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## ZONING QUICK SHEET

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# BEST PRACTICE 2.3: Concentrated Development



**MICHIGAN ECONOMIC**  
DEVELOPMENT CORPORATION

# Zoning Quick Sheets

## Best Practice 2.3 – Concentrated Areas of Development

### What is this Best Practice?

#### INTRODUCTION

Best Practice 2.3 calls for community zoning codes to enable compact, mixed-use, pedestrian-oriented development in appropriate locations. The expectation is that communities will have at least one zoning district that allows for vertical mixed-use development by right, includes placemaking standards, and addresses historic preservation, where appropriate. Typically, these provisions are found in a community's downtown or along major corridors.

### Why is this a Best Practice?

Compact, mixed-use developments counter sprawling, auto-dependent environments and foster connected, inclusive communities. In mixed-use areas, housing, restaurants, services, schools, cultural facilities, and recreational areas are in proximity to each other, or even in the same building—allowing people to reach multiple destinations quickly and efficiently. Urban connectivity promotes equity and accessibility, health and quality of life as it enables walking and biking trips, increases the viability of transit, leverages existing infrastructure and mitigates issues arising from auto dependency like traffic congestion, air pollution and the need for expansive parking lots.

### Definitions/ Terms to Know

**Build-to-lines-** Build-to-lines are used to regulate the required distance a building shall be located from the lot line. It is the line, typically parallel to the street and set along the front lot line, along which the primary mass of the front façade must be set. Alternatively, a “setback” is a traditional zoning tool that regulates the minimum distance a building may be located from the lot line, a building regulated by a setback may be located anywhere on the site behind the setback line. When communities incorporate build-to-lines into their ordinance, they should also consider how much building frontage should be required to be constructed at the build-to line, to meet the intended goal of promoting a dense, walkable streetscape.

**Design Standards-** Design standards are requirements that apply to a building's form, architectural style, or other design elements (e.g., color, building materials). Design standards help communities encourage development that is in-line with the surrounding context and the community's long-term vision.

**Front Facing Doorways-** Doorway orientation affects the flow of street traffic and connectivity between buildings. In concert with build-to-line regulations and requirements for pedestrian access, zoning ordinances should have provisions for front facing doorways to ensure primary building entrances are accessible, easy to locate, and designed as a part of a cohesive streetscape.

**Minimum Ground Floor Transparency-** Minimum ground floor transparency is a zoning requirement that regulates the amount of window space required on the first floor of a building. Tools like minimum ground floor transparency, permitting outdoor dining, and allowing open-store fronts help to foster an active and walkable district.

**Mixed-Use-** A zoning classification that permits multiple compatible uses on a single lot of land, building, or development.

**Mixed Use By-Right-** Zoning ordinances include provisions for land uses that are permitted “by-right” and provisions for special land uses or uses that must meet certain conditions and undergo additional scrutiny. Oftentimes, the permitting process for special land uses is onerous and expensive. By allowing mixed-use buildings by-right, communities send a signal to developers that this type of development is encouraged and welcome.

**Sidewalk Amenities-** Interesting and engaging streetscapes help accommodate and support foot traffic, with amenities such as outdoor dining, street furniture, planters, art that can line the Right of Way to add vibrancy and enhance the Downtown experience. While sidewalk amenities are often permitted in a right of way, some zoning ordinances include standards to allow additional setback in central business districts to provide room for sidewalk amenities.

**Public Art Programs-** Communities use a variety of different zoning tools to incentivize public art and ensure that public art is in key locations. For example, some communities require the inclusion of public art along with large developments or PUDS, while others include public art as eligibility criteria for an exception from typical standards (like a density bonus or landscaping waiver). In addition to incentives for public art, it is helpful to include standards to ensure that public art is cohesive with community character and identity. In addition to using zoning as a tool to promote public art, many communities have established general code requirements and public art commissions to regulate, oversee, and incentivize public art.

**Sprawl-** A term that refers to the rapid expansion of metropolitan areas, often characterized by low-density housing, segregated land uses, and automotive dependency

**Temporary or Permanent Parklets-** Parking spaces are often in areas of valuable real estate and may offer a higher and better use when adapted for an outdoor seating area, or parklet. Parklets have popped up in more and more communities following the Covid Pandemic, as communities seek new ways to provide safe outdoor spaces, while helping businesses that struggled during recent times of economic uncertainty.

**Walk-Up Windows-** Walk-up windows are service windows at businesses that are intended to cater a take-out service for pedestrians. With reduced needs for service or dining areas, walk-up businesses often require a smaller commercial footprint, creating an affordable opportunity for small businesses, while allowing for a higher density of storefronts along a commercial corridor. By interacting with pedestrians, walk-up businesses help to generate foot traffic, and communities should consider whether to incorporate zoning standards to encourage them. However, when allowing for walk-up windows, it is important to consider the potential for crowding on sidewalks and pathways and include requirements for designated stacking areas.

**Criteria and Expectations for Essentials and Certified**

The RRC best practices call for a robust mix of uses within zoning districts and, specifically, communities are expected to permit mixed-use buildings (residential and non-residential) by right in at least one desired area/zoning district. Permitting housing units in proximity to downtown businesses provides residents with lifestyle options, increases pedestrian activity, supports nearby businesses, and generally adds to the vibrancy of the area.

CRITERIA: The zoning ordinance provides for areas of concentrated development in appropriate locations and encourages the type and form of development desired.	
ESSENTIALS EXPECTATIONS	CERTIFIED EXPECTATIONS
<input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development. The ordinance requires <b>ONE</b> or more of the following elements in areas of concentrated development: <ul style="list-style-type: none"> <li><input type="checkbox"/> Build-to lines</li> <li><input type="checkbox"/> Open store fronts</li> <li><input type="checkbox"/> Outdoor dining</li> <li><input type="checkbox"/> Minimum ground floor transparency</li> <li><input type="checkbox"/> Front-facing doorways</li> <li><input type="checkbox"/> Parking located in the rear of the building</li> </ul>	<input type="checkbox"/> The ordinance allows mixed-use buildings by-right in designated areas of concentrated development. The ordinance requires <b>TWO</b> or more of the following elements in areas of concentrated development: <ul style="list-style-type: none"> <li><input type="checkbox"/> Build-to lines</li> <li><input type="checkbox"/> Open store fronts</li> <li><input type="checkbox"/> Outdoor dining</li> <li><input type="checkbox"/> Minimum ground floor transparency</li> <li><input type="checkbox"/> Front-facing doorways</li> <li><input type="checkbox"/> Parking located in the rear of the building</li> </ul>

# Application in Communities

## Build-to-lines

**Name of Community: Brighton, MI**

**Population: 7,446 (2020 Census)**

**Description:** The City of Brighton is located in Livingston County along the Grand River commercial corridor. Brighton has historically been known for serving as a bedroom community to the surrounding Detroit, Ann Arbor, and Lansing metro areas, but recent efforts have focused on expanding Brighton’s daytime population and investing in the city’s vibrant downtown, while maintaining its quaint, small-town charm

Brighton’s 2019 zoning ordinance includes two zoning districts with form-based regulations, which provide build-to-ranges to assign a minimum and maximum setback distance for different building types. In addition to the build-to-ranges, Brighton’s ordinance includes specific regulations for different frontage types (i.e. projecting porches, integral porches, stoops, forecourts, flex dooryards, lightwells, shopfronts, arcades, and galleries) within these districts. Each frontage type is explained in the ordinance with a corresponding graphic and includes specific standards for how the frontage should be constructed. The combination of these zoning tools helps Brighton leverage development that is aligned with its community vision for an authentic urban streetscape, with architectural features and massing that encourages interaction between visitors of the downtown and the businesses.

