobile home park as provided in Section 1278.02, except to the extent required by State law or otherwise specifically required in the ordinances of the City of Litchfield pertaining to such parks.

1278.02 MOBILE HOME PARKS.

Mobile home parks shall comply with the following requirements:

- (a) Each mobile home site shall be not less than 5,000 square feet in area and not less than forty feet in width.
- (b) There shall be minimum side to side spacing of not less than thirty feet and no mobile home shall be placed less than twenty-five feet from the side lot line of a corner lot.
- (c) There shall be a minimum end-to-end spacing between mobile homes of not less than fifteen feet.
- (d) No mobile home shall be located closer than twenty-five feet from the right-of-way line of any public street nor any closer than twenty feet from any other boundary line of the mobile home park.
- (e) There shall be roadways in each park constructed under this Zoning Code reaching each mobile home lot therein, which roadways shall comply with standards established for local subdivision roads by the Hillsdale County Board of Road Commissioners.
- (f) No building or structure required by State law hereinafter erected or altered in a mobile home park shall exceed twenty-five feet in height.
- (g) One parking space shall be provided for each mobile home and dwelling unit or office, plus additional parking spaces equal to fifty percent of the number of mobile home spaces to provide for guest parking. Such parking shall be provided in a separate area within the park or as on-street parking, provided such parking will not interfere with safe automotive movement.

- (h) Each mobile home site shall be provided with a concrete apron no less than ten feet in width, forty-five feet in length and four inches in thickness, upon which the mobile home shall be located.
- (i) Enclosed canopies or skirting shall not be permitted on any mobile home except when uniformly adopted throughout a specific mobile home park. Such skirting and its method of installation shall first be approved by the Building Inspector. Each mobile home shall be supported in a safe and adequate manner as determined by the Building Inspector. No mobile home shall have its wheels removed (except for repairs) to be placed on blocks, posts, walls, or any other temporary or permanent foundation and no other buildings or foundations shall be attached to it other than one metal utility cabinet. This shall not prevent the use of an awning of aluminum, canvas, or fiberglass, which space may be screened in. The screened area shall not be greater than nine feet in width nor shall said area be enclosed or glassed in.
- (j) There shall be provided an area not less than 300 square feet for recreation for each mobile home space in the mobile home park, with a minimum area of not less than 5,000 square feet, which recreation area shall be no longer than two times its width. Such areas shall be developed and maintained by the management.
- (k) There shall be no storage of any kind underneath any mobile home.
- (l) Fences on individual home sites shall be uniform in height and shall not exceed thirty inches and shall be constructed in such a manner as to provide firefighters access to all sides of each mobile home.
- (m) Every lot shall be provided with a substantial flytight metal garbage depository.
- (n) All fuel, oil and gas tanks shall be located on each mobile home site in a uniform manner. All tanks shall be elevated on noncombustible stands placed on a concrete base if not of the underground type.
- (o) A greenbelt consisting of a single row of solid evergreen hedges, of not less than three feet in height at planting, and to be maintained at a height of not less than five feet nor more than six feet, or a five-foot high opaque ornamental fence, shall be located adjacent to all mobile home park boundary lines not bordering the street, with a lawn maintained in a neat manner on the setback area between the boundary line and the nearest mobile home location.
- (p) No business other than the offices of the mobile home park shall be conducted in any mobile home or building on the premises of a mobile home park.
- (q) The minimum area for a mobile home park shall be three acres.

1278.03 HOME OCCUPATIONS.

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. Home occupations may include, but are not limited to: art studios; dressmaking; professional offices of physicians, dentists, lawyers, engineers, architects or accountants; or teaching, with musical instruction limited to one pupil at a time. However, a home occupation shall not be interpreted to include: barbershops; commercial stables and kennels; marihuana establishments, as defined in the Michigan Regulation and Taxation of Marihuana Act; real estate offices; restaurants; or repair services. The following additional conditions shall be observed:

- (a) The occupation shall be customarily carried on in a dwelling unit or in a structure or building accessory to a dwelling unit;
 - (b) The occupation shall be carried on by a member of the family residing in the dwelling unit, with not more than one employee outside the family;
 - (c) The occupation shall be carried on wholly within the principal structure or accessory structure;
 - (d) There shall be no exterior display, no exterior sign other than as permitted by Chapter 1274, no exterior storage of material, and no other exterior indication of the home occupation or variation from the residential character of the principal structure; and
 - (e) There shall be no commodities sold on the premises.
- (Ord. 2019-01. Passed 3-19-19.)

1278.04 MULTIPLE-FAMILY DWELLINGS.

No multiple-family dwelling shall be permitted unless served by a public sewer system.

1278.05 FENCES.

Fences shall be permitted, subject to the following conditions:

- (a) Fences on all lots of record in all Residential Districts which enclose property and/or are within a required side or rear yard, shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.
- (b) Fences on recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all Residential Districts, are excluded from these regulations.
- (c) On a corner lot, in all Residential Districts, no fence or other obstruction to vision above a height of three and one-half feet above the center line grades of the intersecting streets shall be erected, placed or maintained within the triangular yard space formed by the intersecting street lines and a line joining points on such street lines thirty feet from the point of the street lines.

(Adopting Ordinance)

(d) Decorative fencing shall be allowed in Residential Districts within the required minimum front yard, or in the lot beyond the front of the house, if the following requirements are met:

- (1) No decorative fence shall exceed forty-two inches in height above the grade of the surrounding ground.
- (2) All decorative fencing shall be:
 - A. Of wood (picket, split rail or the like), fiberglass, plastic or wrought iron construction, the area of which shall be not more than eighty percent solid, with the open space uniformly spread over the entire area of the fence; or
 - B. Of brick or stone construction, the solid area of which shall not occupy more than sixty percent of the space between ground level and a height of forty-two inches above ground level.
- (3) No fence should be placed within any recognized road right of way without first securing authorization from the appropriate entity having jurisdiction over the road right of way.

(Ord. 2000-02. Passed 12-11-00.)

1278.06 TEMPORARY STRUCTURES.

Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress. Permits for temporary structures shall be issued for a six month period by the Zoning Board of Appeals. Residing in basement or foundation structures before completion of the total structure shall not be permitted.

1278.07 JUNKYARDS, OPEN STORAGE AND SIMILAR STORAGE AREAS.

All junkyards shall be completely screened from roads or developed areas with a solid fence or wall six feet or more in height, maintained in good condition, and painted.

The open storage of any industrial equipment, vehicles and any other type of materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall or solid fence not less than six feet in height and may, depending upon land usage, be required to be eight feet in height.

The fencing and screening requirements set forth herein shall not apply to raw material to be used in the manufacture of a company's product, or the finished product being stored before shipping.

1278.08 TELECOMMUNICATION FACILITIES.

Telecommunication facilities may be allowed by the Planning Commission as a conditional use subject to the requirements of Chapter 1276 and subject to other reasonable conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and to abutting properties and subject to the following specific conditions:

- (a) Except as otherwise provided in this section, telecommunication facilities and buildings and structures associated with such uses shall meet the area and bulk requirements of the zoning district in which they are located. Set back requirements shall be established in each case at a distance equal to the fall zone for any tower proposed but in no event less than the set back otherwise required in the zoning district.
- (b) Telecommunication facilities shall be surrounded by a six foot chain link fence to prevent unauthorized access and vandalism.
- (c) The site shall meet city standards relating to drainage, lighting, landscaping, general safety and any other applicable standards.
- (d) Telecommunication facilities shall be designed to blend into the surrounding environment to the maximum extent possible.
- (e) Telecommunication towers shall be mono-poles unless satisfactory evidence is submitted to the Planning Commission that a tower of other design is required to provide the height or capacity necessary for the proposed telecommunication use.
- (f) Telecommunication facilities shall be constructed, maintained and operated in compliance with all applicable codes, laws, rules and regulations of any governing body or agency having jurisdiction over such uses.
- (g) Telecommunication facilities shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- (h) Lighting associated with telecommunication facilities shall comply with all applicable FAA regulations where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
- (i) A twelve foot access road constructed of materials approved by the city shall be provided and maintained in a good condition to provide access for service and emergency vehicles.
- (j) The site for telecommunication facilities shall be designed to maintain and enhance existing vegetation. The tower and ancillary buildings or structure shall be landscaped to minimize the visual impact of the telecommunication facilities on nearby properties. Telecommunication facilities shall be installed so as to enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted as deemed necessary by the Planning Commission to provide screening or to minimize visual impact.
- (k) The owner or operator of a tower shall agree to permit other communication service providers, including local governmental agencies, to use the tower, upon reasonable terms and conditions (e.g. sharing the cost of constructing, maintaining and operating the tower, along with reimbursement for fees and costs incurred to obtain approval of the tower's location on the site). This obligation shall not require the owner or operator to permit access where doing so will interfere with the owner or operators ability to provide or receive signals.
- (l) The owner or operator of a telecommunications tower shall remove all improvements, including foundations and ground wires, within six months of cessation of use.
(Ord. 2001-02. Passed 4-9-01.)

1278.09 TEMPORARY OCCUPANCY OF MOTOR HOMES, TRAVEL TRAILERS, RECREATIONAL VEHICLES AND TENTS.

No motor home, travel trailer, recreational vehicle or tent shall be used or occupied as a permanent dwelling. Not more than one motor home, travel trailer, recreational vehicle or tent at a given time may be located upon an occupied residential lot with the permission of the lot owner and occupied temporarily for a period of not more than thirty days cumulative in a calendar year, provided that there are water and sanitary facilities accessible to the occupants of the motor home, travel trailer, recreational vehicle, or tent.

(Ord. 2008-02. Passed 3-11-08.)

1278.10 PROHIBITION OF MARIHUANA ESTABLISHMENTS.

(a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations as defined in §§ 1260.11(24) and 1278.03, or as provided in any district use schedule contained in § 1266.06.

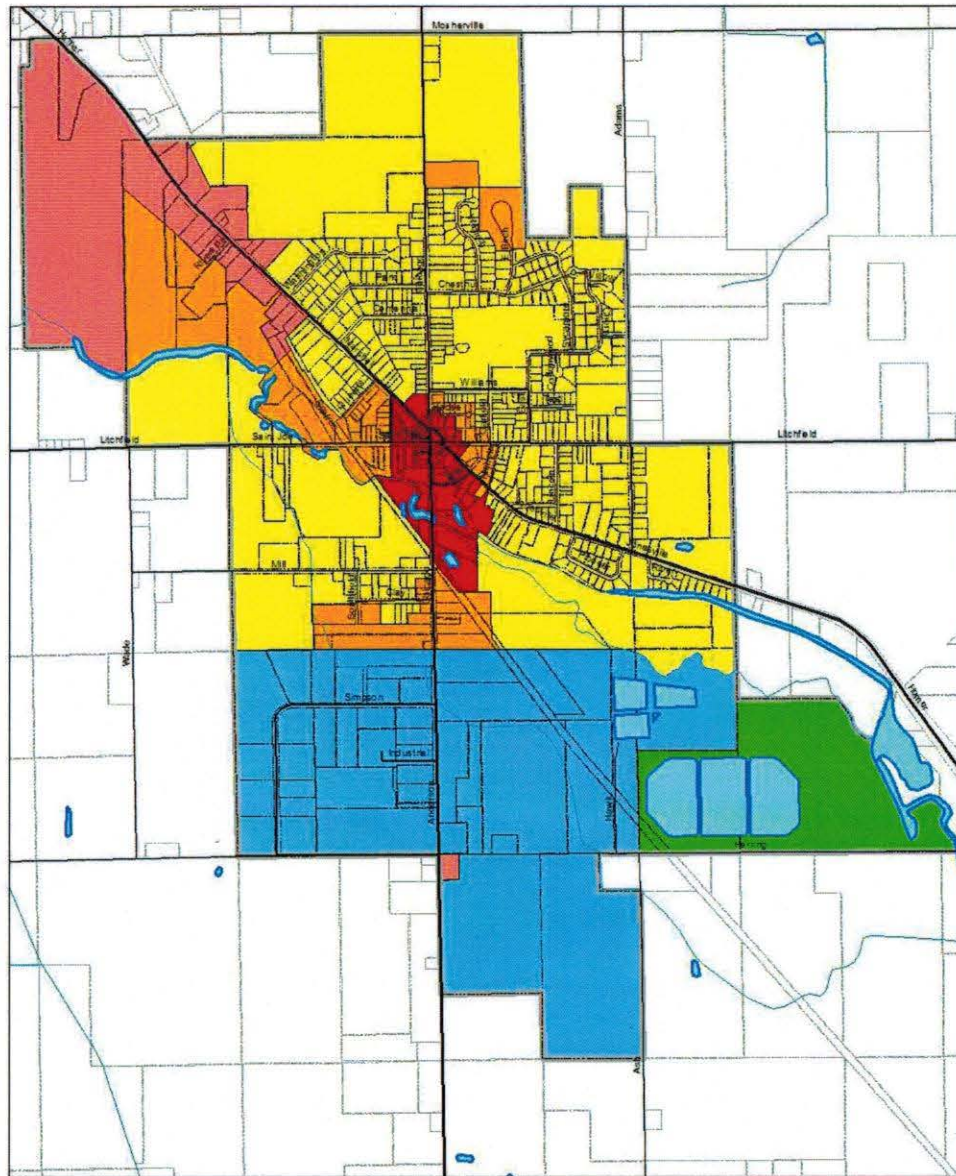
(b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana micro business, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this section, shall be deemed to have been a legally established use under the provisions of the Codified Ordinances of Litchfield, Michigan, and such use shall not be entitled to claim legal nonconforming status.

(c) Violations of this section are subject to the penalties provided for in § 1262.06(a) and may be abated as nuisances pursuant to § 1262.06(b).

(d) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the City of Litchfield to the extent provided by the Act.

(Ord. 2019-01. Passed 3-19-19.)

Appendix I
Zoning Map



City of Litchfield
Zoning Map



Date of Last Rezoning: September 17, 2019
Date of Last Map Update: November 26, 2015



Legend

-  R-1 Residential District
-  R-2 Residential District
-  B-1 Highway Business District
-  B-2 General Business District
-  I-1 Industrial District
-  P-1 Parks/Public Owned District

Appendix II
Zoning Map Changes

EDITOR'S NOTE: This Appendix has been established to provide a record of legislation pertaining to Zoning Map changes that post-date the adoption of the revised Zoning Map on February 8, 1982.

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
82-3	6-22-82	A 100-ft. strip of the northeast corner of a parcel beginning at the east ¼ of Sec. 9, T5S, R4W, from B-1 to R-2.
86-1	2-10-86	Part of Lot 246, from R-1 to R-2.
87-3	6-22-87	Lot 294 and part of Lot 293 of Assessor's Plat of the Village (now City), from B-2 to I-1.
89-3	8-24-89	Part of the northwest corner of the west ½ of the northeast ¼ of Sec. 22, T5S, R4W, from R-1 to B-1.
95-6	11-13-95	Lots 28 and 29 of Hawthorn Heights Subdivision, Sec. 10, T5S, R4W, NE ¼, from R-1 to R-2.
98-1	6-8-98	Parts of Lots 233, 234, 293 and 294, and other land, from I-1 to B-2, and another parcel, from B-2 to R-2.
98-3	12-14-98	The south ½ of the southwest ¼ of the northeast ¼ of Sec. 10, T5S, R4W, except Hawthorn Heights, from R-1 to R-2.
98-4	12-14-98	Lots 367, 368, 368A, 369, 370, 371 and 372 and the west 179.6 ft. of Lot 373, Assessor's Plat, from B-1 to R-2.
99-1	2-8-99	Lots 28 and 29, Hawthorn Heights, from R-2 to R-1.
2002-06	12-9-02	The east ½ of the northeast ¼ of exc east 540 ft of north 495 ft of Sec. 22, T5S, R4W from R-1 to I-1; and the south ¼ post of Sec. 14, T5S, R4W from R-1 to P-1.
2003-01	4-14-03	A parcel of land in the Southwest one-quarter (SW ¼) of Section 10, Township 5 South, Range 4 West, and a parcel of land in the Southeast one-quarter (SE ¼) of Section 9, Township 5 South, Range 4 West from B-1 to R-2.
2003-07	5-12-03	Lot 236, Assessor's Plat, Section 15, Township 5 South, Range 4 West from R-1 to B-2.
2015-06	12-17-15	A parcel of land (annexed) in the Southwest ¼ of the Southeast ¼ of Sec. 9 lying North of the Saint Joe River, Section 9, T5S, R4W from R-1 to B-1.

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2015-07	12-17-15	A parcel of land in the E 1/8 LN and E-W ¼ LN of Section 9, Township 5 South, Range 4 West from R-2 to B-1.
2019-04	11-19-19	A parcel of land as further described in Ord. 2019-04 and as annexed by Res. 2019-19, rezoned from R-1 to I-2.

City of Litchfield Master Plan




2017 Edition

The 2017 edition of the City of Litchfield Master Plan was adopted by the City of Litchfield Planning Commission on September 27, 2017.

A handwritten signature in cursive script that reads "Brett C. Smith". The signature is written in black ink and is positioned above a horizontal line.

City of Litchfield Planning Commission Vice Chairman, Brett C. Smith

The 2017 edition of the City of Litchfield Master Plan was adopted by the Litchfield City Council on October 17, 2017.

A handwritten signature in cursive script that reads "Susan H. Ballinger". The signature is written in black ink and is positioned above a horizontal line.

City of Litchfield Clerk, Susan H. Ballinger

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Dan Efstathiou, *Ex Officio*

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Prepared with the assistance of



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CHAPTER 1
INTRODUCTION

Why Plan?

Municipalities have a vested interest in developing master plans. The master planning process provides an opportunity for municipalities to develop an overall vision for the next 20 years and to conduct a comprehensive review of their facilities and services. A successful Plan also contributes to the public understanding of the planning process and describes how its goals are to be achieved.

Section 31 of the Michigan Planning Enabling Act (PA 33 of 2008, MCL 125.3831) requires each planning commission to prepare and adopt a “master plan as a guide for development within the planning jurisdiction.” The MPEA authorizes a planning commission to “do all of the following, as applicable:

- Make careful and comprehensive surveys and studies of present conditions and future growth within the planning jurisdiction with due regard to its relation to neighboring jurisdictions;
- Consult with representatives of adjacent local governments in respect to their planning so that conflicts in master plans and zoning may be avoided;
- Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the planning jurisdiction and seek maximum coordination of the local unit of government’s programs within these agencies.”

What is a Master Plan?

A master plan provides a framework within which the City of Litchfield can evaluate its present condition and develop a vision for the future. The master plan also serves as the guiding document for land use, development, and zoning decisions. A well-designed and implemented plan which is kept up-to-date will help the City of Litchfield to continue to be a highly desirable community in which to live, work, and visit.

Master Plan Principles

Before using the master plan to guide future development, it is important to understand some of the basic principles upon which it is based:

- **The Plan is flexible** — The document is not meant as a monument cast in stone, never to be adjusted or changed given that it plans for the next 20 years. The plan is a general guide to be used by the government to give direction for the future of the City of Litchfield. It should be reviewed periodically and altered as general conditions in the community change.

- **The Plan allows for orderly development** — The land use allocations reflected in the plan are based upon the best available projections of future population levels for the City of Litchfield. The plan must realistically provide sufficient land area to meet the anticipated needs and demands of our residents and businesses, while at the same time protecting the overall quality of life and the physical environment. While the document does not require a use which might provide the greatest amount of return on investment in land, it does require that property owners receive a reasonable return on their investments.
- **The Plan must encourage public understanding and participation** — The plan should be written in a way that aids public understanding of the planning process and describes how goals for the City of Litchfield are to be achieved.
- **The Plan must be the result of a general consensus of the community** — Plan elements must be clearly understood by all and followed consistently to minimize the possibility of arbitrary decision making. A clear consensus is needed during the planning process to ensure that the Plan will be followed.
- **The Plan must balance property rights** —The law requires that all property owners be granted a reasonable use of their property. This includes the rights of adjoining property owners to enjoy their property.
- **The Plan is not a zoning map** — The document reflects the planned use of land, taking into consideration existing development, but does not depict a "new" zoning district map. Since the plan and zoning map are intended to be in reasonable harmony, it is likely that future zoning districts will take the shape of the plan as rezoning requests are received and reviewed by each community.
- **Zoning is not a substitute for a Master Plan** — The plan is a long range guide for community development. Zoning approvals are specific to a piece of property and are always attached to the land. They may not be restricted to an individual. Zoning approvals are always permanent, unless the use itself is temporary in nature.
- **Deviation from the Plan puts zoning decisions at risk of invalidation** — Zoning decisions that are not based upon the plan risk invalidation if faced with a legal challenge. Decisions made on the basis of the document may be afforded additional validity, since the decision was not made in an arbitrary fashion, but follows a rational plan for the City of Litchfield.

Future Land Use and Zoning

The heart of the master plan is its depiction and descriptions for future land use. Determining the future use of land should be based on several factors, including:

- Community character
- Adaptability of land
- Community needs
- Available services
- Existing development
- Existing zoning

The connection between the master plan and the zoning ordinance of the City of Litchfield is often misunderstood. Accordingly, the relationship between the plan's future land use map and the zoning maps is a critical one. That link is established through the zoning plan element of the master plan.

Use of the Master Plan

Completion of the Master Plan is not the end of the planning process. Continuous and effective use of a Plan is necessary to ensure its validity. Failure to follow a Plan may discredit any attempt to use it as a defense for actions which may be challenged by property owners or developers.

Likewise, consistent and vigorous use of a Plan will lend credibility to the community's implementation of controversial decisions on zoning actions. While state courts do not normally recognize the absolute authority of a master plan, they do lend more credibility to actions supported by careful planning than those which appear to be made arbitrarily. The more common uses of the master plan include:

- **Zoning Decisions** — Since the master plan determines the future use of land, rezoning decisions should be consistent with its provisions. This is not to say that all rezonings that are consistent with the future land use map should automatically be approved. However, if all of the preconditions of the Master Plan are met, approval of the request may logically be forthcoming.

On the other hand, a rezoning request different from that shown in the plan should not automatically be rejected, particularly if the Plan has not been reviewed in some time. Instead, each request should be evaluated to see if the conditions originally considered when the plan was adopted have changed. If so, the plan may deserve reconsideration (but need not necessarily be changed).

- **Utility Extensions/Capital Improvements** — A useful function of the master plan is its designation of land use intensity when evaluating the need for improved utilities, new roadways and public buildings, and other improvements. This information may be included in a Capital Improvement Plan (CIP). The CIP is a six-year plan, updated annually, for capital expenditures necessary for plan implementation.

Development of the CIP is the responsibility of the city council, with considerable input from municipal staff (e.g., engineers, planners, administrators, etc.) and the planning commission. Its principal elements include project names, descriptions, costs, priorities, years to be completed or begun, and potential or planned funding sources. This information provides property owners with some assurance that improvements necessary to implement the Plan are forthcoming, and shows a general schedule of those improvements.

- **Environmental Impact** — The master plan (as a reflection of the intensity of land use) should reflect the degree to which the City of Litchfield desires to protect its environment and natural features. The plan should establish that value to the community and propose steps to implement the appropriate regulations.
- **Recreation Planning** — The master plan (through the provision of future residential lands) will create a need for recreation/open space land. The master plan can assist in the setting of priorities for park development. For example, parks and recreation plans pay special attention to the goals and objectives of the master plan. If additional recreation services are called for in the plan, these services may be noted in the parks and recreation plan.

