Article 4 R1-A, R1-B and R1-C: One-family Residential Districts

Section 400: Purpose

The R1-A, R1-B and R1-C one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

Section 410: Principal Uses Permitted

In an R1-A, R1-B or R1-C district, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance.

1. One family detached dwelling units.

2. Neighborhood parks.

3. Publicly owned and operated buildings, libraries and recreational facilities.

4. Public, parochial and private elementary schools.

5. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.

6. Accessory buildings, structures and uses customarily incident to any principal use permitted.

Section 420: Principal Uses Permitted Subject to Special Conditions

1. The following uses shall be permitted in one-family districts subject to the conditions hereinafter imposed for each use.

    a. Churches and other facilities normally incidental thereto, provided that the following conditions be met:

        (1) The proposed site for a church is not less than two (2) acres.

        (2) All building setbacks shall be at least forty (40) feet.

        (3) Access shall be provided from a major or secondary thoroughfare.

    b. Public, parochial and private intermediate or high schools offering courses in general education upon the condition that access shall be directly from a major or secondary

thoroughfare.

c. Child care centers subject to the following conditions:

(1) The outdoor play space shall have a minimum of five thousand (5,000) square feet.

(2) A minimum of one hundred (100) square feet of outdoor play area for each child cared for shall be provided.

(3) The site shall contain a minimum area of one (1) acre.

(4) Access shall be provided from a major or secondary thoroughfare.

d. Golf courses, not including driving ranges or miniature golf courses, which may or may not be operated for profit subject to the following conditions:

(1) Buildings, outdoor swimming pools, tennis courts or similar concentrated recreation use areas (not including tees, fairways or greens) shall have setbacks of not less than one hundred (100) feet.

(2) Access shall be provided from a major or secondary thoroughfare or scenic drive.

e. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations when operating requirements necessitate locating within the district in order to serve the immediate vicinity, provided that;

(1) Setbacks for all buildings or structures shall not be less than forty (40) feet.

(2) Buildings and structures shall be screened from view in accordance with Section 1625, Walls and Berms.

(3) The Planning Commission may require landscaping to compliment proposed screening devices.

f. Manufactured one-family dwelling units subject to the following provisions:

(1) Principal buildings and accessory structures shall conform to all applicable City codes and ordinances.

(2) Such dwellings shall be permanently attached to a perimeter foundation. In

instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and with site-built homes in the area.

(3) Such dwellings shall provide a minimum width and depth of at least twenty two (22) feet over eighty (80) percent of any such width or depth dimension.

(4) Such dwellings shall have an overhang or eave as required by the building code of residential dwellings or similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R1 district.

(5) Such dwellings shall be provided with exterior finish materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhoods.

(6) Such dwellings shall have a roof design and roofing materials similar to the site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R1 District.

(7) Such dwellings shall have an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three (3) to one (1) or is in reasonable conformity with the configuration of site-built dwelling units on adjacent properties or in the surrounding residential neighborhood in the R1 District.

(8) All portions of any hitches or other transporting devices which extend beyond the vertical plane formed by the outer sidewalls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.

(9) Proposals for manufactured one-family detached dwelling units shall follow the procedures set forth below:

(a) Applications to permit manufactured one-family detached dwelling units shall be submitted to the code enforcement officer who may require the applicant to furnish such plans, photographs, elevations, and similar documentation as deemed necessary to permit a complete

review and evaluation of the proposal.

(b) In reviewing any such proposed dwelling unit with respect to items 1.h.(1) through 1.h.(8) above, architectural variation shall not be discouraged but reasonable compatibility with the character of residential dwelling units shall be provided, thereby protecting the economic welfare and property value of surrounding residential areas and of the City at large.

(c) Should the code enforcement officer find that any such dwelling unit does not conform with all of the above conditions and standards, the proposal shall be denied. The applicant may appeal the code enforcement officer's decision by requesting a public hearing before the Planning Commission. Notice of such hearing shall be given in accordance with Section 2240, Public Hearing. Thereafter, the Planning Commission shall take final action.