View the City of Brighton’s zoning ordinance [here](#).

(Section 98-3.42)

Example of Brighton Build-to-Range

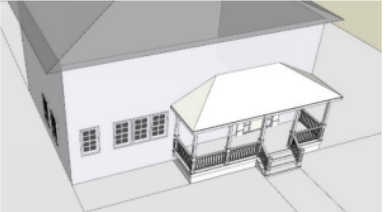
2. Building Form		
<b>a. Principal Building Height<sup>1</sup></b>		
Overall Height	48' max.	<b>A</b>
Frontage Height <sup>2</sup>	36' max.	<b>B</b>
<b>b. Accessory Building Height</b>		
Overall Height	24' max.	<b>A</b>
Frontage Height	14' max.	<b>B</b>
<b>c. Setbacks</b>		
i. Front Yard and Street-facing Side Yard, <b>Minimum<sup>3</sup></b>	10'	<b>C</b>
ii. Front Yard and Street-facing Side Yard, <b>Maximum<sup>4</sup></b>	20'	<b>D</b>
iii. Interior Side Yard, <b>Minimum<sup>5</sup></b>	0'	<b>E</b>
iv. Interior Side Yard, <b>Maximum</b>	30'	<b>E</b>
v. Rear Yard, <b>Minimum</b>	20'	<b>F</b>

Example of Brighton Frontage Types

A. Projecting Porch.

- Description.** The main facade of the building typically has a small-to-medium setback from the property line. The resulting front yard is typically small and may or may not be defined by a fence or hedge to separate the edge of the street right-of-way and private property.
- Standards.** The projecting porch shall be open on three sides and shall have a roof form that is separate from the main house. The porch may extend one or two stories. The minimum width is 10 feet, the minimum depth is 8 feet, and a minimum clearance of 8 feet is required from the floor to the lowest point of the roof structure. The porch should be elevated above the private sidewalk that connects the porch to the public sidewalk running along the lot frontage.
- Districts:** R-5

*Figure 98-3.48.A. Projecting Porch*



**Name of Community:** Birmingham, MI

**Population:** 21,272 (2020 Census)

**Description:** The City of Birmingham is located in Oakland County along the Woodward Avenue Corridor, north of Detroit, Ferndale, and Royal Oak. Birmingham has many distinct and historic neighborhoods surrounding a vibrant, walkable Downtown area. Recently, planning efforts have focused on regional coordination, congestion mitigation, and increasing accessibility for non-motorized transportation options on Woodward.

Birmingham's zoning ordinance includes the Downtown Birmingham Overlay District, with specific form-based regulations for buildings within the overlay. In the Overlay District, the front building façade at the first story must be constructed up to the front building line in order to create a dense, intimate streetscape. When abutting buildings are nonconforming with respect to the build-to line, the planning commission may provide some latitude with respect to this requirement to ensure new construction matches the surrounding context and character.

View Birmingham's zoning ordinance [here](#).

Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting buildings (Section 3.04 B-1)

**Name of Community:** Plymouth, MI

**Population:** 9,418 (2020 Census)

**Description:** The City of Plymouth is located in Wayne County between Ann Arbor and Detroit. Plymouth has a lively downtown that serves as the social and entertainment hub for many of the surrounding communities. While Plymouth has many high-density neighborhoods within a walking distance of Downtown, recent planning efforts have sought to further increase accessibility by promoting a mixture of uses and housing types near the city center.

Plymouth's zoning ordinance includes design standards for its B-2 zoning district, which encompasses the Downtown area. This section of the ordinance provides specific requirements for building siting, requiring that the building occupies 90% of the front lot line, ensuring that new buildings contribute to a continuous streetscape. The ordinance also grants exceptions for buildings that are setback to provide space for outdoor café's or other public spaces, creating opportunities for active uses between buildings and the sidewalk.

View the City of Plymouth's zoning ordinance [here](#).

(Section 78-105 Building Siting.

- a. A minimum of 90 percent of the length of the front line shall be occupied by building.
- b. All buildings shall adhere to the schedule of regulations for setbacks and height (section 78-190). A building shall not be setback greater than 12 feet from the public right-of-way unless the setback provides space for outdoor cafes or other public open space.

## Mixed Uses By Right in Areas of Concentrated Development

**Name of Community:** Flat Rock, MI

**Population:** 3,461 (2020 Census)

**Description:** The City of Flat Rock is in the Downriver Corridor of southern Wayne County, with a portion of its boundaries extending into neighboring Monroe County. Flat Rock has many single-family residential uses, with higher density neighborhoods located in a walkable distance of the Telegraph Corridor and Downtown. Downtown Flat Rock is bisected by Telegraph, and recent efforts have been underway to establish more cohesion between fragmented portions of the city's central business district.

Flat Rock's zoning ordinance permits mixed-use zoning by right in the central business district, but ensures compatibility between land uses by incorporating regulations to require that different uses will be on separate floors with separate entrances. The Flat Rock ordinance also restricts residential uses from being located on the ground floor of buildings to prioritize the ground floor for uses that more actively interact with the public realm. Other communities may choose to include parking considerations or commercial business hours in their mixed-use standards to reduce the potential for conflict between residents and commercial users.

View the City of Flat Rock's zoning ordinance [here](#).

**Principle uses and structures.** In an area zoned C-2, central business district, no building or part of a building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

(...)

Multi-family residential uses when combined with business and office uses, provided that:

- a. No business or office use shall be located on the same floor that is used for residential purposes, with the exception of legal home occupations.
- b. Residential uses are permitted on any level above the ground floor.
- c. Where there are nonresidential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
- d. Residential uses are subject to the density, building, and floor area requirements for R-3 districts in article 11.00 of the ordinance. (Section 14.02)

**Name of Community:** Portage, MI

**Population:** 49,411 (2020 Census)

**Description:** The City of Portage is in Kalamazoo County along the I-94 Corridor, south of the City of Kalamazoo. Portage's population boomed during the post-war suburbanization period with new developments characteristic of urban sprawl, including single-family neighborhoods and a "big box" retail corridor anchored by a shopping mall. Efforts have since been underway to establish a city center in Portage to create a stronger sense of place and a central location for residents, visitors, and businesses to gather.