A review of Future Land Use is also important. If a Master Plan indicates that substantial new residential development will be forthcoming in a particular area, some indication should be made for the need to acquire and develop additional park land. However, the Future Land Use Map cannot indicate specific properties as park land, unless the land is in public ownership, or steps are already well underway to acquire that property.

In order to qualify for grant programs at the state level, or federal grants administered at the state level, the Michigan Department of Natural Resources (MDNR) requires that the City of Litchfield have a current (no more than 5 years old) parks and recreation plan. The City has a current recreation plan on file with the MDNR.

- **Approval of a public way, space, building or structure** — An often overlooked provision in state law is a requirement that the City's planning commission review any new street, park acquisition, public building, or other similar easement, street, or use, shown in the master plan, prior to any positive actions taken to implement such improvement. This ensures that the proposed improvement is in compliance with the provisions of the master plan. Although a denial may be overruled by the controlling authority, the review is still required.
- **Transportation Improvements** — There is a clear relationship between transportation and land use. As development proceeds, the need for new or improved roadways becomes obvious. By measuring the intensity of future development shown in the Master Plan, transportation planners can estimate needed rights-of-way widths, number of lanes, and the level of necessary access management.

Keeping the Plan Current

An outdated Plan that is not frequently reviewed can weaken decisions based upon the document. The planning commission should conduct an annual review of the Plan to ensure that it is kept current. City officials and employees can assist by bringing issues not addressed in the document to the attention of the planning commission. Any amendments to the Plan can be done at that time to keep it up to date and consistent with community philosophies. For example, some goals may have been achieved and new ones need to be established. Where uses have been approved contrary to the plan, the document should be amended to reflect these changes. By routinely following this procedure, the Master Plan will continue to be an up-to-date and reliable planning tool. Even though the plan has a 20 year horizon, a comprehensive update should occur at least every 5 years according to the Michigan Planning Enabling Act (MPEA).

How Did the Plan Develop?

This document is the first update to the *City of Litchfield Master Plan*. The City adopted its first master plan in 1996.

Citizen participation is extremely important to the success of almost any planning effort. Citizen participation helps guarantee that the vision outlined for the future of the Parma area accurately reflects the true goals of its residents. Direct and indirect public input opportunities included:

- Meetings of the planning commission where the Plan was included on the agenda (open to the public);
- A community planning survey (provided to property owners);
- A public hearing on the Master Plan.

Who Will Implement the Plan?

Three distinct bodies in the City are charged with planning and zoning: the planning commission, the zoning board of appeals, and the city council. All of their decisions and recommendations should be based upon the Master Plan. Decisions not based upon the Plan should trigger the review and possible amendment of the document.

Planning Commission

Development and approval of the Master Plan is an important responsibility of the planning commission. The commission is charged with the development of zoning and other ordinances (over which the city council has final authority). The planning commission also recommends approval or rejection of requests to the city council for rezonings and various other zoning proposals.

Zoning Board of Appeals

The zoning board of appeals (ZBA) decides dimensional variance requests (e.g., setback requirements). The ZBA also makes official interpretations of the zoning ordinance when the meaning or intent of the legislation is not clear. ZBA decisions are final. Appeals are made to the circuit court.

City Council

As the legislative body for the City, the city council is responsible for the passage of all ordinances, including the zoning ordinance and other planning-related legislation. It also appoints members to the planning commission and the ZBA.

Other Planning Efforts

City staff and other city committees may also undertake planning efforts on their own or in conjunction with the planning commission. These planning efforts may include housing, key transportation corridors, historical districts, and the other plans. Future updates to those plans should complement the goals of the Master Plan. In turn, those documents should be consulted whenever the Plan is amended or a new plan is adopted. This consultation should also extend to regional planning efforts.



CHAPTER 2

COMMUNITY DESCRIPTION & ISSUE IDENTIFICATION

Location

The City of Litchfield is located in Hillsdale County which is part of south-central Lower Michigan. The City is placed in northwestern Hillsdale County—and surrounded by Litchfield Township—near the counties of Branch, Calhoun, and Jackson (see the Vicinity Map). Litchfield is intersected by two state routes, (i.e., M-49 and M-99). M-49 begins in Downtown Litchfield and extends south through Reading to the Ohio border. M-99 extends southward past Jonesville to the City of Hillsdale, the Hillsdale County seat, and then south to the Ohio border. Beyond Litchfield, M-99 continues northward to Homer and Albion. The state highway network also provides access to larger nearby municipalities including Jackson, Fort Wayne, and Battle Creek.

Demographic Summary

See Appendix A for detailed population trend information. However, the data contained in that appendix is summarized below:

- **General Population** — The population of the City of Litchfield grew at a fairly steady rate between 1930 and 2000 (i.e., an average of 9.4% per decade) despite population loss during the 1980s, according to the U.S. Census. However, the City’s population decreased by 6.1% to 1,369 residents in 2010. Litchfield accounted for 43.3% of the combined populations of the City and Litchfield Township in 1930 and 57.7% in 2010. City residents are estimated to decrease 4.1% to 1,313 people by 2040.
- **Age** — The median age of City residents was estimated to be 38.7 years during the 2010-2014 time period, according to the American Community Survey. ‘Baby Boomers’ — people between 45 and 64 years of age in 2010— were estimated to be the largest age group, comprising 28.2% of residents. People between 5 and 24 years of age in 2010 —“Millennials”— were estimated to be the second largest age group with 27.0% of the population. “Generation X” — residents between 25 and 44 years of age in 2010— were the third largest age group in Litchfield with an estimated 22.5% of the population.
- **Race and Ethnicity** — The racial and ethnic makeup of the City of Litchfield is very homogeneous. The majority of the population of the City (i.e., 98.8%) was estimated to be white (Caucasian) during the 2010-2014 time period. In contrast, it is estimated that only a small minority of the population of Litchfield (i.e., 4.3%) considered themselves to be Hispanic (i.e., Latino/Latina).
- **Households** — It is estimated that Litchfield was comprised of 511 households during the 2010-2014 time period. The average household size was estimated to be 2.44 people. Families were estimated to comprise 62.0% of all households with an estimated family size of 3.12 people. Single-person households were estimated to comprise 31.9% of all households. Other non-family households were estimated to comprise 6.1% of all households.

- **Disabilities** — An estimated 15.0% of all City residents had some kind of disability during the 2010-2014 time period. An estimated 19.3% of residents who were at least 65 years old had an ambulatory disability
- **Household Income** — The median income of City households was estimated to be \$42,395 during the 2010-2014 time period. An estimated 21.5% of Litchfield households had an income of less than \$15,000 and an estimated 28.2% of households had an income between \$15,000 and \$39,999. An estimated 1.2% of households had an income between \$150,000 and \$199,999
- **Housing** — The City of Litchfield had an estimated 584 housing units during the 2010-2014 time period. An estimated 12.5% of those units were vacant. Detached single-family homes comprised an estimated 92.2% of the City's housing stock. Multiple-family buildings, including duplexes, were estimated to comprise 5.5% of Litchfield's housing units. Mobile homes only comprised and estimated 2.3% of housing units.

Natural Resources

The City of Litchfield has a wealth of natural resources, one of the reasons it is a pleasant place to live, work, and play. Not only do significant natural features in a community shape the type and manner of development which may occur there, they can also shape the overall identity of a community. At the same time, natural features can be dramatically affected by the land development. Because of this, the natural assets that a community contains should be considered in long-range planning and when reviewing specific site plans. The purpose of this section is to identify important natural features in the City so that adverse impacts on their ecosystems can be minimized and so that development can be channeled to the most appropriate locations.

Soils

The *Soil Survey of Hillsdale County, Michigan*, issued by the U.S. Department of Agriculture's Natural Resources Conservation Service in 1997, indicates that the primary soils in the City of Litchfield are found within the Fox-Boyer-Association. These soils are described as "nearly level to steep, very deep, well drained sand loams and loamy sands on outwash plains." The Survey also states that "these soils are well suited to most kinds of building site development. The slope is a limitation. The soils are poorly suited to use as septic tank absorption fields. They readily absorb but do not adequately filter the effluent. The poor filtering capacity can result in the pollution of ground water." The document also states that "these soils are well suited to woodland." There are large wooded tracts within the City and the surrounding area, particularly along the east and southeast portions of the City, including along the St. Joseph River (see the Aerial Photograph).

Topography

The City's topography can be characterized as one of gently rolling hills (see the Topography Map). The topography ranges between 1,010 feet above sea level and 1,070 feet above sea level, a difference of 60 feet. The lowest points in the City are found along the St. Joseph River in the northwestern corner of Litchfield. The high points are located in the Hawthorn Heights neighborhood in the northeastern corner of the City.

Water Resources

Litchfield has been located along the St. Joseph River, which traverses the City from the southeast to the northwest and is the major water feature in the general area (see the Hydrology Map). Herring Drain #145—an open ditch drain—also traverses Litchfield south of the river. Wetlands are located along the majority of the St. Joseph River and to a lesser extent Herring Drain #145. Both waterways are prone to flooding (see the Flood Hazard Map). A substantial portion of the St. Joseph River is in a floodway. Most of shorelines of the river and drain are in the 100-year floodplain.¹ A small portion of the St. Joseph River is in the 500-year floodplain.

Community Facilities and Services

A wide variety of community facilities and services are available to City of Litchfield residents and businesses. Not only do significant community facilities and services in a community shape the type and manner of development which may occur there, they can also shape the overall identity of a community. At the same time, community facilities and services can be dramatically affected by land development. Because of this, the community facilities and services that a community contains should be considered in long-range planning and when reviewing specific site plans. The purpose of this section is to identify important community facilities and natural features in the City so that adverse impacts on those amenities can be minimized and so that development can be channeled to the most appropriate locations.

Water and Sewer Service

The City provides water and sewer services to the majority of its households and businesses (see the Water & Sewer Map).

- **Water Service.** The City of Litchfield owns and maintains its own water supply and distribution system which draws its water supply from local well fields. Wellhead protection areas have been delineated for them in order to protect against the contamination of the City's water supply (see the Hydrology Map). Those wellhead protection areas identify the areas from which water is drawn for consumption.

¹ "A 'Regulatory Floodway'— according to <http://www.fema.gov/floodway>—' means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations."

A traditional wellhead protection area delineation is located in northeast Litchfield, extending eastward into the Township. A type 1 provisional wellhead protection area is located in the southeast Litchfield, also extending eastward and southward into the Township.² After treatment, water is distributed to the City's customers through its water distribution network. A 300,000 gallon water tower is located in northeastern Litchfield.

- **Sewer (Wastewater) Service.** The City of Litchfield sanitary sewer collection system is composed of approximately eight (8) miles of gravity sewers that range in diameter from six (6) to twelve (12) inches. The system includes seven (7) pumping stations and approximately one mile of force main. The force mains range in diameter from four (4) to ten (10) inches. Wastewater is directed to the South Chicago and Hawkes Drive pumping stations. From the pumping stations, it is sent to the wastewater treatment plant. The City's lagoon system uses a three (3)-cell waste stabilization process. Wastewater in the lagoon is treated by natural biological and physical processes. Effluent is discharged approximately twice each year to the St. Joseph River when the level of the river is high enough to absorb the discharge without any harm to the environment.

Future development within the City should be in accord with plans for water and sewer development (see the Water & Sewer Map). This should be a part of the approval process of any significant development. This requirement can be used to control development in a logical and orderly manner. The City should review the locations of existing water and wastewater infrastructure and determine the needs of un-serviced areas, as well as repair and replacement projects within the existing infrastructure. A recommendation for specific infrastructure improvements, along with a timetable for improvements should be developed. The atlas showing the locations of all water and wastewater lines in the City, with their associated dimensions should be revised and updated in order to respond to concerns related to future development in the City. Further, the City should consider transforming its utilities' atlas to a computerized format using geographic information system (GIS) technology.

Transportation

The City of Litchfield is served by a roadway network and a railroad (see the Transportation Map).

Roadway Network

The City of Litchfield's 99.6 mile roadway network is comprised of various types of roadways which traverse or border the City of Litchfield and are maintained by several transportation agencies:

² A traditional wellhead protection area is delineated by conducting a physical study of the area around a wellhead. A type 1 provisional wellhead protection area is delineated by the Michigan Department of Environmental Quality using computer modeling.

- Michigan Department of Transportation (MDOT).** Highways under the jurisdiction of MDOT only comprise 3.3% of the network. M-99 (Marshall Street/Homer Road) connects Litchfield to Albion, Homer, Jonesville, and Hillsdale. M-49 (Chicago Street/Anderson Road) connects the City of Allen, Reading, and Camden. Both of those highways are significant truck routes.

Herring Road— currently a county local road — has been proposed as a truck bypass connecting M-99 and M-49. The creation of this bypass would eliminate the need for some truck traffic to traverse the City in order access the state highway junction in Downtown Litchfield. The creation of the bypass would decrease the amount of truck traffic in the City by providing a more direct connection between the two state highways in the vicinity of the Litchfield Industrial Park.

- Hillsdale County Road Commission (HCRC).** Roads under the jurisdiction of the HCRC comprise 3.2% of the network. County primary roads only comprise 0.5% of the total roadway network and county local roads only comprise 0.4% of the network.
- Litchfield Department of Public Works (DPW).** Streets under the jurisdiction of the City’s DPW comprise 93.0% of the roadway network. City major streets comprise 41.3% of the total roadway network and city minor streets comprise 51.7% of the network.
- Private Streets.** Private streets which are maintained in some fashion by adjacent property owners only comprise 0.4% of the roadway network.

County local roads, city minor streets, and private streets are designed to provide direct access to abutting properties. State highways, county primary roads, and city major streets also provide direct access to abutting properties. However, their primary purpose is to carry travelers to their destinations. Consequently, these roadways generally carry more traffic. Improvements to Herring Road would allow it to function as a truck route, creating a ‘beltway’ between M-99 and M-49 that would allow truck traffic to bypass Downtown Litchfield.

Type of Roadway	Miles	
State Highways	3.3	3.3%
City Major Streets	41.1	41.3%
City Minor Streets	51.5	51.7%
County Primary Roads	0.5	0.5%
County Local Roads	2.7	2.7%
Private Streets	0.4	0.4%
	99.6	100.0%

Railroad

The Hillsdale County Railway —now operated by the Indiana Northeastern Railroad— connects Litchfield with Jonesville, Hillsdale, Reading, Montgomery, and Northeastern Indiana. The railroad’s right-of-way (ROW) extends into the City from the southeast and terminates north of W. Saint Joe Street in the northwest quarter of Litchfield. The majority of the right-of-way (ROW) in the City is owned by the Michigan Department of Transportation (MDOT). However, some of the ROW is owned by the City.

Public Transportation

Litchfield is not served by public transit. However, the City would like to develop a central bus stop near the US Post Office to serve students from the Litchfield Community Schools as well as “School of Choice” students which attend Jonesville Community Schools, the Homer Community School District, the Hillsdale County Intermediate School District, and other districts. The City would also like to identify the locations of potential bus stops in the event that public transportation is available in the future.

Non-Motorized Transportation

The City of Litchfield does not have a non-motorized plan. However, the nature trail is part of a much larger effort (see the Institutions Map). The North Country National Scenic Trail will incorporate the nature trail within its corridor. The North Country Trail stretches from New York to North Dakota, also traversing the states of Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota. The City is also open to the development of other bikeways and walkways, including improvements to its sidewalks.

Parks and Institutions

Parks and institutions are an important component in crafting the high quality of life found in all successful municipalities.

- **Parks.** The City of Litchfield recognizes the importance of recreation and helps to maintain a network of ten parks/recreation facilities throughout the community (see the Institutions Map). The City maintains most of the facilities although the school district and private institutions also maintain some of the facilities. The St. Joseph River and its mill race are also utilized for recreational purposes.

The municipality has invested in the development of the *City of Litchfield Recreation Plan* (please see the recreation plan). Having an approved five-year recreation plan on file with the Michigan Department of Natural Resources makes Litchfield eligible to apply for grants administered by that arm of state government. A new edition of Recreation Plan must be updated every five years; the current edition will expire in 2018.

Currently, the focus is on Simpson Park. A new handicapped accessible playground for 2-5 year olds is proposed next to the City’s pool, in front of the picnic pavilions. A park is proposed along the banks of the mill race near the wastewater treatment lagoons. Riblet Park is the site for a proposed veteran’s memorial. A park on the City’s west side is also proposed to serve nearby apartments



The City's Department of Public Works (DPW) maintains the parks. Lifeguards are hired to staff the pool and provide swimming lessons. Professional umpires are hired for the summer baseball program while coaches are volunteers. The City would also like to offer recreation programming and facilities, possibly in partnership with other communities, to its senior citizens and youths.

- **Litchfield Civic Center.** Various governmental agencies are located near each other, creating a civic center in Downtown Litchfield (please see the Institutions Map).
 - **Litchfield City Hall.** The City Hall houses the meeting chambers for City Council and various administrative offices (e.g., City Manager, City Clerk, etc.) as well as the Police and Fire Departments.
 - **Litchfield Police Department.** The Police Department employs two full-time officers and three part-time officers.
 - **Litchfield Fire Department.** The Fire Department serves the Townships of Butler, Scipio, and Litchfield as well as the City. A Fire Board comprised of representatives from each municipality oversees the operation of the Department which is staffed by both certified and uncertified volunteers.
 - **Reading Emergency Unit.** The Reading Emergency Unit (i.e., ambulance service) located its Station #3 within the Civic Center. The station is staffed part-time. The Station's irregular schedule is an ongoing issue.
 - **US Postal Service.** The US Postal Service maintains a post office in Litchfield which serves the 49252 zip code.
- **Litchfield Community Schools.** Litchfield Elementary School (Kindergarten through 5th grade) and Litchfield Middle/High School (6th grade through 12th grade) comprise Litchfield Community Schools, the local public school district. The schools share a common campus, located northeast of Downtown Litchfield and due south of Hawthorne Heights. Some of the City's recreation facilities are also located on that campus.

Litchfield Community Schools
SMALL . . . STRONG . . . COMMITTED . . .

- **Litchfield District Library.** The Litchfield District Library serves the City and the surrounding area (i.e., Butler, Scipio, and Litchfield Townships). Library patrons can borrow audiobooks and e-books in addition to regular books and magazines. They can also access computers, the internet, and Wi-Fi in addition to free computer classes. The District Library is also connected to Michigan's eLibrary (MeLCat), which provides access to library materials for free from other participating Michigan libraries.
- **Cemetery.** The City maintains one cemetery which is located off of Saint Joe Street. The cemetery is full and no longer accepts burials. The facility is maintained by the Litchfield Department of Public Works.
- **Litchfield Department of Public Works (DPW).** The DPW is charged with maintaining public water and sewer service, public streets (under the control of the City), the cemetery, parks, and public institutions (under the control of Litchfield). A new Public Works complex is located in the City's industrial park. The DPW's three full-time and three part-time employees operate out of that facility. However, an existing storage building still used by the DPW is located on Saint Joe Street.
- **Other Utilities.** The City receives electricity from Consumers Energy and natural gas from SEMCO Energy. Land-line phone service and high-speed internet services are provided by Century Link. Charter Spectrum provides cable TV, Internet, and phone services.

Economic Development

A healthy economy is an important component in crafting the high quality of life found in all successful municipalities. The City of Litchfield has created several authorities in order to create a healthy economy (see the Economic Development Map).

- Litchfield's Tax Increment Finance Authority (TIFA) covers properties located in the industrial south of the City.
- The City's Downtown Development Authority (DDA) covers properties located in Downtown Litchfield, at the junction of M-99 and M-49.
- Litchfield's Brownfield Redevelopment Authority (BRA) covers most of the properties which comprise the City.

The main tool that each of the authorities have at their disposal is tax increment financing which "allows for the capture of the incremental growth of local property taxes over a period of time to fund public infrastructure improvements" according to a fact sheet published by the Michigan Economic Development Corporation.³ "A community can capture property taxes which would have otherwise been paid to entities such as the library, community college and county, and instead use them for public improvements in targeted areas. By borrowing against the future tax increments, [an authority] is able to fund large-scale projects, which can lead to new development opportunities."

³ <http://www.michiganbusiness.org/cm/files/fact-sheets/downtowndevelopmentauthority.pdf>

Existing Land Use

An inventory of existing land use is an important factor in the development of a future land use map for the City of Litchfield. Assessing data compiled by the City was utilized to determine existing land use in 2016 (see the Tax Assessment Map). The city assessor assigns a numeric code to each property as part of the assessment process which was then translated into a broad land use category. The Planning Commission then reviewed and made some changes to the land uses based upon their knowledge of the Litchfield. Using this process, the City can be divided into the following land use categories (please see the Tax Assessment Map):

Residential

Residentially assessed properties cover 45.53% of the City in 2016. Residential neighborhoods are distributed throughout the northern two-thirds of Litchfield. The Hawthorne Heights subdivision—located north of the Litchfield Community Schools campus in the northeast sector of the community—still has available building lots. Other properties north of Hawthorne Heights are also available for residential development.

Land Use	Acres	Sq. Mi.	
Residential	746.98	1.17	45.43%
Commercial	118.94	0.19	7.23%
Industrial	334.68	0.52	20.35%
Institutional	443.77	0.69	26.99%
	1,644.37	2.57	100.00%

Commercial

Commercial properties occupy 7.23% of the City in 2016. Downtown Litchfield is located at the junction of Marshall/Jonesville Streets (M-99) and Chicago Street (M-49). The other significant commercial area is located along Marshall Street (M-99) in the northwest sector of the community.

Industrial

Industrial properties occupy 20.35% of the City in 2016. The Litchfield Industrial Park is located in the southwestern sector of the community. A few other industrial properties are scattered in Litchfield’s northwestern sector.

Parks and Institutions

Parks and institutions occupy 26.99% of the City in 2016. Institutions include the campus of Litchfield Community Schools, the Litchfield Greens golf course, Department of Public Works properties, and the City’s sewage treatment lagoons. Parks are also scattered around the Community.



CHAPTER 3
COMMUNITY POLICIES AND PLANS

Various inputs into community policies and plans

The community goals and policies and the resulting plans advocated in this Master Plan were informed by a variety of observations, opportunities, and concerns, including the following:

- The 2016 City of Litchfield Survey
- Existing land use (see Chapter 2)
- Various other observations, opportunities, and concerns addressed in Chapter 2

2016 City of Litchfield Survey

The City distributed the *2016 City of Litchfield Survey* in the fall of 2016, a community planning survey to property owners with the 2016 winter tax bills. A total of 153 surveys were returned to the City. The primary purpose of the survey was to obtain input that could be utilized by the Planning Commission to develop City goals and objectives. Some of the conclusions that can be drawn from the survey responses are summarized below. A complete analysis of the survey is located in Appendix C of the document.

