

## TITLE FOUR - Subdivision Regulations

- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Proposed Plats.
- Chap. 1246. Final Plat.
- Chap. 1248. Design Standards.
- Chap. 1250. Improvement Requirements.

### CHAPTER 1240

#### General Provisions and Definitions

---

EDITOR'S NOTE: Unless otherwise indicated, the history of all sections in these Subdivision Regulations is Ordinance 84-3, passed January 23, 1984.

- 1240.01 Short title.
- 1240.02 Purpose.
- 1240.03 Scope.
- 1240.04 Definitions.
- 1240.05 Compliance required.
- 1240.06 Annexations.

#### **CROSS REFERENCES**

- Approval of plats; street system - see M.C.L. 125.43
- Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. 125.44
- Approval or disapproval of plats; procedure; effect - see M.C.L. 125.45
- Certification of city plats - see M.C.L. 125.51 et seq.
- Planning Commission - see P. & Z. Ch. 1220
- Cluster subdivisions - see P. & Z. 1268.14
- Mobile home parks - see P. & Z. Ch. 1278; B. & H. 1466.14

#### **1240.01 SHORT TITLE.**

This Title Four of Part Twelve - the Planning and Zoning Code shall be known and may be cited as the Subdivision Ordinance of the City of Davison and is referred to in these Codified Ordinances as the Subdivision Regulations or just "these Regulations."

(Ord. 4-004-65. Passed 3-8-65.)

#### **1240.02 PURPOSE.**

The purpose of these Subdivision Regulations is to regulate and control the subdivision of land within the City in order to promote the public health, safety, comfort, convenience and general welfare of the residents of the City; to provide for the orderly growth and harmonious development of the City consistent with the Master Plan or such portions thereof as have been promulgated; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to ensure adequate provisions for water, drainage and sanitary sewer facilities and other health requirements; to achieve the maximum utility and liveability on individual lots; to facilitate the further subdivision of large tracts into smaller tracts; and to provide logical procedures for the achievement of these purposes.

#### **1240.03 SCOPE.**

These Subdivision Regulations shall not apply to any lot forming a part of a subdivision created and recorded prior to the effective date of Ordinance 4-004-65, passed March 8, 1965, nor are these Regulations intended to repeal, abrogate, annul or in any way impair or interfere with provisions of other laws or ordinances, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where these Subdivision

Regulations impose a greater restriction upon land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of these Subdivision Regulations shall control.

#### **1240.04 DEFINITIONS.**

As used in these Subdivision Regulations:

- (a) Alley. "Alley" means a permanent servicerway providing secondary means of access to abutting properties.
- (b) Block. "Block" means a City square, also the length of one side of such a square.
- (c) Commission or Planning Commission. "Commission" or "Planning Commission" means the Planning Commission of the City.
- (d) Crosswalk. "Crosswalk" means a public or private right of way across a block to be used by pedestrians and/or for underground utilities and located so as to connect two or more streets or a street and a public land parcel.
- (e) Easement. "Easement" means a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, which is granted to the public or some particular person or part of the public. "Easement" also means the quantity of land over which such liberty, privilege or advantage exists.
- (f) Line, Building Set-back. "Building set-back line" means a line within a lot or other parcel of land, so designated on the plat map of the proposed subdivision, between which, and the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.
- (g) Lot. "Lot" means a parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale, lease or separate use.
- (h) Lot, Butt. "Butt lot" means a lot the rear of which abuts the side lot line of another lot platted in the same block and not separated therefrom by an alley or other open space.
- (i) Owner. "Owner" means a person having a sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Subdivision Regulations.
- (j) Plan, Master. "Master Plan" means a comprehensive plan prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (k) Plat, Final. "Final plat" means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to Council and the Planning Commission for approval, and which, if approved, will be submitted to the County Register of Deeds for recording. Such maps must meet all requirements of the Subdivision Control Act. The final plat also includes the plat restrictions and other documents required by these Subdivision Regulations.
- (l) Plat, Proposed. "Proposed plat" means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to Council and the Planning Commission for their consideration. The proposed plat also includes the proposed plat restrictions and other documents required by these Subdivision Regulations.
- (m) Street. "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, drive, boulevard, land, place, court or by any other name.
- (n) Street, Arterial. "Arterial street" means a street used primarily for fast or heavy traffic.
- (o) Street, Collector. "Collector street" means a street which carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (p) Street, Cul-de-Sac. "Cul-de-sac" or "dead-end street" means a minor street with only one open end and with the other end being terminated by a vehicular turn-around.
- (q) Street, Marginal Access. "Marginal access street" means a minor street which is parallel to and adjacent to arterial streets and highways and which provides access to abutting properties and protection from through traffic.
- (r) Street, Minor. "Minor street" means a street used primarily for access to abutting properties.
- (s) Subdivider. "Subdivider" means any person commencing proceedings under these Subdivision Regulations to effect a subdivision of land hereunder for himself or herself or for another.
- (t) Subdivision. "Subdivision" means the division of a parcel of land into five or more lots or parcels for the purpose of transfer of ownership, or building development, or, if a new street is involved, any division of a parcel of land. However, a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street, shall not be deemed a subdivision. "Subdivision" includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided. The Subdivision Control Act of the State, as amended, shall be controlling.
- (u) Subdivision Control Act. "Subdivision Control Act" means Act No. 288 of the Public Acts of 1967, as amended.
- (v) Turn-Around. "Turn-around" means a minor street of short length with two openings to traffic, beginning from the same street and projecting parallel to each other and connecting at their termination by a loop.

(w) Width, Lot. "Lot width" means the width of the lot measured along the minimum building set-back line, except for lots which front on the concave side of a curving street, where the width of the lot shall be measured sixty feet back from the front lot line.

(x) Width, Pavement. "Pavement width" means the shortest distance from the back of the curb on one side of a paved street to the back of the curb on the opposite side of the street.

(y) Width, Street. "Street width" means the shortest distance between the lines delineating the right of way of streets.

#### **1240.05 COMPLIANCE REQUIRED.**

Except as otherwise provided in these Subdivision Regulations, no person shall subdivide any tract of land which is located within the City, except in conformity with the provisions of these Subdivision Regulations.

#### **1240.06 ANNEXATIONS.**

Any area proposed for annexation to the City shall be studied by the Planning Commission and a public hearing held on the proposed use district, prior to the incorporation of the area into the City.

## **CHAPTER 1242**

### **Administration, Enforcement and Penalty**

---

1242.01 Approval of plats required prior to recording.

1242.02 Sale of land in subdivision.

1242.03 Permits.

1242.04 Public improvements.

1242.05 Revision of plat after approval.

1242.06 Filing fee.

1242.07 Variances.

1242.99 Penalty.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L. 125.45

Certification of city plats - see M.C.L. 125.51 et seq.

#### **1242.01 APPROVAL OF PLATS REQUIRED PRIOR TO RECORDING.**

No plat of any subdivision shall be entitled to be recorded in the office of the County Register of Deeds or have any validity until it has been approved in the manner prescribed in these Subdivision Regulations. If any such unapproved plat is recorded, it shall be considered invalid, and Council shall institute proceedings to have the plat stricken from the records of the County and the State.

#### **1242.02 SALE OF LAND IN SUBDIVISION.**

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, by exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has been approved and forwarded in the manner prescribed in these Subdivision Regulations. Any sale or transfer contrary to the provisions of this section is voidable at the option of the buyer. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the provisions of these Regulations.

#### **1242.03 PERMITS.**

The City Manager shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these Subdivision Regulations. Further, no such permit shall be issued until all fees required or due under these Regulations have been paid.

#### **1242.04 PUBLIC IMPROVEMENTS.**

It is the policy of the City to withhold all public improvements of any nature, including the maintenance of streets and the furnishing of sewage facilities and water service, from all subdivisions which have not been approved and from all areas dedicated to the public

which have not been accepted by Council. Acceptance of improvements and areas by Council shall be by resolution upon evidence of completion of all required improvements in strict compliance with these Subdivision Regulations.

#### **1242.05 REVISION OF PLAT AFTER APPROVAL.**

No change, erasure, modification or revision shall be made in any plat of a subdivision after approval has been given by Council and endorsed in writing on the plat, unless the plat is first resubmitted to Council. However, minor corrections may be made in accordance with the provisions of the Subdivision Control Act.

#### **1242.06 FILING FEE.**

The subdivider shall pay a filing fee of sixty dollars (\$60.00) for every proposed plat submitted to Council for approval.

#### **1242.07 VARIANCES.**

(a) Hardship. The Planning Commission, with concurrence by Council, may authorize a variance from these Subdivision Regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Commission shall prescribe only conditions that it deems necessary to, or desirable for, the public interest. In making its findings, as required herein, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Commission finds that:

(1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of his or her land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

(b) Large Scale Development or Complete Neighborhood. The Planning Commission, with concurrence by Council, may authorize a variance from these Regulations in the case of a plan for a complete community or neighborhood which, in the judgment of the Commission, provides adequate public spaces and includes provisions for efficient circulation, light, air and other needs. In making its findings, as required herein, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Commission shall find that:

(1) The proposed project will constitute a desirable and stable community development.

(2) The proposed project will be in harmony with adjacent areas and suitable provisions will be made for access thereto so that the proposed project will not hinder their future development.

(c) Applications Required.

(1) Hardship variances. Application for any such variance shall be submitted in writing by the subdivider at the time the proposed plat is filed for the consideration of Council. The petition shall state fully the grounds for the application and all facts relied upon by the petitioner.

(2) Large scale development or complete neighborhood variances. Application for any such variance shall be made in writing by the subdivider at the time the proposed plat is filed for the consideration of Council, stating fully and clearly all facts relied upon by the petitioner. Such application shall be supplemented with maps, plans or other additional data which may aid the Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions as are necessary to guarantee the full achievement of the plan.

#### **1242.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## **CHAPTER 1244**

### **Proposed Plats**

---

1244.01 Preliminary investigation.

1244.02 Contents.

1244.03 Preparation.

1244.04 Filing.

1244.05 Referral.

1244.06 Approval by Planning Commission.

- 1244.07 Notice and hearing.
- 1244.08 Conditional approval.
- 1244.09 Time requirement for action by Council.
- 1244.10 Notice of action taken.
- 1244.11 Effect of approval.
- 1244.12 Right of subdivider after approval.

### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L. § 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. § 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L. § 125.45

Certification of city plats - see M.C.L. §§ 125.51 et seq.

### **1244.01 PRELIMINARY INVESTIGATION.**

Prior to the preparation of the proposed plat, it is suggested that the subdivider meet informally with the Planning Commission so that he or she may become familiar with the provisions of these Subdivision Regulations and with the proposals of the Master Plan or such portions thereof as have been promulgated as they affect the area in which the proposed subdivision is located.

The subdivider shall concern himself or herself with the following factors:

- (a) The area for the proposed subdivision shall be properly zoned for the intended use.
- (b) An investigation of the adequacy of existing schools and of public open spaces, including parks and playgrounds, to service the proposed subdivision shall be made by the subdivider.
- (c) The relationship of the proposed subdivision to major thoroughfares and to plans for widening of thoroughfares shall be investigated by the subdivider.
- (d) Standards for sewage disposal, water supply and drainage of the City and health standards of the County and the State shall be investigated by the subdivider.

### **1244.02 CONTENTS.**

The proposed plat shall contain all facts necessary to enable Council to determine whether the proposed layout of land in a subdivision is satisfactory from the standpoint of public interest. The proposed plat shall contain and include at least the following:

(a) Form of Map. The proposed plat shall be clearly and legibly drawn. All map sheets shall be either twenty-four by thirty-six or twenty-two by thirty-four inches (D size). The map of a subdivision containing four acres or less shall be drawn to a scale of one inch equals fifty feet. All other subdivisions shall be drawn at a scale of one inch equals 100 feet. If the complete subdivision map cannot be drawn on one sheet using the scales herein specified, the map shall be drawn on two or more sheets as required to maintain the specified scale. In such instances, suitable cutting or matching lines shall be shown and identified on each sheet of the map at the specified scale and, in addition, these sheets shall be accompanied by an index map showing the entire subdivision at a convenient scale.

(b) Information. The map shall contain the following information:

(1) Description and delineation.

A. The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision in the County.

B. The location of the subdivision by section, town, range, township, County and State or by another legal description;

C. The names and addresses of the owner, subdivider and designer of the subdivision, together with the seal of the designer;

D. The date of preparation and the date of the latest revision, if previously submitted;

E. The scale; and

F. The north point, designated as true north.

(2) Existing conditions.

A. The boundary line of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;

B. The location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights of way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and corporation lines, within and adjacent to the tract;

- C. Existing sewers, County drains, water mains, culverts or other underground facilities within the tract and to a distance of at least 100 feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact locations;
- D. Boundary lines of adjacent tracts of unsubdivided land, showing ownership where possible;
- E. The contour at vertical intervals of not more than two feet. The high water levels of all watercourses, if any, shall be indicated in the same datum used for contour elevations;
- F. Other conditions on the tract, including marshes, rock outcrops, wooded areas, isolated preservable trees six inches or more in diameter and other significant features;
- G. Subsurface conditions, where required by the City Manager or the Planning Commission, including the location and results of the tests made to ascertain subsurface soil, rock and ground water conditions and the depth to ground water, unless test pits are dry at a depth of five feet in a wet season of the year; and
- H. Zoning districts and boundaries, if any.

(3) Proposed subdivision plan:

- A. The layout of streets, showing the location and widths of streets, alleys, crosswalks and easements. Approximate grades shall be shown for streets and alleys.
- B. The layout, numbers and typical dimensions of all lots;
- C. Parcels of land intended to be dedicated or temporarily reserved for parks or other public use or set aside for the use of property owners in the subdivision;
- D. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwellings;
- E. Building set-back lines, showing dimensions;
- F. Easements for public utilities, where alleys are not provided; and
- G. Zoning districts and boundaries, if more than one zoning classification is to be included in the subdivision.

(c) Proposed Protective Covenants and Plat Restrictions. The proposed covenants and restrictions shall be clearly and legibly typed or printed. All sheets shall be identical in size and shall be either eight and one-half inches by eleven inches or eight and one-half inches by fourteen inches, at the option of the subdivider.

(d) Statements. Statements as to the following shall be clearly and legibly typed or printed on the same size sheets used for the proposed covenants and restrictions:

- (1) The source of water supply;
- (2) Provisions for sewage disposal, drainage and flood control;
- (3) The proposed zoning plan for the areas encompassed on the map, including dimensions, where necessary. Where more than one zoning classification is to be included in the proposed subdivision, the boundaries of the proposed areas shall be clearly indicated on the proposed plat map.
- (4) The proposed use of lots, including the type of residential buildings, with the number of proposed dwelling units, and the type of business or industry so as to reveal the effect of the development on traffic, fire hazards or congestion of population.

#### **1244.03 PREPARATION.**

The proposed plat shall be prepared by a professional engineer registered as a civil engineer in the State, or a registered land surveyor who shall affix his or her seal to all maps and other documents prepared by him or her as required by these Subdivision Regulations.