Portage's website highlights the five different zoning districts where a mix of uses are permitted, including a planned development district, which allows regulatory flexibility and two floating zoning districts that permit mixed use along commercial corridors. Two other zoning districts, Office, Technology and Research and Commercial Planned Development, permit a mix of uses, but residential uses are prohibited.

**PD, Planned Development (Section 42-370 through 42-375)** – The Planned Development district allows for a variety of housing types and non-residential uses, while providing flexibility in lot size, housing size and building setbacks. Up to 20% of the land area within a PD can be utilized for non-residential uses.

**OTR, Office, Technology, Research (Section 42-390 through 42-394)** – The Office, Technology, Research district encourages a mixture of office, R&D and complimentary land uses such as restaurants, health and fitness facilities, and child care centers in a planned campus setting. Reduced building setbacks are provided to facilitate development in OTR districts.

**CPD, Commercial Planned Development (Section 42-410 through 42-414)** – The Commercial Planned Development district permits a mixture of office, commercial and service land uses in a planned manner and permits flexibility in building design, building placement and other site design elements.

**CCA, City Centre Area Mixed Use Floating District (Section 42-434 through 42-438)** – The City Centre Area district is intended to promote a more urban and pedestrian-friendly mixed use commercial/residential area as envisioned in the Comprehensive Plan. Flexible design options are available and include no or reduced building setbacks, limited restrictions on building height, mixed commercial/residential buildings, among others.

**CCMU, Commercial Corridor Mixed Use Floating District (Section 42-439 through 42-443)** – The Commercial Corridor Mixed Use district promotes residential uses together with office and business uses in a more compact form of development. Up to 20% of the land area within a CCMU district can be utilized for residential uses. This zoning district encourages flexibility in building design, building placement and site design elements.

In addition to Portage's mixed use zoning districts, the ordinance includes a provision for work/live accommodations, permitting an on-site accessory dwelling unit for a commercial use that can be occupied by the owner or an employee of the business. The work/live accommodations can be permitted as a Special Land Use in the Office and Service district (OS-1), the Commercial Planned Development District (CPD), the Local Business District (B-1), Community Business District (B-2), and General Business District (B-3), where other residential



uses are prohibited, providing a unique opportunity for employees to live near their employers in a location that would not otherwise be possible.

The standards in the work/live accommodations were written to ensure that the residential use remains accessory to the principal, commercial use. The dwelling unit must be located either above the business (with a maximum square footage no greater than the business below it) or adjacent to the business in the rear yard (not to exceed one third of the floor area of the commercial use). By maintaining the appearance of the commercial frontage, the exterior design of a building including a work/live accommodation will be compatible with other buildings in the area.

**Sec. 42-137. - Work/live accommodations.**

A. Intent. The intent of this section is to permit an on-site accessory residential dwelling unit to a commercial use as living quarters for the owner or employee of the commercial use. This section is further intended to:

1. Encourage a diversity of uses that contribute to the city's total employment base and provide the services needed by the city's residents and businesses;
2. Provide start-up locations for appropriate new business;
3. Allow the reuse of existing buildings or the construction of new buildings designed for live/work activities; and
4. Ensure that the exterior design of work/live buildings is compatible with the exterior design of existing commercial and residential buildings in the area.

B. Applicability.

1. Work/live buildings are permitted as special land uses in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; and CPD, commercial planned development zoning districts subject to review and approval by the planning commission pursuant division 5, subdivision 1.

2. Any commercial use permitted in the zoning district applicable to the property is permitted in the work/live building.

3. Residential dwelling units unrelated to commercial activities are prohibited as work/live uses.

4. Home occupations are prohibited in residential dwelling units of a work/live building.

C. Site development standards.

1. Zoning district site development requirements. Unless otherwise permitted by this section, development of work/live buildings and associated site improvements shall meet all the site development requirements applicable to the zoning district in which the work/live buildings are located.

2. Live/work buildings. The following conditions apply to work/live buildings:

a. The residential dwelling unit may be located above or adjacent to (on the same level) as the permitted commercial use subject to the following:

i. If a residential dwelling unit is located above a permitted commercial use, the square footage of the residential dwelling unit cannot exceed the square footage of the permitted commercial use below.

ii. If the residential dwelling unit is located adjacent to the permitted commercial use, the residential dwelling unit must be located in the rear yard and shall not exceed one-third of the total floor area of the commercial use.

b. No floor may be used by a commercial use that is located above a floor that is occupied by a residential dwelling unit.

c. The following interior connections must be maintained between the residential dwelling unit and the commercial use:

i. If the residential dwelling unit is located adjacent to the commercial use, a door meeting the requirements of the building code must be maintained.

ii. If the residential dwelling unit is not located adjacent to the commercial use then, in addition to doors, a hallway and stairway must also be maintained.

d. The work/live building must meet applicable building and fire code requirements for the type and use undertaken.

e. The residential dwelling unit shall be accessory to the commercial use and the commercial use shall remain the principal use of the property.

f. Only owners and employees of the business associated with the work/live building and who meet the definition of a business owner or employee may occupy the residential dwelling unit portion.

g. The floor area for each residential dwelling unit shall meet the minimum requirements of section 42-350(A) for a dwelling unit located in the RM-1/RM-2, multifamily residential district

The City Center Area Mixed Use Floating District (CCMU) and the City Centre Area Mixed Use Floating District (CCA) are the the only zoning districts in Portage where mixed-use buildings with residential uses are permitted by right. The ordinance includes standards for commercial and office uses within residential buildings in these Districts to ensure compatibility and promote active uses on the ground floor.

### **Section 42-442 Site Development Incentives and Standards**

#### **E. Mixed Use Buildings**

Permitted office and commercial uses may occupy any number of total floors within the building provided that:

a. No permitted commercial or office use shall be located on the same floor as a permitted residential use.

b. No floor may be used for a permitted commercial or office purpose that is located above a floor used for permitted residential purposes.

c. In a building where there is mixed commercial/office use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use (Section 42-437)

View the City of Portage's zoning ordinance [here](#).

### **Front Facing Doorways**

**Name of Community:** Suttons Bay, MI

**Population:** 696 (2020 Census)

**Description:** Suttons Bay is a small village nestled along the Leelanau Peninsula in Grand Traverse County. Despite its population of just under 700 residents, Suttons Bay is a popular destination spot for travelers with proximity to Michigan's most popular beaches, Sleeping Bear Dunes, wineries and vineyards, and many other regional attractions. Sutton's Bay has a charming downtown, with unique shops, galleries, and restaurants for residents and visitors to enjoy.