Litchfield Community Pool. The following public pool issues were identified by the survey:

- Continuing to provide a public pool was important to 83% of respondents
- The construction of a splash pad and a smaller pool was supported by 51% of respondents
- A millage to construct and operate a pool was supported by 62% of respondents
- A regional recreation authority was supported by 71% of respondents

Senior citizen activities. The following senior citizen issues were identified by the survey:

- Monthly dinners were identified by 40% of responses
- Aerobics were identified by 28% of responses
- A variety of other activities were identified by 32% of responses

Housing. The following housing issues were identified by the survey:

- Multifamily housing was supported by 66% of respondents
- Desired housing types:

- Single-family homes were identified by 45% of respondents
- Duplexes were identified by 21% of respondents
- Buildings containing 3 to 4 units were identified by 7% of respondents
- Townhouses were identified by 18% of respondents
- Various other dwelling types were identified by 8% of responses
- Housing for senior citizens and young singles were supported by 79% of respondents

Old elementary school. The following possible uses for the old elementary school were identified by the survey:

- Apartments were identified by 26% of respondents
- A training center was identified by 15% of responses
- A community center was identified by 36% of responses
- A variety of other uses were identified by 23% of responses

Goals and Policies

Residential Development

Foster family-oriented developments which are maintained and preserved as historic and traditional neighborhoods while encouraging a broad range of housing opportunities in keeping with changing demographics, economic conditions, and available land.

- The location and density of housing should be established in consideration of: (1) master plans and policies for the provision of municipal services (water, sewer, walkways, bikeways); (2) accessibility to business/service centers; (3) geographic limitations (soil conditions, flood plain, etc.); and (4) proximity to potentially conflicting land uses, (e.g. heavy industry).
- Future residential construction should be located in the northern two-thirds of the City and utility lines should be sized for continued growth on the north end of the City.
- Provisions should be made for multi-family and attached housing (condominiums and townhouses) as the median age of the population increases, and household size decreases, and the demand for smaller-scale housing grows among young people, senior citizens, and "empty-nesters."
- Future multi-family and attached housing should be located in the vicinity of Downtown Litchfield, to the northwest in the vicinity of Marshall Street (M-99), and in a small portion of Hawthorne Heights.

- Future manufactured housing development should be located on the west side of the City, just north of the industrial park at Mill and Clay Streets and Squires Court (the existing mobile home park).
- Where possible, residential land uses should be buffered or screened from conflicting (e.g. commercial and industrial) land uses.
- In-fill housing should be encouraged in mature areas to develop vacant lots.

Commercial Development

Promote commercial development consistent with the overall character of the City, located to maximize economic viability and reduce conflicts with adjacent land uses, and maintain Downtown Litchfield as a vital center of economic and governmental activity while preserving its local architectural heritage and protecting other investments.

Downtown

- The Downtown Development Authority should implement and maintain a coordinated development plan for Downtown Litchfield.
- The City should encourage the coordination of activities to improve the appearance of the Downtown business establishments by maintaining and/or improving the visual character of the Downtown and promote civic pride,. These improvements should include facade rehabilitation, plantings, new street lighting, and street furniture. Building code regulations should be enforced to bring existing Downtown Litchfield buildings up to standard.
- Incompatible land uses in the Downtown should be discouraged and should be assisted in relocating to more appropriate locations.
- Encourage the opening of businesses in Downtown Litchfield that will also draw a customer base from outside the City.
- Promote and encourage the development of office space in appropriate Downtown locations, particularly in vacant rental space.

Marshall Street Corridor

- For safety and beautification purposes, the City should encourage the common use by commercial enterprises in the Marshall Street (M-99) corridor of signage, parking lots, and ingress and egress points (i.e., access management) to reduce the number of locations at which traffic enters and exits the roadway.
- The continuation of decorative street lighting along Marshall Street (M-99).

Industrial Development

Support, encourage, and create conditions conducive to attracting desirable new business and industrial development in appropriate areas which are consistent with and maintain the City's quality of life.

- Future industrial development should be located on the south side of the City, extending south of Herring Road, from the existing industrial park.
- Guide the development of existing and future industries in order to prevent or limit the creation of neighboring incompatible land uses.
- Use screens or buffers where necessary to reduce conflicts between industrial areas and other land uses.
- Maintain and enhance partnerships between the City and the industrial park.

Transportation

Allow for the safe and efficient movement of people and goods throughout the City and provide for adequate ingress/egress routes from residential, commercial, and industrial areas for the purpose of public safety.

- Continue to appeal to the Michigan Department of Transportation for a traffic signal or 4-way stop in the Downtown at the intersection of M-49 and M-99.
- Identify and enforce the designation of truck routes in the interest of public safety, traffic flow, and to prevent deterioration of the transportation infrastructure.
- Encourage the development of a comprehensive system of walkways and bikeways as an alternative to automobile usage. The sidewalk improvement program should be maintained and the need for improvements in specific areas should be carefully monitored.
- Ensure that new/expanded development is served by adequate parking.

Parks and Recreation

Provide a comprehensive system of recreational facilities and programs that will serve the needs of the community as a joint effort among the City of Litchfield, the Litchfield School District, and other providers.

- Maintain and improve the City's park system.
- Implement and update the City's 5-year recreation plan on a regular basis.
- Analyze the need for improvements to the City Pool.
- Increase recreation programming for residents, including youth and senior citizen groups, incorporating both structured (e.g. leagues, instructional programs (e.g. arts and crafts) and unstructured (e.g. "drop-in" activities) programming).

The Environment

Protect the environment and maintain an adequate system of storm drainage.

Environmental/Historic Heritage

- Identify, assess, preserve, protect and enhance environmentally-sensitive areas, including floodplains, wetlands, wooded areas, open space, and other natural areas.
- Retain open space, wooded areas and other natural areas as buffers between neighborhoods and/or conflicting land uses.
- Continue to identify buildings and artifacts in the community that should be preserved to maintain Litchfield's heritage.

Storm Drainage

- The St. Joseph River and the Herring Drain, and their respective floodplain and floodway areas need to be protected from adverse drainage policies.
- In the site planning of large-scale developments, where there will be a significant increase in the amount of storm water runoff, such developments should be required to plan for control of storm drainage, through the use of detention ponds, retention areas, or other appropriate means.
- Adhere to and enforce flood insurance mapping and regulations for the City, in cooperation with the Federal Emergency Management Agency, the Michigan Department of Environmental Quality, and the Army Corps of Engineers.
- Identify areas in need of drainage improvement.
- Utilize innovative construction approaches for developments of significant size to limit adverse impact on the storm water drainage system.

Utilities

Provide an adequate water supply and distribution system and wastewater system which serve the domestic, recreational, commercial and fire protection needs of the community and coordinate with providers of electric, gas, and telecommunications services to assure the residents of the City the full benefits offered by these services.

- Coordinate with appropriate agencies to extend waterlines and sanitary sewer lines to unserved areas.
- Adhere to master plans and policies for the provision of water and wastewater services in the site approval process.

- Evaluate the City's electric services contract and determine if a change should be made when the City's current contract with Consumers Power runs out.

Community Services

Promote the provision of adequate community services in Litchfield, including both facilities and programs, provided by the City and other appropriate providers in order to: maintain a safe and secure environment; promote senior citizen's activities, community education, and cultural activities; and maintain safe and adequate facilities for the removal, disposal, and reduction of solid waste.

- Maintain and continue to provide the leadership and professional support required to sustain the City's public safety efforts.
- Maintain and expand the City's existing recycling program.
- Expand services and programs for senior citizens, including accessible facilities, through appropriate providers.
- Support the development of community education efforts in coordination with Litchfield Community Schools and other providers.
- Provide cultural programs (e.g. Sweet Corn Days) for all age groups as a joint effort among the City, the School District and other providers.

Zoning Code

- Utilize traditional and innovative zoning regulations and subdivision requirements to aid in achieving the Master Plan's goals.

Future Land Use Plan

The form and vitality of any community is defined largely by how its citizens see the way land is used and how that use relates to their daily life. As a result, the way we use our land is linked directly to the quality of life in the City of Litchfield. The Future Land Use Plan element of the Master Plan is designed to recognize existing development patterns, relevant demographic trends, and the City's Goals and Policies.

The Master Plan is not meant to be rigidly administered. Changing conditions may affect assumptions made when the document was adopted. If a principle upon which the Master Plan is based is found to no longer be valid, it is permissible for a zoning decision to differ from that part of the document. However, the Plan should be amended in the near future to accommodate that change.

Consistent use of the Master Plan is important. A document which is not actively followed and implemented may lead to future problems for the City. Failure to follow the Plan may help discredit any attempt to use the document as a defense for zoning decisions which may be challenged by property owners or developers.

Likewise, consistent and vigorous use of the Master Plan will lend credibility to the City's attempts to implement controversial decisions on rezonings and other zoning actions. While the courts of the State of Michigan do not recognize the absolute authority of the Master Plan, they do lend much more credibility to actions supported by careful planning than those which appear to be taken arbitrarily against an individual property owner.

It is critical that the Master Plan be read in its entirety. Rather than attempting to isolate individual statements that may appear to support one position or another regarding a planning and/or zoning decision, the City must consider the intent of the document as a whole. This requires a careful reading of the Plan to ensure that all of its considerations are included in the evaluation of any proposal.

As growth occurs it will also be necessary for the City to address challenging zoning issues. The need to provide flexibility, coupled with the City's desire to manage its growth, will create the need for innovative planning and zoning solutions.

Future Land Use Classifications

Future land use classifications in the City of Litchfield are grouped into a few broad categories: Residential, Commercial, Industrial, and Parks and Institutions.

Residential — The City envisions a pair of residential future land use categories which respect community character and needs as well as the form of existing development: Low Density Residential and Medium Density Residential.

- **Low Density Residential** — Significant portions of the northern two-thirds of the City have been placed within the Low Density Residential classification. Single-family homes are the predominant use in this category, which includes most of Hawthorn Heights.
- **Medium Density Residential** — Smaller but still significant portions of the northern two-thirds of the City have been placed within the Medium Density Residential classification. A variety of multi-family dwellings are the predominant uses in this category, which includes neighborhoods in the vicinity of Downtown Litchfield and the Marshall Street (M-99) highway commercial area to the northwest as well as a portion of Hawthorn Heights.

Commercial — Litchfield visualizes several commercial future land use categories which respect community character and needs as well as the form of existing development: Highway Commercial, Downtown Commercial, and Mixed Use.

- **Highway Commercial** — Properties on both sides of Marshall Street (M-99), located in the northwestern portion of the City, have been placed within the Highway Commercial classification. Auto-oriented businesses and other businesses which draw large groups of people are the predominant uses in this category.

- **Downtown Commercial** — Properties at the intersection of Marshall Street (M-99) and Anderson Street (M-49) comprise the Downtown Commercial classification. Traditional downtown businesses and government buildings are the predominant uses in this category. Residential units are permitted on the upper floors of buildings.
- **Mixed Use** — The Litchfield Greens Golf Course, located in the northwestern corner of the City, comprises the proposed mixed-use area. A mix of multi-family residential buildings, offices, and retail businesses are envisioned as the predominant uses in this category.

Industrial — The City foresees a single industrial future land use category which respects community character, the form of existing development, and public services: Industrial.

- **Industrial** — Most of the properties in the southern third of the City have been placed within the Industrial classification which allows a mix of light and heavy industrial uses.

Parks and Institutions — Litchfield imagines a duo of park and institutional overlay land use categories which respect community needs as well as the adaptability of land: Parks and Institutions.

- **Parks** — The City maintains various properties throughout the community whose sole use is parks and recreation, including Central Park, Firemen’s Park, and the portion of the Nature Trail located in the abandoned railroad right-of-way. However, properties located primarily between the two branches of the St. Joseph River are also included in the park overlay land use category due to their environmental sensitivity.
- **Institutions** — The various churches, schools, government-owned properties (e.g., the Litchfield DPW building in the industrial park), and other privately owned properties that are used for public purposes are identified as institutions. Portions of some of the institutional properties are also used as parks (e.g. the Litchfield Pool is located on the campus of the Litchfield Community Schools and a portion of the Nature Trail is located on property primarily used for the Litchfield DPW’s Sewage Ponds).

Parks and Institutions are identified as overlay land use categories because they do not necessarily have analogous zoning districts. Therefore, it is important to identify the recommended underlying future land use category in case an existing park or institution ceases to exist or a planned park or institution is never established.

Zoning Plan

The Master Plan provides the legal basis for zoning in the City of Litchfield. Accordingly, the Plan is required to contain a special plan element, known commonly as the zoning plan, by Michigan’s planning and zoning enabling acts. As noted in the *Michigan Planning Guidebook* (May 2008), “special plan elements are often prepared to establish a legal basis for a local regulation, such as a zoning plan to serve as the basis for zoning regulations.”

The MPEA —the *Michigan Planning Enabling Act* (PA 33 of 2008), as amended— requires “a zoning plan for the various zoning districts controlling area, bulk, location, and use of buildings and premises” because The City of Litchfield has an adopted zoning ordinance (Sec. 33 (2) (d)). The MZEA —the *Michigan Zoning Enabling Act* (PA 110 of 2006), as amended— requires the planning commission to adopt and file with City Council “a zoning plan for the areas subject to zoning” in Litchfield (Sec. 305 (a)). Finally, the MPEA also requires the zoning plan to “include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map” (Sec. 33 (2) (d)).

Zoning Districts

Section 1266.05 of the *Codified Ordinances of Litchfield Michigan* establishes and defines the following zoning districts (please see the Zoning Map):

Residential Districts (R-1 and R-2) — “The R-1 and R-2 Residential Districts are designed principally for residential use and are limited to dwellings and uses normally associated with residential neighborhoods. Commercial and industrial uses are excluded in order to reduce excessive noise, traffic and congestion.”

Highway Business District (B-1) — “This District is intended to provide for various commercial establishments offering accommodations, supplies and services to local as well as through automobile and truck traffic. This District should be located along major thoroughfares and should encourage grouping of various facilities into centers and discourage dispersion and strip development of these activities.”

General Business District (B-2) — “This District is intended to encompass retail, service and office establishments that form a Core Central Business District and which provide retail convenience and comparison goods and services for the trade area. The nature and high density and intensity of commercial and related uses in this District eliminate the necessity for lot and yard requirements. Only uses that are compatible in such a higher density environment should be encouraged.”

Industrial District (I-1) — “This District is designed to provide suitable space for industrial uses, which are primarily of a manufacturing and assembling character, to operate in a safe, non-objectionable and efficient manner, without adverse effects on residential and commercial areas in the City.”

Parks/Public Owned District (P-1) — “This District is intended to provide sufficient space for public recreational areas, public parks, public gardens, public playgrounds, public swimming pools, public beaches and other similar uses.”

Dimensional Standards

Section 1266.07 of the *Codified Ordinances of Litchfield Michigan* contains the following schedule of regulations (i.e., area, yard, height, and bulk):

Zoning District	Minimum Lot Area (Area Per Unit)	Minimum Yard Requirements					Maximum Lot Coverage
		Lot Width	Front Yard	Each Side Yard	Rear yard	Maximum Height	
R-1 Residential							
All uses served by public sewers	9,600 sq. ft.	80 ft.	20 ft.	10 ft.	35 ft.	35 ft.	25%
All uses not served by public sewers	15,000 sq. ft.	100 ft.	30 ft.	15 ft.	35 ft.	35 ft.	15 ft.
R-2 Residential							
Single-family dwellings	7,200 sq. ft.	60 ft.	20 ft.	10 ft.	30 ft.	25 ft.	25%
Two-family dwellings	10,000 sq. ft.	100 ft.	25 ft.	10 ft.	30 ft.	25 ft.	35 ft.

(continued)

Zoning District	Minimum Lot Area (Area Per Unit)	Minimum Yard Requirements					Maximum Lot Coverage
		Lot Width	Front Yard	Each Side Yard	Rear yard	Maximum Height	
Multiple-family dwellings	5,000 sq. ft., plus 4,000 sq. ft. for each 3 bedroom unit; 3,000 sq. ft. for each 2 bedroom unit and 1,000 sq. ft. for each 1 bedroom unit	100 ft.	30 ft.	20 ft.	40 ft.	30 ft.	35%
Mobile Home Parks	3 acres	(a)	(a)	(a)	(a)	(a)	(a)
Other Uses	N/A	N/A	25 ft.	10 ft.	30 ft.	25 ft.	35%
B-1 Highway Businesses	N/A	N/A	50 ft.	0 ft.	30 ft.	30 ft.	40%
B-2 General Businesses	N/A	N/A	0 ft.	0 ft.	0 ft.	35 ft.	70%
I-1 Industrial	N/A	N/A	75 ft.	50 ft.	50 ft.	35 ft.	50%
P-1 Parks/Public Owned	N/A	N/A	25 ft.	10 ft.	30 ft.	25. ft.	35%

(a) See Section 1278.01

Rezoning Criteria

The most common zoning application of the Master Plan is during the rezoning process. Accordingly, a rezoning should be required to meet set criteria in order to be considered consistent with the Master Plan:

- Is the proposed rezoning consistent with the policies and uses proposed for that area in the City’s Master Plan?
- Will all of the uses allowed under the proposed rezoning be compatible with other zones and uses in the surrounding area?
- Will any public services and facilities be significantly adversely impacted by a development or use allowed under the requested rezoning?
- Will the uses allowed under the proposed rezoning be equally or better suited to the area than uses allowed under the current zoning of the land?

Relationship to the Future Land Use Map

The remainder of this chapter equates the various zoning districts included on the zoning map with the various categories included on the future land use map.

Residential areas — The following residential areas are included on the future land use map:

- **Low-density residential areas** — Low-density residential areas are addressed generally on the future land use map. The following zoning district equates to that area:
 - **R-1** — Residential District
- **Medium-density residential areas** — Medium-density residential areas are addressed generally on the future land use map. The following zoning district equates to that area:
 - **R-2** — Residential District

Commercial areas — The following commercial areas are included on the future land use map:

- **Highway Commercial areas** — Highway commercial areas are addressed in general on the future land use map. The following zoning district equates to that area:
 - **B-1** — Highway Commercial District
- **Downtown commercial area** — The downtown commercial area is addressed generally on the future land use map. The following zoning district equates to that area:

- **B-2** — General Commercial District

Mixed use areas — The following mixed use area is included on the future land use map:

- **Mixed use area** — Mixed use areas are addressed generally on the future land use map. No current zoning district equates to that area

Industrial area — The following industrial area is included on the future land use map:

- **Industrial area** — The industrial area is addressed generally on the future land use map. The following zoning district equates to that area:
 - **I-1** — General Commercial District

Public overlay areas — The following public overlay areas are included on the future land use map:

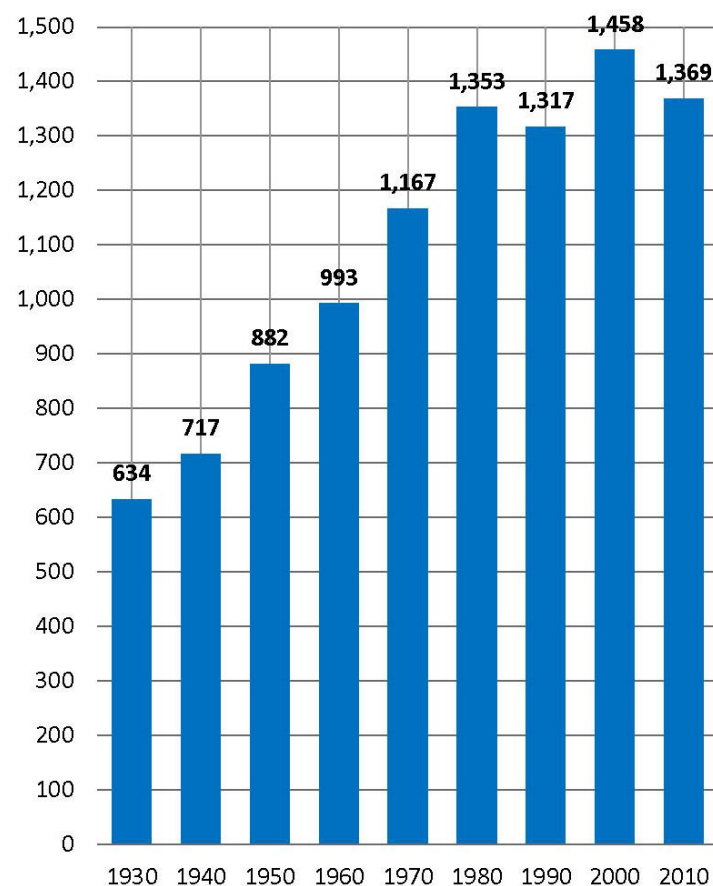
- **Park** — Parks are addressed generally as overlay areas on the future land use map and are not intended to equate to any zoning district. However, the following zoning district currently equates to that area:
 - **P-1** — Parks/Public Owned District
- **Institution** — Institutions are addressed generally as overlay areas on the future land use map and are not intended to equate to any zoning district. However, the following zoning district currently equates to that area:
 - **P-1** — Parks/Public Owned District



APPENDIX A
DEMOGRAPHICS

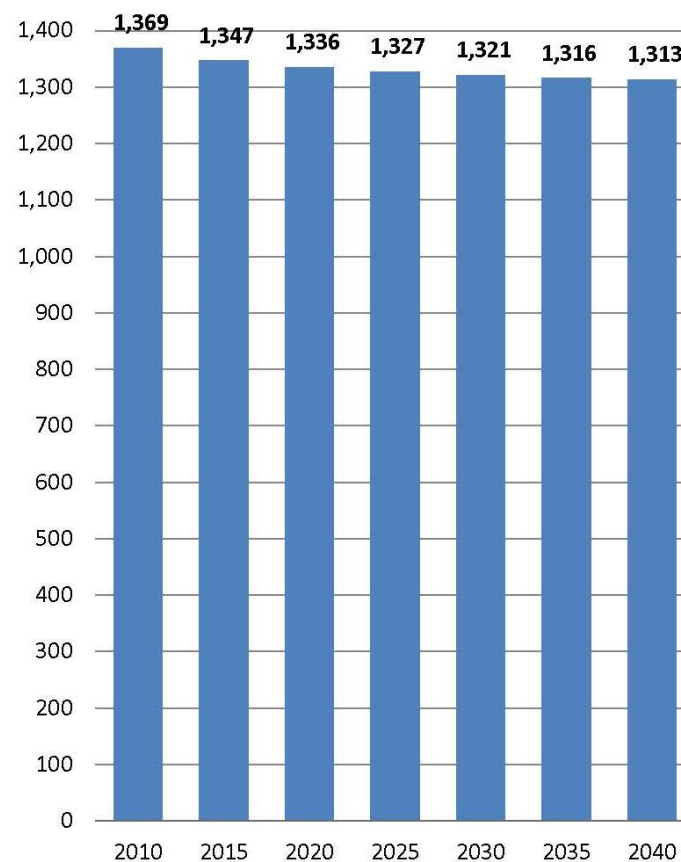
Population History

- The City was home to 1,369 people in 2010 according to the U.S. Census
- The adjacent figure shows:
 - 13.1% growth during the 1930s
 - 23.0% growth during the 1940s
 - 12.6% growth during the 1950s
 - 17.5% growth during the 1960s
 - 15.9% growth during the 1970s
 - -2.7% growth during the 1980s
 - 10.7% growth during the 1990s
 - -6.1% growth during the 2000s
 - The City comprised 43.3% of the Litchfield Area (i.e., the City and Township) in 1930 and 57.7% of the Area in 2010