#### **1244.04 FILING.**

The subdivider shall file with the City Clerk an application for preliminary approval, together with as many copies of the complete proposed plat as Council may by resolution require according to the provisions of these Subdivision Regulations. The preliminary plat shall be examined by both the City Attorney and the City Manager within one week after filing in order to determine that the proposed plat is in full compliance with the formal and technical provisions, respectively, of these Regulations. The City Attorney and the City Manager shall endorse the application for preliminary approval with their individual findings and return it to the City Clerk for appropriate action. If the preliminary plat is not approved by either the City Attorney or the City Manager, or both, the subdivider shall be immediately so notified by the City Clerk so that he or she may take necessary corrective action. The refile of such a corrected preliminary plat shall be done in the same manner as was the original filing as provided herein, except that no filing fee shall be required if the refile occurs within sixty days of receipt of notice from the City Clerk.

#### **1244.05 REFERRAL.**

After the preliminary plat has been approved by both the City Attorney and the City Manager, as required in Section 1244.04, the City Clerk shall, within one working day, refer three copies of the plat to the City Planning Commission and shall, in addition, refer one copy to each of the following for their study and recommendation:

- (a) Each member of Council;
- (b) The City Attorney;
- (c) The City Manager;
- (d) The local Board of Education;
- (e) The Park Development Committee;
- (f) Each utility company serving the area of the proposed plat;
- (g) Such other official body, company or agency as Council may, by resolution, direct.

#### **1244.06 APPROVAL BY PLANNING COMMISSION.**

The Planning Commission shall hold a public hearing on the proposed plat if required by any applicable statute of the State, and shall rule on the proposed plat within twenty days after its referral to the Commission by the City Clerk. The Commission shall determine whether or not the proposed plat conforms to the Master Plan, or such portions thereof as have been promulgated, to the Zoning Code and to the design standards of these Subdivision Regulations. In particular, the Commission shall determine whether or not the proposed plat provides for adequate and convenient open spaces for traffic, both vehicular and pedestrian, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including the minimum width and area of lots. The Commission shall recommend the location of, and whether there should be, pedestrian crosswalks across blocks over 600 feet long as provided for in these Subdivision Regulations. In general, such crosswalks shall be recommended where necessary to promote the convenient and orderly flow of pedestrian traffic to schools, parks, playgrounds, shopping centers or other recognized centers of activity. When the Commission deems that amendment of the plat is necessary to conform to the Master Plan and/or to incorporate its recommendations as described herein, conditional approval may be granted subject to such amendment.

#### **1244.07 NOTICE AND HEARING.**

If required, the Planning Commission shall provide for an adequate hearing and shall notify by mail, at least five days prior to the hearing, all property owners within 300 feet of the extreme limits of the proposed subdivision as their names appear on the Municipal tax record. In addition, the owner shall be notified of the hearing by certified mail not less than five days prior to the date fixed for the hearing. Such notices shall state the time and place of the hearing, give a brief description of the proposed subdivision and also state that a copy of the proposed plat of the subdivision is on file with the City Clerk for public inspection.

#### **1244.08 CONDITIONAL APPROVAL.**

Upon approval of the proposed plat by the Planning Commission, the following statement signed by the Chairman shall be placed on each print which may comprise such proposed plat:

##### **NOTICE OF CONDITIONAL APPROVAL**

Notice is hereby given that this proposed plat has received the conditional approval of the Planning Commission for the City of Davison, subject to \_\_\_\_\_, and that the Planning Commission is ready to receive the final plat for consideration following appropriate action by the Council.

\_\_\_\_\_  
Date Chairman of the Planning Commission

The three copies of the proposed plat shall, upon approval, be distributed as follows:

- (a) One copy shall be retained by the Planning Commission.
- (b) One copy shall be sent to the City Clerk for filing.
- (c) One copy shall be forwarded to Council for its use in acting on the proposed plat.

#### **1244.09 TIME REQUIREMENT FOR ACTION BY COUNCIL.**

Council shall act on the proposed plat within forty days after its filing with the City Clerk, unless such time is extended by agreement with the subdivider or his or her agent. During this period, Council shall receive a written report with recommendations from the Planning Commission, each City official except Council members and every other body, company or agency enumerated in Section 1244.05.

(Ord. 2003-18. Passed 3-24-03.)

#### **1244.10 NOTICE OF ACTION TAKEN.**

(a) Council shall determine whether the proposed plat shall be approved, approved with modifications or amendments or disapproved, and shall give notice to the subdivider as provided herein. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of Council.

(b) If approved, the City Clerk shall affix his or her signature to the plat and attach thereto a notation that such plat has received preliminary approval and return it to the subdivider for compliance with final approval requirements.

(c) If approved with modifications or amendments, or if disapproved, the City Clerk shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

#### **1244.11 EFFECT OF APPROVAL.**

Approval of the proposed plat by Council shall not constitute final acceptance of the subdivision by Council.

#### **1244.12 RIGHT OF SUBDIVIDER AFTER APPROVAL.**

Preliminary approval shall constitute a guarantee to the subdivider that for a one-year period from the date of approval the general terms and conditions under which the proposed plat approval was granted will not be changed unless, upon written application by the subdivider, a written extension of time is granted by Council.

## **CHAPTER 1246**

### **Final Plat**

---

- 1246.01 Contents.
- 1246.02 Restrictions.
- 1246.03 Agreements as to improvements.
- 1246.04 Agreement between subdivider and owner and City.
- 1246.05 Zoning change; procedure.
- 1246.06 Certificate from City Manager.
- 1246.07 Certificates from Postmaster and Fire Chief.
- 1246.08 Preparation.
- 1246.09 Filing.
- 1246.10 Referral.
- 1246.11 Approval by Planning Commission.
- 1246.12 Time requirement for action by Council.
- 1246.13 Notice of action taken.
- 1246.14 Recording.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L. § 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. § 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L. § 125.45

Certification of city plats - see M.C.L. §§ 125.51 et seq.

#### **1246.01 CONTENTS.**

The final plat shall have incorporated therein all modifications or amendments required by the Planning Commission and confirmed by Council; otherwise, it shall conform to the proposed plat as approved and all requirements of the Subdivision Control Act. However, only that portion of land included in the proposed plat which the subdivider proposes to record and develop at that time may be included in the final plat at the option of the subdivider, provided that such portion makes possible progressive approval of contiguous additional portions satisfactory to the Planning Commission and Council and conforms to all of the requirements of these Subdivision Regulations. In the latter case, the subdivider shall file a written application for an extension of time on that portion of the subdivision not included in the final plat as indicated in Section 1244.12. The final plat shall contain and include at least the following:

- (a) Form of Map. The form of the final plat map shall be as specified in the Subdivision Control Act.
- (b) Information. The map shall contain at least the information required by the Subdivision Control Act.

#### **1246.02 RESTRICTIONS.**

The plat restrictions as approved by the City Planning Commission and Council shall be the plat restrictions recorded at the time of recording of the final plat. The developer shall furnish the City with certified copies of the recorded plat restrictions.

#### **1246.03 AGREEMENTS AS TO IMPROVEMENTS.**



(a) The final plat to be placed on record shall be accompanied by a statement signed by the owner and subdivider, setting forth the following:

(1) Plans and specifications for such improvements previously approved by the City Manager and the City Engineer clearly describing the same; and

(2) Agreements executed by the owner and subdivider wherein they agree to make and install the improvements provided for in Chapter 1250, in accordance with the plans and specifications accompanying the final plat, and to permit such improvements to be inspected during the course of construction by an inspector appointed by Council, salaries and other costs in connection with such inspections to be paid by the owner and subdivider, such costs to be based on the reasonable, customary charges for such service.

(b) If Council, by motion, approves the action of the Planning Commission in approving the final plat, it shall in any case withhold its approval of the plat until an agreement signed by the subdivider, as provided in paragraph(a)(2) hereof, is given, supported by:

(1) A bond executed by an acceptable surety company in an amount equal to the full estimated cost of construction of the required improvements, which estimated cost shall be determined by the City Manager. The surety shall be subject to the condition that the improvements will be completed within a specified period agreed to by Council after approval of the final plat.

(2) A petition duly filed with the City Clerk for the installation of all improvements by the City at a 100 percent special assessment to the subdivider; and

(3) A deposit in the form of cash, or an irrevocable letter of credit or a certified check, in an amount equal to the full estimated cost of construction of the required improvements (which estimated cost shall be determined by the City Manager), to ensure that the installation of the required improvements is completed within the time specified in the agreement provided for in paragraph (a)(2) hereof, after approval of the plat. However, the City shall rebate to the subdivider, as the work progresses, amounts of such cash deposits equal to the ratio of the work completed to the entire project. The amount so deposited shall be retained in a separate bank account for each plat.

(c) As an alternate, the subdivider may, following approval of the final plat by Council conditional only upon completion of all improvements agreed to under paragraph (a)(2) hereof, proceed to install all improvements agreed to under the supervision of the City Manager with inspection as hereinbefore provided. Approval of the final plat shall, in this case, be conditional upon satisfactory completion of all improvements and the furnishing to the City of a valid performance bond which guarantees all improvements and provides for repair of any damage to these improvements for a period of three years following approval of the final plat.

#### **1246.04 AGREEMENT BETWEEN SUBDIVIDER AND OWNER AND CITY.**

An agreement shall be executed by the subdivider and owner with the City in a form ready for acceptance by Council containing a restriction upon the plat whereby the City's Building Official will not be permitted to issue a building permit for any structure upon any lot within such subdivision until the improvements specified in these Subdivision Regulations have been completed or until satisfactory arrangements have been made with the City for their completion as provided for in Section 1246.03. These restrictions shall be made part of the plat restrictions of Section 1246.02.

#### **1246.05 ZONING CHANGE; PROCEDURE.**

In instances where a zoning change is involved, the required public hearing shall be held by the Planning Commission with a recommendation to Council for ordinance enactment by Council, unless the same has already been enacted by Council. In the case of land to be annexed to the present corporation limits of the City at the time of approval of the final plat, a request for amendment of the Zoning Code to include the annexed land in accordance with the final plat map shall be submitted and the procedures of Section 1240.06 shall apply.

#### **1246.06 CERTIFICATE FROM CITY MANAGER.**

A statement from the City Manager is required certifying that he or she is in receipt of the following:

- (a) A plan of each street and alley in the subdivision prepared in accordance with Chapter 1024;
- (b) A plan for each sanitary sewer in the subdivision prepared in accordance with Chapter 1046;
- (c) A plan for each storm sewer in the subdivision prepared in accordance with Chapter 1046;
- (d) A plan for each water main, together with its appurtenances, in the subdivision prepared in accordance with Chapter 1042;
- (e) A plan for all sidewalks, pedestrian crosswalks and driveway aprons prepared in accordance with Chapter 1026; and
- (f) A reproducible copy of the final plat map.

The City Manager shall also certify that the above plans have been checked and found to be complete, correct and in accordance with all applicable provisions of these Codified Ordinances and specifications of the City.

#### **1246.07 CERTIFICATES FROM POSTMASTER AND FIRE CHIEF.**

A statement signed by the Davison Postmaster or Assistant Postmaster and by the Fire Chief is required, listing all streets in the subdivision that are not continuations of existing streets of the same name and indicating that the listed streets do not duplicate and are not likely to be confused with the name of any existing street served by the Davison Post Office or by the Fire Authority.

#### **1246.08 PREPARATION.**

The final plat shall be prepared by a professional engineer registered as a civil engineer in the State, or by a registered land surveyor, who shall affix his or her seal to all maps and other documents prepared by him or her as required by these Subdivision Regulations.

#### **1246.09 FILING.**

The final plat shall be filed within one year after the date of approval of the proposed plat by Council, unless an extension of this period is granted by Council for good cause prior to the expiration of the one-year period; otherwise, any final plat shall be considered void and the procedure for the filing of a preliminary plat shall be followed. The subdivider, during either the one-year period or a valid extension thereof and at least one week prior to the Planning Commission meeting at which it is to be considered, shall file with the City Clerk an application for final approval, together with the five copies of the proposed final plat map on approved material, as required by the Subdivision Control Act, and ten paper copies of this map and of all other pertinent documents, together with such fees as are provided for in the City's user fee schedule, as amended from time to time by resolution of Council, and as provided in the Subdivision Control Act. The filing fee for the preliminary plat shall be allowed as the per-lot fee for the first final plat on any subdivision contained within the limits of the preliminary plat. The final plat with all accompanying documents shall be examined by both the City Attorney and the City Manager within one week after filing in order to determine that the final plat is in full compliance with the formal and technical provisions, respectively, of these Subdivision Regulations and the Subdivision Control Act, with all agreements in order and enforceable upon their formal acceptance by Council. Further, the City Manager shall find that all amendments upon which contingent approval of the preliminary plat was granted by the Planning Commission and confirmed by Council have been incorporated in the final plat. The City Attorney and City Manager shall endorse the application for final approval with their individual findings and return it to the City Clerk for appropriate action. If the final plat is not approved by either the City Attorney or the City Manager, or both, the subdivider shall be immediately so notified by the City Clerk so that he or she may take necessary corrective action. The refiling of such a corrected final plat shall be done in the same manner as the original filing as provided herein, except that no fee shall be required.

(Adopting Ordinance; Ord. 95-5. Passed 7-10-95.)

#### **1246.10 REFERRAL.**

After the final plat has been approved by both the City Attorney and the City Manager, as required in Section 1246.09, the City Clerk shall, within one working day, refer three copies of the plat, including the paper maps, to the City Planning Commission and shall, in addition, refer one copy, including a paper map, to each of the following for their study and recommendation:

- (a) Each member of Council;
- (b) The City Attorney; and
- (c) The City Manager.

#### **1246.11 APPROVAL BY PLANNING COMMISSION.**

The Planning Commission shall rule on the final plat within ten days after its filing with the City Clerk. The Commission shall determine whether or not the final plat conforms to the Master Plan or such portions thereof as have been promulgated and whether or not the final plat is in substantial agreement with the proposed plat, with all amendments upon which conditional approval of the proposed plat was granted by the Commission and confirmed by Council incorporated therein. If the Commission approves the final plat, it shall, by resolution, direct its Chairman to sign the paper copies of the final plat map in the space provided therefor and notify Council of this action in its official minutes. Should the Commission find that the final plat does not conform substantially to the previously approved preliminary plat and that it is not acceptable, it shall record the reason in its official minutes, forward the same to Council and recommend that Council disapprove the final plat until the objections causing disapproval have been changed to meet with the approval of the Commission. The three paper copies of the final plat map shall, upon approval, be distributed as follows:

- (a) One copy shall be retained by the Planning Commission;
- (b) One copy shall be sent to the City Clerk for filing; and
- (c) One copy shall be forwarded to Council for its use in acting on the final plat.

#### **1246.12 TIME REQUIREMENT FOR ACTION BY COUNCIL.**

Council shall act on the final plat within twenty days after it has been officially filed, unless such time is extended by agreement with the subdivider or his or her agent. A special meeting shall be called if necessary. During this period, Council shall receive a written report with recommendations from the Planning Commission and each City official except Council members.

(Ord. 2003-19. Passed 3-24-03.)

#### **1246.13 NOTICE OF ACTION TAKEN.**

(a) Council shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider as provided herein. If the final plat is approved, Council shall authorize the Mayor and Clerk to sign the agreement provided for in Section 1246.04, the final plat map and any other necessary related documents. In any case, a notation of the action taken and requisite reasons therefor shall be entered in the records of Council.

