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acres is all the Michigan
we will ever have."*

Former Governor
William G. Milliken

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Organization and Codification of a Zoning Ordinance

What is Codification?

Codification is the numbering system and arrangement of articles and sections of a law. This bulletin focuses on the organization and codification of a municipal zoning ordinance.

There is a logical progression, or order, to which various parts of a zoning ordinance. The order in which parts of a zoning ordinance appear in written form should follow this logical progression. .

There is also an advantage to using a uniform codification system within a county or area of the state. Often people who use zoning (real estate agents, land appraisers, professional land surveyors and people looking at several sites with intent to buy one parcel) are looking at many different ordinances. It makes their job much easier if each ordinance is organized in the same way.

There are a number of county planning commissions in Michigan which have made it a goal to have the numbering system in each municipal zoning ordinance in their county follow a uniform codification system. This bulletin focuses on a sample of one such system.

Numbering Style

The first task is to select a numbering style. This bulletin uses an outline style shown on the next page. The Section number (101 in the example, below) is numbered using a combination of the Article number (1) and the number of the section within that article (01). Another example would be section 7 of Article 34: 3407.

As illustrated below, each level of the outline also is indented a given number of tabs. Use of indentation makes the organization of the zoning ordinance easier to see and understand, and makes the ordinance more user friendly.

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The example of a numbering system is here:

- 101. Section Title
 - A. Subsection
 - 1. Paragraph
 - a. Subparagraph
 - (1)
 - (a)
 - i)
 - a)

Most newer word processors (such as Corel WordPerfect™ or Microsoft Word™) have automated outline or paragraph numbering feature which can be customized by the user. If the entire ordinance is typed using its automated numbering system then cross references within the ordinance can be done by the word processor. A cross reference is when the text in a zoning ordinance refers to another section of the ordinance, such as “see Section 8607 of this Ordinance.” Cross referencing can be done by placing “target” and “reference” codes in the text. This gives the computer the job of keeping all cross references up-to-date so there is no need to go back and figure out the new cross reference each time a new section is added somewhere, and having to change the numbering of several paragraphs after that point. See the help screen or software user manual for details on how this works with your word processor.

The Logic Behind the Order in Which Things Appear

There should be a systematic progression of the various parts of a zoning ordinance. A law, or in this case a zoning ordinance, is not written like a book. The glossary should not be at the end of the ordinance. It is toward the beginning. This is because the definitions of words should be established in the ordinance **before** they are used: First define the word, then use it. Another example is the section on nonconforming uses. It should **follow** the articles of the zoning ordinance which establish the regulations: First establish the regulations, then present the exceptions.

Starting here is a general discussion of how a sample zoning ordinance might be organized. Articles are numbered starting with 1 and ending with 98. Article numbering skips many numbers, both to leave room to add additional articles in the future, and to group articles on similar topics together.

The first article, Article 1, is devoted to the title, purposes, codification and legal clauses of the zoning ordinance. The first task is to establish the ordinance title, how it is abbreviated. Spelling out the ordinance’s purpose, explaining how it is organized and clearly indicating the state statute under which the ordinance is adopted should all be presented first. These types of items should be established before starting the “meat” of the zoning ordinance.

Second is Article 5, to define specific words used in the ordinance. Some zoning ordinances divide the definitions into two lists. First is to define words; second is to define uses. Some ordinances also adopt by reference the “North American Industry Classification System Short Titles” (NAICS),¹ (formerly known as the “Standard Industrial Classification System” or SIC). NAICS is a system that lists all economic enterprises into a numeric classification system. For example “grocery stores” is classified as 44511, and is grouped with other enterprises as part of subsector “food & beverage stores (445) which is further grouped with even more enterprises as part of sector “retail trade” (44-45). The advantage of using NAICS is the ability to use the NAICS definitions of nearly every type of land use, without having to reiterate the large number of definitions in the zoning ordinance.

The series of articles, numbered 10 to 19, are for regulations which apply in all zoning districts.

¹ NAICS is available in book form: *North American Industry Classification System, United States 1997*, Executive Office of the United States President, Office of Management and Budget, ISBN 0-89059-097-4, Bernan Press, 4611-F Assembly Drive, Lanham, MD, 20706-4391 (800)274-4447 e-mail info@bernand.com; and can be viewed on the World Wide Web at URL: <http://www.ntis.gov/naics>.

That is to say the regulations apply everywhere in the municipality.

Article 10 is for general regulations. This is the article where regulations that are to be applied everywhere in the municipality and all types of uses: permitted uses, conditional uses, special uses. This article is further organized by placing sections on similar topics in groups numbered by 10.