Population Projections

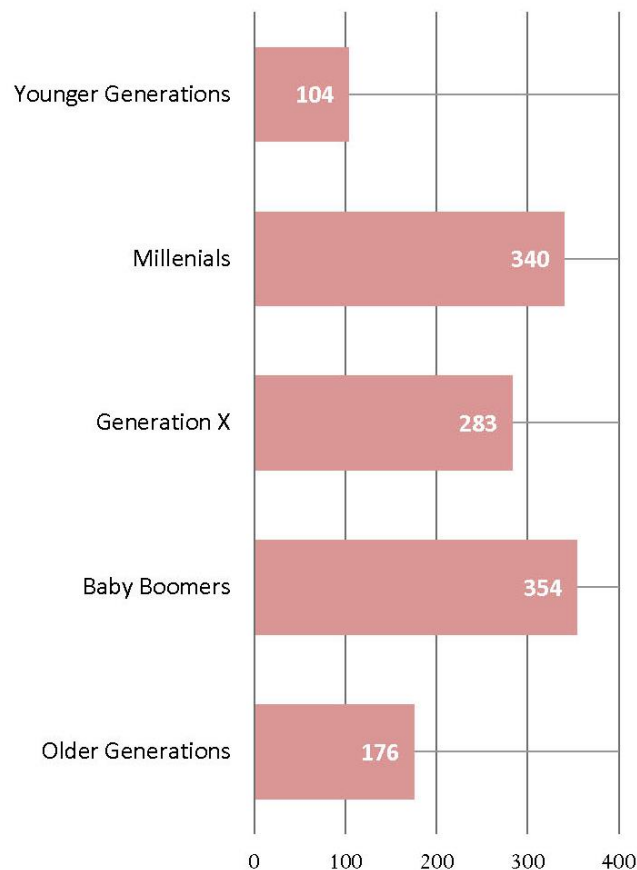
- The population projections utilized in this plan were developed for the Jackson Area Comprehensive Transportation Study (JACTS)
 - The 2040 projections are grounded on historic census trends and Regional Economic Models Inc. (REMI) forecasts
 - REMI data is based upon Cohort Survival methodology and local factors and input
 - The projections are then “straight-lined” in 5-year increments between 2010 and 2040
- Utilizing that information, it is reasonable to expect that:
 - The population of the City will decrease 4.1% by 2040
 - The 2015 population for the Township is projected to be 1,347 residents
 - The 2035 population is projected to be 1,313



American Community Survey (ACS)

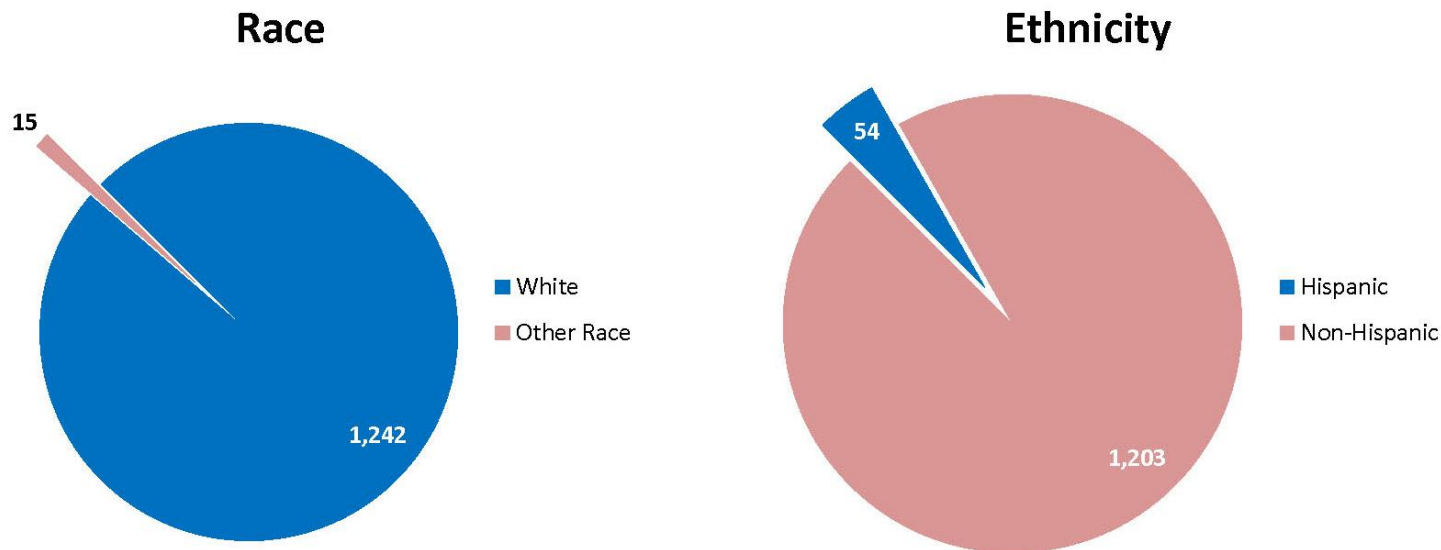
- The use of estimates provided by the U.S. Census Bureau's American Community Survey (ACS) provides more up-to-date demographics than the decennial census
- Reporting jurisdictions the size of the City of Litchfield are provided five-year average estimates on a regular basis
- The reporting period available and utilized for this plan is 2010-2014

Age & Gender: 2010-2014



- The estimated median age of City of Litchfield residents was low when compared to the county and state median ages
 - 38.7 years for City residents (please see the ACS note)
 - 41.7 years for Hillsdale County residents
 - 39.3 years for Michigan residents
- The adjacent figure illustrates the City of Litchfield's estimated generations:
 - 28.2% — 'Baby boomers' (people 45-64 in 2010)
 - 27.0% — 'Millennials' (people 5-24 in 2010)
 - 22.5% — 'Generation X' (people 25-44 in 2010)
 - 14.0% — Older generations (people ≥ 65 in 2010)
 - 8.3% — The younger generation (people < 5 in 2010)
- Finally, it is estimated that females comprised 53.1% of the City's population

Race & Ethnicity: 2010-2014



The population of the City of Litchfield is homogenous with few racial and ethnic minorities

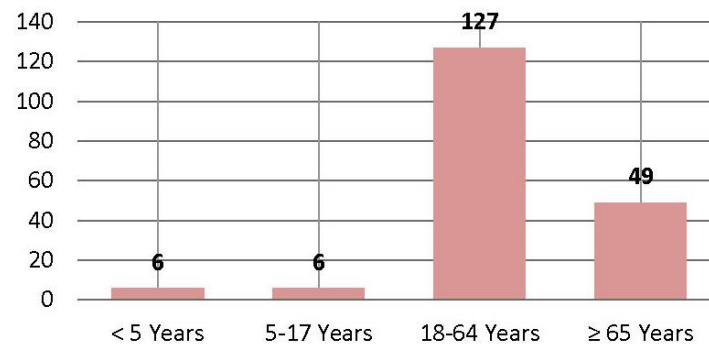
- An estimated 98.8% of the City’s population was white
- An estimated 4.3% of the City’s residents considered themselves Hispanic

Disabilities: 2010-2014

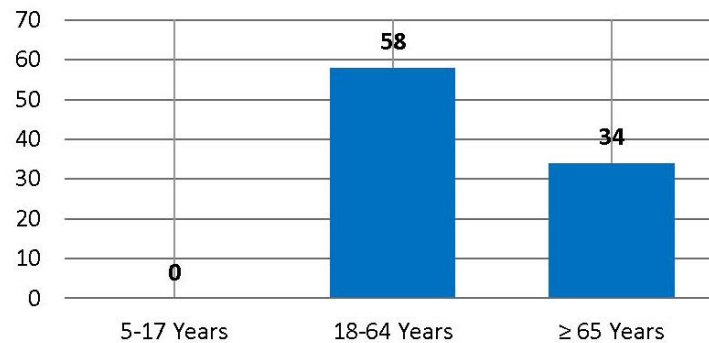
Disabled residents are a significant component of the City of Litchfield’s population

- An estimated 15.0% of City residents were disabled
- <5 years
 - An estimated 5.8% were disabled
- 5-17 years
 - An estimated 3.4% were disabled
 - An estimated 0.0% had an ambulatory disability
- 18-64 years
 - An estimated 15.9% were disabled
 - An estimated 7.2% had an ambulatory disability
- ≥65 years
 - An estimated 27.8% were disabled
 - An estimated 19.3% had an ambulatory disability

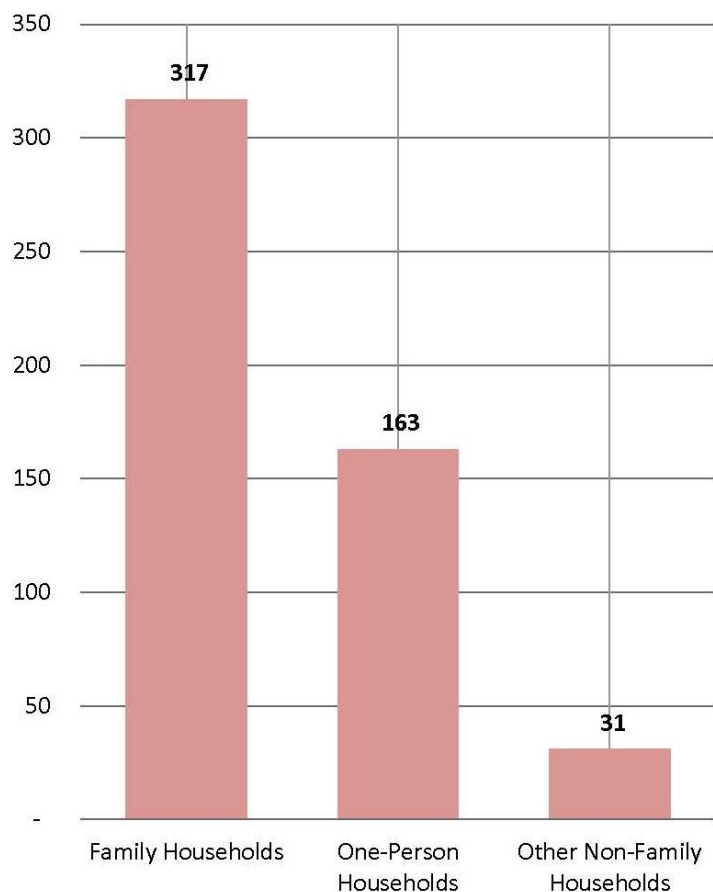
Some Type of Disability



Ambulatory Disability

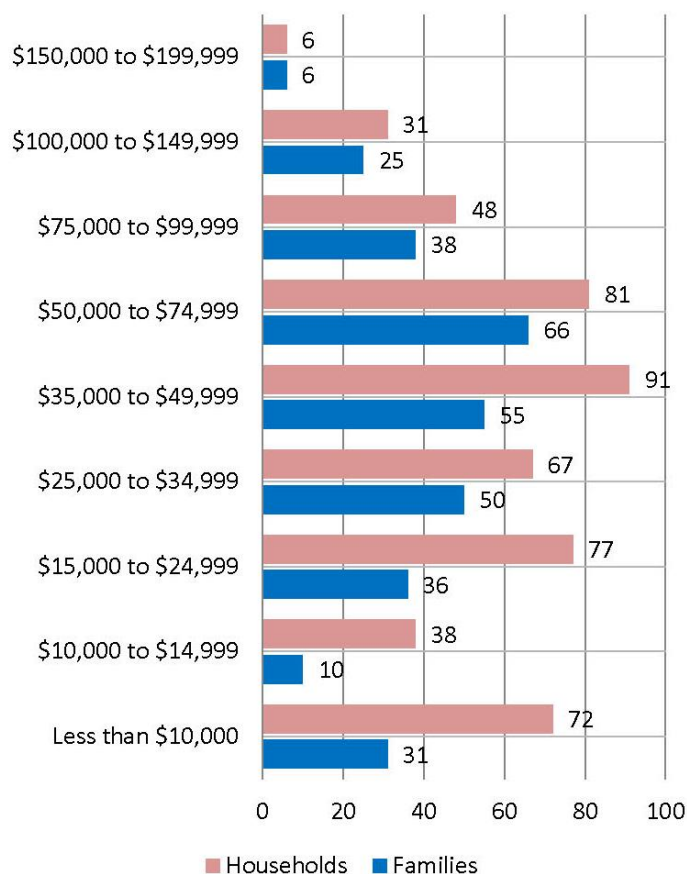


Households & Families: 2010-2014



- Most people live in the estimated 511 City of Litchfield households
- Families comprised an estimated 62.0% of households
- An estimated 31.9% of households were comprised of a single person
- Other non-family households comprised the remaining estimated 6.1% of households
- Estimated average household and family size was 2.44 people and 3.12 people, respectively (please see the ACS note)
- *There were an estimated 0 seasonal or occasional homes (i.e., households)*
- *Group quarters (e.g., nursing homes, etc.) were home to an estimated 8 people*

Household & Family Income: 2010-2014

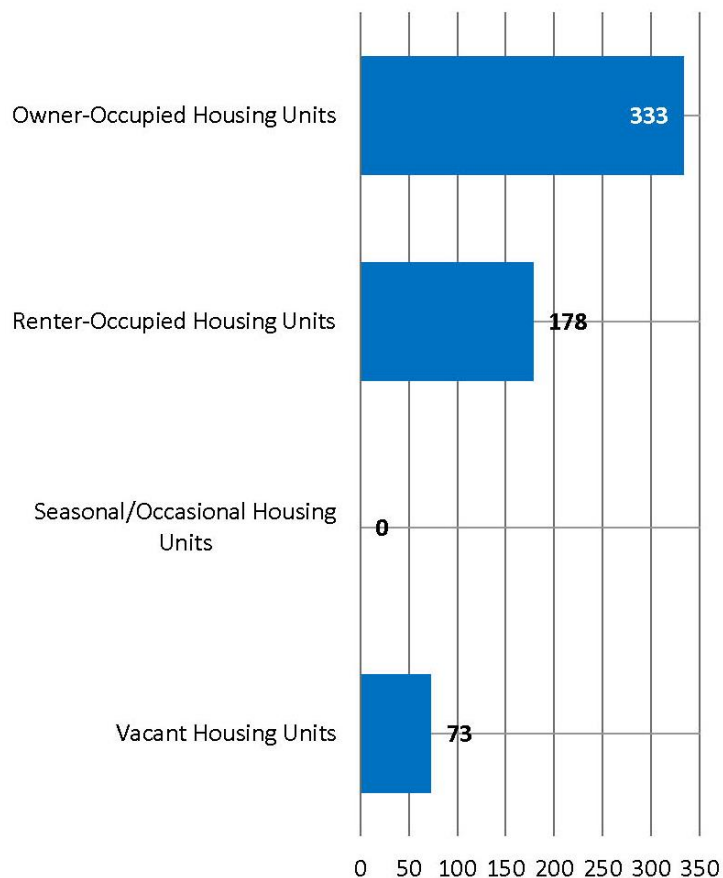


- **Estimated household income:**
 - < \$15,000 – 21.5%
 - \$15,000-\$34,999 – 28.2%
 - \$35,000-\$74,999 – 33.7%
 - \$75,000-\$149,999 – 15.5%
 - \$150,000-\$199,999 – 1.2%
 - Median & Mean – \$35,170 & \$42,395, respectively (please see the ACS note)

- **Estimated family income:**
 - < \$15,000 – 12.9%
 - \$15,000-\$44,999 – 27.1%
 - \$35,000-\$74,999 – 38.2%
 - \$75,000-\$149,999 – 19.9%
 - \$150,000-\$199,999 – 1.9%
 - Median & Mean – \$44,464 & \$50,329, respectively (please see the ACS note)

- **Estimated per capita income:**
 - Township – \$18,010 (please see the ACS note)

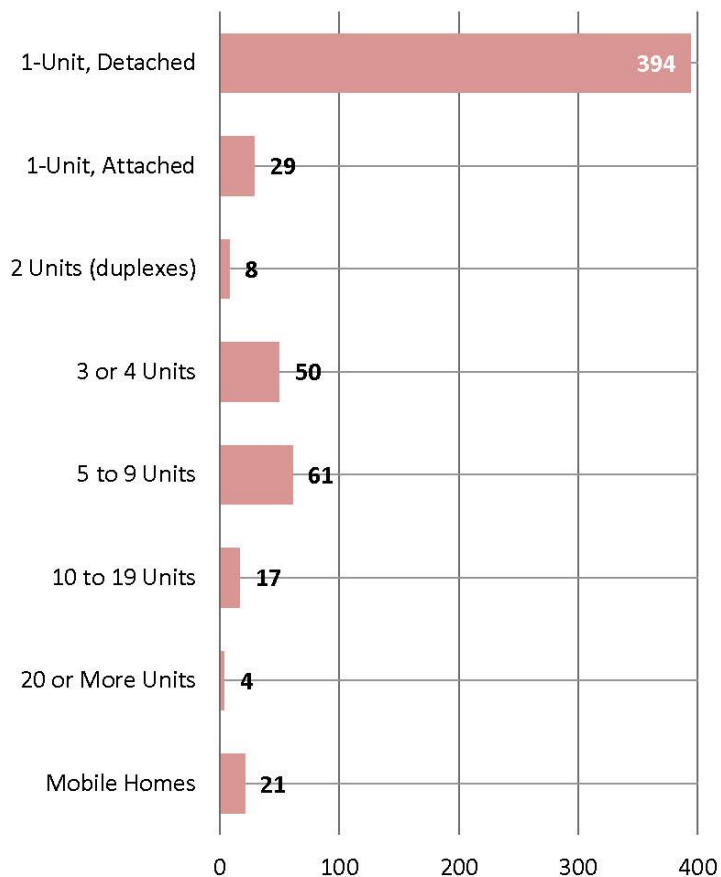
Dwellings & Vacancy Rates: 2010-2014



The City of Litchfield had an estimated 584 dwelling units

- An estimated 87.5% of those dwellings were occupied
 - An estimated 65.2% of those dwellings were owner-occupied
 - An estimated 34.8% of those dwellings were renter-occupied
- An estimated 12.5% of those dwellings were vacant
 - An estimated 0.0% of those dwellings were only used seasonally or occasionally
 - An estimated 100.0% of those dwellings were vacant

Housing Types: 2010-2014



The City of Litchfield had an estimated 584 dwelling units

- An estimated 92.2% of dwellings were single units
 - An estimated 92.2% of dwellings were detached single units
- An estimated 5.5% of dwellings were in multi-unit buildings
 - An estimated 4.3% of dwellings were in duplexes
 - An estimated 1.3% of dwellings were in 3-4 unit buildings
- An estimated 2.3% of dwellings were mobile homes



APPENDIX B

2016 CITY OF LITCHFIELD SURVEY



2016 City of Litchfield Survey

The City Planning Commission is in the process of updating the City of Litchfield Master Plan. Gathering your opinions on various issues is an important component of the planning process. Please take the time to fill out this survey. Thank You!

1. Litchfield Community Pool

- a. Should the City continue to provide a public pool for its residents? Yes No
- b. Would you support the construction of a splash pad and a smaller pool? Yes No
- c. Would you support millages for the construction and operation of a pool? Yes No
- d. Would you support a regional recreation authority to fund recreation programs? Yes No

2. Senior Citizens

What types of activities would you like to see for senior citizens?

Monthly Dinners Aerobics Other(s): _____

3. Housing

- a. Do you support multifamily housing? Yes No
- b. What types of housing would you like to see in Litchfield?
 Detached Single-Family Homes Duplexes Triplexes and Fourplexes
 Townhouses Other(s): _____
- c. Would you support housing for young singles and senior citizens? Yes No

4. How should the old elementary school be used?

Apartments Training Center Community Center Other: _____

(continued)

5. Please provide any additional comments you would like to make:

6. What is your household income?

< \$15,000 \$15,000-\$34,999 \$35,000-\$74,999 \$75,000-\$149,999 \$150,000-\$199,999

7. What is your age group?

18-24 25-34 35-44 45-54 55-64 65-74 75-84 85+

8. What is the status of your residential dwelling?

Own Rent

9. Are you employed in the City of Litchfield?

Yes No

10. What industry do you work in?

Agricultural Commercial Service Industrial Governmental

11. How many people reside in your household?

One Two Three Four Five Six More than Six

Thank you for taking the time to fill out this survey. Please use the enclosed postage paid envelope to mail your survey or deliver it personally to City Hall.

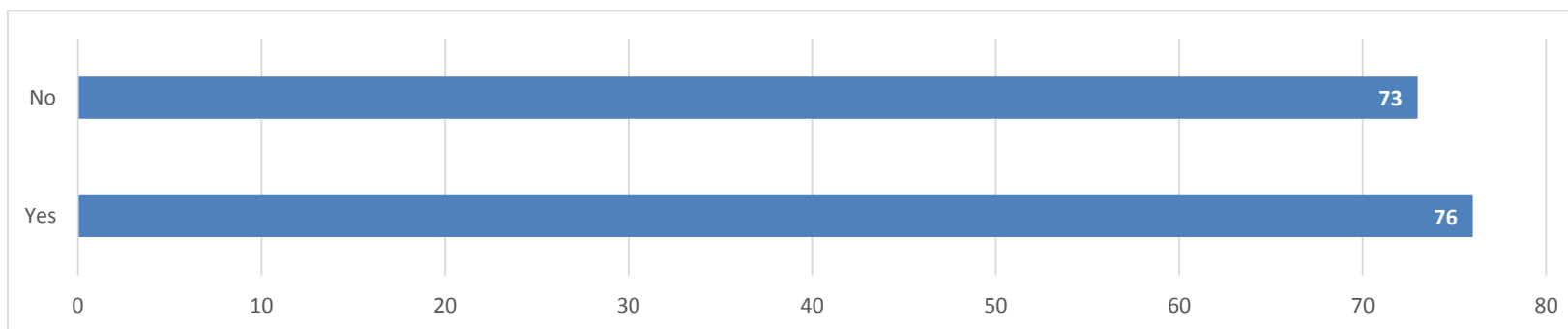
1. Litchfield Community Pool

a. Should the City continue to provide a public pool for its residents?



When asked if the city should continue to provide a public pool for its residents, 83% of responses (n=153) were 'yes' while only 17% were 'no'.

b. Would you support the construction of a splash pad and a smaller pool?



When asked if they would support the construction of a splash pad and a smaller pool, 51% of responses (n=149) were 'yes' while 49% were 'no'.

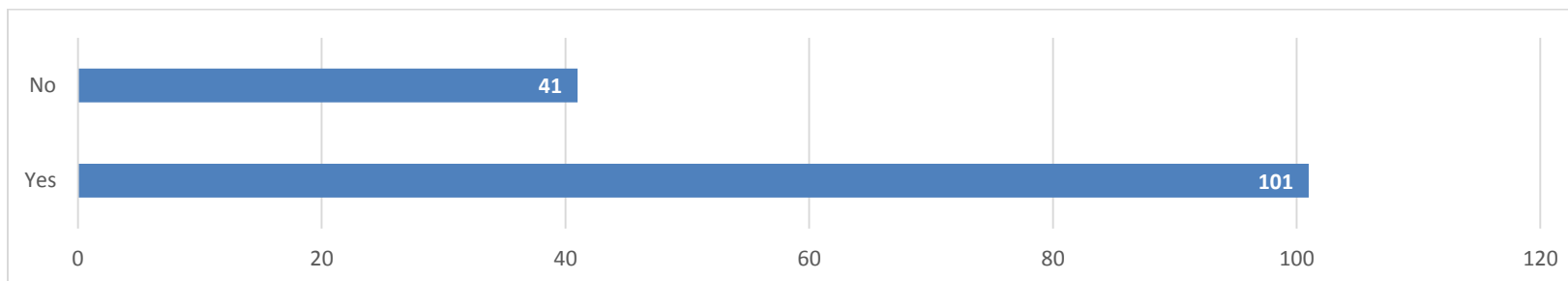
c. Would you support millages for the construction and operation of a pool?