(b) If approved, the City Clerk shall affix his or her signature to the copies of the final plat map, together with a notation that such plat has received final approval, and deliver them to the Clerk of the County Plat Board, together with the necessary fee for compliance with recording requirements as provided in the Subdivision Control Act.

(c) If disapproved, the City Clerk shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

#### **1246.14 RECORDING.**

Following final approval by Council, the final plat map, as approved, may be legally recorded by forwarding the same with the required fee to the Clerk of the County Plat Board for additional approvals and recording in compliance with the Subdivision Control Act. Approval of the final plat by Council shall be null and void if the plat is not recorded within ninety days after the date of approval, unless application for an extension of time is made in writing during such ninety-day period to Council and granted.

## **CHAPTER 1248**

### **Design Standards**

---

- 1248.01 Applicable regulations.
- 1248.02 Relation to adjoining street system.
- 1248.03 Projection of streets.
- 1248.04 Streets to be carried to boundaries of tract.
- 1248.05 Street jogs.
- 1248.06 Cul-de-sac or dead-end streets.
- 1248.07 Turn-around streets.
- 1248.08 Subdivisions abutting or containing arterial streets.
- 1248.09 Minor streets.
- 1248.10 Subdivisions bordering or containing railroads or limited access highways.
- 1248.11 Reverse curves.
- 1248.12 Clear visibility required.
- 1248.13 Intersections.
- 1248.14 Half-streets.
- 1248.15 Reserve strips.
- 1248.16 Street names.
- 1248.17 Arterial street intervals.
- 1248.18 Private streets.
- 1248.19 Subdivisions into tracts larger than ordinary building lots.
- 1248.20 Vacation of streets.
- 1248.21 Street widths.
- 1248.22 Required street improvements.
- 1248.23 Alleys in Residential Districts.
- 1248.24 Alleys in Business and Commercial Districts.
- 1248.25 Alleys in Industrial Districts.
- 1248.26 Dead-end alleys.
- 1248.27 Utility easements.
- 1248.28 Watercourse easements.
- 1248.29 Factors governing block dimensions.
- 1248.30 Block arrangement.
- 1248.31 Block lengths.
- 1248.32 Crosswalks.
- 1248.33 Lots generally.

- 1248.34 Lot dimensions.
- 1248.35 Residential corner lots.
- 1248.36 Residential lots abutting on pedestrian crosswalkways.
- 1248.37 Area of lots without sewer connections.
- 1248.38 Off-street parking area required for single residences.
- 1248.39 Off-street parking area required for multiple residence buildings.
- 1248.40 Nonresidential lots.
- 1248.41 Access to public streets.
- 1248.42 Side lot lines.
- 1248.43 Set-back lines.
- 1248.44 Double frontage and reverse frontage lots.
- 1248.45 Uninhabitable lots.
- 1248.46 Lot remnants.
- 1248.47 Public sites shown on Master Plan.
- 1248.48 Other dedications for public areas.
- 1248.49 Reservation of public areas.
- 1248.50 Planning Commission's and/or Council's action not constituting acceptance.
- 1248.51 Design standards for sidewalks, pedestrian crosswalkways and driveway aprons.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L. 125.45

Certification of city plats - see M.C.L. 125.51 et seq.

#### **1248.01 APPLICABLE REGULATIONS.**

The arrangement, character, extent, width, grade and location of all streets shall conform to the Master Plan, or such portions thereof as have been promulgated, and to Chapter 1022 et seq. of the Streets, Utilities and Public Services Code and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of the land to be served by such streets. Where not shown on the Official Map, the Master Plan or such portions thereof as have been promulgated, the arrangement and other design standards of streets shall conform to the provisions of this chapter.

#### **1248.02 RELATION TO ADJOINING STREET SYSTEM.**

The arrangement of streets in new subdivisions shall make provision for the continuation or appropriate projection of existing streets in surrounding areas or conform to a plan for a neighborhood approved by the Planning Commission and confirmed by Council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

#### **1248.03 PROJECTION OF STREETS.**

Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets into such unsubdivided areas.

#### **1248.04 STREETS TO BE CARRIED TO BOUNDARIES OF TRACT.**

When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

#### **1248.05 STREET JOGS.**

Street jogs with centerline offsets shall be such that the centerline offset is not less than the minimum dimension specified in Chapter 1022 et seq.

#### **1248.06 CUL-DE-SAC OR DEAD-END STREETS.**

Cul-de-sac or dead-end streets designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 90 feet and a street property line diameter of at least 120 feet. The right-of-way width of the straight portion of the street shall be at least sixty feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than twenty feet. The location in the center of the turn-around of a planting circle, twenty feet in diameter, curbed all around, having a three-foot wide sidewalk adjacent to the curb all around and planted by the subdivider with trees and/or shrubs of species approved by the Park Development Committee, shall be optional with the subdivider. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

#### **1248.07 TURN-AROUND STREETS.**

Turn-around streets shall have a right of way not less than 120 feet, shall have a roadway width of not less than ninety feet in diameter at its terminating loop and shall be not longer than 600 feet.

#### **1248.08 SUBDIVISIONS ABUTTING OR CONTAINING ARTERIAL STREETS.**

Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission, with the approval of Council, may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

#### **1248.09 MINOR STREETS.**

Minor streets shall be so laid out that their use by through traffic will be discouraged.

#### **1248.10 SUBDIVISIONS BORDERING OR CONTAINING RAILROADS OR LIMITED ACCESS HIGHWAYS.**

Where a subdivision borders on or contains a railroad or limited access highway right of way, the Planning Commission, with the approval of Council, may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in Residential Districts, or for parking, commercial or industrial purposes in appropriate districts. Such instances shall also be determined with due regard for the requirements of approach grades and possible future grade separations.

#### **1248.11 REVERSE CURVES.**

A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. On minor streets utilizing reverse curves without the 100-foot tangent, such curves shall be so designed that a traffic hazard does not result.

#### **1248.12 CLEAR VISIBILITY REQUIRED.**

Clear visibility measured along the centerline of the street shall be provided for at least 300 feet on arterial streets, at least 200 feet on collector streets and at least 150 feet on all other streets. Horizontal curves shall have radii of not less than the minimum dimension given in Chapter 1022 et seq.

#### **1248.13 INTERSECTIONS.**

The intersection of more than two streets at one point shall be avoided except where it is otherwise impractical to secure a proper street system. Any such intersection shall be considered individually by the Planning Commission. Streets shall intersect one another at a right angle. Street intersections shall be rounded with a radius as specified in Chapter 1022 et seq.

#### **1248.14 HALF-STREETS.**

Half-streets are prohibited except where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these Subdivision Regulations and where the Planning Commission finds and Council concurs that it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a tract to be subdivided is adjacent to an existing half-street, the other half-street shall be platted within the proposed subdivision.

#### **1248.15 RESERVE STRIPS.**

Reserve strips controlling access to streets are prohibited except where their control is placed with the City under conditions approved by the Planning Commission and confirmed by Council.

#### **1248.16 STREET NAMES.**

No street name shall be used which will duplicate or be confused with the name of an existing street in the County, served by the Davison Post Office or the Fire Authority. Existing street names shall be projected wherever possible. Street names shall be subject to the approval of the Planning Commission and confirmation by Council.

#### **1248.17 ARTERIAL STREET INTERVALS.**

In general, provisions shall be made for arterial streets at intervals not to exceed one-half mile.

#### **1248.18 PRIVATE STREETS.**

Private streets shall not be approved nor shall public improvements be approved for any private street.

#### **1248.19 SUBDIVISIONS INTO TRACTS LARGER THAN ORDINARY BUILDING LOTS.**

Where a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

#### **1248.20 VACATION OF STREETS.**

Council shall neither vacate nor recommend the vacation of any street or part of a street dedicated for public use if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

#### **1248.21 STREET WIDTHS.**

Street right-of-way widths shall be as shown on the maps of the Master Plan or such portions thereof as may have been promulgated, or, if not shown, shall be not less than as shown in the schedule in Section 1248.22, except that these Subdivision Regulations shall in no way reduce the minimum right-of-way width required for any existing street by previous ordinance or action of Council.

#### **1248.22 REQUIRED STREET IMPROVEMENTS.**

Street improvements shall be provided by the subdivider at his or her own expense as required in Section 1250.02. Except for other zoning classifications which may require special consideration by the Planning Commission, the minimum requirements shall be in accordance with the following schedule:

##### SCHEDULE FOR STREET IMPROVEMENTS

Column A: Single-Family and Two-Family Residential Districts

Column B: Multifamily Residential Districts

Column C: Business and Commercial Districts

##### A B C Requirements (Pavement types are as in Chapter 1022 et seq.)

- x x x 1. Arterial streets, streets along subdivision boundaries and streets connecting subdivisions with existing improved street systems: right of way widths, pavements, sidewalks, planting strips and separation strips shall be as determined after consultation with the Planning Commission and the City Engineer and, where applicable, with County or State authorities. Generally, such streets shall have a 100-foot right of way.
- x 2. Collector streets shall have an eighty-foot right of way and a forty-six foot pavement. Type A shall have sixteen-foot sidewalks one foot from property lines.
- x x 3. Collector streets shall have a sixty-six foot right of way and a thirty-three foot pavement. Type C or D shall have four-foot sidewalks one foot from property lines and eleven and one-half foot planting strips between the sidewalk and the curb.
- x 4. Minor streets shall have a sixty-foot right of way and a forty-foot pavement. Type B shall have nine-foot sidewalks one foot from property lines.
- x x 5. Minor streets shall have a sixty-foot right of way and a thirty-foot pavement. Type E, F or F.1 shall have four-foot sidewalks one foot from property lines and ten-foot planting strips between the sidewalk and the curb.
- x 6. Marginal access streets shall have a fifty-foot right of way and a thirty-three foot pavement. Type C or D shall have a nine-foot sidewalk one foot from property lines and a seven-foot curbed and paved separation strip from an arterial street.
- x x 7. Marginal access streets shall have a fifty-foot right of way and a thirty-foot pavement. Type E, F or F.1 shall have a four-foot sidewalk one foot from the property and a nine-foot planting strip between the sidewalk and the curb and a six-foot separation strip from an arterial street.
- x 8. Alleys shall have a twenty-foot right of way and pavement shall be Type G for the full width. See Sections 1248.23 through 1248.26.
- x x x 9. Pavements, grades, curbs and gutters, curb radii at intersections, sidewalks and driveway aprons shall be in accordance with Chapter 1022 et seq.
- x x x 10. Storm sewers or other adequate drainage provisions shall be in accordance with Chapter 1022 et seq.
- x x 11. For separation strips, a thick stand of permanent grass, with suitable soil to support growth, shall be provided.
- x x 12. Street trees shall be not less than four feet from any sidewalk and not less than six feet from any driveway or curb spaced not less than fifty feet apart in all planting strips. Maximum spacing of trees shall be such that there is at least one tree for each residential lot. Trees shall be not less than two and one-half inches caliper measured one foot above the ground and shall be Sugar or Norway Maples and their varieties, American or European Linden and their varieties, Red Oak, Thornless Honey Locust or, when approved by the Park Development Committee, Boysman Elm. No other species shall be used without specific approval of the Park Development Committee. Planting schedules shall be such that all trees on both sides of the street on each block are of the same species and shall be approved by the Park Development Committee.
- x x x 13. Street name signs shall be in accordance with City standards at all street intersections.

**1248.23 ALLEYS IN RESIDENTIAL DISTRICTS.**

Alleys are not permitted in Residential Districts.

**1248.24 ALLEYS IN BUSINESS AND COMMERCIAL DISTRICTS.**

Alleys shall be provided in Business and Commercial Districts with minimum width and paving as indicated in Section 1248.22. However, the Planning Commission, with concurrence by Council, may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the proposed uses.

**1248.25 ALLEYS IN INDUSTRIAL DISTRICTS.**

Alleys shall be provided in Industrial Districts with a twenty-foot minimum width right of way. The full width of the right of way shall be paved. However, the Planning Commission, with concurrence by Council, may waive the requirement for alleys in Industrial Districts where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the proposed uses.

**1248.26 DEAD-END ALLEYS.**

Dead-end alleys are prohibited except where they are unavoidable. In such an instance, they shall be provided with adequate turn-around facilities as approved by the Planning Commission and confirmed by Council.

**1248.27 UTILITY EASEMENTS.**

Where no alleys are platted, easements for the installation and maintenance of public utility services shall be provided. Such easements shall not be less than twelve feet wide and shall be centered on the rear lot lines or in such other locations as to provide for the proper continuity of such public utility services from block to block.

**1248.28 WATERCOURSE EASEMENTS.**

Where a subdivision is traversed by a watercourse, County drain or other drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse and such further width, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

**1248.29 FACTORS GOVERNING BLOCK DIMENSIONS.**

The lengths, widths and shapes of blocks shall be determined with due regard to:

- (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
- (b) Zoning requirements as to lot sizes and dimensions;
- (c) The need for convenient access, circulation, control and safety of street traffic; and
- (d) Limitations and opportunities of existing topography.

**1248.30 BLOCK ARRANGEMENT.**

Blocks shall be so designed as to provide two tiers of lots except where this is not practical because of topographic features.

**1248.31 BLOCK LENGTHS.**

Block lengths shall not exceed 1,500 feet nor be less than 600 feet.

**1248.32 CROSSWALKS.**

Pedestrian crosswalkways not less than ten feet wide shall be provided where they are essential for circulation or access to schools, parks, playgrounds, shopping centers, transportation and other community facilities.

**1248.33 LOTS GENERALLY.**

The lot width, depth, shape and orientation and the minimum building set-back lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

**1248.34 LOT DIMENSIONS.**

Lot dimensions and area shall not be less than the requirements of the Zoning Code. In addition, the requirements of this chapter shall apply.

**1248.35 RESIDENTIAL CORNER LOTS.**

Residential corner lots shall be of a width not less than the minimum width specified in the Zoning Code plus the depth of the average set-back line from the intersecting street minus five feet in order to permit appropriate building setback from and orientation to both streets.

**1248.36 RESIDENTIAL LOTS ABUTTING ON PEDESTRIAN CROSSWALKWAYS.**

Residential lots abutting on a pedestrian crosswalkway shall be of a width not less than the minimum width specified in the Zoning Code plus twenty feet in order that reasonable privacy may be assured.

**1248.37 AREA OF LOTS WITHOUT SEWER CONNECTIONS.**

If a lot is required to be approved without connections to the public sanitary sewerage system, so that septic or other approved individual sanitary sewage treatment systems are to be utilized, the minimum area of such lot shall be 25,000 square feet.

**1248.38 OFF-STREET PARKING AREA REQUIRED FOR SINGLE RESIDENCES.**

All lots to be devoted to single-family residences shall be of such size as to provide off-street parking for at least two automobiles when the dwelling has been constructed.

**1248.39 OFF-STREET PARKING AREA REQUIRED FOR MULTIPLE RESIDENCE BUILDINGS.**

All lots to be devoted to multiple residence or apartment buildings shall be of such size as to provide for off-street parking to accommodate at least three automobiles for each two dwelling units, in addition to all other area requirements, when the building has been constructed.