- General provisions: Sections 1001 to 1009.
- Environmental, Water: Sections 1010 to 1019.
- Environmental, Solid Waste: Sections 1020 to 1029.
- Environmental, Land/other: Sections 1030 to 1039.
- Parcel & setback regulations: Sections 1040 to 1049.
- Vehicle access/roads/parking: Sections 1050 to 1059.
- Aesthetics, signs: Sections 1060 to 1069.
- Structure regulations: Sections 1070 to 1079.
- Dwelling/residential standards: Sections 1080 to 1089.
- Other special purpose: Sections 1090 to 1099.

Then, Article 14, is used to present regulations specifically for conditional use standards. In addition to general conditional use standards there may be specific standards for certain types of land uses. Those specific standards are in this article. As used here, conditional uses are in essence “special uses” as defined in the Michigan Zoning Enabling Act². The intent of conditional use procedure is that the public hearing process would not normally be held, or the review process is in some other way streamlined compared to special use procedure.. Standards for conditional uses are those criteria which, if each one is met, means the conditional use permit must be granted.

Article 16 is used to present regulations

specifically for special use standards. In addition to general special use standards there may be specific standards for certain types of land uses. Those specific standards are in this article. Standards for special uses are those criteria which, if each one is met, means the special use permit must be granted.

The next article, 18, is to establish the various zoning districts, often listing each zoning district, establishes the fact the zoning map exists and how it is identified, how changes are shown, how it is replaced if old or worn out and lists rules for interpreting the map.

The next series of articles, numbered 20 to 79 are for each zoning district which exists in the municipality. They are grouped as follows:

- Specific districts: Environmental, historic, special; Articles 20 - 29. Examples include wetland districts, river protection districts, sand dune districts, historic districts, civic center and public/park districts.
- Specific districts: Agricultural, forestry, rural; articles 30 - 39. Examples include agriculture preservation or production districts, forest preservation or production districts, mining districts, rural residential districts.
- Specific districts: Residential; articles 40 - 49. Examples include all types of residential districts, single family, low, medium or high density; multiple family; and so on.
- Specific districts: Commercial; articles 50 - 59. Examples include retail, service, commercial, highway strip, downtown, secondary shopping type districts.
- Specific districts: Industrial: articles 60 - 69. Examples include industrial, manufacturing, warehouse, transportation districts.
- Overlay districts: Articles 70- 79. This set of districts are different than the above districts in that they “overlay” on top of the specific districts already established. Examples of overlay districts can include historic, lake or river shoreline overlay districts, sand dune overlay district, wellhead protection overlay district, airport height (airplane approach) limitations and so on.

²P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*) (This footnote, in earlier versions of this flyer, used to cite the following acts, each repealed as of July 1, 2006: For villages and cities the zoning enabling statute is the City and Village Zoning Act (being P.A. 207 of 1921, as amended, M.C.L. 125.581 *et seq.*); for townships and charter townships it is the Township Zoning Act (being P.A. 184 of 1943, as amended, M.C.L. 125.271 *et seq.*); for counties it is the County Planning Act (being P.A. 183 of 1943, as amended, M.C.L. 125.201 *et seq.*).

The next series of articles (80 - 89) center on nonconformities, zoning administrator, permit process and procedures for the zoning ordinance.

Article 80, introduces the possible exceptions to the zoning district regulations and general regulations. This is where the condition existed prior to the adoption date of the zoning ordinance, or amendment – “grandfathering” or “nonconformities”.

Article 82 creates the office of the zoning administrator and spells out the zoning administrator’s duties.

Article 84 establishes the procedures for a regular or permitted use zoning permit.

Article 85 establishes the procedures for a conditional use permit.

Article 86 establishes the procedures for a special use permit.

Article 88 establishes the procedures for a planned unit development

The last set of articles (Articles 90-99) center on ordinance administration.

Article 94 establishes the requirements for what is shown on a site plan and the procedure for review of the site plan.

Article 96 establishes the zoning board of appeals, spells out the duties of the appeals board, how members are appointed, procedures for seeking an appeal and interpretation of the ordinance or variance from the requirements of the zoning ordinance.

The last, article 98, discusses amending the zoning ordinance and that procedure, repeal of the zoning ordinance, and other miscellaneous provisions.

The following is a sample of zoning text which establishes this codification system for a zoning ordinance. It should be placed in the first article of the zoning ordinance.

106. Codification

This Ordinance is codified by use of articles and sections, and organized in the following manner. Section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.

A. Article 1-9 for introductory material for

this Ordinance.

1. Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.
2. Article 5 for definitions of words and uses which are used in this Ordinance.
- B. Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.
 1. Article 10 for general regulations which are applicable in all zoning districts. This article is further subset as follows:
 - a. Sections 1000-1099 for general provisions.
 - b. Sections 1010-1019 for water related environmental regulations.
 - c. Sections 1020-1029 for solid waste related environmental regulations.
 - d. Sections 1030-1039 for land and other environmental regulations.
 - e. Sections 1040-1049 for parcel and setback regulations.
 - f. Sections 1050-1059 for vehicle access, road and parking regulations.
 - g. Sections 1060-1069 for aesthetic (sign, viewshed, sex oriented businesses and so on) regulations.
 - h. Sections 1070-1079 for structure (not dwelling) regulations.
 - i. Sections 1080-1089 for dwelling and residential regulations.
 - j. Sections 1090-1099 for other special purpose general regulations which are not classified above.
 2. Article 14 for standards for specific possible conditional uses.
 3. Article 16 for standards for specific possible special uses.
 4. Article 18 for establishment of the zoning map and definition of zoning districts.
- C. Articles 20-79 for each zoning district, further organized as follows with articles 20-69 organized from least

intense to most intense:

1. Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense.
2. Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts with each zoning district organized from least intense to most intense.
3. Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense.
4. Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense.
5. Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense.
6. Articles 70-79 for overlay districts.
- D. Articles 80-89 for permit process and procedures.
 1. Article 80 for nonconformities.
 2. Article 82 for administration of the Ordinance.
 3. Article 83 for permit procedures.
 4. Article 85 for conditional uses procedures.
 5. Article 86 for special uses procedures.
 6. Article 88 for planned unit development procedures.
- E. Articles 90-99 for Ordinance administration.
 1. Article 94 for site plan review process.
 2. Article 96 for appeals board.
 3. Article 98 for Ordinance amendment, validity, enforcement and penalties.

Sample Table of Contents

For purposes of an example, the following is a Table of Contents of a zoning ordinance which follows the codification system outlined in this bulletin. Listing the title of each section can help clarify what parts of an ordinance are placed where.

General category/grouping of sections

ARTICLE number and ARTICLE title

<u>Section number and Section title</u>
Introduction sections and legal clauses
ARTICLE 1: TITLE, PURPOSES AND LEGAL CLAUSES
101. Title
102. Purposes
103. Legal Basis
104. Effective Date
105. Scope
106. Codification
ARTICLE 5: DEFINITIONS
501. Purpose
502. Undefined Words
503. Definitions of words
504. North American Industry Classification System
505. Definitions of Uses
General regulations applicable in all of the municipality
ARTICLE 10: GENERAL REGULATIONS
1001. Purpose
1002. Scope
1003. Bulk Regulations
1004. General Provisions
Environmental, Water
1010. Water Supply and Sewage Facilities
1011. Water Protection
1012. Vegetation Belt
1013. Hazardous Substance Groundwater Protection
Environmental, Solid Waste
1020. Waste Accumulation and Outside Storage
Environmental, Land/other
1030. Greenbelt
1031. High Risk Erosion Area
1032. Sand Dune
Parcel & setback regulations
1040. Fences
1041. Buffer Zone
1042. Height
1043. Parcel Width to Depth Ratio
Vehicle access/roads/parking
1050. Access to Public Roads
1051. Driveway and Curb Cuts
1052. Private Road
1053. Traffic Visibility at Corners
1054. Vehicular Parking Space, Access and Lighting
Aesthetics, signs
1060. Signs
1061. Sex-oriented Businesses
Structure regulations
1070. Location of Accessory Buildings and Structures
1071. Temporary Dwellings
Dwelling/residential standards
1080. Dwellings
1082. Second Dwelling on a Parcel
1083. Additional Living Unit in Dwellings.

1085. Home Occupations

Other special purpose

1090.