When asked if they would support millages for the construction and operation of a pool, 62% of responses (n=149) were ‘yes’ while 38% were ‘no’. There were several comments associated with the question:

- No would not support construction. Yes would support current operation of a pool.
- Don't you already have a millage?
- Only operate pool.
- If golf course gets sold & TIFA gets none of the millage, we would vote for it.

d. Would you support a regional recreation authority to fund recreation programs?

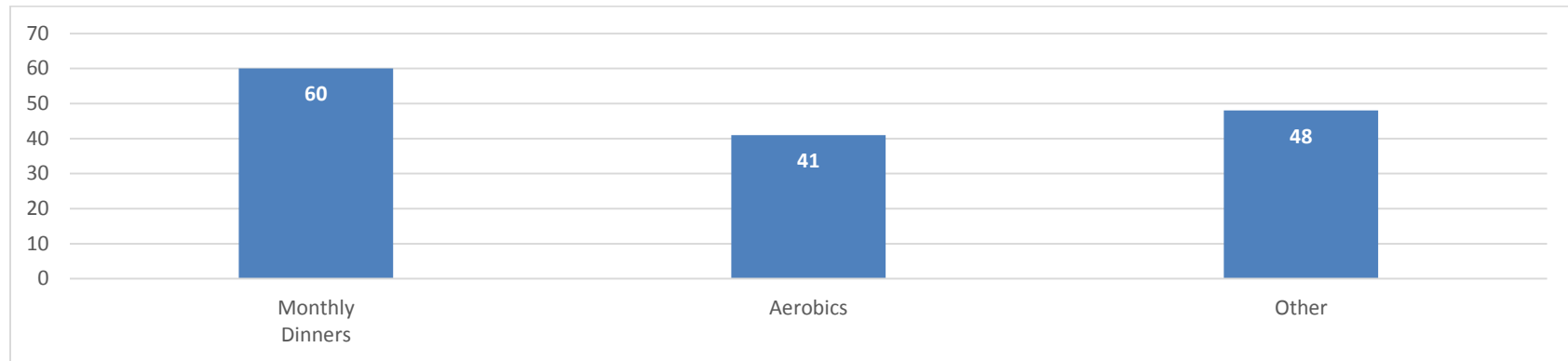


When asked if they would support a regional recreation authority to fund recreation programs, 71% of responses (n=142) were ‘yes’ while only 29% were ‘no’. There was one comment associated with the question:

- The pool gets abused close it down!

2. Senior Citizens

What types of activities would you like to see for senior citizens?



When asked what type of activities would you like to see for senior citizens, 40% of responses (n=149) were 'monthly dinners', 28% were 'aerobics', and 32% were 'other' (see below):

- Adult education, arts, computers, gardening, art welding, student mentoring
- Bingo
- Exercise, dancing and other activities
- Transit
- Games, crafts, whatever keeps them active
- Use senior center activities already in place
- A place to talk and communicate, etc.
- Open up school for walking in winter
- Bingo, other social activities
- Weekly meals, bingo
- Some activities, bingo, etc.
- Computer classes

- Every other month have a fireplace sit down where they talk about their day, community YouTube
- Summer swim exercises but not in a cold pool
- Walking club
- Game night, bake sales
- Walking paths - hard surface wide enough for bikes going both ways on both sides of the river from the park downtown to the dam of the mill pond; mini classes from 1-4 sessions; interest groups - ie. Cards, music, autos, computers, knitting, etc.
- As many things as possible
- Nothing they wouldn't come anyway
- Craft day, bingo, interaction with children (possibly reading)
- Why just "senior" citizens, what about the rest of us? Who is going to pay for this?
- Reopen nursing home
- Fun day, games, etc., social time
- Food, exercise & recreation
- Fellowship/Wheelchair accesses & transport
- Lower taxes
- Crafts, movie day/night
- Craft classes
- Chair yoga
- Pool aerobics/exercise class
- I don't know. We need youth activities as well.
- Doing fine just as it is
- Bingo
- Card games, something where single seniors can meet other single seniors
- Karaoke, gym, bingo, dance classes
- Dancing classes/club
- Card tournaments
- Bingo (everyone)
- Card games, bingo

- Bingo, cornhole games, seniors interacting with youth
- Bingo
- Land & Water Aerobics, Classes, Crafts, Computers, Painting, Floral Arrangements & Horticulture, Drama, Cardio Drumming, Line Dancing
- Social gatherings - bingo, card playing, coffee hour, etc.
- Safe bike path/walking path, fitness center
- Bingo, movie night, dinners
- More tables at the pool site for people can sit at and watch everybody and/or the little kids that are in the pool
- Any activities that include social interaction & reduce isolation
- Potluck dinner, movie

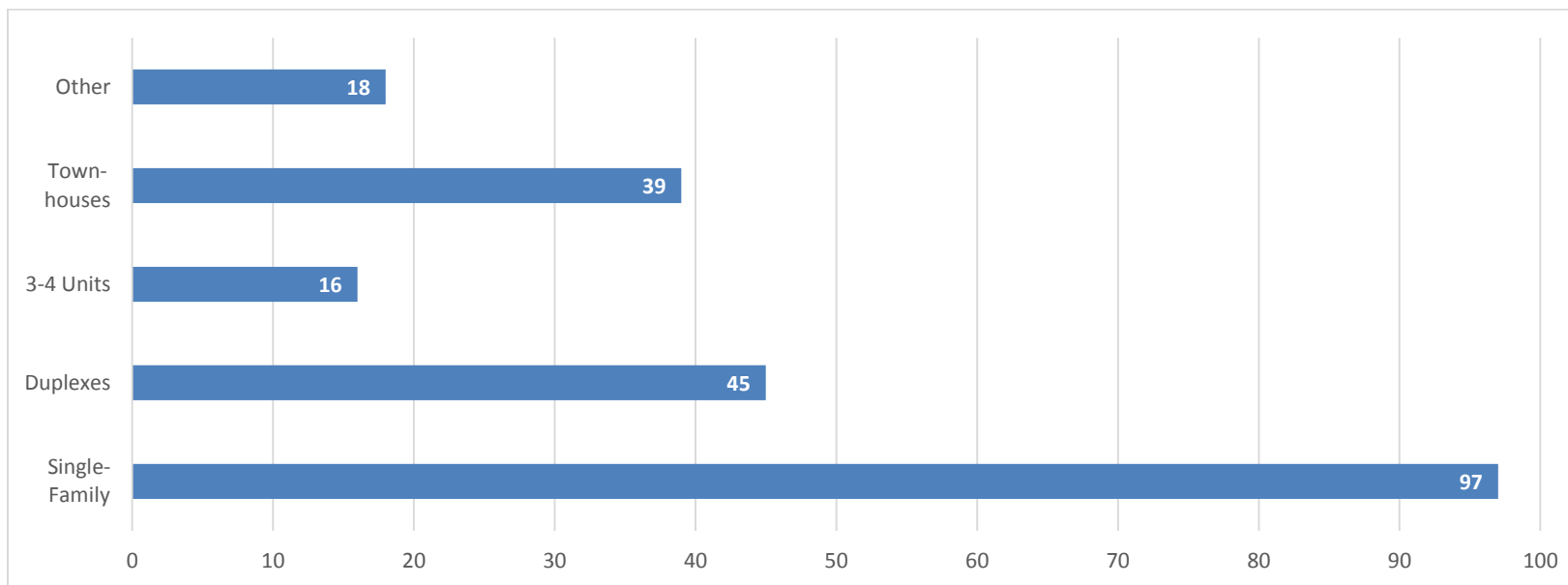
3. Housing

a. Do you support multifamily housing?



When asked if they support multifamily housing, 66% of responses (n=134) were 'yes' while 34% were 'no'.

b. What types of housing would you like to see in Litchfield?

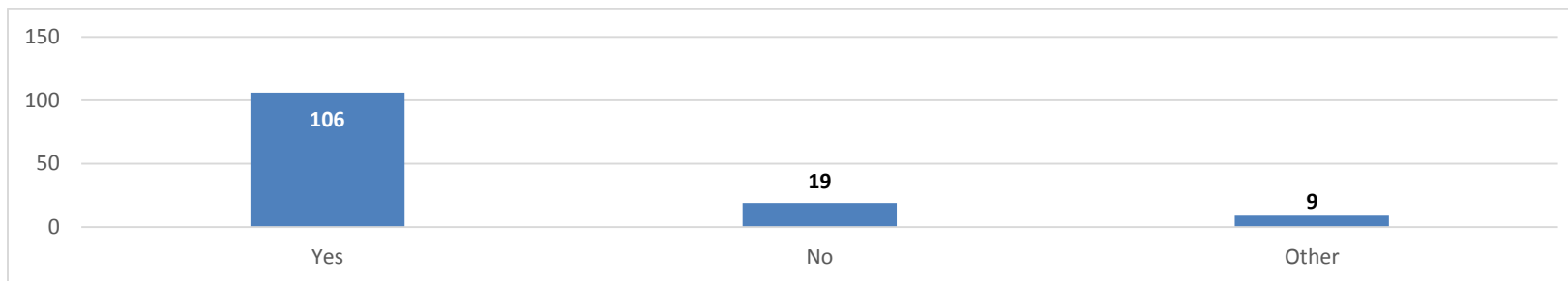


When asked what types of housing would you like to see in Litchfield, 45% of responses (n=215) were 'single-family', 21% were 'duplexes', 7% were '3-4 units', 18% were 'townhouses', and 8% were 'other' (see below):

- Nice mobile home park
- More condos
- Affordable, nicely maintained trailer park
- No low income housing
- Apartments
- When you have apartments all they are is young people on dope.
- Apartment complexes
- Earthships
- Low income apartments

- Condos
- We seem to have single housing vacant!
- Full houses/no more empty ones
- Less expensive than we have
- All based on income
- Please no more subsidized housing other than seniors
- Apartment building
- People should by their own
- Trailer park

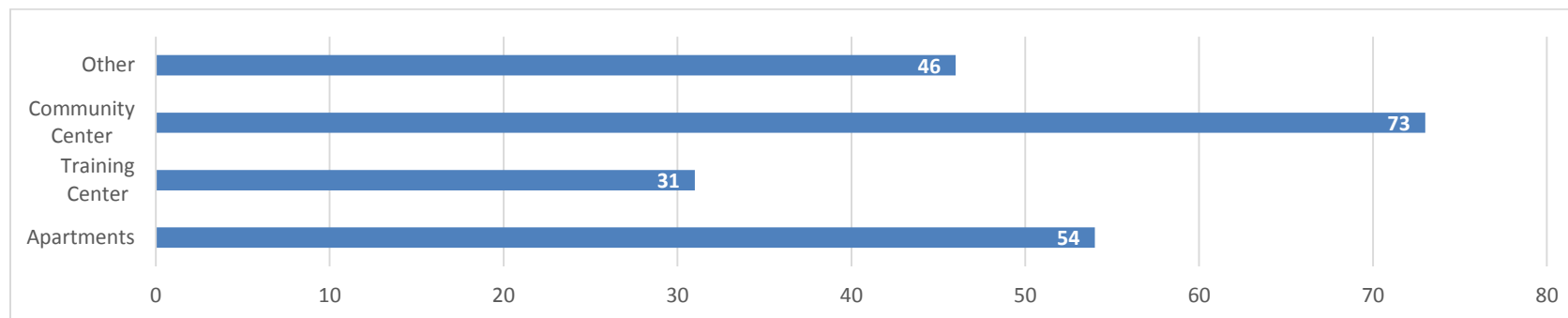
c. Would you support housing for young singles and senior citizens?



When asked if you support housing for singles and senior citizens, 79% of responses (n=134) were 'yes', only 14% were 'no', and 7% were 'other' (see below):

- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no
- Seniors yes, singles no

4. How should the old elementary school be used?



When asked how the old elementary school should be used, 26% of responses (n=204) were 'apartments', 15% were 'training center', 36% were 'community center' and 23% were 'other' (see below):

- Any of them so it could be saved
- Community Center after tearing down & total new construction
- Offices, Fitness center
- Demolished. Sold for individual lots.
- Destroy. School issue should not be discussing at city level.
- Tear it down
- Apartments for senior citizens, not income based
- Police department
- Tear it down
- Torn down if apartments or community center can't be done
- Tear it down
- New park for kids
- There is mold in it.
- Sad to say but should just be torn down. Can smell it when you walk by.
- Torn down
- Combination of training center & community center. Training Center-computers, auto certification, book work, office work, farming classes; Community Center-use the gym basketball, dancing and volleyball, movie nights, interest groups, craft classes, sport teams

- School or nothing
- Anything, but the mold, musty smell is terrible so a lot of money would have to be put into it. I would hate to have it torn down but sometimes we just have to move on.
- Demolition/Community park
- Not the city's problem
- Fitness center for all ages
- "Prepper" station; train for better jobs, environmental friendliness, etc.; community center for collective activities & more community independence; "prepper" by community collecting and distributing of food storage and goods in case of economic turmoil
- Senior housing
- Store
- Demo
- Tear it down - the building's infrastructure makes it useless
- Rec Center/Gym/Teen something
- Library
- Not sure
- Income based apartments
- Apartments for seniors
- Some place for seniors to get together
- Gym for all ages, dance classes offered too
- Mixed feelings. I like the community/youth center idea, a place to keep kids off the streets
- Tear down the long part
- Demolish
- Anything
- It's full of mold
- Any useful activity
- Any just not left vacant any longer
- Tear it down
- Don't let it be wasted
- Tear it down
- Senior classes
- A place where kids can go to and do activities or do homework or just hang out and play with others
- Any instead of falling apart & being an eye sore. Should have done something with it a long time ago

5. Please provide any additional comments you would like to make (n=54):

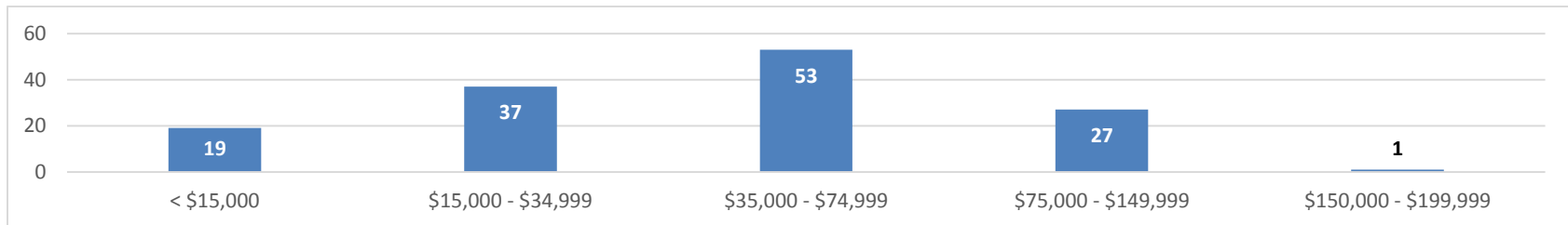
- I have rarely used the pool, but highly support maintaining or replacing it and a splash park. Youth really enjoy the pool and they deserve an inexpensive way to exercise and enjoy the outdoor activity.
- How do I get to use the weight room that my tax money goes towards the school? My kids like play basketball how can we get in the gym?
- We have too many empty buildings in our city. We need to try to get more business in town, people that would come and be proud to call Litchfield home. We are proud to be here.
- Wedding receptions, office space, fitness center, senior citizens meeting
- Pool is the best recreational tool we have, support it.
- Do need more activities for young people. May help keep them in Litchfield schools. The population in Litchfield is older. Need creative activities for seniors. Lower taxes & water rates could attract new residences.
- Community/youth center have been promised in the past. None were successful. Make old school community center for all ages, and come thru with promise.
- The pool & availability/use of the school was/is a determining factor in my decision to buy a home in Litchfield.
- Multi-family housing would most likely lead to more illegal drugs in the city. Alas more disturbances due to fights among the residence in those types of housing.
- If pool stays open, need to hire better lifeguards and HEAT the pool. Not enjoyable when it's freezing cold.
- When people go to college they live in dorms. When people go to the army they live in barracks. When you walk around the business district, there is a gas meter installed for nearly all upstairs apartments. Nobody working shop jobs in the industrial park or Rakers can afford a home in Hawthorn Heights.
- I. Would like to see out houses in the park updated.
- I'd love to see improvement as stated on this survey, but how about fixing roads in Hawthorn Heights and turn on lights so people can walk (Sycamore St, Cherry St.)
- I think the pool is an important part of Litchfield and although I have never used it, I know of many families that find it an integral part of their family life. I am new to Litchfield, but I love it here & hope to spend the balance of my life here.
- As a single middle aged person renting, the rent is so very high, all the apartments here are for low income.
- Not such high water-sewage bills for senior citizens
- Why would you consider a millage for the pool when we are throwing major money away on the golf course? If we cannot take care of what we have (i.e., The pool) whose brilliant idea was it to go into the golf course business? TIFA needs to be dissolved and the money they capture (steal) should be used to the benefit of the citizens of Litchfield. Help the library as the TIFA board promised. Help the school, screw TIFA
- Fund raisers to support the pool, then renters and those living outside city limits would also support financing.

- Litchfield had a very hot summer and yet by the numbers mentioned in "The Index" paper there was 30% occupancy of the pool. To continue to keep the pool operating, the repairs that need to happen would be astronomical, therefore I would like to see the pool dismantled or filled in. Times have changed and if there is going to be a program for enjoyment/pleasure, I believe it should be something that would be "low maintenance" and useable more than a couple of seasons a year. So I would suggest in it's place to seriously consider a paved Bike Trail that could run from the Fireman's Park to the dam (near the Litchfield Township Hall) then follow the "K-5 run" around the pond. There are many other directions you could go to reach 3.5 to 4 mile trail. Plus it would be user friendly for those in wheelchairs, bike cyclists, walkers, etc., and it would be low maintenance with parking available at both the Park and the Township Hall. Good outdoor exercise for the entire family for at least 3 seasons (and possibly 4) out of the year. Examples: BawBeese Lake/Hillsdale Trail & Concord/Jackson trail
- Tax payers are tired of supporting welfare. Us that work pay taxes, they don't pay anything therefore they shouldn't have a say so in anything that the tax payers support. And they shouldn't be able to vote.
- Can anything be done about the Amish horses pooping everywhere? Doesn't look so good when you drive thru town. Also, not too great to have to drive thru to get to your own garage. Thought there was an ordinance.
- As to just moving here, I found that there are too many pedophiles living in such a small town. Which makes the community unsafe for our children. As to the pool, with CSC offenders living a block, couple blocks away then why have a pool for children and also adults. We're supposed to be a community of keeping our children safe.
- It's a mold infested building. It's almost worthless as our school's principal.
- Plow sidewalks. Add sidewalks and finish those that end. Add beauty to the city ie. Take orders for redbud trees bought in bulk, flowers/bulbs bought in bulk - residents may choose colors for their street (bonding of neighbors) Encourage street parties once a summer. Tear down apts. (blue out of town) which are in poor condition & require police time - drugs, fighting.
- The city does need to have a place for large reception/family get togethers (bigger than the golf course) but there would need to be a lot of renovation to do that as well. Laundry mat needed.
- More business stores, groceries, pharmacy/drug store, dry good store
- We already have senior housing at Riverside. We have apartments for reduced income families. The pool needs to be updated with a new heater unit. You could add a splash pad & smaller pool if you can take care of what we have now. The pool is too cold for seniors unless it has been 90 degrees for 4 or 5 days in a row. I would like to see the pool we have updated and heater fixed, bathrooms and showers cleaned up. If it takes a millage then ask for it.
- I think the community as a whole should have a YouTube channel for local talent, character stories, community outreach & educating on positive outcomes of growing and making our own food. Make own bread is \$200 savings per person with 500 people equals \$100,000 community savings. Striving to buy new money saving or making technologies like wind mills, solar panels, 3D printers and farmbot and money to be made in comparison if go to school specifically engineering and teaching and now it could help if added income would stay in the City of Litchfield.
- Put additional resources into repairing the streets. My street has many pot holes and haven't been patched this year!

- Don't think it is feasible. Most people who work here drive from their home. There are plenty of homes & condos in Litchfield on the market in the city & area. Litchfield is the highest taxed property in the county! We don't need to have it raised anymore!
- The address for construction of Mill St. was misrepresented as the building is actually on Clay St. We are very displeased about this as there are children at play on this street all the time and the added traffic is a major concern.
- City residents should not be subsidizing the pool funding for non-resident use. I grew up in a community with a pool. Non-residents paid almost double for pool use, although they did receive a discount for a season membership. Some years back the pool was enclosed and now is used year round. Due to the state of the elementary school, if a private investor were to purchase the building apartments would be great. But no taxes/millage should be used, otherwise the building should be demolished.
- I love living in Litchfield, lived in Hillsdale, Texas, Oklahoma, Virginia. Litchfield is a very clean town, people are friendly. Plan on spending rest of life here!
- I would like to have senior citizen activities available to disabled persons as well.
- It would be nice to have some sort of gym where all ages could become a member to work out & maintain health. I think that's very important as obesity seems to be rising in adults & children. I would like to see a place where school aged children can go to where different activities took place to help kids stay focused on positive things.
- I would love to see the pool heated all summer, rather just in June. I think more people would come if heated. They could enjoy it much more.
- Need 1 extra light on Mill Street and Clay Street closer to the blue apartments and the new building the city built. The road is too dark when there is a walker every night walking their dog. Also a slow children playing sign on both streets too
- I'm not sure why all 3 city workers ride together, regularly. For being "short staffed" it doesn't make much sense to not divide & conquer? Seems to be a lot of screwing around and not much actual work getting done. Everyone sees it so...It all starts at the top.
- It seems there are a lot of areas for seniors to join in if they want to. Maybe when the library is finished and they are moved in there will be places, quiet, with chairs to sit & read or a room for special meeting - old & young. Maybe a small area where older people can get coffee & enjoy themselves.
- Litchfield Senior Center is a big joke ran by a selfish bully that makes them all sit in certain seats only. They play bingo for pennies no prizes at all. No flowers, no diabetes snacks, no arts and crafts, no sound on the tv except when Shelia wants it. Can't sit at card table unless for bingo. Needs a new leader with a feel for other than herself and her friends. She steals our community. She asks for our shopping receipts.
- The city should get out of the golf course business. If you don't have money to throw away, stop using tax money. Hire Hitler to run the city - it would be an improvement.
- It would be nice to receive newsletters or bulletins on what is available and going on in Litchfield.
- The blue house across from Luigi's should be torn down and put a parking lot in there for sweet corn days and when the fire department has their breakfasts. That house should be condemned.
- If it possible could we look to other community's to help pay for the pool operation.