**1248.40 NONRESIDENTIAL LOTS.**

Depth and width of properties reserved or laid out for industrial, business or commercial purposes, including churches, schools, stadiums, auditoriums, hospitals, clinics, libraries, fire stations or other institutions, shall be adequate to provide the off-street service and parking facilities required by the type of use and development contemplated. No such structure shall occupy more than fifty percent of the lot or land area upon which such building or structure is erected and an additional area of the lot shall be set aside for adequate off-street parking area and be paved with a hard-surfaced, dustproof material. The parking area shall be adequately drained and connected to a City storm sewer in accordance with plans having the prior written approval of the City Manager.

**1248.41 ACCESS TO PUBLIC STREETS.**

The subdividing of land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.

**1248.42 SIDE LOT LINES.**

Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

**1248.43 SET-BACK LINES.**

Building set-back lines shall be in accordance with the requirements of the Zoning Code.

**1248.44 DOUBLE FRONTAGE AND REVERSE FRONTAGE LOTS.**

Double frontage and reverse frontage lots are prohibited except where they are essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use. The easement shall be planted with such species as are approved by the Park Development Committee.

**1248.45 UNINHABITABLE LOTS.**

Lots subject to flooding and lots deemed by the Planning Commission, with concurrence by Council, to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the subdivision shall be set aside for such uses as will not be endangered by periodic or occasional inundation or as will not produce unsatisfactory living conditions.

**1248.46 LOT REMNANTS.**

All remnants of lots below minimum size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowed to remain as unusable parcels.

**1248.47 PUBLIC SITES SHOWN ON MASTER PLAN.**

Where a proposed park, playground, school or other public use shown in the Master Plan, or such portions thereof as have been promulgated, is located in whole or in part in a subdivision, the Planning Commission, with confirmation by Council, may require the dedication or reservation of such area within the subdivision in those cases in which the Planning Commission, with concurrence by Council, deems such requirement to be reasonable.

**1248.48 OTHER DEDICATIONS FOR PUBLIC AREAS.**

Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision and especially in large-scale neighborhood unit developments not anticipated in the Master Plan, or such portions thereof as have been promulgated, the Planning Commission, with concurrence by Council, may require the dedication or reservation of such



other areas of a character, extent and location suitable to the needs created by such development for parks, playgrounds, schools or other public use areas. However, in no case shall the total amount of required public areas, in addition to public streets, exceed five percent of the total gross acreage controlled by one owner. Wherever practical, areas reserved for or dedicated as public sites and/or open spaces shall be contiguous to similar areas in adjacent tracts of land.

#### **1248.49 RESERVATION OF PUBLIC AREAS.**

In any case where the required public areas, in addition to public streets, exceed five percent of the total gross acreage controlled by one owner, then the Planning Commission, with the concurrence of Council, may require such areas in excess of the five percent to be reserved for a period not to exceed two years from the date of recording of the final plat. The sale price for such a required public area shall be agreed to by the subdivider and the City or the Board of Education at the time of the approval of the preliminary plat, such price to be held firm for the two-year period. If, at the end of such period, neither the City nor the Board of Education has either entered into a contract to purchase such reserved land or has instituted condemnation proceedings therefor, then the subdivider shall be no longer bound by the reservation and all such land may be developed by the subdivider in accordance with these Subdivision Regulations. However, the lot size and plat restrictions shall be at least equal to those of the remainder of the plat.

#### **1248.50 PLANNING COMMISSION'S AND/OR COUNCIL'S ACTION NOT CONSTITUTING ACCEPTANCE.**

The requirement of dedication of public spaces, as provided in Sections 1248.47 through 1248.49, shall not constitute an acceptance of the dedication by the City. The method and time of acceptance shall be in accordance with Section 1242.04.

#### **1248.51 DESIGN STANDARDS FOR SIDEWALKS, PEDESTRIAN CROSSWALKWAYS AND DRIVEWAY APRONS.**

Design standards for sidewalks, pedestrian crosswalkways and driveway aprons shall be as specified in Chapter 1026.

## **CHAPTER 1250**

### **Improvement Requirements**

---

- 1250.01 Monuments.
- 1250.02 Streets and alleys.
- 1250.03 Lighting.
- 1250.04 Water supply.
- 1250.05 Sanitary sewerage system.
- 1250.06 Public sites and open spaces.
- 1250.07 Public utilities.
- 1250.08 Watercourse enclosures.
- 1250.09 Storm sewer connections.
- 1250.10 Protection of sloped finish grades.

#### **CROSS REFERENCES**

Approval of plats; street system - see M.C.L. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L. 125.45

Certification of city plats - see M.C.L. 125.51 et seq.

#### **1250.01 MONUMENTS.**

(a) Concrete markers, at least four inches in diameter and thirty-six inches in length with a one-half inch round steel rod cast in the center, shall be sunk in the ground at each corner, angle, intersection or other location required by the Subdivision Control Act. The location of all monuments shall be shown on the final plat map in accordance with the Subdivision Control Act. All monuments shall be sunk and set flush with the finish grade.

(b) Iron pipe stakes not less than one inch in diameter and eighteen inches in length shall be sunk in the ground at all lot corners, at points of tangency of curves and, as required by the City Manager, at suitable intervals along curves. Steel stakes of other cross-sections, at least eighteen inches in length, may be used in lieu of iron pipe with the written approval of the City Manager.

(c) All United States, State, County or other official bench marks, monuments or triangulation stations in or adjacent to the proposed subdivision shall be preserved in precise position.

#### **1250.02 STREETS AND ALLEYS.**

(a) Design and Construction. All streets and alleys shall be designed in accordance with the design standards of Chapter 1248 and constructed, curbed and surfaced in accordance with Chapter 1022 et seq. In particular, all requirements of Section 1248.22 shall apply.

(b) Drainage. Drainage shall be provided by means of curbs, gutters, drainage structures and storm sewers in accordance with Chapter 1022 et seq.

(c) Sidewalks, Pedestrian Crosswalkways and Driveway Aprons. Concrete sidewalks, pedestrian crosswalkways and driveway aprons shall be constructed in accordance with the design standards of Chapter 1248. Sidewalks shall be constructed along both sides of every street except that Council may waive this requirement in Industrial Districts if adequate alternate provisions are made.

(d) Name Signs. Street name signs shall be placed at all street intersections within or abutting the subdivision. Such signs shall be of a type approved by the City and shall be placed in accordance with standards of the City. The location shall be subject to the approval of the City Manager.

#### **1250.03 LIGHTING.**

Adequate street lighting facilities, in accordance with these Subdivision Regulations, shall be provided by the subdivider for all public streets in any subdivision. Insofar as practical, all street lights shall be mounted directly on ornamental standards which shall be supplied with electricity by underground services. Should it be necessary to suspend a street lamp on cables between standards, such standards shall be of the ornamental type and shall be supplied with electricity by underground services. Should the electric utility company impose an installation charge for the street lighting as herein provided, the payment of that charge shall be the responsibility of the subdivider. All street lighting shall be approved by the City Manager prior to installation.

#### **1250.04 WATER SUPPLY.**

(a) Public Supply Accessible. Where a public water supply approved by the City is reasonably accessible, each lot within the subdivision area shall be provided with a connection thereto. All water mains and appurtenances shall conform to the water system Master Plan and to Chapter 1040 et seq. and shall be subject to the approval of the City Manager.

(b) Public Supply Not Accessible. In a subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness and potableness of the water supply shall be subject to the approval of the City Manager. The water supply system shall be constructed under the direction and control of the City Manager and shall be subject to his or her approval.

(c) Fire Hydrants. Fire hydrants shall be installed and located in all subdivisions in accordance with Chapter 1040 et seq. In the case of Commercial or Industrial Districts, the spacing of hydrants shall be considered on an individual basis and shall be determined by consultation with the Water Division Engineer and the City Manager. Fire hydrants shall conform to Chapter 1040 et seq. and shall be subject to the approval of the City Manager.

#### **1250.05 SANITARY SEWERAGE SYSTEM.**

(a) Public Sewer Accessible. Where a public sanitary sewer is reasonably accessible, each lot within the subdivision shall be provided with a connection thereto. All extensions and connections to the public sanitary sewerage system shall be in accordance with Chapter 1044 et seq. and shall be subject to the approval of the City Manager.

(b) Public Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible and cannot reasonably be made accessible, the minimum lot area requirement of Section 1276.06 and the County Health Department Sewage Disposal Ordinance of January 1, 1963, as amended, and applicable State laws, regulating construction of septic and other approved individual systems, shall apply. All such individual systems shall further be subject to the approval of the City Manager.

(c) City Policy. It is the policy of the City to provide public sanitary sewer facilities to every parcel of land in the City containing any dwelling or other building as soon as may be practical and to require the connection of all such dwellings and buildings thereto. Therefore, if a dwelling or other building is to be constructed without initial connections to the public sanitary sewer system, provision shall be made at the time of such construction to readily permit connection to the public sanitary sewerage system as soon as it may become available. All such provisions shall be subject to the approval of the City Manager.

#### **1250.06 PUBLIC SITES AND OPEN SPACES.**

When required by Sections 1248.47 through 1248.49, public sites and open spaces shall be reserved or dedicated, as the case may be. The subdivider shall provide water and sewer service connections to the edge of all such public sites and open spaces at a location agreed to by the Planning Commission. All dedications shall be subject to the provisions of Section 1248.50.

#### **1250.07 PUBLIC UTILITIES.**

(a) Telephone and Electric Lines. Telephone and electric service lines shall be placed underground entirely throughout a subdivided area. Conduits or cables shall be placed within easements or dedicated public ways in a manner that will not conflict with other underground services. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Insofar as is practical, all such lines shall be placed in rearline easements. Service leads to individual customers shall also be placed underground. Exact locations shall be approved in advance by the City Manager in writing.

(b) Natural Gas Service Lines. Where natural gas service or transmission mains or lines are placed underground in a subdivision, such pipes shall be placed in dedicated public ways between the sidewalk and the curb in such a manner as will not conflict with other underground services.

**1250.08 WATERCOURSE ENCLOSURES.**

Where a subdivision is traversed by a watercourse, County drain or other drainage way, it shall be enclosed in suitable pipe, tile or other conduit and backfilled, all in a manner approved by the County Drain Commissioner and/or the City Manager. In no case shall this requirement be interpreted to require the tiling or enclosure of Black Creek.

**1250.09 STORM SEWER CONNECTIONS.**

In addition to the requirements of storm sewers for street drainage, storm sewers shall be extended so as to provide each subdivision lot with a direct connection to such sewers for the purpose of directly receiving the discharge of sump pump water from any dwelling or other building which may be constructed on the lot. The direct connection of building downspouts to such storm sewer connections is prohibited unless such connection is shown to be necessary for the public safety and is approved in advance in writing by the City Manager. House leads shall be installed to the front lot line on each lot prior to acceptance of the subdivision storm sewerage system.

**1250.10 PROTECTION OF SLOPED FINISH GRADES.**

Any finish grades on any lot or dedicated public area which are steeper than one on three shall be protected by either sodding or by the construction of a retaining wall of approved design. Any finish grade steeper than one on two shall be protected by a retaining wall of approved design. All such retaining walls shall meet the requirements specified in the Building Code. All such sodding shall comply with M.D.S.H. Standard Specifications, Designation 6.21, Sodding, Class A, as amended.

## TITLE SIX - Zoning

- Chap. 1260. General Provisions and Definitions.
- Chap. 1262. Administration, Enforcement and Penalty.
- Chap. 1263. Design Review.
- Chap. 1264. Board of Zoning Appeals.
- Chap. 1266. Zoning Districts.
- Chap. 1268. RA Residential Agricultural Districts.
- Chap. 1270. A-1 Residential Districts.
- Chap. 1272. A-2 Residential Districts.
- Chap. 1274. A-3 Residential Districts.
- Chap. 1276. B-1 Residential Multifamily Districts.
- Chap. 1278. B-2 Residential Mobile Home Park Districts.
- Chap. 1280. C-1 Commercial Central Business District.
- Chap. 1281. C-2 Traditional Neighborhood District.
- Chap. 1282. C-3 Commercial General Business Districts.
- Chap. 1283. I Industrial Districts.
- Chap. 1284. CO Corridor Overlay Districts.
- Chap. 1285. Temporary Overlay Design Guidelines
- Chap. 1286. FP Floodplain Protection Overlay Districts.
- Chap. 1287. T Technology District.
- Chap. 1288. Provisions Relating to All Districts.
- Chap. 1289. Unplatted Land; Condominium Projects.
- Chap. 1290. Off-Street Parking and Loading.
- Chap. 1291. MM Medical Marijuana Overlay District.
- Chap. 1292. Signs.

## CHAPTER 1260

### General Provisions and Definitions

EDITOR'S NOTE: The Zoning Code of the City, previously a codification of Ordinance 84-2, passed January 23, 1984, as amended, was re-enacted in its entirety by Resolution 24-95, passed February 13, 1995.

1260.01 Scope.

1260.02 Purpose.

1260.03 Interpretation.

1260.04 Conflict of laws.

1260.045 Vested rights.

1260.05 Definitions.

1260.06 Legal basis.

### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

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

### **1260.01 SCOPE.**

Except as elsewhere provided in this Zoning Code, no structure or part thereof shall hereafter be erected, constructed or altered in any manner, and no structure, land, premises or part thereof shall be used for a purpose, and no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Zoning Code, for the district in which such structure, land or premises are located.

(Res. 24-95. Passed 2-13-95.)

### **1260.02 PURPOSE.**

The purpose of this Zoning Code is to promote the public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land to avoid the over-crowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for systems of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development, as studied and recommended within a general plan by the Planning Commission, and endorsed by Council, which shall adopt regulations therefor.

(Res. 24-95. Passed 2-13-95.)

### **1260.03 INTERPRETATION.**

The provisions of this Zoning Code shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the intent of this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

### **1260.04 CONFLICT OF LAWS.**

Conflicting laws of a more restrictive nature are not affected by this Zoning Code. The provisions of this Zoning Code shall be considered as minimum, and such conflicting laws of a more restrictive nature shall supersede any provision of this Zoning Code. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed.

(Res. 24-95. Passed 2-13-95.)

### **1260.045 VESTED RIGHTS.**

Nothing in this Zoning Code should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, or zoning classification, or any permissible activities therein, and any such use, district or classification is hereby

declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.

(Res. 24-95. Passed 2-13-95.)

## **1260.05 DEFINITIONS.**

As used in this Zoning Code, the words "used or occupied" include the words "intended, designed or arranged to be used or occupied." Additional definitions are located in Chapter 1289. In addition:

(1) Abandoned Sign. "Abandoned sign" means a sign which no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is displayed.

(2) Accessory Sign. "Accessory sign" means any sign identifying or advertising a business, person, activity, good, product or service located on the premises where the sign is installed and maintained, and is also known as a pertinent or on- premises sign.

(3) Accessory Structure. "Accessory structure" means a detached or attached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(Ord. 98-2. Passed 6-22-98.)

(4) Accessory Use. "Accessory use" means a use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

(5) Adult Entertainment Business or Use. "Adult entertainment business or use" means a business or commercial enterprise engaging in any of the following:

A. An adult arcade is any place to which the public is permitted or invited wherein coin, token, or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed by depicting or describing "specified sexual activities" or "specified anatomical areas."

B. An adult book store or adult video store is a commercial establishment that, as one of its principal business purposes, offers for sale or rental, for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes, DVDs, or video reproductions, slides or other visual representations or media which depict or describe "specified sexual activities" or "specified anatomical areas".