The zoning ordinance in Suttons Bay includes a section for its Mixed-Use districts which uses a form-based code to provide regulations that help encourage building design and form that is urban and walkable in character. This section of the ordinance includes specific guidelines for building entrances along storefront. Not only are buildings required to have a primary street-

facing entrance, additional standards are included in the Ordinance to regulate the flow of pedestrian traffic and promote the visibility of the building's entrance, including requirements for identifiable architectural elements and recessed entrances. Buildings with frontage exceeding 50' must have more than one entrance along the primary street, by requiring additional means of ingress and egress, walkability and accessibility are improved along long buildings that would otherwise deter foot traffic.

View the Village of Suttons Bay's zoning ordinance [here](#).

#### **Section 5.4 (D) Entrances.**

1. Recessed Entrance. Building entrances shall be recessed at least three (3) feet and at least one (1) main building entrance shall face a street. If recessed more than five (5) feet, a window display shall be provided between the doorway and the sidewalk. Angled entry walls are preferred to promote visibility of the entrance. Doorways shall not span more than one (1) story.
2. Identifiable Elements. A building entrance shall be clearly identifiable and reinforced by such architectural elements as awnings, pediments, pilasters, porte-cocheres, special paving, arches, changes in rooflines and planters.
3. Number. A building entrance is required for every 50 feet of frontage a building has on the primary street. There shall be at least one (1) usable building entrance along each street frontage.

**Name of Community:** Harrisville, MI

**Population:** 437 (2020 Census)

**Description:** Harrisville, Michigan is the County Seat of Alcona County and is surrounded by the shores of Lake Huron and the Huron and Manistee National Forests. Harrisville lake shore is along a harbor and is a destination for recreational boating. Harrisville is Michigan's sixth smallest city, a population that provides an intimate, family-like community setting for the residents who live there. Harrisville's planning goals seek to retain that small-town sense of community and quiet, while encouraging a more walkable mix of commercial and residential uses in the Town Center. In addition, the Master Plan includes goals of preserving natural resources, open spaces, and recreational opportunities and providing new opportunities for access to trails or the lakeshore.

Harrisville's zoning ordinance includes design standards in the Central Business District that take important architectural and building elements into consideration to ensure construction that is compatible with the intent and goals of a walkable district. These design standards require that pedestrian principal entrances must be located on a front lot line directly accessible from a public sidewalk, driving foot traffic onto the main pedestrian corridor. This makes the building cohesive with other buildings that share the same block, while helping to moderate and enhance the flow of pedestrian traffic. Harrisville's zoning ordinance also encourages, but does not require, a rear entrance.

#### **Section 4.8 Central Business District. D- Design Standards.**

5a. Principal Pedestrian Entrance: All buildings shall have their principal pedestrian entrance on a front lot line directly accessible from a public sidewalk. Principal entrances shall have design details that enhance the appearance and prominence of the entrance. Rear entrances are strongly encouraged where appropriate.

## Ground Floor Transparency

**Name of Community:** Grand Rapids, MI

**Population:** 198,917 (2020 Census)

**Description:** Grand Rapids is Michigan's second largest city and the county seat of Kent County. Between the 2010 and 2020 Census, the Grand Rapids Metropolitan Area population increased by over 40%, making it the fastest growing metropolitan area in Michigan. During this time, Grand Rapids has completed many pivotal redevelopment, infill, and adaptive reuse projects that have garnered attention from outside visitors, generated economic opportunities, and helped to connect key areas of the Downtown. To keep up with the momentum of growth and development, the city has embarked on its first Master Plan update in twenty years.

The City of Grand Rapids has a schedule of regulations for building elements in its mixed-use districts, providing a framework to ensure that the built environment in these vital corridors is aligned with the city's strategic goals. The schedule of regulations for building elements includes a **minimum ground floor transparency**, with specific requirements for first and second floor facades. Since Grand Rapids has many structures of historic value, the ordinance also includes a provision to ensure compatibility with the design characteristics of existing windows. While this zoning ordinance has the same requirements for all four facades, other communities may determine that it is preferential to have different requirements for the ground floor transparency of the street facing façade(s) since this is the primary point of interaction between the streetscape and the private realm.

View the City of Grand Rapids' zoning ordinance [here](#).

### Section 5.6.08.A Building Elements: Mixed Use Commercial Zone Districts

Neighborhood Classification	TN			
Zone District	CC	TCC	TBA	TOD
Minimum transparency (% of building wall area)				
Ground-floor, non-residential building façade	60%	60%	60%	60%
Upper floors, building sides and residential uses	30%	30%	30%	30%

### Section 5.6.08.D.2 Primary Materials

Window and Door Openings. Existing window and door openings shall be maintained wherever practicable. New window and door openings shall maintain a similar horizontal and vertical relationship as the originals.

## Open Store Fronts

**Name of Community:** Williamston, MI

**Population:** 3,819 (2020 Census)

**Description:** Williamston is located in Ingham County, east of the City of Lansing. Williamston is predominantly a bedroom community for the surrounding cities, with many large, low-density, single-family subdivisions. Downtown Williamston is known for its antique stores, specialty shops, and its old-style cinema, “The Sun Theater.” Recent planning efforts have been focused on revitalizing Downtown and promoting growth while maintaining Williamston’s small-town character.

While many communities permit open storefronts, it is rare that regulations for open storefronts are provided in the zoning ordinance. Williamston’s regulations make it easy for business owners to understand that open storefronts are only subject to an administrative review; by including open storefronts as a permitted development activity and providing clear guidelines for the approval process, developers are encouraged to design buildings that include them. Open storefronts increase foot traffic and help contribute to a charming and vibrant downtown.

View the City of Williamston’s zoning ordinance [here](#).

DEVELOPMENT ACTIVITY	Not Required	Administrative Review	Sketch Plan	Site Plan Review
USE – CHANGES IN and ESTABLISHMENT OF				
Accessory open air businesses		•		
Change in use to a similar or less intense use, provided that significant changes in the existing site design, facilities, structures or amenities are not required		•		
Change in use to a similar or less intense use, when significant changes in the existing site design, facilities, structures or amenities are required			•	
Establishment of a conditional land use				•

## Outdoor Dining

**Name of Community:** Royal Oak, MI

**Population:** 58,211 (2020 Census)

**Description:** Royal Oak is north of Detroit along the Woodward Corridor in Oakland County. Royal Oak’s lively downtown is known for being bike- and walkable with a diverse mix professional, commercial, entertainment, and residential uses. Outside of Downtown, Royal Oak has many professional offices, dense residential neighborhoods, and important regional points of interest, including the Detroit Zoo and Beaumont Hospital. As the city continues to experience demand for growth in and around Downtown, planning efforts focus on maintaining Royal Oak’s unique identity and regulating development to be compatible with existing neighborhoods.

Royal Oak’s zoning ordinance includes specific standards for outdoor dining, with regulations that align with the city’s vision for an active streetscape. The ordinance includes parking requirements for outdoor seating to accommodate the change in seating capacity. Additional standards are provided to reduce potential conflicts that may arise when permitting outdoor

uses, including standards for business hours, permitted activities in the outdoor dining area (food preparation must take place within the establishment), activities that generate noise, and screening requirements. Other considerations communities may want to include in their outdoor dining regulations could address things such as barrier-free accessibility, disposal of waste, or the size of the outdoor seating area.