ARTICLE 14: CONDITIONAL USE SPECIFIC STANDARDS

1401. Purpose

1402. Non-farm home in an Agricultural Production districts.

1403. Upstairs rental units in commercial districts.

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS

1601. Purpose

1602. Any in River Corridor District

1603. Any in Agriculture Preservation District

1604. Livestock Agriculture

1605. Campgrounds

1606. Mobile Home Parks

1607. Mining

1608. Temporary mining

1609. Manufacturing, Trucking and Warehousing

1610. Junkyards

1611. Sweetening Plants

ARTICLE 18: GENERAL ZONING DISTRICT PROVISIONS

1801. Establishment of Districts

1802. Provision for Official Zoning Map

1803. Identification of Official Zoning Map

1804. Changes to Official Zoning Map

1805. Authority of Official Zoning Map

1806. Replacement of Official Zoning Map

1807. Rules of Interpretation

1808. Application of Regulations

Specific districts; environmental, historic, special

ARTICLE 20: RIVER CORRIDOR DISTRICT

2001. Purpose

2002. Permitted Uses

2003. Special Uses

2004. Regulations and Standards

ARTICLE 25: WETLAND CONSERVATION DISTRICT

2501. Purpose

2502. Permitted Uses

2503. Special Uses

2504. Regulations and Standards

ARTICLE 27: CIVIC CENTER DISTRICT

2701. Purpose

2702. Permitted Uses

2703. Special Uses

2704. Regulations and Standards

ARTICLE 29: MULTIPLE USE DISTRICT

2901. Purpose

2902. Permitted Uses

2903. Special Uses

2904. Regulations and Standards

Specific districts; agricultural, forestry, rural

ARTICLE 30: AGRICULTURE PRESERVATION

DISTRICT

3001. Purpose:

3002. Permitted Uses:

3003. Conditional Uses:

3004. Special Uses:

3005. Permitted Use Regulations and Standards

3006. Special Use and Conditional Use Regulations and Standards

ARTICLE 34: FOREST PRESERVATION DISTRICT

3401. Purpose

3402. Permitted Uses

3403. Special Uses

3404. Regulations and Standards

ARTICLE 37: RURAL RESIDENTIAL DISTRICT

3701. Purpose

3702. Permitted Uses

3703. Special Uses

3704. Regulations and Standards

Specific districts; residential

ARTICLE 40: RESIDENTIAL DISTRICT

4001. Purpose

4002. Permitted Uses

4003. Special Uses

4004. Regulations and Standards

ARTICLE 42: SPECIAL RESIDENTIAL DISTRICT

4201. Purpose

4202. Principal Uses Permitted

4203. Special Uses

4204. Regulations and Standards

ARTICLE 44: MULTIPLE FAMILY RESIDENTIAL DISTRICT

4401. Purpose

4402. Permitted Uses

4403. Special Uses

4404. Regulations and Standards

Specific districts; commercial

ARTICLE 50: NEIGHBORHOOD-COMMERCIAL DISTRICT

5001. Purpose

5002. Permitted Uses

5003. Special Uses

5004. Regulations and Standards

ARTICLE 53: COMMERCIAL DISTRICT

5301. Purpose

5302. Permitted Uses

5303. Special Uses

5304. Regulations and Standards

ARTICLE 55: HIGHWAY COMMERCIAL DISTRICT

5501. Purpose

5502. Permitted Uses

5503. Special Uses

5504. Regulations and Standards

ARTICLE 57: LAKEFRONT COMMERCIAL DISTRICT

5701. Purpose

- 5702. Permitted Uses
- 5703. Special Uses
- 5704. Regulations and Standards

ARTICLE 59: DOWNTOWN BUSINESS DISTRICT

- 5901. Purpose
- 5902. Permitted Uses
- 5903. Special Uses
- 5904. Regulations and Standards

Specific districts; industrial

ARTICLE 60: LIGHT INDUSTRIAL DISTRICT

- 6001. Purpose
- 6002. Permitted Uses
- 6003. Special Uses
- 6004. Regulations and Standards

ARTICLE 63: INDUSTRIAL DISTRICT

- 6301. Purpose
- 6302. Permitted Uses
- 6303. Special Uses
- 6304. Regulations and Standards

ARTICLE 67: LAKEFRONT INDUSTRIAL DISTRICT

- 6701. Purpose
- 6702. Permitted Uses
- 6703. Special Uses
- 6704. Regulations and Standards

Overlay districts

ARTICLE 70: HISTORIC OVERLAY DISTRICT

- 7001. Purpose
- 7002. Overlay District
- 7003. Uses Permitted
- 7004. Use Regulations
- 7005. Historic Standards
- 7006. Review Procedure
- 7007. Site Plan

ARTICLE 72: LAKE SHORELINE OVERLAY DISTRICT

- 7201. Purpose
- 7202. Area Affected
- 7203. Permitted Uses
- 7204. Regulations

ARTICLE 74: SAND DUNE OVERLAY DISTRICT

- 7401. Purpose
- 7402. Area Affected
- 7403. Parcels Affected
- 7404. Application Requirements
- 7405. Permitted and Prohibited Uses
- 7406. Site Plan Review
- 7407. Use Standards
- 7408. Sand Dune Special Use Project Review Procedures
- 7409. Nonconforming Uses
- 7410. Variances
- 7411. Penalties