2. Uses permitted in this section, except for manufactured, one family detached dwelling units, shall be subject to the following conditions:

   a. Buildings shall have the minimum setback required for each use or as required by ARTICLE 15, SCHEDULE OF REGULATIONS, whichever is greater.

   b. The use shall be subject to review and approval of the site plan by the Planning Commission.

Section 430: Accessory Uses Permitted Subject to Special Conditions

The following uses shall be permitted in R1 districts, subject to the conditions hereinafter imposed for each use:

1. Home Occupations as defined in Section 210, provided that

   a. No home occupation shall be permitted that:

      i. Changes the outside appearance of the dwelling or is visible from the street.
      ii. Results in nuisance factors as defined by this ordinance.
      iii. Results in outside storage or display of anything including signs.
      iv. Requires the employment of anyone in the home other than the dwelling occupant.
      v. Requires exterior building alterations to accommodate the occupation.

vi. Occupies more than twenty-five (25) percent of the floor area of the dwelling, or fifty (50) percent of a detached garage.

vii. Requires parking for customers and/or employees that cannot be accommodated on the site and/or not exceeding one (1) parking space at curb side on the street.

viii. Requires the delivery of goods for the use of the business on a daily basis. In no instance shall the delivery of goods take place before 7:00 a.m. or after 8:00 p.m..

ix. Requires the visitation by clients before 7:00 a.m. or after 8:00 p.m. In no instance shall the home occupation result in the visitation of more than ten (10) customers or clients in a single business day.

b. One (1) non-illuminated name plate, not more than one (1) square foot in area may be attached to the building which shall contain only the name and occupation of the resident of the premises.

2. Bed and Breakfast Facilities provided that:

a. The rooms utilized are a part of the principal residential use, and not specifically constructed for rental purposes.

b. The bed and breakfast facility does not require any internal or external alterations or construction features, equipment or outdoor storage not customary in residential areas and does not change the character of the dwelling.

c. The principal use is single-family residential and is owner occupied at all times.

d. Sufficient off-street parking is provided in addition to that required by ARTICLE 18, OFF-STREET PARKING AND LOADING REQUIREMENTS, for residential purposes, at the rate of one space per leasable room.

e. One (1) non-illuminated name plate, not more than one (1) square foot in area may be attached to the building which shall contain only the name and occupation of the resident of the premises.

f. Homes utilized as bed and breakfast facilities must display unique historic architectural characteristics.

g. The site has direct access to a Major Thoroughfare or Scenic Drive.

3. State-licensed family day care homes, subject to the following conditions:

a. The licensee shall occupy the dwelling as a residence.

b. One (1) non-illuminated name plate, not more than one (1) square foot in area may be attached to the building which shall contain only the name and occupation of the resident of the premises.

4. State-licensed group day care homes under the following conditions:

a. The licensee shall occupy the dwelling as a residence.

b. One (1) non-illuminated name plate, not more than one (1) square foot in area may be attached to the building which shall contain only the name and occupation of the resident of the premises.

c. Group day care homes must be located on a major or secondary thoroughfare.

d. Backing of vehicles directly onto a thoroughfare shall not be permitted.

5. Medical marihuana home based business. Medical marihuana home based businesses are permitted in the City of Marysville only: (i) on parcels zoned R1-A, R1-B and R1-C; (ii) which are the medical marihuana caregiver's primary residence on which the caregiver had a deeded interest; and (iv) which the cultivation, harvesting, storage, disposal, sale and/or transfer of medical marihuana is in conformity with the restrictions and regulations contained in the Michigan Medical Marihuana Act and in the State Regulations developed by the Michigan Department of Community Health (MCDH) or other agency responsible for developing such regulations. In addition, medical marihuana home based business are permitted only if they comply and with all applicable requirements of this Ordinance, including, the following:

(a) A medical marihuana home based business must not be located within 1,000 feet of a school, as measured from the outermost boundaries of the lot or parcel on which the home occupation and school is located.

(b) Only medical marihuana caregivers with a current valid license issued by the State of Michigan are permitted to operate a medical marihuana home based business. Only one medical marihuana caregiver per parcel of property is permitted to operate a medical marihuana home based business.