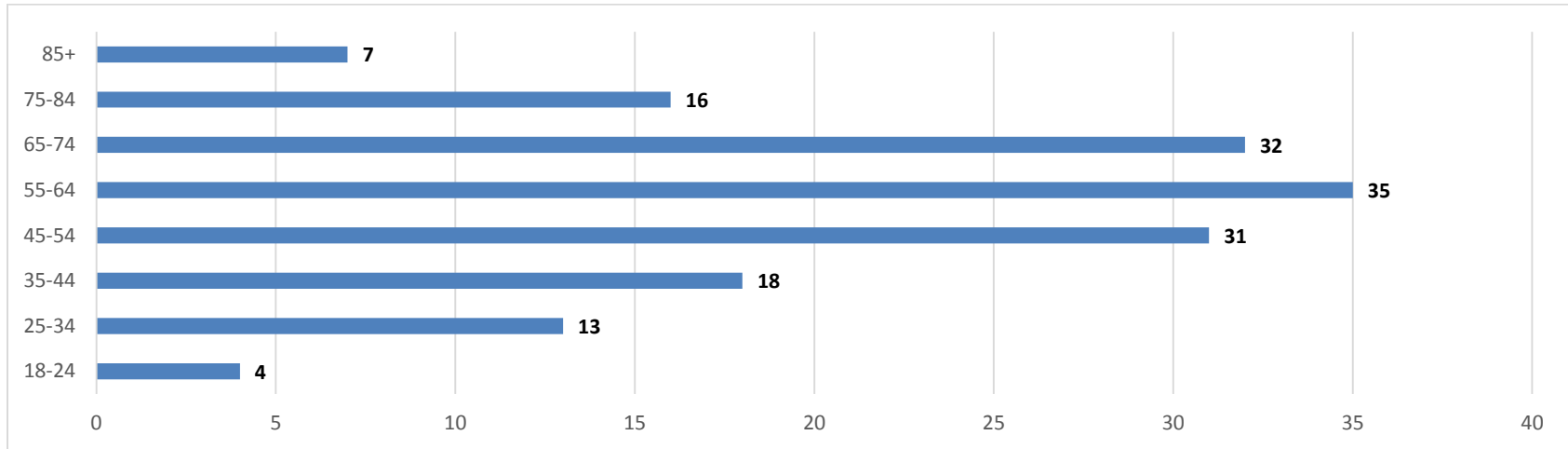
- I would like to see a bus route in Litchfield as there are no cabs or buses here to get anywhere to go to Hillsdale
- Adding on additional housing could be proactive with the upcoming expansion of Brembo, the building of Clemens foods. Bring those families to Litchfield for their housing needs.
- Consider moving Sweet Corn Days up to the school - we feel its dangerous for the children
- Need drivers for church or store visits or doctor appointments
- The City needs to support the Litchfield Schools more.
- Sell golf course. No city money or help should go to maintain golf course. Hawthorn Heights roads are crumbling. Should be fixed before maintaining golf course. Sell it to farmers if it can't be sold as golf course. TIFA needs to be gone! Sidewalks are falling apart in areas in town. Drains need to be unplugged where floods occur.
- Laundry mat, drug store
- I would like to see more activities for our kids. Maybe a bike path or lane to the pool. See if school would get involved in having open gym seasons for grad school sports, or movie night for families, at the school or drive in movies during summer. Tax breaks for businesses trying to improve there property values. Our city workers do a great job taking care of the residents. Hats off to all of them.
- Ice skating rink on old tennis court. Keep kids busy instead of being in trouble. Soccer team/place to ride skateboards/street dances. "Nice" craft show when Santa comes to town (example Santa's Bag in Marshall). This town could do so much more not just Sweet Corn Days. Look at all the people that come to sweet corn days. Let's put our city on map in huge letters that we could be famous for.
- They need to put up a slide in the pool so the little kids can have something to do when they are in the pool cause all they do is play in the water and the little bit of pool toys they have. I think they also need to put more things for them to play with when they are at the pool in the summer months and they also need to put some tables out by the pool so people can sit on when they go out of the pool to smoke, eat or drink. Oh by the way they need to lower the cost of the pool pass cause its too high for people who are on disability.

6. What is your household income?



When asked what is your household income, 14% of responses (n=137) were '<\$15,000', 27% were '\$15,000-\$34,999', 39% were '\$35,000-\$74,999' 20% were '\$75,000-\$149,999'and 1% were '\$150,000-\$199,999'.

7. What is your age group?



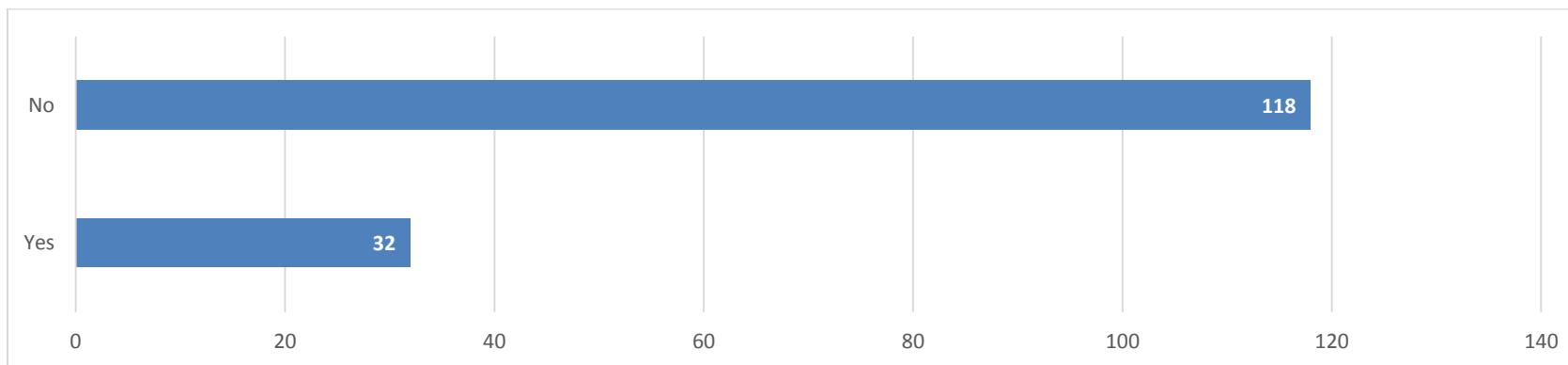
When asked what is your age group, 3% of responses (n=156) were '18-24', 8% were '25-34', 12% were '35-44', 20% were '45-54', 22% were '55-64', 21% were '65-74', 10% were '75-84', and 4% were '85+'.

8. What is the status of your residential dwelling?



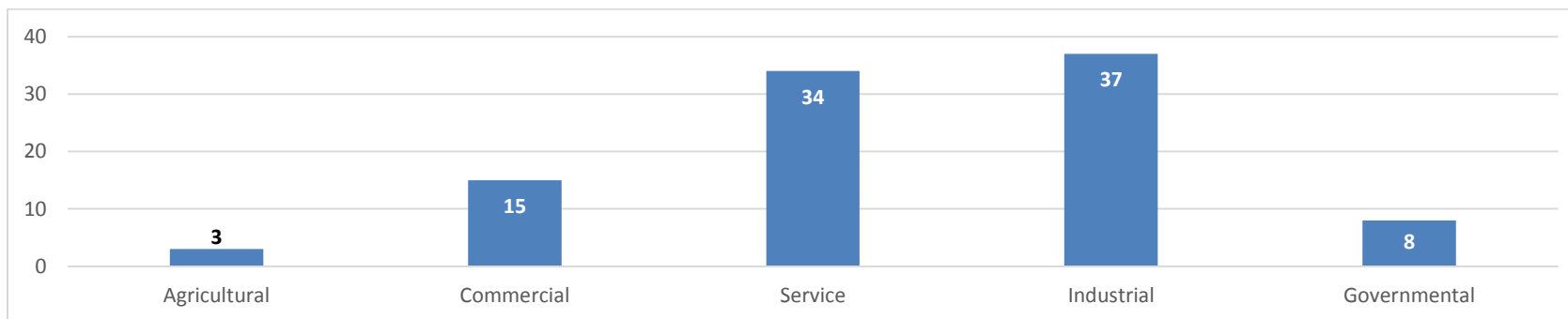
When asked what is the status of your residential dwelling, 85% of responses (n=147) were 'own' while only 16% were 'rent'.

9. Are you employed in the City of Litchfield?



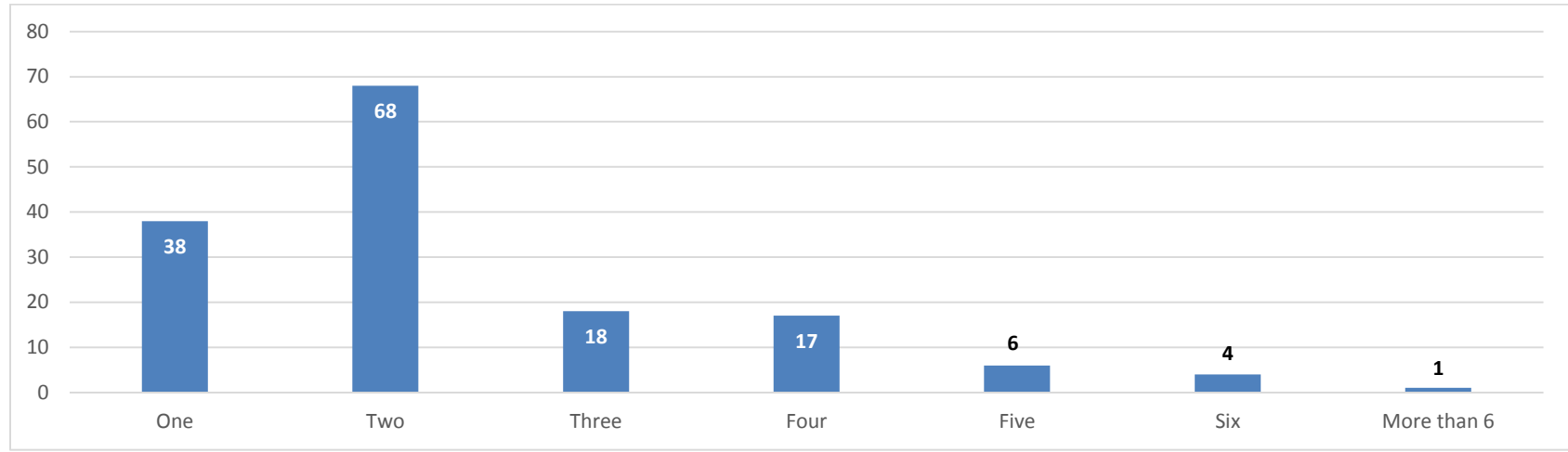
When asked are you employed in the City of Litchfield, only 21% of responses (n=150) were 'yes' while 79% were 'no'.

10. What industry do you work in?



When asked what industry do you work in, 3% of responses (n=97) were 'agricultural', 15% were 'commercial', 35% were 'service', 38% were 'industrial', and 8% were 'governmental'.

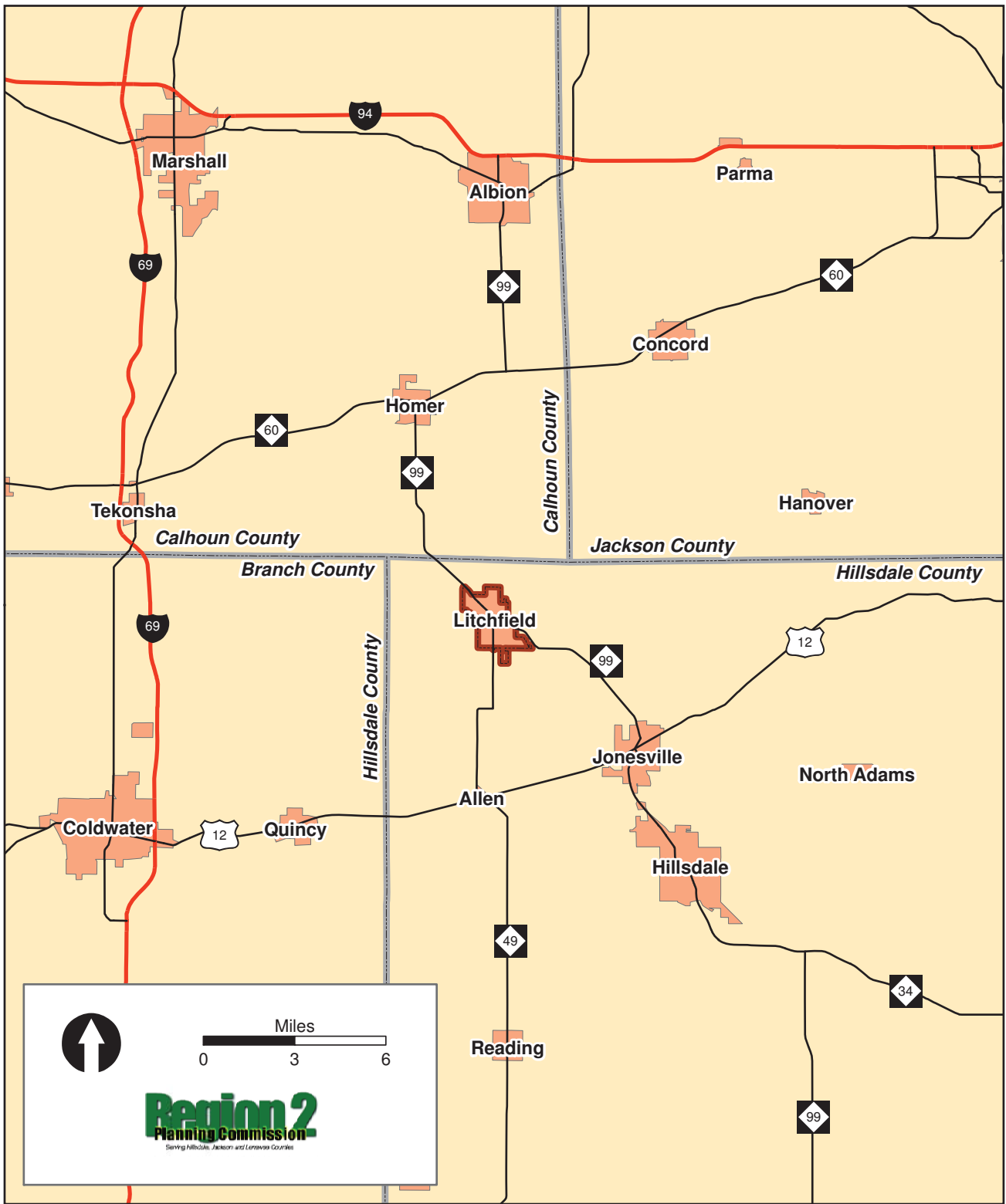
11. How many people reside in your household?








When asked how many people reside in your household, 25% of responses (n=152) were 'one', 45% were 'two', 12% were 'three', 11% were 'four', 4% were 'five', 3% were 'six', and 1% were 'more than 6'.



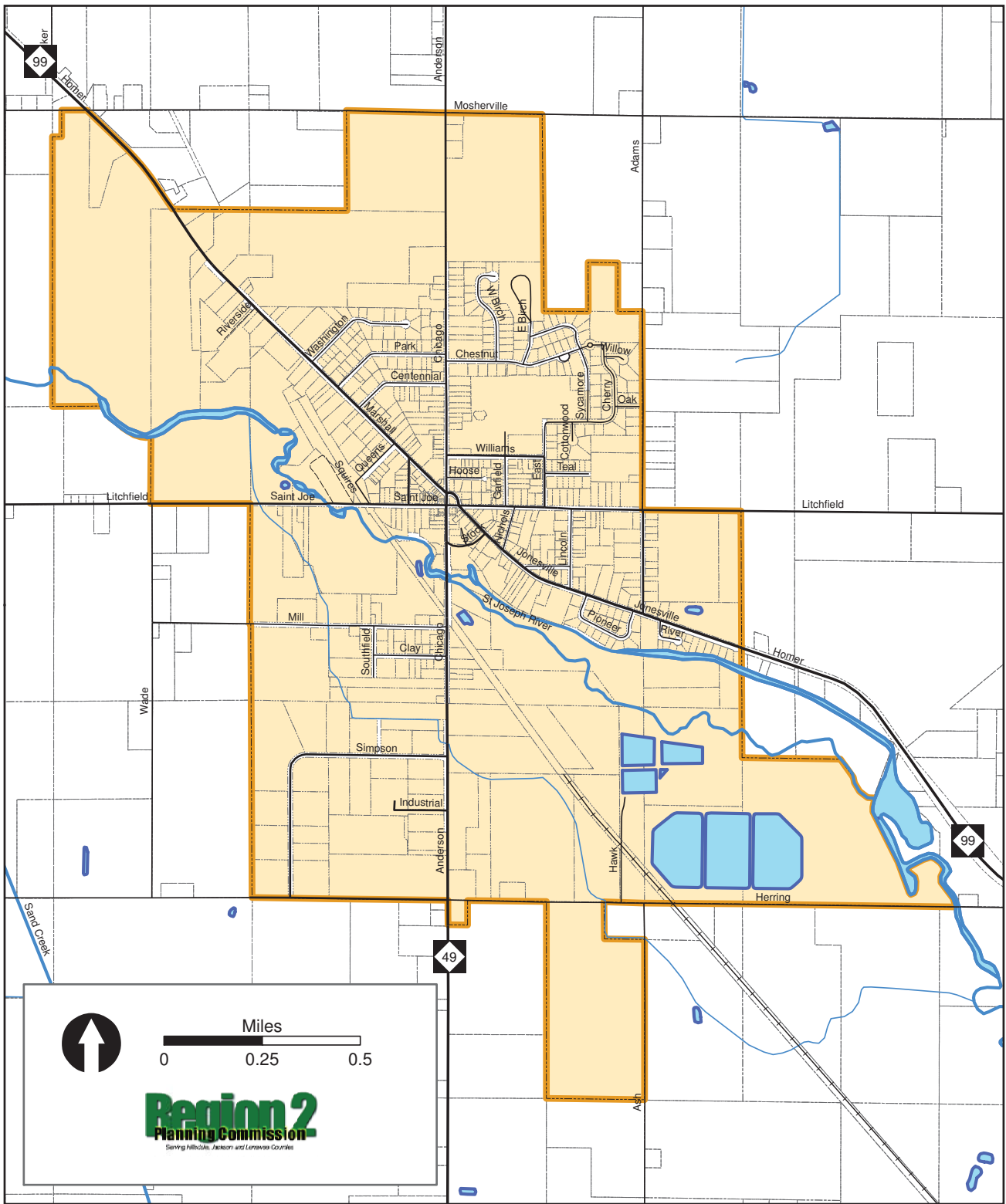
APPENDIX C
MAPS



Legend

-  City of Litchfield
-  Other Cities & Villages
-  Counties
-  Freeways
-  Other State Highways

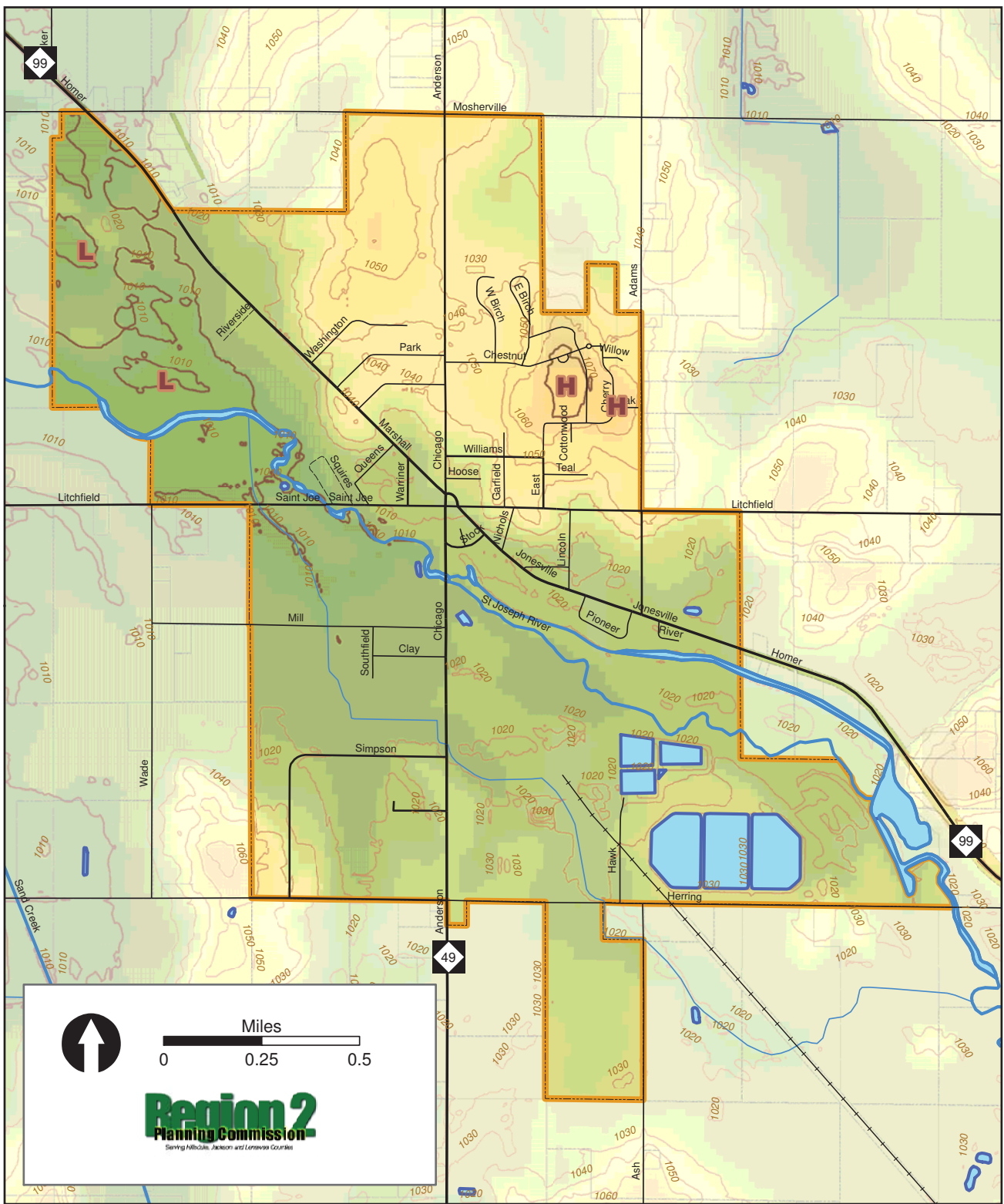
**City of Litchfield
Vicinity Map**






Legend

- City Limits
- City Properties
- Township Properties
- Lakes & Ponds
- Rivers & Streams