ARTICLE 76: WELLHEAD PROTECTION OVERLAY DISTRICT

- 7601. Area Affected

- 7602. Wellhead Protection Zones
- 7603. Sector A Land Use Prohibitions
- 7604. Sector B Land Use Restrictions
- 7605. Sector C Land Use Prohibitions
- 7606. Conflicting Federal or State Regulations
- 7607. Nonconforming Land Uses in this Overlay Zone

ARTICLE 78: AIRPORT OVERLAY DISTRICT

- 7801. Area Affected
- 7802. Height Limitations
- 7803. Unlawful Land Uses
- 7804. Conflicting Federal or State Regulations

Permit process and procedure

ARTICLE 80: NONCONFORMITIES

- 8001. Purpose
- 8002. Regulations
- 8003. Extensions
- 8004. Repairs and Maintenance
- 8005. Building Damage
- 8006. Completion
- 8007. Non-Use
- 8008. Historic Buildings
- 8009. Change of Tenancy or Ownership
- 8010. High Risk Erosion
- 8011. Nonconforming Special Uses
- 8012. Nonconforming Uses

ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE

- 8201. Purpose
- 8202. Zoning Administrator
- 8203. Zoning Administrator Duties

ARTICLE 84: PERMITS

- 8401. Land Use Permits
- 8402. Land Use Applications
- 8403. Permit Exemptions
- 8404. Start Work Deadline
- 8405. Void Permits

ARTICLE 85: CONDITIONAL USES

- 8501. Purpose
- 8502. Authority to Grant Permits
- 8503. Application and Fee
- 8504. Information Required in Application
- 8505. Review for Completeness
- 8506. Consideration and Decision
- 8507. Conditional Use Permit Standards
- 8508. Conditional Use Permit Conditions
- 8509. Record of Conditional Use Permit
- 8510. Security Requirement
- 8511. Amendment of Conditional Use Permits
- 8512. Transfer of Conditional Use Permits
- 8513. Void Permits
- 8514. Construction Code Permit

ARTICLE 86: SPECIAL USES

- 8601. Purpose
- 8602. Authority to Grant Permits

- 8603. Application and Fee
- 8604. Information Required in Application
- 8605. Review for Completeness
- 8606. Notice of Public Hearing
- 8607. Hearing and Decision
- 8608. Special Use Permit Standards
- 8609. Special Use Permit Conditions
- 8610. Record of Special Use Permit
- 8611. Security Requirement
- 8612. Amendment of Special Use Permits
- 8613. Transfer of Special Use Permit
- 8614. Construction Code Permit
- 8615. Expiration of Special Use Permits
- 8616. Violation of Permit

ARTICLE 88: PLANNED UNIT DEVELOPMENT

- 8801. Purpose
- 8802. Eligibility
- 8803. Procedure
- 8804. Basic restrictions and Modification Procedure

Ordinance administration

ARTICLE 94: SITE PLAN

- 9401. Purpose
- 9402. Site Plan Review
- 9403. Optional Sketch Plan Review
- 9404. Required Data for a Basic Site Plan
- 9405. Required Data for a Medium Site Plan
- 9406. Required Data for a Detailed Site Plan
- 9407. Required Data for a Site Plan Involving
Special Groundwater Protection Provisions.
- 9408. Submission of a Site Plan
- 9409. Review for Completeness
- 9410. Standards for Site Plan Review
- 9411. Approval and Compliance
- 9412. Conditions of Site Plan Approval
- 9413. Security Requirement
- 9414. File Copies
- 9415. Zoning Permits
- 9416. Amendment of Site Plan

ARTICLE 96: APPEALS BOARD

- 9601. Appeals Board Established
- 9602. Duties of the Appeals Board
- 9603. Variance
- 9604. Voiding of and reapplication for Variance
- 9605. Interpretation of Ordinance Text
- 9606. Appeals to the Appeals Board

- 9607. Appeals Board Members
- #### ARTICLE 98: AMENDMENT VALIDITY PENALTIES
- 9801. Initiating Amendments and Fees
 - 9802. Amendment Procedure
 - 9803. Conformance to Court Decree
 - 9804. Violations and Penalties: Nuisance Per Se:
Abatement
 - 9805. Caption
 - 9806. Repeal of Ordinance
 - 9807. Pending Zoning Applications
 - 9808. Validity and Severability Clause
 - 9809. Period of Effectiveness

Detailed Word Processing Instructions

For those who work with Corel WordPerfect 7.0™, detailed step-by-step instructions are available to walk one through the process of taking a zoning ordinance in a word processor and inserting cross reference “target” and “reference” codes, marking article and section titles to a table of contents, and organizing the text to use the codification system outlined in this pamphlet. This material can be obtained from:

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