2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises ten percent or more of sales volume or occupies ten percent or more of the floor area or visible inventory within the establishment.

C. An adult cabaret is a nightclub, bar, restaurant or other similar commercial establishment that features:

1. Persons who appear in a state of nudity.

2. Live performances that are characterized by the exposure of "specified anatomical areas" or "specified sexual activities".

3. Films, motion pictures, video cassettes, DVDs, slides, other photographic reproductions or visual media that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.

D. An adult motel is a hotel, motel or other similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDs, slides, other photographic reproductions or visual media that depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way that advertises the availability of any of the above;

2. Offers a sleeping room for rent for a period of time that is less than twelve hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve hours.

E. An adult motion picture theater is a commercial establishment which for any form of consideration regularly and or primarily shows films, motion pictures, video cassettes, DVDs, slides or other photographic reproduction or visual media that are characterized by depiction or description of "specified sexual activities" or "specified anatomical areas".

F. An adult theater is a theater, concert hall auditorium, or similar commercial establishment that features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of "specified anatomical areas" or by "specified sexual activities".

G. An adult massage parlor is any place where for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."

H. An adult model studio is any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar educational institution.

Specified Sexual Activities. As used in the above definitions, the phrase "specified sexual activities" shall mean and include:

1. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth above in subsections 1. through 3.

Specified Anatomical Areas. As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 2005-08. Passed 9-12-05.)

(6) Adult Foster Care Facility. "Adult foster care facility" means a governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

(7) Adult Foster Care Family Home. "Adult foster care family home" means a private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

(8) Adult Foster Care Large Group Home. "Adult foster care large group home" means a facility with approved capacity to receive at least thirteen (13), but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

(9) Adult Foster Care Small Group Home. "Adult foster care small group home" means a facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

(10) Advertising Message. "Advertising message" means that copy on a sign describing products or services being offered to the public.

(11) Animated Sign. "Animated sign" means any sign which includes action or motion. This term does not refer to flashing, changing or indexing, all of which are separately defined.

(12) Architectural Blade. "Architectural blade" means a roof sign or projecting sign with no legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from or standing on the building.

(13) Area, Floor. "Floor area" means the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.

(14) Area, Sales. "Sales area" means only that area customarily open and accessible to the public.

(15) Area of Copy. "Area of copy" means the entire area within a single, continuous perimeter composed of squares or rectangles, which perimeter encloses the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign.

(16) Area of Off-premises Sign. "Area of off-premises sign" means, for computation of area, one face of poster panels or bulletins which are installed back-to-back. If there is a difference in size, the larger face will be counted.

(17) Area of Sign. "Area of sign" means the area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

(18) Awning. "Awning" means a temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

(19) Awning Sign. See Canopy Sign.

(Ord. 2007-04. Passed 10-8-07.)

(20) Background Area. "Background area" means the entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with fascia or wall signs.

(21) Banner Sign. "Banner sign" means a temporary sign composed of lightweight material, whether or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

(22) Bed and Breakfast Facility. "Bed and breakfast facility" means a use which is subordinate to the principal use of an owner-occupied, single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment.

(23) Bi-annual. "Bi-annual" means every two years.

(24) Billboard. "Billboard" means a third party sign which advertises goods, products, services or facilities or which directs persons to a different location from where the sign is installed. Outdoor advertising signs which advertise goods, products or services not necessarily sold on the premises on which the signs are located are of three main types:

A. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper;

B. Multi-prism signs, which are the same as those described in division A. of this definition, but which alternate advertising messages on the one display area; or

C. Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.

(25) Block Face. "Block face" means and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads and other similar natural or man-made features.

(26) Building. "Building" means any structure, excluding fences, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels or property of any kind.

(27) Building, Height of. "Height of building" means the vertical distance from the finished grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. The limitations affecting the height of structures shall not apply to the appurtenant appendages of structures such as parapet walls not exceeding three (3) feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers, masts and antennas, penthouses for mechanical equipment and water tanks.

(Res. 24-95. Passed 2-13-95.)

(28) Building Frontage. "Building frontage" means the linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

(29) Building Official. "Building Official" means that individual designated by the City to enforce provisions of the Building Code and the Zoning Code.

(30) Building Sign. "Building sign," "wall sign" or "facia sign" means a sign attached to, painted on or erected against the wall, canopy or marquee of a building with the face in a parallel plane to the plane of the building wall.

(31) Bulletin. "Bulletin." See "billboard" as defined in this section.

(32) Canopy or Marquee. "Canopy" or "marquee" means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material, such as metal, glass or plastic.

(33) Canopy Sign or Marquee Sign. "Canopy sign" or "marquee sign" means any sign attached to or constructed in or on a canopy or marquee.

(34) Carry-Out Restaurant. "Carry-out restaurant" means an establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

(35) Cellar or Basement. "Cellar" or "basement" means that portion of a structure with not less than three (3) walls thereof partly below grade and so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

(36) Changeable Copy Sign (Manual). "Changeable copy sign (manual)" means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(37) Changeable Sign (Automatic). "Changeable sign (automatic)" means a sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

(38) City. "City" means the City of Davison.

(39) City Planning Commission or Commission. "City Planning Commission" or "Commission" means the Davison Planning Commission as established by Council under provisions of the Municipal Planning Commission Act, being Act No. 285 of the Public Acts of 1931, as amended.

(40) Cluster Subdivision. "Cluster subdivision" means a single-family residential subdivision in which the platted lot sizes may be smaller than required by applicable zoning district provisions, provided that the total number of dwelling units does not significantly exceed that which could be developed under applicable zoning district provisions, and provided, further, that the remaining land area is dedicated to some type of recreation or open space, public (not including streets) or semipublic use.

(41) Community Master Plan or General Plan. "Community Master Plan" or "General Plan" means the Comprehensive Community Plan for the City of Davison, Michigan.

(42) Comprehensive Design Plan. "Comprehensive design plan" means building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural, and electrical requirements.

(43) Conditional Use. "Conditional use" means a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district, but which is permitted within the same district because of circumstances unique to the location of the particular use, which activity can be conditionally permitted without jeopardy to uses permitted within such district.

(Ord. 2008-01. Passed 3-10-08.)

(44) Conditional Use Permit. "Conditional use permit" means an authorization approved by the Planning Commission to use a parcel of land and/or structure for a conditional use.

(45) Congregate Care Facility. "Congregate care facility" means apartments and dwellings with communal dining facilities and services that includes independent living and sleeping accommodations.

(46) Convalescent or Nursing Home. "Convalescent or nursing home" means a licensed institution with sleeping rooms where two (2) or more persons are housed or lodged and are furnished with meals and nursing or limited medical care for twenty-four (24) or more consecutive hours.

(47) Copy. "Copy (permanent and temporary)" means the wording on a sign surface, either in permanent or removable letter form.

(48) Copy Area. "Copy area" means the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

(49) Corral or Barnyard. "Corral" or "barnyard" means a pen or enclosure for confining animals or livestock, but not including an area for grazing of such.

(50) Council. "Council" means the Council of the City of Davison.

(51) Cul-de-sac. "Cul-de-sac" means a street terminated at one (1) end with a turning radius.

(52) Day Care. Day care homes and centers are defined as follows:

A. "Family day care home" means a private residence which receives for care, maintenance and supervision one (1) or more, but fewer than seven (7), children for less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

B. "Group day care home" means a private residence which receives for care, maintenance and supervision seven (7) through twelve (12) children for less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

C. "Day care center" means a facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after- school program, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.

2. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

3. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

4. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(Ord. 2008-01. Passed 3-10-08.)

(53) Detached Sign. "Detached sign" means a sign erected on a freestanding frame, mast or pole and not attached to any building.

(54) Directional Sign. "Directional sign" means any sign which serves solely to designate the location or direction of any place or area.



(55) Directly Illuminated Sign. "Directly illuminated sign" means any sign designated to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(56) District. "District" means each part of the City for which specific zoning regulations are prescribed.

(57) Drive-In Restaurant. "Drive-in restaurant" means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one (1) or both of the following characteristics:

A. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle, including by means of a drive-through window.

B. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, and permitted.

(58) Drive-Through Restaurant. "Drive-through restaurant" means an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile utilizing a drive-through window.

(59) Driveway, Residential. "Residential driveway" means a private vehicular way leading directly from a public street to a garage, carport, off-street parking space or area, or a side yard.

(60) Dumpster Enclosure. "Dumpster enclosure" means a manmade structure (wall) specifically constructed for the purpose of limiting access and screening visibility of a trash receptacle (dumpster) by enclosing it. Access is provided by means of a gate.

(61) Dwelling. "Dwelling" means a structure or portion thereof which is used exclusively for human habitation.

(62) Dwelling, Four-Family (Quadruplex). "Four-family dwelling" or "quadruplex" means four (4) attached dwellings in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) common walls with an adjoining unit or units.

(Ord. 2008-01. Passed 3-10-08.)

(63) Dwelling, Multifamily (Garden Apartment). "Multifamily dwelling" or "garden apartment" means a residential structure or group of structures, each of which contains more than four (4) attached single-family dwelling units and shares common front and/or rear yards. Dwelling units can be located on top of each other, provided the maximum number of stories in any structure will be three (3).

(64) Dwelling, Single-Family Attached (Townhouse). "Single-family attached dwelling" or "townhouse" means a residential structure or group of structures, each of which contains more than four (4) attached single-family dwelling units with individual rear and/or front yards designed as an integral part of each single-family dwelling unit. There are no units located over another unit(s) and each unit is separated by one (1) or more common fire resistant walls.

(65) Dwelling, Single-Family Detached. "Single-family detached dwelling" means a detached residential dwelling unit with or without an attached garage, other than a mobile home, designed for and occupied by one (1) family only and surrounded by open space or yards on all sides.

(66) Dwelling, Single-Family Semi-Detached. "Single-family semi-detached dwelling" means a single-family dwelling attached to one (1) other single-family dwelling by a common vertical wall with each dwelling located on a separate lot. The dwellings units are side by side as opposed to one (1) on top of the other.

(67) Dwelling, Three-Family (Triplex). "Three-family dwelling" or "triplex" means a dwelling containing three (3) dwelling units, each of which has direct access to the outside or to a common hall.

(68) Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

(69) Dwelling Unit. "Dwelling unit" means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or for rental or lease on a weekly, monthly or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

(70) Earth Berm. "Earth berm" means a mound of earth of a minimum eighteen (18) inches in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

(71) Easement. "Easement" means a permanent grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

(72) Elderly/Senior Citizen Housing. "Elderly/senior citizen housing" means a building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of age or older. This does not include an adult foster care facility, a home for the aged, or a nursing home.

(73) Electrical Sign. "Electrical sign" means any sign containing electrical writing which is attached or intended to be attached to an electrical energy source.

(74) Embellishment. "Embellishment" means:

A. Letters, figures, characters, or representations in cut-outs or irregular forms or similar ornaments attached to or superimposed upon the sign; or

B. A purely decorative embellishment on a free-standing sign.

(75) Employee Load Factor. "Employee load factor" means that number equal to the maximum number of employees that can be employed at any one (1) time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

(76) Erected. "Erected" means attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign.

(77) Essential Services. "Essential services" means the erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection with, but not including, building structures.

(78) Face of a Sign. "Face of a sign" means the entire area of a sign on which copy could be placed.

(79) Facelift. "Facelift" means the remodeling of a building's frontage, which remodeling is visible from a public right-of-way, so that the building material, door frames, window frames, and signs are designed in harmony with each other.

(80) Family. "Family" means an individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons, excluding servants, who need not be related by blood or marriage, living together in a dwelling unit.

(81) Farm. "Farm" means any tract of land used for agriculture, horticultural, truck gardening, nursery or other similar purposes for growing crops or plants and/or for the raising of cattle, swine, horses or other animals, consisting of four (4) or more animals and uses incidental thereto.

(82) Feedlot. "Feedlot" means any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at a density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

(Res. 24-95. Passed 2-13-95.)

(83) Fence. "Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, provide screening or mark a boundary. (See Section 1288.25, Fences.)

(84) Fence, Decorative. "Decorative Fence" means an artificially constructed barrier of wood, masonry, stone, metal or any other manufactured materials, which is erected solely as a landscaping adornment, which does not function as a barrier to movement from one point to another and which serves no true enclosing function. Decorative fencing does not include chain-link fencing.

(85) Fence, Temporary. "Temporary Fence" means a fence or barrier erected for the express purpose of protecting the general public from an area while under construction.

(Ord. 98-3. Passed 8-10-98.)

(86) Field Fabricated Sign. "Field fabricated sign" means an electrical sign of such magnitude that it cannot be completely constructed in the factory.

(87) Flag. "Flag" means a temporary sign composed of lightweight material, whether or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

(88) Flashing Sign. "Flashing sign" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs, such as public service time, temperature and date signs or electronically controlled message centers, are classed as "changing signs" not "flashing signs."

(89) Floodplain. "Floodplain" means lands which are subject to periodic flooding and which have been defined by the Soil Conservation Service of the U. S. Department of Agriculture to have alluvial soil deposits, indicating that such flooding has taken place. "Floodplain" also means lands defined as a floodplain by any technically qualified engineer and accepted by Council as such a floodplain.

(90) Freestanding Sign. "Freestanding sign" means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Freestanding signs, therefore, include pole, pylon, and monument/ground signs.

(91) Frontage. "Frontage" means the land and distance thereof of any lot fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line.

(Res. 24-95. Passed 2-13-95.)

(92) Garage. "Garage" means an accessory structure, detached or attached, suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the noncommercial use solely of the owner(s) or occupant(s) of the principal building located on the same lot.

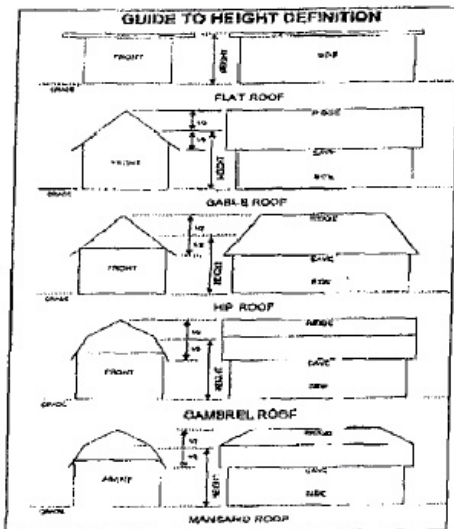
(Ord. 98-2. Passed 6-22-98.)

(93) Garage Sales. "Garage sales" means and includes all sales which are entitled "garage sale", "lawn sale", "attic sale", "rummage sale", "flea market sale" or any similar sale or tangible personal property, exceeding three (3) items in number, whether used, secondhand, damaged or discarded, which may be advertised by any means whereby the public at large is or can be made aware of and/or attend the sale. Garage sales are classified as either an individual sale or a neighborhood sale.

(Ord. 99-3. Passed 3-22-99.)

(94) Ground Level. "Ground level" means the street grade.

(95) Guide to Height. See illustration below.



(Ord. 2001-3. Passed 10-8-01.)

(96) Height of a Sign. "Height of a sign" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb, other than an elevated roadway, which permits the greatest height to the highest point of the sign.