View the City of Royal Oak's zoning ordinance [here](#).

**(Section 770-70)**

§ 770-70 Outdoor cafe service. An outdoor cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, on private property of the principal use, subject to the following conditions:

- A. An outdoor cafe shall be allowed only during normal operating hours of the establishment.
- B. All food preparation shall take place inside the establishment.
- C. If alcoholic beverages are to be served, the current Liquor Control Commission Rules and Regulations shall apply.
- D. The gross area of the cafe shall be included in the required parking calculation.
- E. No music, intercom or other noise shall be permitted that impacts adjacent properties.
- F. Appropriate screening and/or fencing shall be provided as determined to be necessary and advisable by the Plan Commission in the course of its site plan review process.
- G. Cafe service areas shall comply with all regulations and provisions required for the establishment/building.

**Parking Located in the Rear of the Building**

**Name of Community:** Howell, MI

**Population:** 9,610 (2020 Census)

**Description:** The City of Howell is the County Seat of Livingston County and is located along the I-94 and Grand River Corridors between Detroit and Lansing. Howell has prominent commercial corridors, dense residential neighborhoods, and a walkable Downtown with many shops, restaurants, and professional services. Recent planning efforts have focused on the revitalization of Downtown, culminating in many successful restoration and redevelopment projects. In addition, discussions regarding the use of the city's many surface parking lots have led the city to adopt new regulations that ensure parking is constructed accessory to a building and oriented away from the city's vibrant streetscapes.

The City of Howell's ordinance includes a form-based section that emphasizes building form over land use; all new construction in the City of Howell eligible for site plan review must conform with these form-based requirements. The form-based section provides standards for different building types, with graphics to clarify the required lot arrangement. Nearly all permitted building types in the form-based code require parking in the rear and side of the building, except for buildings described as "building form C," which limits parking in the front of the building to a single row (Building Form C is described as, "Single or multiple-tenant buildings for retail, restaurant, office, service, or residential uses.") The ordinance also stipulates that when side-yard parking is constructed against the build-to-line adjacent to the right of way, specific

screening requirements must be satisfied to reduce visibility. The different permitted building types have varying requirements with respect to building form, access, and setbacks, but all of the potential lot arrangements aim to leverage a site design that is human-scaled.

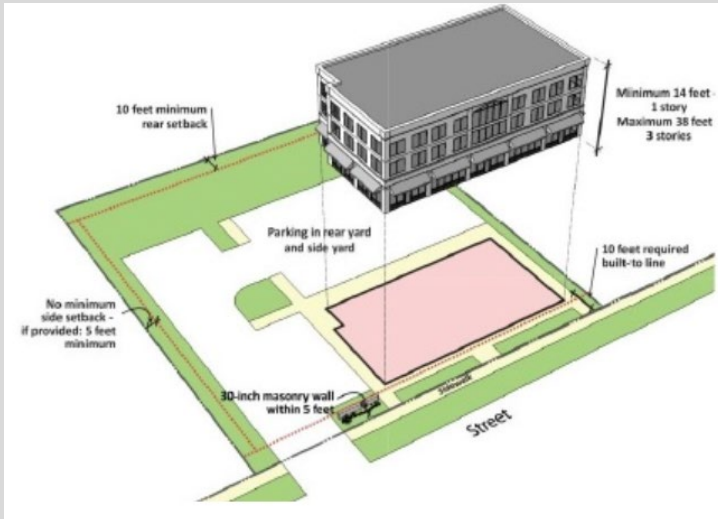
View the City of Howell's zoning ordinance [here](#).



## Examples of Howell's Parking Requirements by Building Form

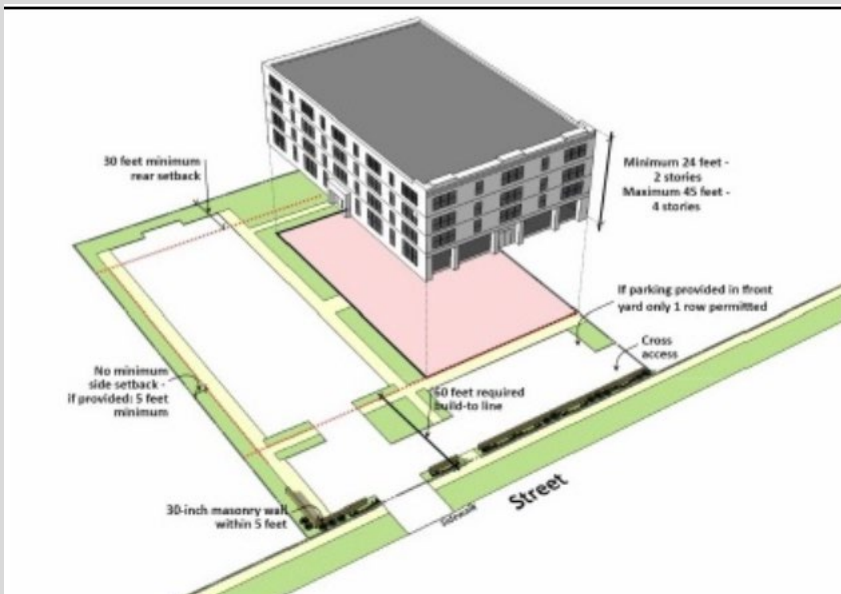
### Building Form B

Parking location: Parking shall be located in a side or rear yard; when located in a side yard and abutting the required build-to line adjacent to the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line



### Building Form C

Parking location: Parking may be located in any yard; when located in a front or side yard adjacent to the primary building and abutting the right-of-way, parking shall be screened with a minimum 30-inch masonry wall on the required build-to line, or within 5 feet of the required build-to line, provided that a landscape treatment is added between the wall and the required build-to line; if parking is provided in the front yard only 1 row is permitted



## Public Art Programs

### Incentives for Public Art

**Name of Community:** Northville, MI

**Population:** 6,120 (2020 Census)

**Description:** The City of Northville is in Oakland and Wayne Counties between Ann Arbor and Detroit. Northville's vibrant Downtown consists of many unique historic buildings, some of which date back to the 1820's when the first settlers arrived. Outside of the CBD, Northville has many walkable neighborhoods which include an impressive housing stock composed of Queen-Anne style homes that were constructed during the Victorian Era. Like many post-war suburbs, Northville experienced rapid growth with the rise of the automobile, and so did more single family subdivisions and wide roadways. However, recent efforts have sought to better accommodate pedestrians and bicyclists and provide a more walkable transition between the Northville Downs, the city's famous 48-acre horse track, and the rest of Downtown.