(c) All operations of medical marihuana caregiver related to medical marihuana or a medical marihuana home based business, including, cultivation, harvesting, storage, disposal, sale and/or transfer of medical marihuana, must occur entirely within an enclosed locked facility located within the dwelling unit or attached garage located on the parcel. No such activities shall occur outside in any detached accessory or ancillary structure.

(d) There shall be no change to the physical appearance of the dwelling related to

a medical marihuana home based business and such business shall not be advertised in any manner visible from the exterior of the dwelling.

(e) All necessary building, electrical, plumbing and mechanical permits must be obtained for any portion of the premises in which electrical wiring, lighting and/or watering devices that support the cultivation, growing, processing, or harvesting of medical marihuana are located. Provided, no medical marihuana home based business shall be operated on a parcel which receives electrical service exceeding 320 amps. Further provided, medical marihuana home based business shall install a RPZ backflow preventer at the point in which the water supply to the premises enters the building, which shall be tested annually by an approved testing agency and reported to the City.

(f) If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. and 7:00 a.m. must employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

(g) That portion of a building where energy usage and heat exceeds typical residential use, such as grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers must comply all applicable codes, including, fire codes and building codes.

(h) The entire premises, including all dwellings and structures, on parcels where a medical marihuana home based business is located must be open for inspection upon request by the City Building Official or the City Department of Public Safety (i.e. police and/or fire) officials for compliance with all applicable laws and rules. Such inspection(s) may occur at the discretion of the City Building Official and/or the City Department of Public Safety during the stated hours of operation/use, at such other times as anyone is present on the premises, and/or or upon provided 24 hours notice to the medical marihuana caregiver operating the medical marihuana homes based business on the premises.

(i) No medical marihuana home based business may be operated in such a manner as to create noise, glare, fumes, or odors that are detectable to a reasonable person outside the boundaries of the parcel where the medical marihuana home based business is operated nor in such manner such as to constitute a nuisance.

(j) All medical marihuana home based businesses shall make arrangements to privately dispose of all unused portions of marihuana plants separate from usual residential waste and garbage. Unused portions of marihuana plants may not be placed at the curb or otherwise left unattended for disposal. Unused portions of marihuana plants shall not be disposed of by burning.

(k) The use of the parcel as a medical marihuana home based business must be an accessory, incidental, non-primary and subordinate to the use of the parcel as a

residence. The primary purpose of the parcel shall remain residential.

(l) Prior to operating a medical marihuana home based business, the medical marihuana caregiver that seeks to operate the business shall truthfully complete an application approved by the City and provide all information and documents requested with such application, which may include, site plans, mechanical plans, copies of all licenses issued by the State of Michigan, proof of residency, and such other documents as deemed necessary. No medical marihuana home based business may be operated prior to the City Building Official issuing a Certificate of Occupancy permitting such use pursuant to the process detailed in Section 2235 of this Ordinance. For clarity, although a medical marihuana home based business must be ancillary to the primary residential purpose of the parcel, medical marihuana home based businesses are considered a change in use under Article 22, Section 2230(3) of this Ordinance, and are not permitted until and unless a Certificate of Occupancy is issued pursuant to Article 22 Section 2235 of this Ordinance. Each time a new or different medical marihuana caregiver seeks to use a parcel for operation of a medical marihuana homes based business, even if the parcel had been previously approved for such use, is considered a change in use under Article 22, Section 2230(3) and requires a new Certificate of Occupancy prior to operation.

(m) No on street parking may be utilized for the operation of a medical marihuana home business. All necessary parking shall occur in the driveway in existence and not on the lawn or street.

(n) A medical marihuana home business shall not cause an increase in traffic greater than would normally be expected in a residential

(o) A person or entity operating a medical marihuana home based business in violation of any of the provisions and/or a property owner allowing a medical marihuana home based business to operate in violation of this Ordinance shall be responsible for a violation of this Ordinance and subject to all penalties associated with violations of the Ordinance. Additionally, any building, structure, or property where a medical marihuana home based business is operated in violation of this Ordinance shall be considered a public nuisance per se and such nuisance may be abated by order of a court of competent jurisdiction.