(97) Home Occupation. "Home occupation" means any use customarily conducted entirely within the dwelling (not conducted within any accessory structure) and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, profession, or hobby. Activities not deemed to be home occupations include, among others, medical clinics, hospitals, barber shops, nurseries, day medical clinics, beauty parlors, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, offices of insurance and real estate agents, lawyers, doctors and accountants, and millinery shops.

(98) Illuminated Sign. "Illuminated sign" means any sign which emanates light, either by means of exposed tubing or lamps on its surface or by means of illumination transmitted through the sign face.

(99) Incidental Sign. "Incidental sign" means a sign pertaining to goods, products, services, or facilities which are available on the premises where the sign is located.

(100) Indexing. "Indexing" means the turning and stopping action of the triangular vertical sections of a multi-prism sign designed to show three messages in the same area.

(101) Indirectly Illuminated Sign. "Indirectly illuminated sign" means any sign which reflects light from a source intentionally directed upon it; for example, by means of floodlights, gooseneck reflectors or externally-mounted fluorescent light fixtures.

(102) Individual Letter Sign. "Individual letter sign" means any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

(103) Interior Property Line. "Interior property line" means property lines other than those fronting on a street, road or highway.

(104) Kennel. "Kennel" means the housing or keeping of more than three (3) dogs on a lot or in a structure.

(104A) LARA. The Michigan Department of Licensing and Regulatory Affairs.

(104B) Licensee. An entity that holds a license issued under the Medical Marijuana Facilities Licensing Act, Act 281 of 2016, as amended, that allows the licensee to operate as one of the following, specified in the license:

A grower

A processor

A secure transporter

A provisioning center

A safety compliance facility

(105) Limited Light Commercial Activity. "Limited light commercial activity" means a commercial enterprise limited to retailing or service activities which are of a nature that will not be detrimental to the character of the neighborhood and which can reasonably be expected to be a low traffic generator.

(106) Lintel. "Lintel" means, in this context, the line above the display windows and below the transom windows (if any) on a store; usually approximately nine feet from the grade.

(107) Loading Space, Off-Street. "Off-street loading space" means space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

(108) Lot. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and providing such yards and other open spaces as are herein required. Such lot shall have the minimum required frontage on an improved public street or on an approved private street and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of contiguous lots of record or contiguous portions of lots of record; or
- D. A parcel of land described by metes and bounds.

(Res. 24-95. Passed 2-13-95.)

(109) Lot Coverage. "Lot coverage" means that part or percent of the lot occupied by buildings, including accessory buildings, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels or property of any kind, excluding buildings such as doghouses, pump houses, greenhouses or similar buildings less than 16 square feet in size.

(Ord. 99-2. Passed 3-22-99.)

(110) Lot of Record. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(111) Maintain. "Maintain" means to permit a sign, structure, or any part thereof to continue or to repair or refurbish a sign, structure or any part thereof.

(112) Marginal Access Drive. "Marginal access drive" means a street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic or the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

(112A) Marihuana. The term as defined in section 7106 of the Public Health Code, 1978 PA 368, MCL § 333.7106 et seq.; the Michigan Medical Marihuana Act, MCL § 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL § 333.27101 et seq.; and the Marihuana Tracking Act, MCL § 333.27901 et seq.

(113) Marquee or Canopy. "Marquee" or "canopy" means a permanent roof-like shelter extending from part or all of the building face over a public right-of-way and constructed of some durable material, such as metal, glass or plastic.

(114) Marquee Sign or Canopy Sign. "Marquee sign" or "canopy sign" means any sign attached to or constructed in or on a canopy or marquee.

(114A) Medical Marihuana Facility. An enterprise at a specific location at which a licensee is licensed and a permit holder is permitted to operate under the Medical Marihuana Facilities Licensing Act. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL § 333.26421 et seq.

(114B) Medical Marihuana Permit. A current and valid permit for a medical marihuana facility issued under the City's medical marihuana facilities ordinance, granted in accordance with that ordinance. (See Chapter 810 )

(115) Message. "Message" means the wording or copy on a sign.

(116) Misconduct In Office. "Misconduct in office" includes malfeasance, misfeasance, and nonfeasance. Malfeasance is wrongful conduct by a public official. Misfeasance is doing a proper act in a wrongful or injurious manner. Nonfeasance is a failure to act when under an obligation to do so.

(Res. 2007-02. Passed 7-11-07.)

(117) Mobile Home. "Mobile home" means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, which include the plumbing, heating, air conditioning, and electrical systems contained in the structure.

(118) Mobile Home Park. "Mobile home park" means a park licensed and defined under provisions of the Mobile Home Commission Act of 1987, being Act No. 96 of the Public Acts of 1987, as amended.

(118A) Monopole. "Monopole" means a single pole structure that supports a platform and cellular antennas, that complies with the requirements of this chapter and that is part of a wireless communication facility authorized by the Federal Communications Commission.

(119) Motel. "Motel" means a group of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as tourist cabins or motor courts, and as distinguished from a lodging house.

(120) Multi-prism Sign. "Multi-prism sign" means a sign made with a series of triangular vertical sections that turn and stop or index to show three pictures or messages in the same area.

(121) Nameplate. "Nameplate" means a non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If premises include more than one occupant, the nameplate refers to all names and occupations or professions, as well as the name of the building and directional information.

(122) Nonconforming Lot. "Nonconforming lot" means a lot with dimensions which conflict with the provisions of this Zoning Code.

(123) Nonconforming Sign (Legal). "Nonconforming sign (legal)" means any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

(124) Nonconforming Structure. "Nonconforming structure" means a structure conflicting with the regulations of the district in which it is located.

(125) Nonconforming Use. "Nonconforming use" means a use of land or a structure for purposes which conflict with the provisions of this Zoning Code.

(126) Off-premises Sign or Off-site Sign. "Off-premises sign" or "off-site sign" means a third-party sign that advertises goods, products, services, or facilities or that directs persons to a different location from where the sign is installed.

(127) On-premises Sign or On-site Sign. "On-premises sign" or "on-site sign" means any sign identifying or advertising a business, person, activity, good, product, or service located on the premises where the sign is installed and maintained, and is also known as a pertinent or accessory sign.

(128) Outdoor Advertising Sign. "Outdoor advertising sign." See "billboard" as defined in this section.

(129) Owner. "Owner" means a person recorded as such on official records, and includes a duly authorized agent or notary; a purchaser, devisee or judiciary; and any person having a vested or contingent interest in the property in question.

(130) Parapet or Parapet Wall. "Parapet" or "parapet wall" means that portion of a building wall that rises above the roof level.

(131) Parking. "Parking" means leaving a vehicle in a certain place temporarily.

(132) Parking Space, Off-Street. "Off-street parking space" means a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

(133) Penthouse. "Penthouse" means a structure on top of a building roof, such as a structure that houses an elevator shaft or similar form.

(134) Permit. "Permit" means an official document or certificate issued by an authorized City official that authorizes performance of a specified activity.

(Ord. 2001-4. Passed 10-8-01.)

(135) Person. "Person" means any individual, corporation, association, firm, partnership, and the like.

(136) Planned Unit Development. "Planned unit development" means an integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions prescribed in this Zoning Code.

(137) Portable Sign. "Portable sign" means any sign not securely attached to the ground with a frost-free footing or to a building. A "sandwich board sign" shall not be considered a portable sign.

(Ord. 2007-04. Passed 10-8-07.)

(138) Premises. "Premises" means an area of land with its appurtenances and buildings, which area, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

(139) Projecting Sign. "Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of a double-faced projecting sign is calculated on one face of the sign only.

(139A) Provisioning Center. A licensee that is a commercial entity located in this State that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. "Provisioning center" includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient

connected to the caregiver through the department's marihuana registration process in accordance with the Michigan Medical Marihuana Act (MCL § 333.26421 et seq.) is not a provisioning center for purposes of this chapter.

(140) Public Right-of-way. "Public right-of-way" means the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the City Engineer shall determine the public right-of-way width.

(141) Public Service Information Sign. "Public service information sign" means any sign intended primarily to promote items of general interest to the community, such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

(142) Real Estate Sign. "Real estate sign" or "property for sale, rent or lease sign" means any sign pertaining to the sale, lease, or rental of land or buildings.

(143) Recreational Vehicle. "Recreational vehicle" includes motor home, camper, travel trailer, trailer coach, snowmobile, motorcycles, dune buggies, all terrain vehicles, boats, other personal watercraft, and similar vehicular-type portable structures that lack a permanent foundation. A recreational vehicle can be towed, hauled, or driven and is principally designed to be used for private recreation purposes or recreational travel uses. Any trailer which is principally used for transporting any of the above shall also be considered a recreational vehicle.

(Res. 2007-02. Passed 7-11-07.)

(144) Roadside Stand. "Roadside stand" means a retail outlet with all related structures, primarily for the sale of farm produce grown on the farm upon which such stand is located.

(145) Roof Line. "Roof line" means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

(146) Roof Sign. "Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(147) Rotating Sign. "Rotating sign" means any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism or indexing signs.

(148) Sandwich Board Sign. "Sandwich board sign" means any sign within the Downtown Development Authority area that is comprised of two (2) sign panels joined at the top by a hinge to form a freestanding sign that is usually set outside in front of a place of business. Oftentimes called an "A-frame sign" or "A-frame sandwich board".

(Ord. 2007-04. Passed 10-8-07.)

(149) Sanitary Landfill. "Sanitary landfill" means any parcel of land used for the dumping of refuse for the purpose of disposing of such refuse and operated in accordance with Act No. 87 of the Public Acts of 1965, as amended.

(150) Seasonal or Holiday Signs. "Seasonal or holiday signs" means signs such as Christmas decorations or those used for an historic holiday and installed for a limited period of time.

(151) Senior Citizen Activity Center. "Senior citizen activity center" means a building or group of buildings designed to primarily accommodate activities and events planned for persons in the community who are sixty-two (62) years of age or older. A senior citizen activity center may be included as part of an elderly/senior citizen housing development.

(152) Service Station. "Service station" means buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made and no others:

- A. Sale and servicing of spark plugs, batteries and distributors and distributor parts and/or ignition systems;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of air, oil, and fuel filters, mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
- D. Radiator cleaning and flushing;
- E. Washing and polishing, and sale of automotive washing and polishing materials;
- F. Greasing and lubrication;
- G. Replacing or repairing of carburetors, fuel pumps, oil pumps and lines;
- H. Emergency wiring repairs;
- I. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- J. Adjusting and repairing brakes;
- K. Sale of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to the principal operation;
- L. Provision of road maps and other informational material, and of restroom facilities, to customers.

Uses permissible at a service station do not include major technical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

(153) Setback. "Setback" means the distance from the right-of-way lines of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

(154) Shopping Center. "Shopping center" means a group or groups of three (3) or more commercial establishments developed in accordance with an overall plan and designed and built as an interrelated project.

(155) Sign. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, excepting, however, the following (additional sign definitions are in Chapter 1292):

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion;
- C. Legal notices and identification, informational or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights; and
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(156) Sign Legend. "Sign legend" means the wording on a sign surface, either in permanent or removable letter form.

(157) Sign Sticker. "Sign sticker" means a sticker affixed either to the face or to the channel of a sign, visible from the street, denoting the name of the manufacturer or designated servicing company for purposes of identification by City officials.

(158) Sign Structure. "Sign structure" means any structure which supports, has supported or is capable of supporting a sign, including a decorative cover.

(159) Site Plan Committee. "Site Plan Committee" means an administrative committee consisting of the Building Official, representatives of the City Water Division and Public Works and Police Departments, and at least one (1) representative from the Planning Commission. This Committee is charged with the duties listed in the site plan review requirements.

(159A) Slum and Blighted Areas. In accordance with state law, "slum and blighted areas" means any improved or vacant area within identified boundaries located within the territorial limits of the municipality, which meets state law and the following Community Development Block Grant (CDBG) definition:

A. Public improvements are in a general state of deterioration in the designated area, or a substantial number of buildings in the designated area are deteriorated or deteriorating, and at least 25% of properties in the area have one or more of the following characteristics:

1. Physical deterioration of buildings or improvements;
2. Abandonment of properties;
3. Chronic high turnover or vacancy rates in commercial/industrial buildings;
4. Significant decline in property values or abnormally low property values in relation to other areas in the community; or
5. Known or suspected environmental contamination.

(160) Special Purpose Sign. "Special purpose sign" means any sign other than a business, non-accessory, identification sign, including, but not limited to traffic signs.

(161) Standard Sheet. "Standard sheet" means a sheet which measures eight and one-half (8-1/2) inches by eleven (11) inches or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

(162) Storage. "Storage" means to put away for future use.

(163) Story. "Story" means that part of a building included between the surface of any floor and the surface of the floor or roof next above it. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story.

(164) Street. "Street" means a public thoroughfare which affords a principal means of access to abutting property and which has a right-of-way exceeding forty-nine (49) feet.

(165) Structure. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

(Res. 24-95. Passed 2-13-95.)

(166) Swimming Pool. "Swimming pool" means a pool designed for swimming purposes rather than wading purposes and having a depth of twenty-four inches or greater.

(Ord. 98-3. Passed 8-10-98.)

(167) Swinging Sign. "Swinging sign" means a sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

(168) Temporary Sign. "Temporary sign" means a sign which is not permanently affixed, including, but not limited to, banners, pennants, flags (not intended to include flags of any governmental, religious, and recognized fraternal organizations), searchlights, twirling or curb signs, balloons or other air or gas- filled figures, and political signs.

(Ord. 2007-04. Passed 10-8-07.)

(169) Temporary Window or Building Sign. "Temporary window or building sign" means a sign painted on the interior of a window or constructed of paper, cloth, or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct the attention of persons outside the building to a sale of merchandise or a change in the status of the business.

(170) Travel Trailer Park. "Travel trailer park" means a park licensed under the provisions of the Mobile Home Commission Act of 1987, being Act No. 96 of the Public Acts of 1987, as amended, and designed specifically to permit the parking of travel trailers.

(171) Under Canopy Sign or Marquee Sign. "Under canopy sign" or "marquee sign" means a sign suspended below the ceiling or roof of a canopy or marquee.

(172) Unlawful Sign. "Unlawful sign" means a sign which contravenes this chapter or which the Building Official may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous Zoning Code was not obtained.

(173) Use. "Use" means the purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

(174) Variance. "Variance" means an authorization permitting change in the requirements of this Zoning Code by the Board of Zoning Appeals in cases where the general requirements of this Zoning Code and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant.

(175) Window Sign. "Window sign" means a sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

(175A) Wireless Communication Facilities. "Wireless communication facilities" means all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority. For purposes of this title, the following additional terms are defined:

A. Attached Wireless Communication Facilities. "Attached wireless communication facilities" means wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

B. Wireless Communication Support Structures. "Wireless communication support structures" means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

C. Collocation. "Collocation" means the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

(176) Yard. "Yard" means a required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward. However, fences, walls, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

(177) Yard, Front. "Front yard" means a yard extending between side lot lines across the front of a lot and adjoining a public street.

(Res. 24-95. Passed 2-13-95.)

(178) Yard, Rear. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yards, but only front and side yards. In the case of corner lots, the rear yard shall be considered as that yard area adjacent to the side of the principal structure which is opposite to that side of the principal structure in which the main entrance is located.