Northville's zoning ordinance includes a form-based overlay in the Central Business District, the Cady Street Overlay (CSO), with specific standards to align with the district's distinctive characteristics, redevelopment opportunities, and proximity to the riverfront. Among the different zoning tools used to increase vibrancy in this neighborhood, the ordinance includes a list of eligible public amenities which can be provided to permit a density bonus, including public art. Communities should consider which desirable ordinance exceptions may be permissible if tied to desirable public amenities; in addition to density bonuses, communities may consider tying public amenities to waivers from landscaping requirements or architectural standards.

View Northville's zoning ordinance [here](#).

#### Section 10.06-F

F. As designated for select areas, buildings within the CSO district are eligible for a height bonus of up to one (1) additional story where three (3) or more of the following are provided as part of the development:

- 1) Dedication of an improved public plaza. The location and design of the public plaza shall be approved by the Planning Commission.
- 2) A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of fifty percent (50%) of the building's floor area is residential.
- 3) Public Art (sculptures, murals, inlays, mosaics, etc.).**
- 4) Through-block pedestrian connections providing a continuous walkway accessible to the public (may be covered or open).
- 5) Alley enhancements – decorative paving, pedestrian-scaled lighting, and rear entrances intended to encourage pedestrian use of the alley and pedestrian connections.
- 6) Other public amenities as deemed appropriate by the Planning Commission.

### Standards for Public Art

Communities may wish to ensure that standards for public art do not conflict with the content neutrality standards associated with sign regulations. It should be noted that some public art ordinance are general ordinances, rather than zoning ordinances.

**Name of Community:** Inkster, MI  
**Population:** 25,725(2020 Census)

**Description:** The City of Inkster is located in Wayne County, eight miles west of the City of Detroit. Inkster's history is tied closely with the growth of the auto-industry, the city grew substantially as a bedroom community for Ford Workers at the Dearborn Manufacturing Plant in the 1920's and 30's, and continued with new residential developments through the post-war suburbanization period. Inkster was impacted significantly by the economic downturn in the 1970's, many manufacturing jobs were lost, and the population experienced steady decline until the most recent Census. Rather than rely on a single sector, Inkster's economy has evolved to become more diverse in recent years, with service-based industries, transportation, and manufacturing comprising the city's leading sectors. Planning ahead, Inkster seeks to leverage opportunities for redevelopment, with a focus on its main commercial corridor, along Michigan Avenue.

The City of Inkster has a mural ordinance to ensure that public art is compatible with the community's long-term vision and kept in good repair. The mural ordinance prohibits murals from being permitted along a building's primary (street-facing) façade, this restriction helps provide compatibility between neighboring buildings, maintaining the appearance of a traditional storefront. The mural ordinance includes standards for maintenance and only permits murals on certain materials or movable panels, subject to building requirements

View the City of Inkster's Zoning Ordinance [here](#).

#### **Section 155.261- Murals**

(A) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, and vandalism.

(B) Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.

(C) Application requirements:

(1) The property owner or tenant (with written permission of the property owner) shall apply for a determination of whether the proposed design representation is a sign (which would fall under the sign ordinance), a type one mural or a type two mural and, if the proposed design or representation is a type two mural, whether it complies with the requirements of this section.

(2) A design sketch, photos of the proposed site, and a review fee of \$450 shall be submitted to the Planning Department. The mural application will then be reviewed, and if it is complete it will be placed on a Planning Commission agenda for review and consideration of approval based on compliance with this section.

(D) Type two mural additional requirements:

(1) The graphics, words, and/or symbols referencing the establishment, product, or service are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural design.

(2) The references to an establishment, product, or service are not to be in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.

(E) An aggrieved applicant may file an appeal to the Zoning Board of Appeals for review of a decision relating to a mural.

(F) If the mural application is approved, the applicant must complete the approved mural within six months from the date of approval, or must resubmit the application, except when the mural is approved between October 1 and February 1, in which case the applicant shall post a performance bond to ensure installation of the mural in the spring.

(Ord. 873, passed 11-19-18)

### **Section 155-262- Mural Regulations**

(A) Intent and objectives of section. The intent of this section is to regulate the location, construction and manner of display of murals in order to preserve the aesthetic appeal of the city and to promote appropriate visual expression by defining what constitutes a mural and to provide penalties for violation of the provisions thereof. To achieve its intended purpose, this section has the following objectives:

(1) Encourage the design and placement of private murals for public display that promote or enhance the character of the city;

(2) Differentiate between signs, graffiti and murals; and

(3) Prevent visual expression that may be offensive, is of a political nature or is derogatory.

(B) Definitions. The following words, terms and phrases, when used in this section, shall have the

meanings ascribed to them herein, except where the context clearly indicates a different meaning:

**GRAFFITI.** Writing or drawings that have been scribbled, scratched, or painted illicitly on a wall or other surface.

**MURAL.** Defined as:

**TYPE ONE:** A design or representation which does not contain promotional or commercial advertising painted or drawn on a wall.

**TYPE TWO:** An original, one-of-a-kind unique design or representation which contains limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site.

(C) Murals.

(1) Type one and type two murals are allowed only in the following zoning districts, subject to the restrictions set forth in this section:

- (a) B-1;
- (b) B-2; and
- (c) B-3.

(2) Murals may not be placed on the primary façade of the structure. In instances in which the structure has two primary façades (at the intersection of two public streets), murals would not be placed on either façade.

(3) Murals may only be placed directly on unimproved concrete, concrete block or brick façades. However, should the applicant desire to have a mural constructed off-site in moveable panels to be installed on said façade, the attachment of said panels must comply with applicable building codes, subject to required permits and inspection; must not cover window or door openings unless properly sealed in compliance with applicable building codes, the attachment devices must not compromise the structural integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to weather conditions, vandalism or age.

(4) Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural in good repair may result in notification by Ordinance Enforcement and, if necessary, appropriate enforcement action by the city, including recovery of related expenses for enforcement.

(5) Prior to installation of a mural, the property owner or tenant (with written permission of the property owner) shall apply for a determination of whether the proposed design or representation is a sign, a type one mural or a type two mural and, if the proposed design or representation is a type two mural, whether it complies with the requirements of this section. The application with fee, as determined by City Council, shall be forwarded to the City Administration who shall conduct an administrative review of the application and design for compliance with this section.

(6) Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.

(7) The Mayor may designate a three person review committee to review mural design for compliance with this section. The committee, at its discretion, may refer the mural design to the Planning Commission for further review.

(8) Following determination:

(a) If the proposed design or representation is determined to be a sign, the applicant shall comply with all further review and requirements of § 155.234, before creating or installing the sign.

(b) If the proposed design or representation is determined to be a type one mural, no further review or action is necessary before creating or installing the mural.

(c) If the proposed design or representation is determined to be a type two mural, the applicant shall obtain a determination of whether the type two mural complies with all requirements of this section before creating or installing the mural.