Section 440: Area and Bulk Requirements

ARTICLE 15, SCHEDULE OF REGULATIONS, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements shall apply to the R1 districts and shall be complied with.

Section 450: One-family Clustering Option

1. Intent

a. The intent of this section is to permit the development of one-family residential patterns which, through design innovations, will provide for an alternative means for development of single-family areas where a parcel of land has characteristics which hinder practical development under the normal subdivision approach or where the alternative will permit better preservation of natural features. Also, this option may permit increased densities under certain circumstances. To accomplish this, modifications to the one-family residential standards, as outlined in ARTICLE 15, SCHEDULE OF REGULATIONS of this Ordinance, may be permitted in the R1-A, R1-B and R1-C districts.

b. In R1-A, R1-B, and R1-C districts, the requirements of ARTICLE 15, SCHEDULE OF REGULATIONS, of this Ordinance may be waived and the attaching of one-family dwelling units may be permitted subject to the standards of this section.

2. Conditions for Qualification

a. Qualification for the cluster option shall be based on two findings by the Planning Commission with final density dependent upon whether or not the site qualifies under both findings.

(1) First, the Planning Commission shall find that the parcel will qualify for the cluster development option as defined in paragraphs 2. b. (1) - (7). below. Development would be at the single-family densities as permitted in paragraph 3. a. (1) below. This finding must be made in all cases.

(2) Second, the Planning Commission may additionally find that the parcel is located in a transition area or is impacted by nonresidential uses or traffic on major or secondary thoroughfares or other similar conditions. If the Planning Commission makes such a finding, it may permit an increase in density up to the maximum densities established in paragraph 3. a. (2).

b. The Planning Commission may approve the clustering or attaching of buildings on parcels of land under single ownership and control which, in the opinion of the Planning Commission, have characteristics that would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving a parcel for cluster development, the Planning Commission shall find at least one of the following conditions to exist:

(1) The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.

(2) The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.

(3) A substantial portion of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.

(4) A substantial portion of the parcel's perimeter is bordered by land that is located in other than an R1 District or is developed for a use other than single-family homes.

(5) The parcel is shaped in such a way that the angles formed by its boundaries

make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.

(6) The parcel contains a floodplain or soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.

(7) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

c. In order to qualify a parcel for development under paragraphs (6) and (7) of paragraph 2. a. above, the Planning Commission shall determine that the parcel has those characteristics and the request shall be supported by written or graphic documentation, prepared by a Landscape Architect, Engineer, Professional Community Planner, Registered Architect or Environmental Design Professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two foot contour interval, inventory of natural assets.

d. This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.

3. Permitted Densities:

a. In a cluster development, the maximum density permitted shall be as follows (including streets and road rights-of-way):

(1) For those parcels qualifying under paragraph 2.a.(5) through (7), the density permitted are as follows:

R1-A District	2.7 dwelling units/acre
R1-B District	4.1 dwelling units/acre
R1-C District	4.9 dwelling units/acre

(2) For those parcels qualifying under paragraph 2.a.(1) through 2.a.(4), an increase in density may be permitted by the Planning Commission up to the following:

R1-A District	3.7 dwelling units/acre
R1-B District	4.1 dwelling units/acre
R1-C District	4.9 dwelling units/acre

(3) Water areas within the parcel may be included in the computation of density provided that land adjacent to the water is substantially developed as open space.

(4) In those instances where increased densities may be permitted under paragraph 3.a.(2) above, the Planning Commission must find that such increased density does not result in the destruction or total removal of the natural features.

4. Development Standards and Requirements:

a. On parcels meeting the criteria of 2. a. above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by ARTICLE 15, SCHEDULE OF REGULATIONS, may be waived and the attaching of dwelling units may be accomplished subject to the following:

(1) The attaching of one-family dwelling units, one to another, may be permitted when said homes are attached by means of one of the following:

(a) Through a common party wall forming interior room space which does not have over seventy five (75) percent of its length in common with an abutting dwelling wall, including garage.