(Ord. 98-7. Passed 8-24-98.)

(179) Yard, Side. "Side yard" means a yard extending from the rear line of the required front yard and being between the principal structure and the side lot lines, to the rear lot line or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street.

(180) Zero Lot Line. "Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.



(181) Zoning Board of Appeals. "Zoning Board of Appeals" means the Board provided for in the Michigan Zoning Enabling Act, being Act No. 110 of the Public Acts of 2006, as amended, with powers and duties as defined therein, except as modified herein.

(Res. 2007-02. Passed 7-11-07; Ord. 2008-01. Passed 3-10-08.)

(182) Zoning Code. "Zoning Code" means Title Six of this Part Twelve - the Planning and Zoning Code. (Res. 24-95. Passed 2-13-95.)

(Ord. 2007-04. Passed 10-8-07; Ord. 2010-12. Passed 9-27-10; Ord. 2013-04. Passed 10-28-13; Ord. 2020-05. Passed 7-13-20.)

## **1260.06 LEGAL BASIS.**

This Zoning Code is enacted pursuant to P.A. 207 of 1921, as amended, (being the City and Village Zoning Act, M.C.L. 125.581 et seq.). The continued administration of this Zoning Code, amendments to this Zoning Code, and all other matters concerning operation of this Zoning Code shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.).

(Res. 2007-02. Passed 7-11-07.)

## **CHAPTER 1262**

### **Administration, Enforcement and Penalty**

---

1262.01 Administrative official; permits; zoning compliance certificates.

1262.02 Conditional use permits; intent.

1262.03 Application for conditional use permits.

1262.04 Site plan review; intent.

1262.05 Waiver of site plan review.

1262.06 Site plan review procedures.

1262.07 Site plan information and copies required.

1262.08 Site plan referral to Planning Commission.

1262.09 Site investigation report.

1262.10 Revocation of site plan approval.

1262.11 Site plan review fees required.

1262.12 Basis for approval of site plan.

1262.13 Site plan approval for conditional uses.

1262.14 Performance guarantees

1262.15 Zoning Code amendments.

1262.16 Schedule of fees, charges and expenses.

1262.17 Final inspection.

1262.18 Separability.

1262.19 Public notice.

1262.99 Enforcement and penalties.

#### **CROSS REFERENCES**

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

Board of Zoning Appeals - see M.C.L. § 125.585; P. & Z. Ch. 1264

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

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

#### **1262.01 ADMINISTRATIVE OFFICIAL; PERMITS; ZONING COMPLIANCE CERTIFICATES.**

(a) Administrative Official. The Building Official shall administer and enforce this Zoning Code. He or she may be provided with the assistance of such other persons as Council may direct.

If the Building Official finds that any of the provisions of this Zoning Code is being violated, he or she shall notify, in writing, the person responsible for such violation, or the owner of record of the lot upon which such violation is taking place, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of the illegal use of any lot or structure, removal of illegal structures or of illegal additions, alterations or structural changes, discontinuance of any illegal work being done or any other action authorized by this Zoning Code to ensure compliance with or to prevent violation of its provisions.

(b) Permits Required. No structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Official, except in conformity with the provisions of the Zoning Code in the case of a written approval for a conditional use permit from the Planning Commission, or a reversal on appeal, or a variance from the Board of Zoning Appeals, in accordance with the provisions of this Zoning Code.

(c) Certificates of Zoning Compliance for New, Altered or Nonconforming Uses. No person shall use, occupy, or permit the use or occupancy of any structure or premises, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of zoning compliance has been issued therefor by the Building Official stating that the proposed use of the structure or lot conforms to the requirements of this Zoning Code.

(1) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance has been issued by the Building Official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Zoning Code, provided that upon enactment or amendment of this Zoning Code, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for certificates of zoning compliance. Failure to make such application within three (3) months shall be presumptive evidence that the property was a conforming use at the time of enactment or amendment of this Zoning Code.

(2) No permit for erection, alteration, moving or repair of any structure shall be issued until an application has been made for a certificate of zoning compliance. The certificate shall be issued in conformity with the provisions of this Zoning Code upon completion of the work.

(3) A temporary certificate of zoning compliance may be issued by the Building Official for a period not exceeding six (6) months during alterations for partial occupancy of a structure pending completion of such alterations, provided that such temporary certificates may include such conditions and safeguards as will protect the safety of the occupants and the public.

(4) The Building Official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

(5) Failure to obtain a certificate of zoning compliance shall be a violation of this Zoning Code punishable as provided in Section 1262.99.

(d) Authorized Construction and Use. Permits or certificates of zoning compliance shall be issued by the Building Official on the basis of plans and applications approved, where necessary, by the Planning Commission or the Board of Zoning Appeals and shall authorize only the use, arrangement and construction set forth in such approved plans or construction. A use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Code punishable as provided in Section 1262.99.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

## **1262.02 CONDITIONAL USE PERMITS; INTENT.**

Conditional use permit procedures set forth in this chapter are instituted to provide an opportunity to use a lot or parcel for an activity which, under usual circumstances, would be detrimental to other permitted land uses and cannot be permitted within the same district, but which can be permitted under circumstances unique to the proposed location, subject to conditions acceptable to the community and providing protection to adjacent land uses. These procedures are adopted to provide guidelines for the Planning Commission to follow in arriving at any decision over which the City has jurisdiction and to provide for the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner and the City.

(Res. 24-95. Passed 2-13-95.)

## **1262.03 APPLICATION FOR CONDITIONAL USE PERMITS.**

(a) An application for the approval of a conditional use shall be made by an owner of an interest in the land on which the conditional use is to be located, to the City Manager's office so that the conditional use application can be reviewed interdepartmentally and/or any revisions, corrections, or information necessary can be corrected or made available by the petitioner. This does not necessarily mean that upon review by the Planning Commission any further pertinent information will not be requested.

(b) Three (3) copies of the application and eight (8) copies of the site plan shall be filed, the same to be reviewed interdepartmentally and accompanied by the necessary fees and documents as required. The applicant will be notified of any corrections and/or modifications necessary within thirty (30) days. The applicant shall submit modified site plans to the City Manager or his or her designee, until there is interdepartmental compliance. The applicant shall submit eighteen (18) copies to the City Clerk thirty (30) days prior to the Planning Commission's next regular or special meeting intended for that purpose. Plans shall be prepared by a licensed professional architect, engineer, land surveyor, or community planner. The plans shall have the signature and seal of the licensed professional affixed thereon. This requirement may be waived at the discretion of the City Manager or his or her designee only after the City Manager or his or her designee determines that the scope of the project does not warrant such services. Drawings shall be to the scale of not less than one (1) inch equals twenty (20) feet if the subject property is less than three (3) acres, or not less

than one (1) inch equals sixty (60) feet if three (3) acres or more. The information shall accompany all plans submitted for review and must comply with the procedures set forth in these Codified Ordinances and/or any other State laws or statutes and shall contain the following:

- (1) Statistical data, including the number of dwelling units, the size of dwelling units (e.g., one (1) bedroom, two (2) bedrooms, and three (3) bedrooms), if any, and total gross acreage involved;
- (2) The location of principal and accessory buildings on the lot and the relationship of each structure to another, including setbacks;
- (3) Vehicular traffic and pedestrian circulation features within the site and adjacent to the site;
- (4) The location and dimensions of all off-street parking areas, including maneuvering lanes, service lanes, off-street loading and unloading spaces, and other service areas within the development;
- (5) The location, dimensions, and proposed use of all on-site recreation areas, if any;
- (6) The location of all proposed landscaping, fences, or walls;
- (7) The height and dimensions of all structures;
- (8) Front, rear, and side elevations of any typical structure proposed for development;
- (9) The location, size, and capacity of all existing and proposed private or public water facilities, storm, and sanitary sewer service facilities and solid waste disposal facilities servicing the site;
- (10) The location, dimensions, and lighting of all signs;
- (11) The location, intensity, and orientation of all lighting;
- (12) A location map at a larger scale, indicating the relationship of the site to the surrounding land area;
- (13) Pavement type and cross-section;
- (14) Existing and proposed grades and bench mark, including the subject property and the relationship to adjacent property;
- (15) Proof of property ownership or legal capacity to use the property;
- (16) A legal description of the property;
- (17) Floodplain shown if applicable;
- (18) Existing and proposed easements; and
- (19) All State of Michigan barrier-free design requirements.

(c) The conditional use permit application may be accompanied by an application for a zone change where such a zone change is necessary for the consideration of the application, provided that all applicable provisions for a zone change application have been complied with.

(d) The application and zone change application, if any, shall be reviewed interdepartmentally and, upon finding the application complete, the City shall instruct the applicant to submit proper copies to the City Clerk thirty (30) days prior the next regular or special Planning Commission meeting intended for that purpose. The Commission shall review and communicate its recommendation on the zone change application to Council within two (2) weeks after the regular or special Planning Commission meeting at which such application was considered.

(e) The Commission shall hear any person wishing to express an opinion on the application and review the conditional use permit application at its next regular or special meeting, intended for that purpose, provided that such meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required. Notice procedures under Section 1262.19 shall be followed.

(f) (1) The Commission shall, within two (2) weeks after the public hearing at which the application was considered, advise the applicant, the City Manager, the Building Official, the City Clerk, and Council of its findings regarding vehicular traffic circulation, geological considerations, air, water and land pollution, waste disposal and other problems which can be anticipated from the proposed activity, and of its approval, with any condition the Commission may find necessary, or of its disapproval, with its reasons in writing. The Commission may direct the applicant to comply with any condition which it deems necessary to provide for the public health, safety, and welfare of present or prospective occupants of the conditional use and of any lands contiguous to the proposed use, or deemed necessary for the prevention of any nuisance condition.

(2) Standards for approval shall be as follows:

A. The Planning Commission shall review the particular circumstances and facts applicable to each proposed conditional use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:

1. It will be harmonious with, and in accordance with, the general objectives of the Future Land Use Plan.
2. It will be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of that area.

3. It will not be hazardous or disturbing to existing or future neighboring uses.
  4. It will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  5. It will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  6. It will not create excessive additional requirements at public cost for public facilities and services, or be detrimental to the economic welfare of the community.
  7. It will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person or property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
  8. It will be consistent with the intent and purposes of this Zoning Code.
- B. If the facts regarding the conditional use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Code will be met by the proposed use, the Planning Commission shall not approve a conditional use.

In approving a conditional use permit, the Planning Commission may impose of such reasonable conditions of use as it deems necessary to protect the best interests of the City and the general vicinity, to achieve the objectives of this Zoning Code and to assure that the health, safety, and welfare of the general public will not be infringed upon.

The Planning Commission may deny, approve, or approve with conditions, a request for conditional use approval. The decision on a conditional use shall incorporate a statement containing the findings and conclusions relative to the conditional use under consideration which specifies the basis for the decision and any conditions recommended.

C. Upon holding a public hearing and review of the conditional use request, the Planning Commission shall, within thirty (30) days, forward to the Building Official its finding and decision. The finding shall include a record of those conditions which are to be imposed. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Planning Commission and the land owner, and the Planning Commission shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A conditional use permit shall be issued by the Planning Commission upon approval. The Planning Commission shall forward a copy of the permit to the owner/applicant, the City Clerk, and the Building Official. The Building Official shall not issue a building permit until he or she has received a copy of the conditional use permit approved by the Planning Commission.

D. Any conditional use permit granted under this Zoning Code shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said conditional use permit, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Code and shall constitute grounds for termination of a previously granted conditional use permit.

E. The conditional use review and site plan review may occur concurrently with the mutual consent of the land owner and the Planning Commission; however, neither shall occur concurrently with a proposed amendment to the zoning map or text.

F. Any such disapproval may be appealed to the Board of Zoning Appeals under the provisions of this chapter. The Board shall consider such appeal as a petition for variance and subject to the same standards and relief.

(g) The Building Official shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the City Treasurer attesting to the payment of all required fees, issue a building permit for the approved conditional use, provided that he or she has found satisfactory compliance with all conditions precedent imposed by such approval.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

#### **1262.04 SITE PLAN REVIEW; INTENT.**

Site plan review procedures set forth in this chapter are instituted to provide an opportunity for the Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility, and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner.

(Res. 24-95. Passed 2-13-95.)

#### **1262.05 WAIVER OF SITE PLAN REVIEW.**

(a) The Building Official shall have authority to waive the Commission's review of a site plan when the proposed use is of a nature which will require no alterations or only minor modifications to the site and/or structures in question. These shall not include the following:

- (1) Expansion or relocation of an existing building or construction of a new building;
- (2) A change in use and/or interior modifications which will result in a need for increased parking;

- (3) Reduction of parking spaces from what originally existed for the former use;
  - (4) Major changes to the internal traffic or pedestrian circulation system of the site;
  - (5) Relocation or modification of the ingress and egress drives to public thoroughfares of the site;
  - (6) Major changes to landscaping, fences, or walls; or
  - (7) Any use or modification to the site and/or structure which, in the opinion of the Building Official, may significantly affect public health, safety, or general welfare.
- (b) The site plan shall always be required when a conditional use permit is being considered.

(Res. 24-95. Passed 2-13-95.)

#### **1262.06 APPLICATION PROCEDURES.**

Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted to the Site Plan Committee for City review as follows:

(a) Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for single-family detached and two-family dwellings and their accessory uses) and all conditional approval uses in all zoning districts. (Please note: Site plans related to mobile home parks shall follow the procedures established in Chapter 1278.) Prior to review by the Planning Commission, all site plans shall be reviewed administratively by City staff to ensure compliance with the submittal requirements of this Zoning Code, and consistency with existing site zoning and the site development requirements of the zoning district in which the subject property is located.

After administrative review of a site plan by the Site Plan Committee, the Building Official shall place the site plan on the Planning Commission agenda for review and action at the earliest available meeting. A site plan shall be approved, approved with conditions or disapproved by the City of Davison Planning Commission in accordance with the requirements of this Zoning Code.

(b) When the proposed new construction or remodeling constitutes an addition to an existing building or use site plan review procedures may be modified, at the discretion of the City Manager, to provide for an administrative review by City staff in lieu of a more formal review by the Planning Commission. City staff may conduct an administrative review provided that both of the following are true:

- (1) No variances from this Zoning Code are required; and
- (2) The proposed new construction would not increase the total square footage of the building greater than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.

(c) For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the City Manager, to provide for an administrative review by City staff in lieu of a more formal review by the City Planning Commission. City staff may conduct an administrative review provided that all of the following are true:

- (1) No variances from this Zoning Code are required.
- (2) Such use is conducted within a completely enclosed building.
- (3) Reoccupancy does not create additional parking demands, beyond ten (10) percent of that which exists.
- (4) Reoccupancy does not substantially alter the character of the site.

(d) The Building Official shall notify the Planning Commission of all site plans scheduled for administrative review.

(e) Every site plan submitted for review shall be in accordance with the requirements of this Zoning Code. Administrative review procedures are not intended to modify any ordinance, regulation, or development standard.

(Res. 24-95. Passed 2-13-95.)

#### **1262.07 SITE PLAN INFORMATION AND COPIES REQUIRED.**

(a) Application for site plan review shall be made to the City Manager's office so that the site plan application can be reviewed interdepartmentally and any revisions, corrections, or information necessary can be corrected and/or made available by the petitioner. This does not necessarily mean that upon review by the Planning Commission any further pertinent information will not be requested.