(9) Type two murals may be allowed if:

(a) The graphics, words, and/or symbols referencing the establishment, product, or service are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural design.

(b) The references to an establishment, product, or service are not to be in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.

(c) Where numbers of signs or maximum square footages apply to a particular location, a mural shall not count as a sign nor figure into the allowable sign area.

(10) An aggrieved applicant may file an appeal to the Zoning Board of Appeals for review of a decision relating to a mural. The Zoning Board of Appeals shall review the decision based on the criteria in § 155.275.

## Requirements for Public Art for Large Developments

**Name of Community:** Southfield, MI

**Population:** 76,579 (2020 Census)

**Description:** The City of Southfield is located in Oakland County and shares a border along 8 Mile with the City of Detroit. Southfield is largely developed and shares many characteristics of inner ring city suburbs, with many densely built single family neighborhoods. Southfield takes pride in its use of innovative zoning tools, including permissive building heights in the city center and being an early-adopter of mixed-use. Recently, Southfield has adopted a zoning district to promote the adaptive reuse of school buildings to residential uses, incorporated a mixed-use overlay into its ordinance, adopted several green infrastructure related amendments to the zoning ordinance, and created a public arts commission and ordinance.

The City of Southfield requires projects with costs greater than \$1,000,000 to include the procurement and display of on-site public artwork. The amount that the project should invest in the artwork is correlated with the total project cost. The art work must be approved by the public arts commission and city council, but shall not be “unreasonably withheld.” In addition to the capital public arts allocation, the applicant is responsible for all maintenance costs. By making public art a requirement for large projects, Southfield’s ordinance leverages significant investments in the community to help expand a beloved public amenity. The expansion of public art in Southfield helps promote the city’s culture and creativity, and creates unexpected and unique experiences residents and visitors to enjoy. Other communities considering a public art requirement for large projects, may consider connecting this requirement with a TIF-incentive, a specific overlay district, or the use of a Planned Unit Development Tool. In addition, communities should consider establishing review standards for the approval of public art.

View the City of Southfield’s zoning ordinance [here](#).

### 5.22-5 Public Art Requirement

Unless the project is exempt from this requirement pursuant to Sec. 5.22-5 (4) of this section, the site shall be designed and developed to contain public art as defined by Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and in accordance with the following:

1. A budget for the public art required by this section shall be established based on the allocation of 0.5% of the total project cost up to \$12,500 for projects between \$1.0 million and \$2.5 million dollars, and 1% of the total project cost up to \$25,000 for projects in excess of \$2.5 million dollars, to be committed to the procurement and display of public art on the site.
2. The public art shall be a work of art as defined by Sec 1.180 of Chapter 4, Article VI, Title I of the City Code and shall be approved by the City's Public Art Commission in accordance with the definition of public art and the standards set forth in Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and the City Council prior to site plan approval. The approval by the Public Art Commission and City Council shall not be unreasonably withheld.
3. The total allocation as established pursuant to Sec. 5.22-5 (1) shall be held in the name of the City to be held in the Public Art Fund trust account pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by Sec. 5.22-5 (1) Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result in denial of a certificate of occupancy. In instances where, due to circumstances beyond the reasonable control of the property owner which impedes timely installment of the work of art, such as weather, delay in fabrication or delivery of the work of art, etc., a cash bond in an amount equal to the public art allocation requirement as set forth in Subsection (1) hereof (the "Public Art Bond") may be deposited with the City Clerk to insure compliance with this section. In the event the work of art is not fully installed within the period of time as established by the City Planner, the Public Art Bond shall be forfeited to the City and the proceeds thereof shall be deposited in the Public Art Fund established pursuant to Subsection 1.180(b)(7) of Chapter 4, Article VI of Title 1 of the City Code. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to the provisions of Sec. 5.206 of this Chapter. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within 30 days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense. (Amended – Ordinance 1693 – 6/14/18)
4. The following projects are exempt from the public art requirements of this section:
  - a. Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the Director of Planning, under the particular facts and circumstances of that case as explained in detail by the applicant. The Director of Planning may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the Director of Planning.
  - b. Projects where the total project cost is less than \$1 million dollars.
  - c. Residential projects containing fewer than 4 residential units.
  - d. Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount required in Sec. 5.22-5 (1) of this paragraph to the public art fund as established pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I of the City Code or donates a "work of art" to the fund that is approved by the Public Art Commission and is of equal value to the requirements established in Sec. 5.22-5 (1) of this Section.

- e. Projects that are renovations of existing buildings where the total project cost is less than \$1.0 million.

A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to Sec. 5.22-5 (1) of this Section in which case the budget required for public art shall be reduced by a corresponding amount

## Walk Up Windows

**Name of Community:** Chesterfield Township, MI

**Population:** 45,374 (2020 Census)

**Description:** Chesterfield Township is in Macomb County along Lake St. Clair’s “Anchor Bay,” about 25 Miles Northeast of Detroit. Although Chesterfield Township does not have a traditional Downtown Area, the Township has recently focused efforts towards hamlet-scale mixed use and commercial development within the Jefferson Corridor, and in proximity of Lake St. Clair, providing urban amenities for the surrounding neighborhoods and visitors. Chesterfield Township’s recent master plan includes goals related to housing, transportation, economic development, public facilities and services, and the environment, with common objectives intended to combat urban sprawl in order to create a community that is well-connected, inclusive, diverse, and vibrant.

Chesterfield Township’s recent zoning ordinance update includes standards for walk-up windows, encouraging businesses to incorporate this feature, while establishing regulations to reduce the potential for conflict with surrounding uses. In particular, the Township’s ordinance includes provisions to prevent illuminated menu boards from being installed on any façade facing a public street or residential district. Communities may consider restricting walk-up windows on facades facing residential districts altogether, in order to prevent conflicts between uses. In addition to these standards, the Chesterfield Township regulations require stacking areas for pedestrians, ensuring that these uses do not hinder the flow of pedestrian traffic. Finally, Chesterfield Township’s walk-up window standards include a provision which requires a designated indoor or outdoor eating area for customers. Other communities may consider whether public seating areas, such as parks and street benches, may be adequate to forgo a dining area requirement.

View Chesterfield Township’s zoning ordinance [here](#).

WALK-UP WINDOW FACILITY means an establishment that accommodates customers to order and/ or pick up goods, food and/or beverages or otherwise conduct business at a single window.

### Section 5.39 H-3

3. Walk-up window and operation standards.

a. Walk-up windows may be permitted as an accessory use for any use that otherwise permits a drive-through or drive-up window.

b. A walk-up window for ordering and/or pickup of small merchandise, food, beverage and similar operations may be located on any building façade subject to the standards in this ordinance. If located on a street-facing façade or façade facing a residential district, the use



of internally illuminated and /or electronic ordering boards and similar devices visible from any property line shall be prohibited.

c. A walk-up window shall have a designated area for pedestrians to stack (queue) that does not impede the flow of pedestrian traffic on the site.

d. The uses of speakers or other amplified sound at a window shall not be discernible at any property line.

e. In the event that the demand for a walk-up window exceeds the designated stacking area capacity, the facility shall make adjustments to operations reduce the stacking area so that it no longer exceeds capacity.

f. The consumption of food obtained from a walk-up window shall be permitted only in designated indoor or outdoor dining areas that have an approved site plan.

g. Walk-up windows may be approved by the Planning and Zoning Administrator or his/ her designee when proposed as an improvement to an existing building.