(b) By means of an architectural wall detail which does not form interior room space.

(c) Through common garage party walls of adjacent structures.

(d) No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed three (3). This number may be increased to four (4) if, in the opinion of the Planning Commission, greater preservation of natural assets would result.

(2) Yard requirements shall be provided as follows:

(a) Spacing between groups of attached buildings or between groups of four (4) unattached buildings shall be equal to at least twenty (25) feet in an R1-A District and twenty (20) feet in the R1-B and R1-C Districts, measured between the nearest points of adjacent buildings. The minimum distance between detached units within groups of four shall be fifteen (15) feet, unless there is a corner to corner relationship

in which case the minimum may be reduced to ten (10) feet.

(b) It is intended that setbacks for each dwelling shall be such that one (1) car length space will be available between the garage or required off-street parking spaces and the street pavement. Setbacks from minor residential streets should follow the guidelines below:

(i) Garages or required off-street parking spaces shall not be located less than twenty (20) feet from the right-of-way of a public street.

(ii) Where streets are private, required off-street parking spaces shall not be located less than twenty five (25) feet from the pavement edge of the street.

(c) That side of a cluster adjacent to a major or secondary thoroughfare shall not be nearer than twenty-five (25) to said street.

(d) Any side of a cluster adjacent to a private road shall not be nearer to said road than ten (10) feet.

(3) The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least fifteen (15) percent of the horizontal development area of a one-family cluster development.

(4) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development.

(a) Single-family lots subject to the standards of ARTICLE 15, SCHEDULE OF REGULATIONS.

(b) Detached buildings with setbacks as required by ARTICLE 15, SCHEDULE OF REGULATIONS for the applicable residential district.

(c) Open or recreation space with a minimum depth of fifty (50) feet.

(d) Changes in topography which provide an effective buffer.

(e) A major or secondary thoroughfare.

(f) Some other similar effective means of providing a transition that is acceptable to the Planning Commission.

(g) In those instances where the parcel has been qualified for the cluster option under paragraph 2, b. (1) or where the adjoining land may be used for purposes other than detached one-family dwellings, the Planning Commission may approve a plan in which the units are attached if the parcel is too small to provide the transition and the greatest setback possible is provided.

5. Procedures:

a. In making application for approval under this section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.

b. Qualification for Cluster Development:

(1) Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in paragraph 2. above, Conditions for Qualification.

(2) As an initial step, the applicant may ask the Planning Commission to make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one or both of the provisions of 2, a. above, based upon the documentation submitted.

(3) A preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

(4) The applicant may submit a site plan, as follows, if a preliminary determination is not sought.

c. Site Plan and Cluster Approval:

(1) The Planning Commission shall hold a public hearing on the site plan after an

initial review of a preliminary plan which shall not require a public hearing.

(2) In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, the following:

(a) Typical building elevations and floor plans, topography drawn at one (1) foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.

(b) An accurate tree survey indicating the location of all trees on the site of eight (8) inch D.B.H. or greater. Such survey shall be at the same scale as the site plan.

(3) Site plans submitted under this option shall be accompanied by information as required by the Subdivision Regulations, of the City Code, provided, however, that:

(a) Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the applicant.

(b) The open space plan and cost estimate shall be submitted prior to final review or the public hearing.

(4) The Planning Commission shall give notice of the public hearing in accordance with Section 2240, Public Hearing.

(5) If the Planning Commission is satisfied that the proposal meets the letter and spirit of the Marysville Zoning Ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of the Marysville Zoning Ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal together with copies of the proposal with copies of all layouts and other relevant information shall be forwarded to the City Clerk. If the proposal has been approved by the Planning Commission, the Clerk shall place the matter upon the agenda of the City Council. If disapproved, the applicant shall be entitled to a Public Hearing before the City Council, if requested in writing within thirty (30) days after action by the Planning Commission.

(6) If the City Council approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Council, shall be entered into between the City and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.

(7) As a condition for the approval of the site plan and open space plan by the City Council, the applicant shall deposit cash, irrevocable letter of credit, or other equivalent form of security as approved by the City Attorney, in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Council. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.