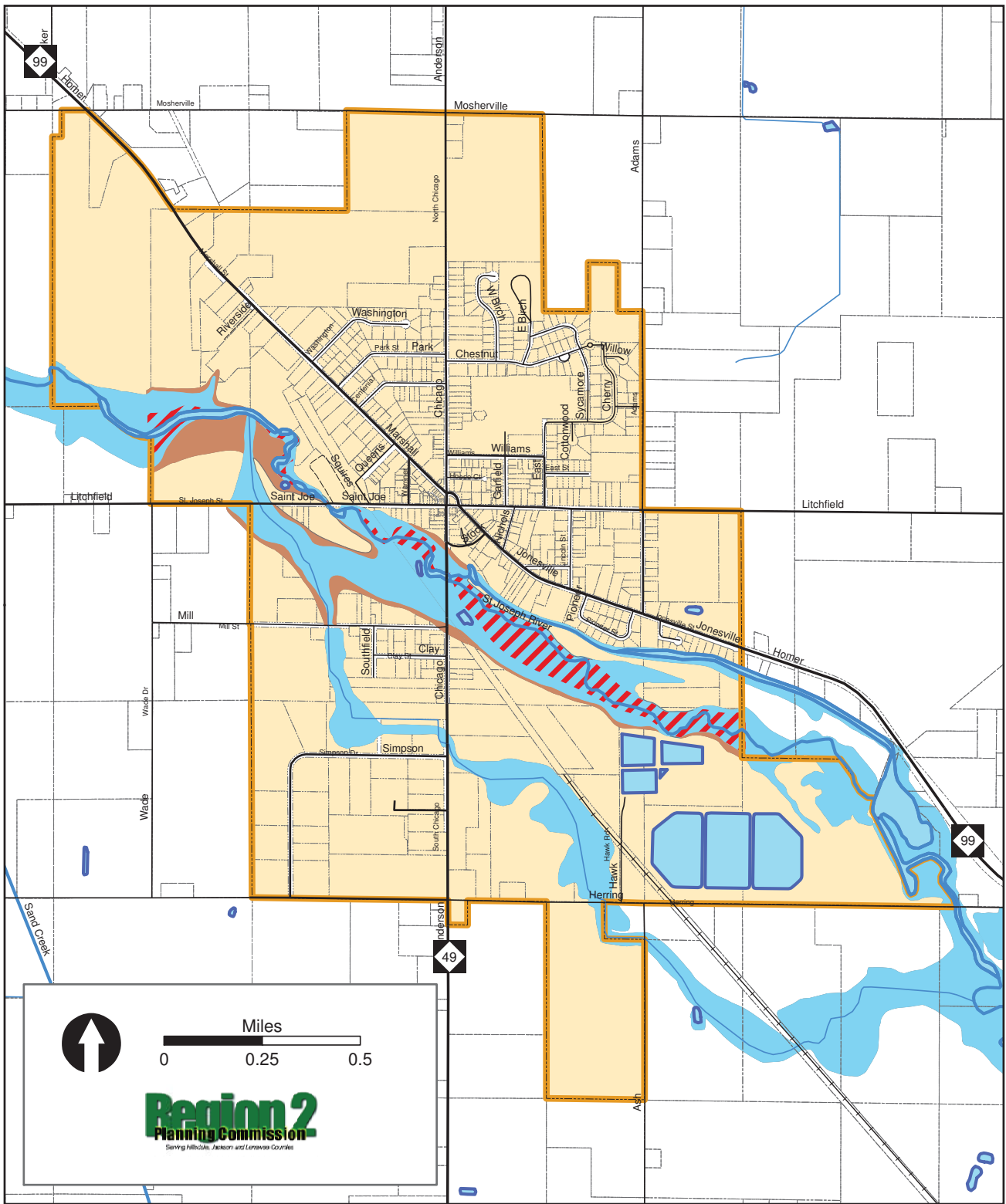
**City of Litchfield
Base Map**



Legend

-  10-Foot Contour Lines
-  1,070 Feet Above Sea Level
-  1,010 Feet Above Sea Level

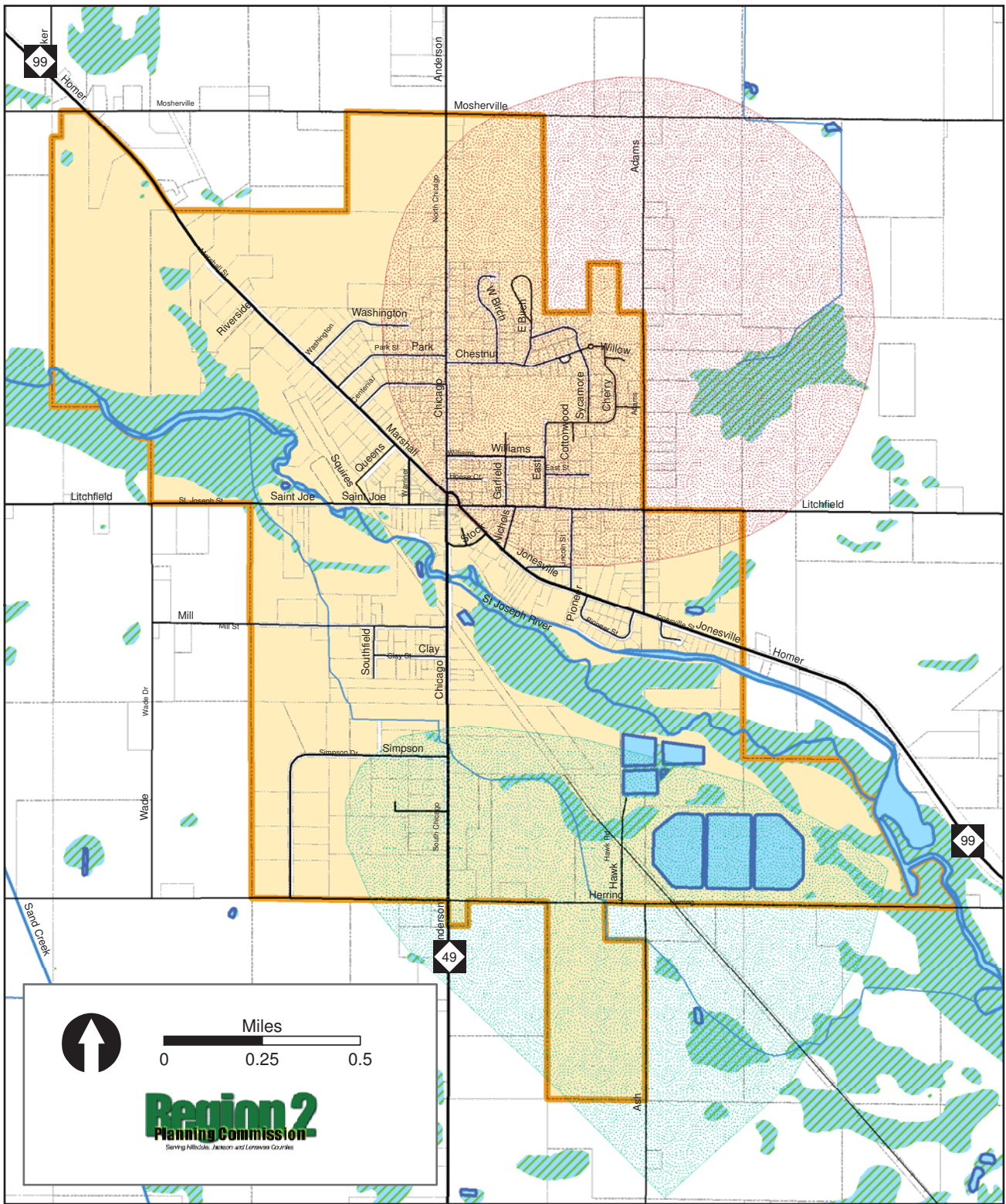
City of Litchfield Topography









Legend

- 1.0% Annual Chance Flood Hazard (100-Year Flood)
- Floodway
- 0.2% Annual Chance Flood Hazard (500-Year Flood)
- Area of Minimal Flood Hazard

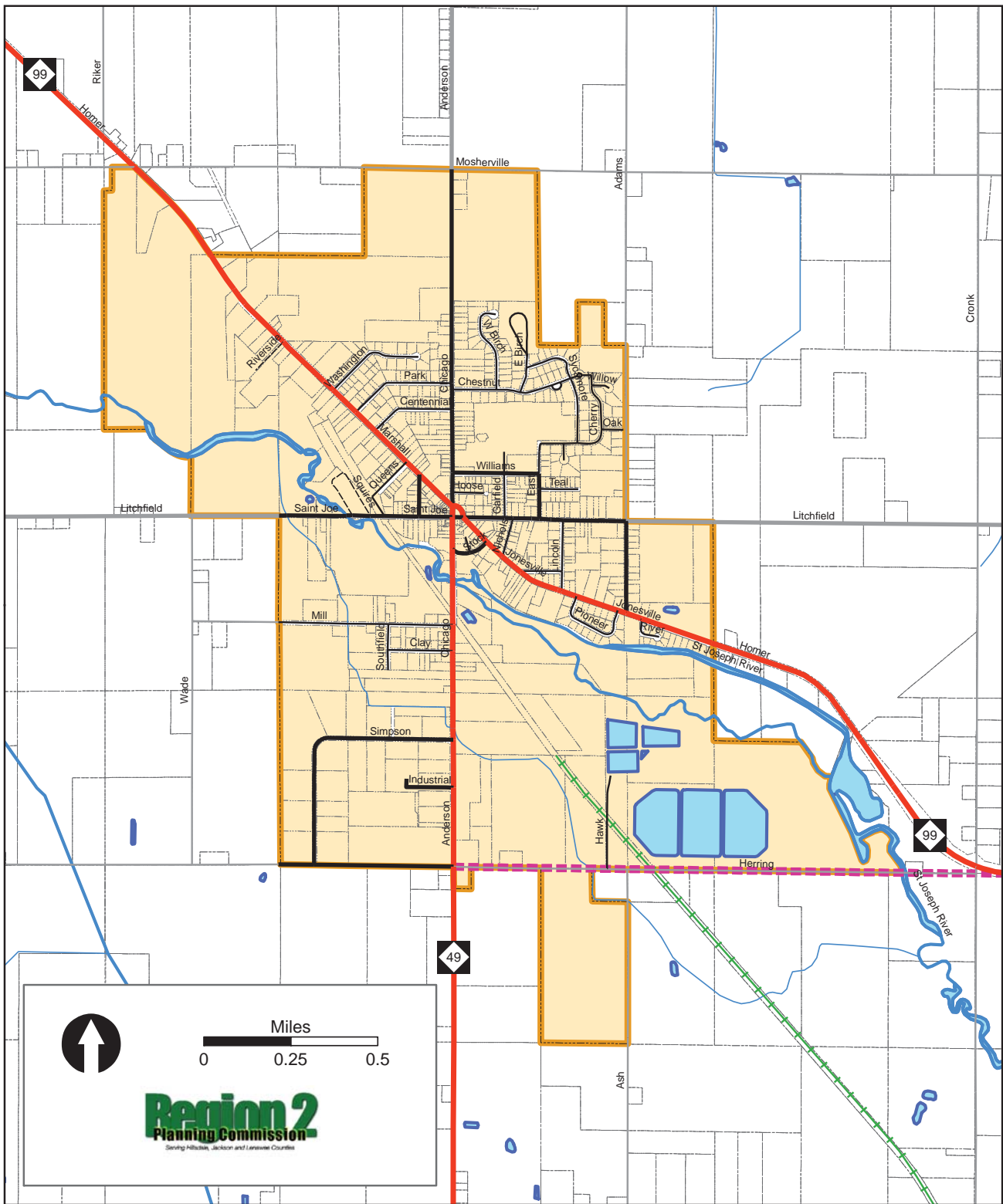
**City of Litchfield
Flood Hazard**



Legend

-  Lakes and Ponds
-  Rivers and Streams
-  County Drains
-  Wetlands
-  Traditional Wellhead Protection Area Delineation
-  Type 1 Provisional Wellhead Protection Area

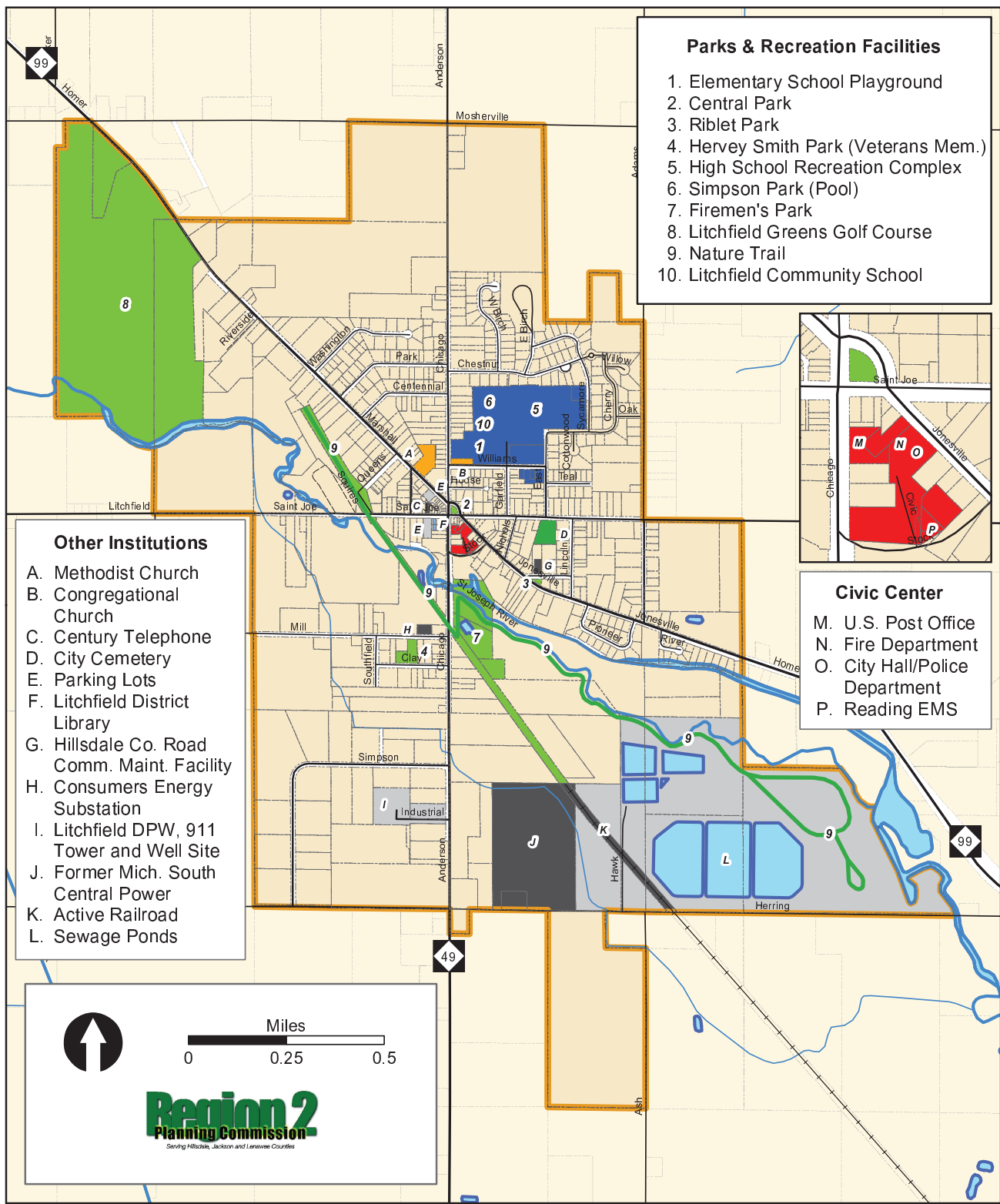
City of Litchfield Hydrology Map



Legend

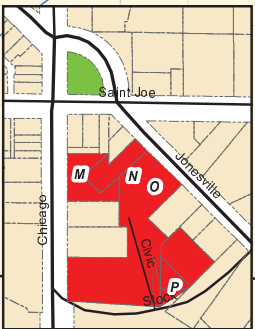
- State Highways
- City Major Streets
- City Minor Streets
- County Primary Roads
- County Local Roads
- - - Private Streets/Roads
- - - Proposed Truck Bypass
- + + + Railroad

City of Litchfield Transportation Map


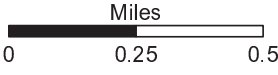


- Parks & Recreation Facilities**
1. Elementary School Playground
 2. Central Park
 3. Riblet Park
 4. Hervey Smith Park (Veterans Mem.)
 5. High School Recreation Complex
 6. Simpson Park (Pool)
 7. Firemen's Park
 8. Litchfield Greens Golf Course
 9. Nature Trail
 10. Litchfield Community School

- Other Institutions**
- A. Methodist Church
 - B. Congregational Church
 - C. Century Telephone
 - D. City Cemetery
 - E. Parking Lots
 - F. Litchfield District Library
 - G. Hillsdale Co. Road Comm. Maint. Facility
 - H. Consumers Energy Substation
 - I. Litchfield DPW, 911 Tower and Well Site
 - J. Former Mich. South Central Power
 - K. Active Railroad
 - L. Sewage Ponds



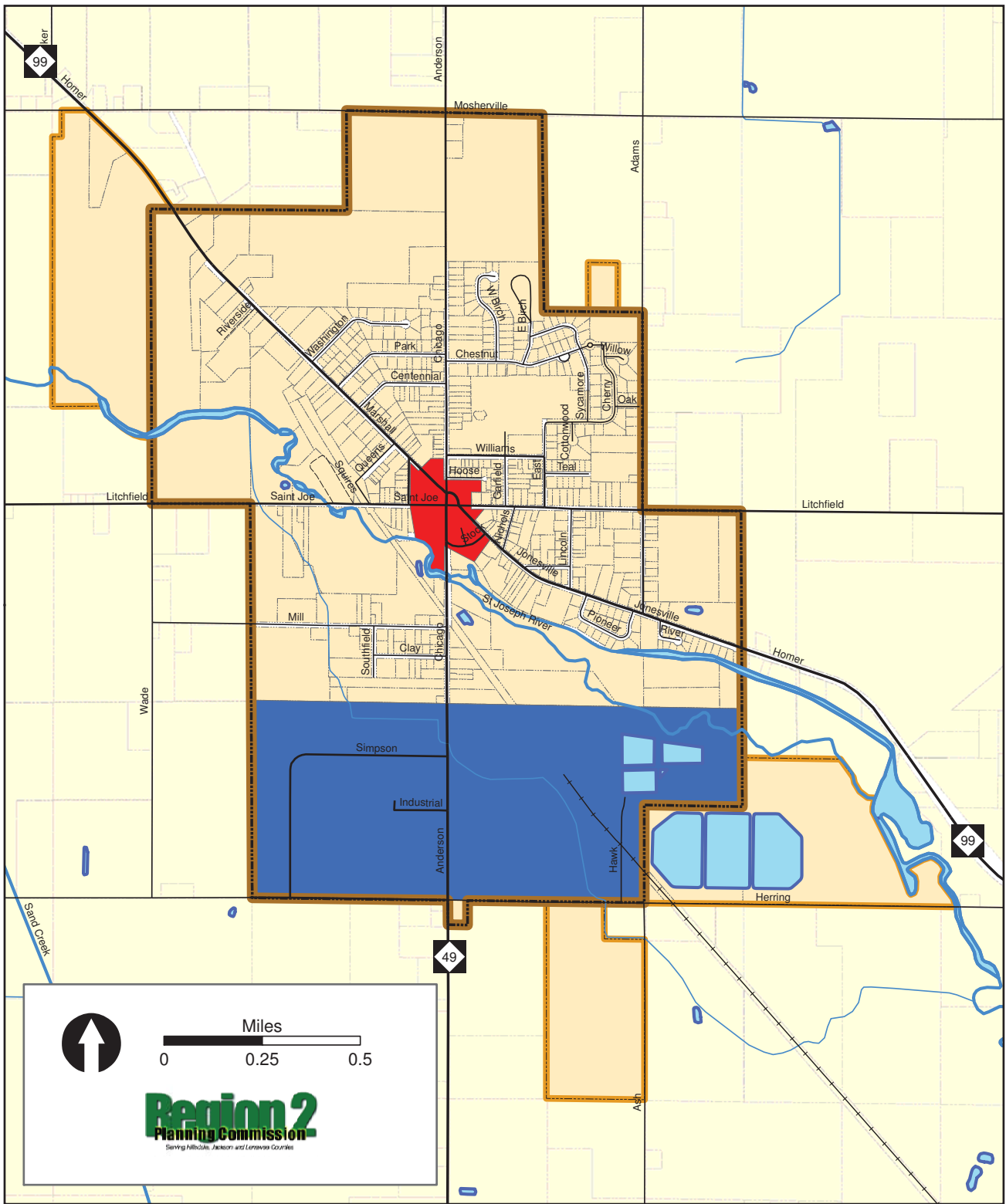
- Civic Center**
- M. U.S. Post Office
 - N. Fire Department
 - O. City Hall/Police Department
 - P. Reading EMS




Region 2
 Planning Commission
Serving Hillsdale, Jackson and Lenawee Counties

- Legend**
- Litchfield Civic Center
 - Litchfield Community Schools
 - Litchfield District Library
 - Parks & Recreation
 - Cemeteries
 - Churches
 - Litchfield Department of Public Works (DPW)
 - Other Utilities

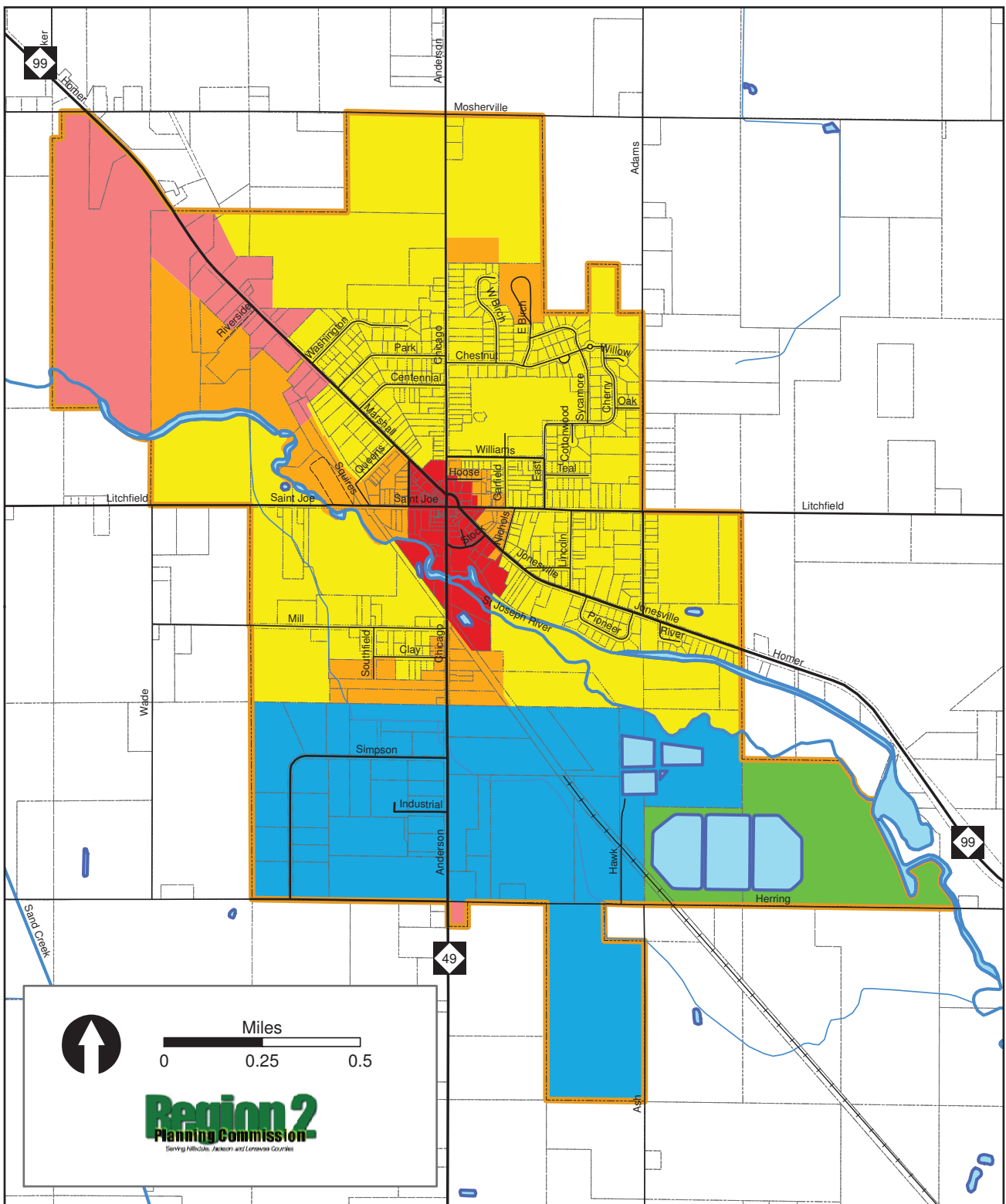
City of Litchfield
Institutions



Legend

-  Brownfield Redevelopment Authority (BRA)
-  Downtown Development Authority (DDA)
-  Tax Increment Finance Authority (TIFA)