**Name of Community:** Munising, MI

**Population:** 1,986 (2020 Census)

**Description:** The City of Munising is in the Upper Peninsula along the Southern shore of Lake Superior. Like many waterfront cities in Michigan, Munising has a quaint, small-town identity and a traditional downtown. Munising is the County Seat of Alger County and serves as the primary hub for commercial establishments, tourism, and civic and cultural activities in the County. Lake Superior and the Hiawatha National Forest directly border the City of Munising, limiting the potential for physical growth and expansion outside its boundaries.

Munising has provisions for restaurants with an open front window in its zoning ordinance specific land use requirements. This section of the ordinance provides regulations to ensure these uses do not create disturbances, with standards including required trash receptacles, provisions for visible signage through the open front window, and a review of business hours during the permitting process. Additionally, the ordinance cross-references the outdoor dining requirements, permitting outdoor dining in addition to the open front window when compliant with all of the requirements of the ordinance. Other communities may want to consider pedestrian stacking as a standard for restaurants with open front windows.

**Open Front Store or Restaurant Window:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure, such as ice cream and yogurt restaurants

#### **Section 557- Specific Land Use Requirements**

##### 17. Restaurants with an Open Front Window

a) Trash receptacles shall be provided and maintained on the property.

b) All signs placed on the building shall be mounted flat against the building; and interior signs visible to patrons through glass or an opening shall not exceed twenty-five percent (25%) of that area. Temporary signs indicating the whether the establishment is “opened” or “closed for the season” shall be permitted.

c) Outdoor seating may be provided when meeting the requirements of Article 3, Division 2, Section 356, Outdoor Dining.

d) Months and hours of operation shall be provided as part of the zoning permit or site plan approval.

### Temporary or Permanent Parklets

**Name of Community:** Rochester, MI

**Population:** 13,038 (2020 Census)

**Description:** The City of Rochester is in Oakland County, 20 miles north of the City of Detroit, at the confluence of Stony Creek and the Clinton River. Rochester experienced early growth due to its proximity to these connected waterways, supporting early industries including a refinery for sugar beets, paper mill, and the Western Mills Knitting Factory. Today, the waterways are no longer used to support industry, and efforts to conserve their value as coveted natural resources have long been established. The city continued its industrial growth, pivoting towards automotive, but recent declining trends have led Rochester consider redevelopment opportunities in its industrial areas. Like many communities, there are great housing needs and supply constraints in Rochester, and the redevelopment of former industrial sites may pose a new opportunity to create residential units. In order to grant the flexibility needed to support adaptive reuse, Rochester's zoning ordinance uses a special projects tool to flexible zoning when applied to opportunity sites identified in the Master Plan with an identified public benefit.

The City of Rochester's standards for outdoor dining include specific provisions which apply to outdoor seating areas within public rights of way. As more and more businesses demand outdoor service areas, a provision to establish specific procedures and protections for those in the Right-of-Way is necessary. Rochester's standards require city council approval for outdoor dining within a right-of-way, and once approved, the applicant must sign a license agreement with the city and procure and maintain insurance for the seating area. The ordinance only allows temporary fixtures in the right-of-way, allowing for flexibility with potential parking demand and ensuring winter snow removal is not disrupted. The renewal process for the outdoor seating area is agreed upon within the licensing agreement; other communities may consider an annual renewal process for outdoor seating areas as a part of the zoning ordinance.

View Rochester's Zoning Ordinance [here](#).

#### Sec 2121- Outdoor Dining Standards

(6) For outdoor dining located in any portion of the public right-of-way:

a. All such uses shall be subject to a license agreement from the city, contingent upon compliance with all city codes including all conditions required by the planning commission in conjunction with site plan approval. A copy of the form license agreement may be obtained from the city clerk.

b. After planning commission approval of the special exception, the proposed license agreement will be forwarded to the city council for its consideration. Nothing in this

section shall be construed to require a license agreement for an establishment with a carry-out service, ice cream parlor, or similar use where patrons may leave the establishment before consuming the food purchased, unless said establishment chooses to operate an outdoor cafe and seeks approval as set forth herein.

c. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk as required by the planning commission, but in no case less than five feet.

d. No permanent fixtures may be erected or installed in the public right-of-way.

e. Should the right-of-way involved be under the jurisdiction of the Michigan Department of Transportation or other governmental agency, the restaurant owner or operator must obtain any required permits from such department or agency.

## **Sidewalk Amenities**

**Name of Community:** Genoa Township, Michigan

**Population:** 20,685 (2020 Census)

**Description:** Genoa Township is located in Livingston County between Howell and Brighton along the Grand River Corridor. Genoa Township is in the process of adopting a new master plan, guiding land use to be contextually appropriate with an emphasis on focusing development along Grand River before moving south of the township. The new master plan also includes a housing plan with recommendations for alternative housing types and promoting housing diversity, as well as a commercial corridor development plan that includes strategies for the Grand River Corridor, specific redevelopment sites within the Corridor, and market opportunities for future growth. These goals are a shift from historic development trends in the township often characterized as sprawl.

Genoa Township has a “Town Center Overlay District” that is designed to guide development and redevelopment within the area designated as the Town Center in the Master Plan, at the intersection of Grand River and Dorr Road. This district is intended to encourage development that is pedestrian-oriented and provides a traditional downtown character with form-based regulations to guide buildings to be compatible with that intent. Within the overlay, there are three frontage types, and the town center frontage type includes a maximum setback of ten feet. However, the planning commission may grant an exception from this maximum setback in circumstances where the plans include space for a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, outdoor seating, or other pedestrian amenities. By establishing this exception in the ordinance, developers are not constrained from providing pedestrian amenities that serve as placemaking enhancements

and increase the vibrancy of the town center overlay.

To view Genoa Township’s zoning ordinance, visit this [page](#).

### **Section 9.04.02 Town Center Frontage**

#### Front Yard and Building Frontage Requirements

Minimum 0-foot front yard setback. Maximum 10-foot front yard setback.

The building façade shall occupy no less than 60% of the frontage length.

The building façade shall be built to the minimum front setback within 30 feet of any block corner.

#### Building Frontage Exceptions

Exceptions to the maximum front yard setback and building frontage requirements may be granted by the planning commission when the front yard area is used for the following purposes listed below.

(a) Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, outdoor seating or other pedestrian amenities.

(b) Intersection clear distance.

(c) The building is used for public or quasipublic/institutional purposes