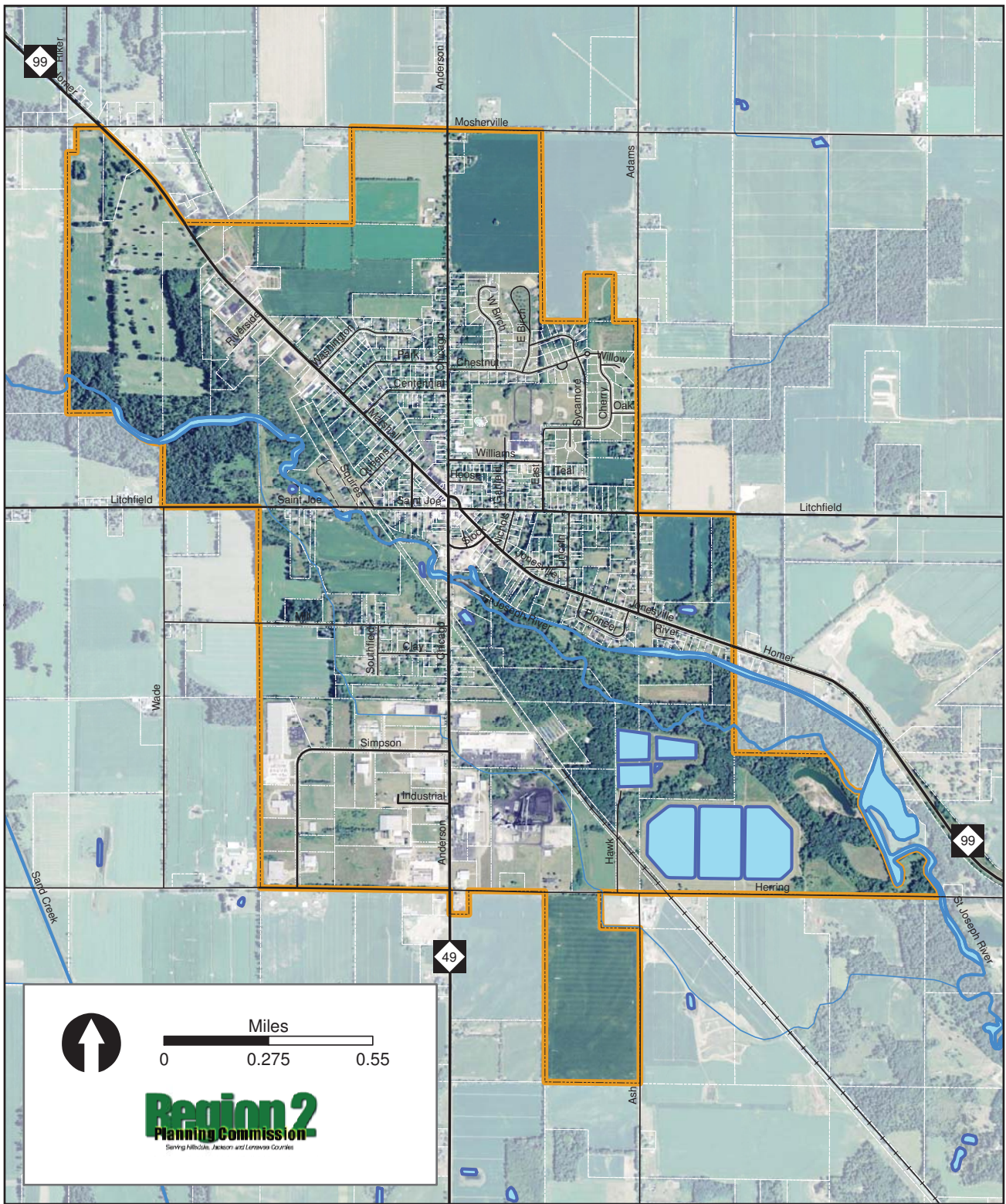
City of Litchfield Econ. Development





Legend

- R-1 Residential District
- R-2 Residential District
- B-1 Highway Business District
- B-2 General Business District
- I-1 Industrial District
- P-1 Parks/Public Owned District

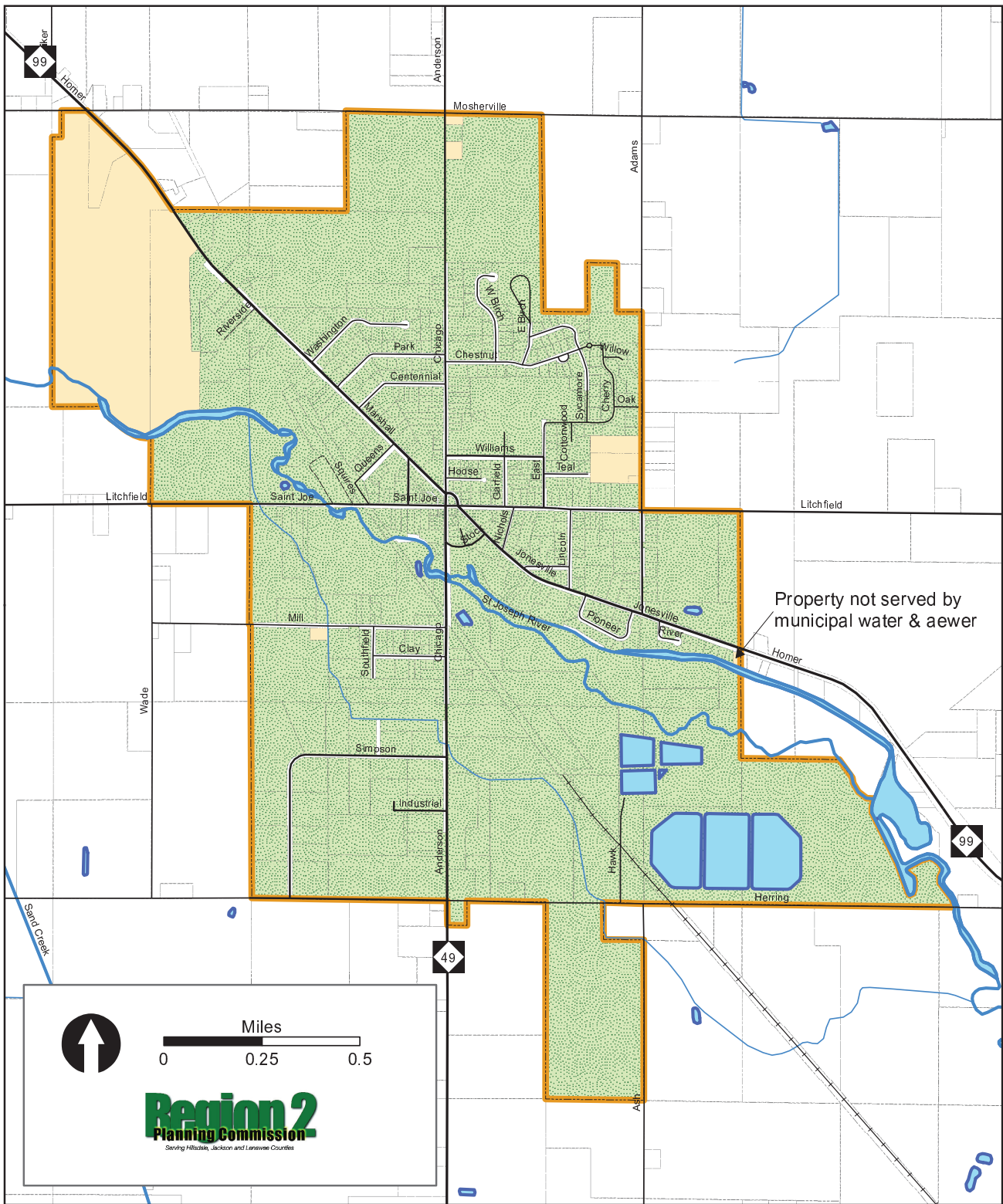
City of Litchfield
Zoning Map



Legend

-  City Limits
-  City Properties
-  Lakes & Ponds
-  Rivers & Streams

City of Litchfield
Aerial Photograph

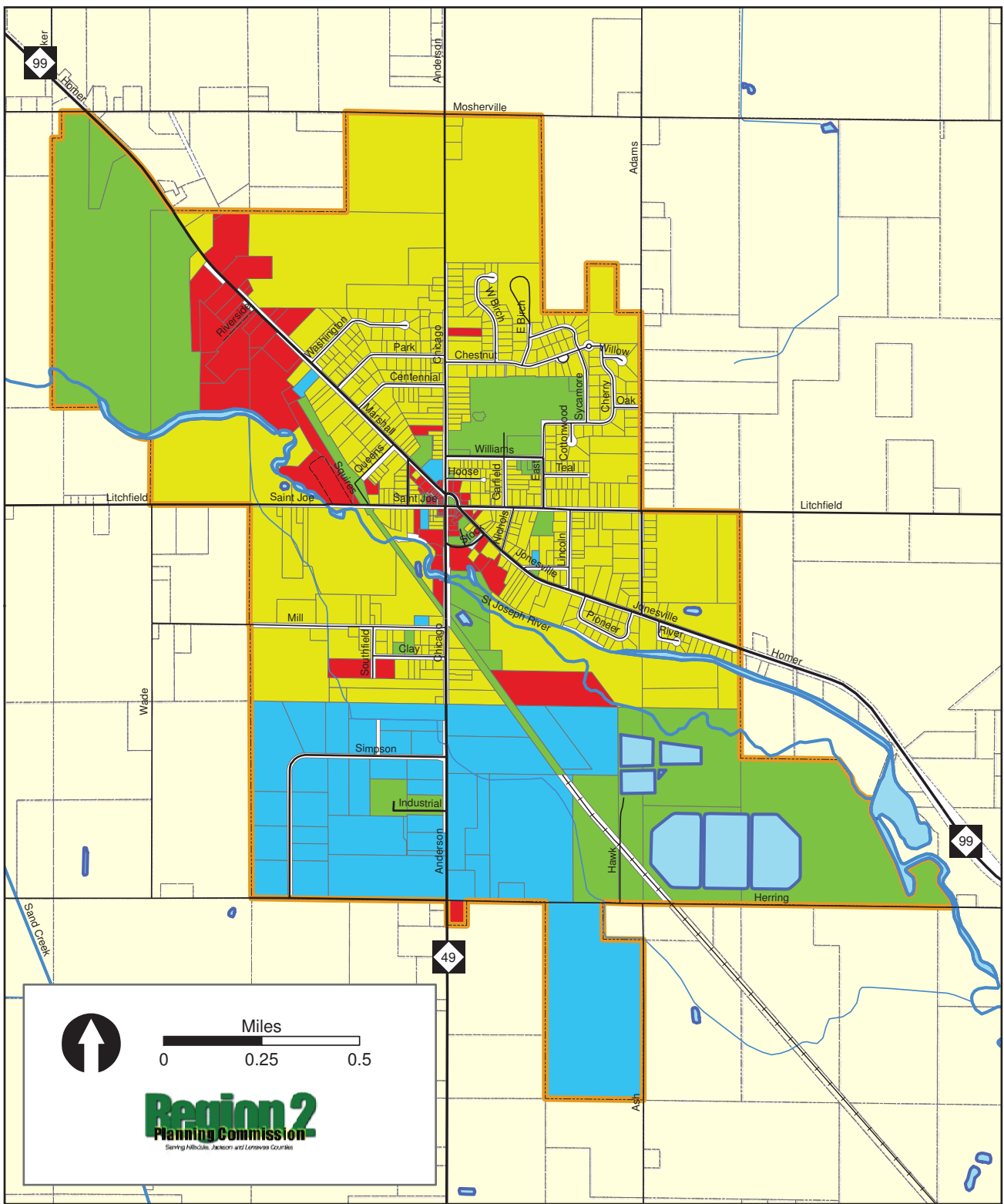


Property not served by municipal water & sewer

Legend

- Properties served by municipal water & sewer
- Properties not served by municipal water & sewer

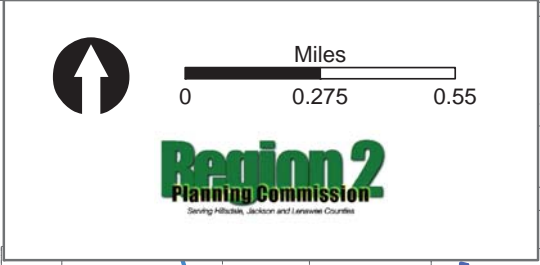
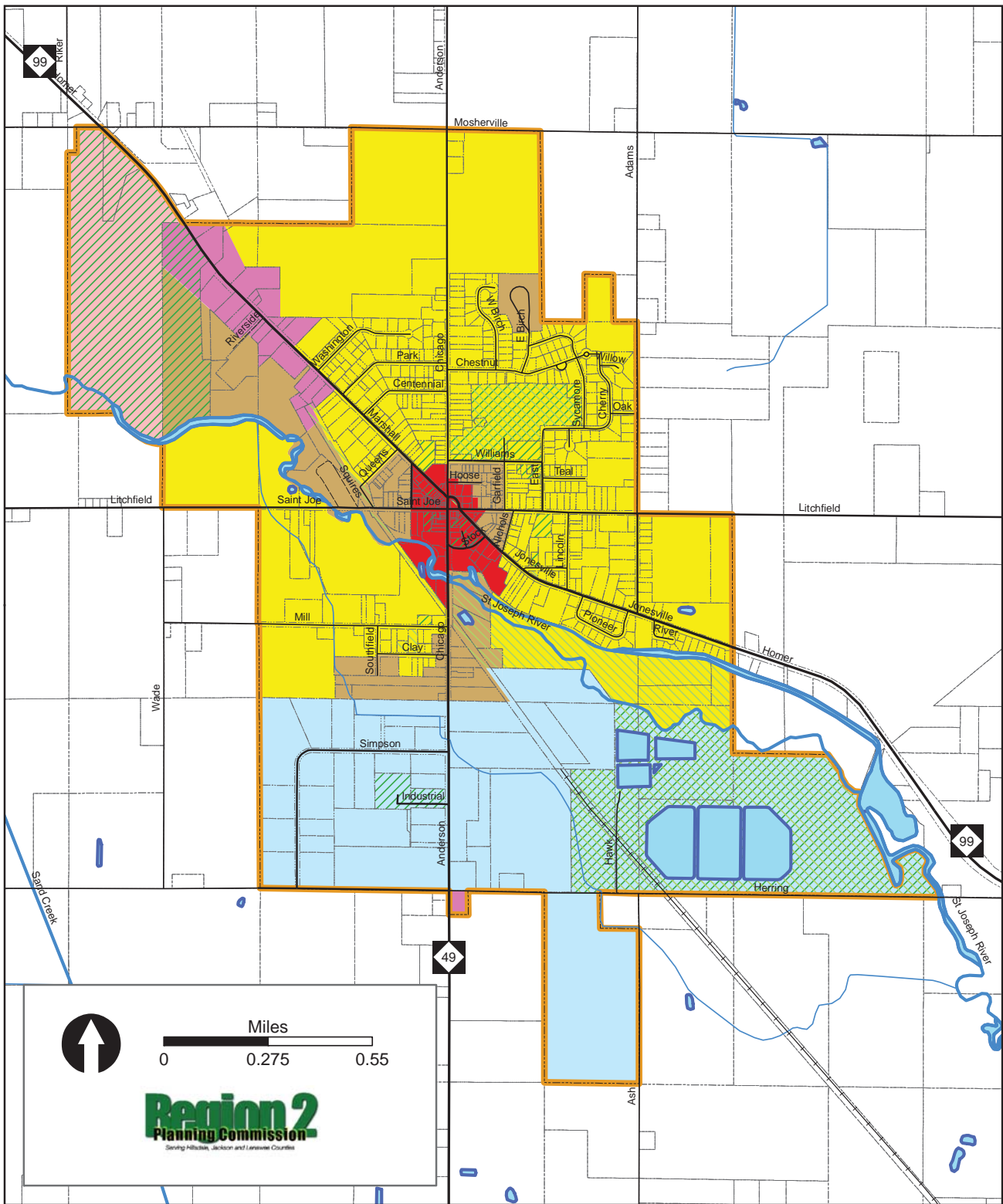
City of Litchfield Water & Sewer



Legend

- Residential
- Commercial
- Industrial
- Institutions & Parks

City of Litchfield
Tax Assessment
 Existing Land Use



City of Litchfield Future Land Use Map

Legend

Future Land Use Categories

- Low-Density Residential
- Medium-Density Residential
- Downtown Commercial
- Highway Commercial
- Mixed Use
- Industrial

Future Overlay Land Use Categories

- Park
- Institution
- Park/Institution



APPENDIX D

CAPITAL IMPROVEMENTS PROGRAMMING

What is a Capital Improvements Program?

“Capital improvements are those physical facilities which involve a substantial investment and last a long time . . . as opposed to the operating expenses that occur during the same year they are budgeted.” Examples of capital improvements include: municipal buildings (e.g., City Halls, fire stations, etc.), parks and recreation facilities, streets and alleys, and utilities (e.g., water and sewer lines). A capital improvements program (CIP) is a six-year prioritized listing of those projects along with the following information: location, date of construction, cost, means of financing, sponsor, and relationship to other facilities (if pertinent). The CIP “is updated annually with the first year being the current year capital budget” according to the [Michigan Planning Guidebook](#) (May 2008).

Why Prepare a Capital Improvements Program?

Section 65 of the MPEA —the Michigan Planning Enabling Act (PA 33 of 2008, MCL 125.3865), as amended— requires that the City of Litchfield “annually prepare a capital improvements program of public structures and improvements,” upon the adoption of this Master Plan. The Planning Commission or the City Council—if the Planning Commission was exempted from this task—must “prepare and adopt a capital improvements program [(CIP)], separate from or as a part of the annual budget.” Alternately, the task can be delegated the City Manager (or a designee), “subject to final approval by the” Planning Commission or City Council. The CIP shows “those public structures and improvements, in the general order of their priority, that in the commission’s judgment will be needed or desirable and can be undertaken within the ensuing 6-year period . . . [and] shall be based upon the requirements of the [City] for all types of public structures and improvements. Consequently, each agency or department of the [City] with authority for public structures or improvements shall upon request furnish the Planning Commission with lists, plans, and estimates of time and cost of those public structures and improvements.”

Of course, there are also benefits to developing and maintaining a CIP. Chief among those benefits is the coordination of seemingly disparate projects. For example, water and sewer projects can be coordinated with street paving projects eliminating the potential for streets to be repaved, only to be torn up to for a water or sewer project two or three years later. It is also important to note that “plans for new public works that are identified in the [Master Plan can] actually come to fruition through the CIP” and to ensure that “new public facilities are built in locations and consistent with the public policy for development in particular areas or neighborhoods as spelled out in the” document, according to the [Michigan Planning Guidebook](#).

Developing a Capital Improvements Program

The following information should be used to develop the capital improvements program (CIP) upon the completion of the comprehensive plan:

Establishing Objective Criteria

“Without objective criteria, the [capital improvements process (CIP)] can quickly break down into a strictly political process where those agencies or neighborhoods with more political or fiscal resources (or both) will run roughshod over smaller agencies or weaker neighborhoods,” according to the Michigan Planning Guidebook, and simply ranking proposed projects as ‘urgent,’ important,’ or ‘desirable’ “leave room for disagreement in determining priority. More robust criteria are often used first to examine each project:”

- Does the proposed facility address a risk to public safety or health?
- Is the current facility deteriorated or unsafe?
- Is the proposed facility part of a systematic replacement program?
- Will the proposed facility result in improvement of operating efficiency?
- Is the proposed facility necessary to:
 - Ensure the success of another capital improvement?
 - Meet a state or federal statutory or administrative requirement?
 - A court order?
 - A major public goal of the township board?
- Will the proposed facility result in the equitable provision of services or facilities to a part of the population with special needs?
- Will the proposed facility protect or conserve sensitive natural features or natural resources or the air or water quality of the Township?
- Will the proposed facility protect the investment in existing infrastructure from becoming over capacity?
- Will the proposed facility result in a new or substantially expanded facility to provide a new service or new level of service in Township?

Those answers can then be used to place proposed facilities into groups based upon the following criteria:

- The proposed facility is urgent and fills a high priority need that should be met.
- The proposed facility is a high priority that should be done as funding becomes available.
- The proposed facility is worthwhile if funding is available (but may be deferred).
- The proposed facility is a low priority that is desirable but not essential.

The criteria listed above are recommended for larger governments with the potential for many projects. The criteria used for “small communities with few projects may not be much more than ‘urgent,’ ‘important,’ or ‘desirable.’”

Establishing a Process

The Michigan Planning Guidebook recommends that a medium or large-sized community create a special committee to advise its planning commission on the capital improvements program (CIP). The committee should be comprised of the chief elected or appointed official and representatives from the planning commission, the legislative body, and pertinent departments (e.g., engineering; finance; fire; parks, recreation and grounds; public works; purchasing; and water). A total of eight steps are recommended for the development of a CIP:

- Prepare an inventory of all capital facilities.
- Rate the existing level of service for each infrastructure element.
- Identify the structure needs.
- Identify options to meet needs and cost estimates to all projects over the next six years.

Prepare a draft CIP that includes a review of each project against the master plan and CIP prioritization criteria:

- Establish financial capacity for financing public works proposals over the next six years.
- Develop a project schedule for the next six years based on the ranking of selected projects and the availability of funding.
- Select projects to be undertaken during the coming year which become the capital budget. The remaining projects become part of the capital improvements program for the subsequent five years.

- Develop a project schedule for the next six years based on the ranking of selected projects and the availability of funding.
- After public review and hearing, the CIP is adopted by the township board with any agreed upon amendments.
- Implement current year of the CIP.
- Monitor projects and update the CIP annually.

The Michigan Planning Guidebook notes that “in smaller communities with few capital improvements,” such as Parma Township, the process can be simplified. “Each office, agency, or department responsible for public works is asked to submit proposed public works and the planning commission as a whole reviews and prioritizes them all —ensuring they are consistent with the master plan.”