(b) Three (3) copies of the application and eight (8) copies of the site plan shall be filed, the same to be reviewed interdepartmentally and accompanied by the necessary fees and documents as required. The applicant will be notified of any corrections and/or modifications necessary within thirty (30) days. The applicant shall submit modified site plans to the Building Official or his or her designee. Upon finding the application complete the City shall instruct the applicant to submit eighteen (18) copies to the City Clerk fifteen (15) days prior to the Planning Commission's next regular or special meeting intended for that purpose. Plans shall be prepared by a licensed professional architect, engineer, land surveyor, or community planner. The plans shall have the signature and seal of the licensed professional affixed thereon. The requirements may be waived at the discretion of the City Manager or his or her designee only after the City Manager or his or her designee determines that the scope of the project does not warrant such services. Drawings shall be to the scale of not less than one (1) inch equals twenty (20) feet if the subject property is less than three (3) acres, or not less than one (1) inch equals sixty (60) feet if three (3) acres or more. The information shall accompany all plans submitted for review and must comply with the procedures set forth in these Codified Ordinances and/or in any State laws or statutes. Each site plan shall contain the following information:

(1) Generally.

- A. Statistical data, including the number of dwelling units, the size of dwelling units (e.g., one (1) bedroom, two (2) bedrooms, and three (3) bedrooms), if any, and total gross acreage involved.
- B. The title and date of the plan, including the date and nature of all subsequent revisions.
- C. North arrow and scale. The scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals sixty (60) feet for those three (3) acres or more.
- D. A location map showing the site in relation to existing roads and developments within the City.
- E. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- F. The boundary of the tract shown by a heavy line, a legal description of the parcel, and the acreage.
- G. The zoning classification of the petitioner's parcel and all abutting parcels.
- H. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- I. The location and the pavement and right-of-way width of all abutting roads and streets, and driveway locations on abutting public streets. The location of all easements of record.
- J. The name, address, and telephone number of the property owner or petitioner.
- K. The name, firm address, and telephone number of the professional civil engineering or architectural firms responsible for the preparation of the site plan (including an imprint of the professional seal).
- L. Notation of City, county, or State license/permits required and/or secured.
- M. The method of waste collection.
- N. A statement on intended phases of the project with boundaries of other phases shown with phantom lines.
- O. All required setbacks for front, side, and rear yards.

(2) Natural features.

- A. Existing and proposed topography with contours at two (2)-foot intervals (based on USGS datum), extending a minimum of two hundred (200) feet beyond site boundaries.
- B. Description of soil erosion and sedimentation control measures.
- C. The location of clusters of trees on site and all existing trees over twenty-four (24) inches in diameter.
- D. The location of existing wetlands.
- E. The location of floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
- F. Soil characteristics of the parcel utilizing information provided by the U.S. Soil and Conservation Services "Soil Survey of Genesee County."
- G. A grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to indicate required cutting, filling, and grading.

(3) Physical features.

- A. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs. Each individual parking space shall be indicated including typical parking space dimensions for regular and handicapped spaces and type of lot surfacing.
- B. A note specifying maintenance of paved surfaces and other improvements as follows:  
Maintenance Agreement  
"Paved surfaces, walkways, signs, lighting, and other structures and surfaces shall be maintained in a safe, attractive condition as originally designed and constructed. Parking lot striping and markings shall be maintained in a clearly visible condition."
- C. The location of all trash receptacles and the location, height, and type of fences and walls to screen receptacles.
- D. The location of existing and proposed fire hydrants, water mains, pump houses, standpipes, and building services, and sizes, including proposed connections to public sewer or water supply systems and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way.
- E. The location and dimension of required easements for public rights-of-way, utilities, access and shared access.
- F. The proposed finish grade of buildings, driveways, walkways, parking lots, and lawned areas.
- G. Proposed sanitary sewer facilities and the location of all existing utilities, easements and vacations and the general placement of lines, tie-ins to buildings, pump stations, and lift stations.

H. A description of a feasible storm drainage system and proposed storm sewer facilities (sewers and appurtenances), including catch basins, outlets, enclosed or open ditches, and proposed swales for the retention of off-site drainage.

I. Storm water calculations to permit review of any proposed retention of drainage.

J. Front, rear, and side elevations of proposed buildings and proposed types of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, i.e., air conditioning, heating units, etc.

K. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any pedestrian sidewalks, malls, and open areas for parks and recreation either required or otherwise deemed necessary by the Planning Commission.

L. Entrance details including sign locations and size.

M. Plans and specifications (height, cross sections, materials) for greenbelts, berms, fences, walls, or other protective barriers required by this Zoning Code.

N. Designation of fire lanes.

O. A detailed landscape plan, in conformance with the requirements of Sections 1288.22 and 1288.23, indicating the location, type, and size of trees, plants, berms, etc.

P. A note specifying annual landscape maintenance procedures such as the following:

#### Landscape Maintenance Agreement

"Owner agrees to seasonal maintenance program and will replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune beginning upon completion of construction of landscaping."

Q. A note on the location and type of outdoor lighting, proposed illumination patterns, and the method of screening to prevent glare onto adjacent streets and properties.

R. The location, height, and area of all signs.

S. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.

T. Information and plans for the storage, loading, disposal and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.) If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.

#### (4) Additional requirements.

A. Information and special data which may be critical to the adequate review of the proposed use and its impact on the site or City. Such data requirements may include traffic studies, site investigation reports, environmental assessments (including inventory and impact data on flora, fauna, natural resources, historic sites, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the City due to failures as a basis for performance guarantees.

B. Recreation and open space areas for residential development projects which shall be provided where deemed necessary by the Planning Commission.

C. Other data which the City may reasonably deem necessary for adequate review.

D. With residential proposals, a site summary indicating the number and location of one (1) bedroom units, two (2) bedroom units, etc.; typical floor plans with the square feet of floor areas; density computation; recreation facilities; open spaces; street names; and lot coverage. A statement as to whether the project is to be a condominium, cooperative or rental shall also be provided.

E. With nonresidential proposals, the number of offices, the number of employees, the number of floors, typical floor plans, and the gross and usable floor area.

F. With residential proposals, details of a community building, swimming pool and fencing, and carport locations, if proposed.

#### (5) Administrative review.

A. In lieu of the site plan data requirements enumerated above, the following information is required for those cases receiving administrative review solely as a result of building reoccupancy or minor improvement.

1. The title and date of the plan, including the date and nature of all subsequent revisions.

2. North arrow and scale.

3. An accurate description of the subject property.

4. Clear documentation of all proposed changes to the existing site, building or land use.

5. A description of the proposed use including the number of employees, the nature of the proposed use, a floor plan sketch, and other general information describing the use.

6. A description of existing and proposed parking facilities serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.

7. A description of existing and proposed landscaping, sidewalks, and other site amenities.

8. A note specifying annual landscape maintenance procedures such as the following:

Landscape Maintenance

"Owner agrees to seasonal maintenance program and will replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune beginning upon completion of construction of landscaping."

9. A description of buffering (i.e., walls, greenbelts) between the use and adjacent residential properties both existing and proposed.

10. A description of site ingress and egress both existing and proposed.

11. Information regarding the number of times separate plans have been submitted by the applicant to the City for review of additions or alterations to the existing building or site in the past.

12. A note on the location and type of outdoor lighting, proposed illumination patterns, and method of screening to prevent glare onto adjacent streets or properties.

13. The location, height, and area of all signs.

14. Information and plans for the storage, loading, disposal and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.). If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.

15. Any other information as required by the Building Official which will assist in evaluation of the proposed use.

(Res. 24-95. Passed 2-13-95.)

### **1262.08 SITE PLAN REFERRAL TO PLANNING COMMISSION.**

(a) The site plan shall be referred, within fifteen (15) days after achieving interdepartmental compliance, to the Planning Commission for its review and evaluation at its next regular or special meeting intended for that purpose.

(b) The Commission shall review and communicate its approval or recommend site plan modifications to the applicant within not more than forty-five (45) days after receipt of the site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Commission for its review. The same number of copies shall be provided as was the case for the original submission.

(1) The Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions, or create a nuisance condition to the detriment of adjoining land users or the general public.

(2) Any required modification shall be directed to the specific elimination of unsafe or hazardous health or safety conditions or the prevention of nuisance conditions, and shall be so noted.

(c) Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval of the site plan to the applicant within not more than forty-five (45) days after receipt of the modified site plan.

(1) Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.

(2) Any site plan approval granted under this Zoning Code shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said site plan approval, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions.

(3) Any such disapproval may be appealed to the Board of Zoning Appeals under the provisions of this chapter. The Board shall consider such appeal as a petition for a variance and subject to the same standards and relief.

(Res. 24-95. Passed 2-13-95.)

### **1262.09 SITE INVESTIGATION REPORT.**

It is the intent of this section to insure that the purpose and intent of this Zoning Code is fulfilled through the submittal of a site investigation report which contains the information as provided in this section.

(a) Approval. The Planning Commission shall have the function, duty, and power to approve or disapprove, or to approve subject to compliance with certain modifications and conditions, the site investigation report in accordance with the purpose and intent of this Zoning Code.

(b) Submittal. A site investigation report may be requested by the Planning Commission for sites with known or suspected environmental sensitivity or for developments of high intensity, with certain modifications and conditions in accordance with the purpose and intent of this Zoning Code, along with the materials, and in conformance with the requirements, as specified in the following:

(1) A description of the proposed project, including the location, purpose, and extent of the project.



- (2) The existing zoning and building requirements for the proposed project.
- (3) Whether any local, State, and Federal permits are required for the project and, if so, a designation of those required local, State, and Federal permits.
- (4) A description of the natural and cultural features of the project, including, but not necessarily limited to:
  - A. A description of the topography of the land and soil.
  - B. The existing water resources, including surface water, groundwater, drainage, floodplains and wetlands, water quality, and the effect of the project on any aquifer and neighboring wells.
  - C. A description of the existing vegetation, habitat, and wildlife.
  - D. A description of the proposed land use, water use, economic, and social conditions, any archaeological and historical resources and community facilities and services which are in existence.
- (5) A statement describing the environmental impact of the proposed project, which shall include the following:
  - A. A description of the impact on the topography and soils, including any disruption, erosion, etc.
  - B. A description of the impact on water resources, including:
    1. Potential for surface water contamination and efforts to protect surface water bodies;
    2. Potential for groundwater contamination and efforts to protect groundwater;
    3. The effect of any water discharges, increased storm water runoff, or alteration of natural drainage;
    4. A description of the water quality of both surface and groundwater;
    5. A description of the susceptibility of the project to flooding;
    6. A description of any wetlands impact; and
    7. An analysis of prevailing winds, including impacts of odors and efforts to mitigate odor, control of fugitive dust emissions, road dust, etc.
- (6) The site investigation report shall summarize the impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend upon them), including a description of the impact on the following:
  - A. The vegetation and habitat, describing in particular whether there would be any alteration and/or loss to said vegetation and habitat.
  - B. The impact on wildlife, including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife, wetland inventories, and migratory bird habitats.
- (7) The site investigation report shall summarize the environmental impact on aquatic ecosystems (the relationship between the water resources and the organisms which depend on them), which shall include a summary of the impact on the following:
  - A. The fish species, including the impact on the type and number of fish species.
  - B. The effect on the habitat, including whether said habitat will be altered or disrupted.
- (8) The site investigation report shall summarize the environmental, impact on the actual cultural environment, which shall include a summary of the following:
  - A. The effect on neighboring land and water uses.
  - B. The impact on economic and social conditions, including the economy, lifestyles, changes in property values, and alterations in potential development options of the surrounding neighborhoods.
  - C. Social impact analysis, including changes and impacts on individuals in the community affected by the activity, which may include aesthetic and psychological impact.
  - D. The effect on the habitat, including whether said habitat will be altered or disrupted.
  - E. The impact on community facilities and services, including, but not limited to, schools, roads, police and fire services, etc. An impact analysis of local roads and traffic patterns surrounding and including the site before, during and after construction shall be provided.
- (c) Modifications. The Planning Commission shall have the function, duty and power to require any modification in the site investigation report or impose any condition upon approval of any project which requires a site investigation investigation report to insure that the purpose and intent of this Zoning Code is fulfilled.
- (d) Alternatives. The site investigation report shall include a discussion of all prudent and feasible alternatives for the proposed activity on the subject site.
- (e) Appeal. The decision of the Planning Commission with respect to the site investigation report approval is appealable to the City Board of Zoning Appeals upon written request by the property owner or petitioner for a hearing before said City Board of Appeals. In

the absence of such request being filed within sixty (60) days after the decision is rendered by the Planning Commission, such decision becomes and remains final.

(Res. 24-95. Passed 2-13-95.)

#### **1262.10 REVOCATION OF SITE PLAN APPROVAL.**

Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing. The approval by the Planning Commission of any site plan under the provisions of this Zoning Code shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the provisions of this Zoning Code, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12)-month extensions.

(Res. 24-95. Passed 2-13-95.)

#### **1262.11 SITE PLAN REVIEW FEES REQUIRED.**

Fees for the review of site plans shall be established by resolution of the City Council.

(Res. 24-95. Passed 2-13-95.)

#### **1262.12 BASIS FOR APPROVAL OF SITE PLAN.**

(a) In the process of reviewing the site plan, the Planning Commission shall consider:

- (1) Single-family subdivision and site condominium development.
- (2) The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
- (3) The traffic circulation features within the site and the location of automobile parking areas, and may make such requirements with respect to any matters as will assure:
  - A. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and
  - B. Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- (b) The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- (c) In approving the site plan, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money be placed in escrow with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the City Treasurer.
- (d) The Planning Commission shall consider the installation, erection and construction of transmission systems for essential services.
- (e) The Planning Commission shall require marginal access drives for all residential developments having residential lots or sites facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
- (f) Where the City has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan and/or building permit shall be approved unless there is general compliance with such City plan.

(Res. 24-95. Passed 2-13-95.)

#### **1262.13 SITE PLAN APPROVAL FOR CONDITIONAL USES.**

All approvals for site plans reviewed in companion with a conditional use application shall be conditioned upon the approval of the conditional use by the Planning Commission.

(Res. 24-95. Passed 2-13-95.)

#### **1262.14 PERFORMANCE GUARANTEES.**

In order to ensure compliance with this Zoning Code with the conditions imposed hereunder, by all residential and commercial builders and any individual owner who shall submit a plan for construction of a building or buildings valued in excess of ten thousand

dollars (\$10,000), the Planning Commission shall require an irrevocable bank letter of credit or a cash deposit of the full amount of the estimated cost of the incomplete improvements as determined by the Building Official. This letter or cash deposit is to be deposited with the City Treasurer to ensure faithful completion of the improvements and is subject to the following:

(a) The performance guarantee shall be deposited at the time of the application for a certificate of occupancy is requested. The City shall return the performance guarantee on deposit upon verification by the Building Official that all work and improvements have been satisfactorily completed. The return of the performance guarantee does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said projects.

(b) As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

(Res. 24-95. Passed 2-13-95.)

### **1262.15 ZONING CODE AMENDMENTS.**

#### **(a) Initiation of Amendments.**

(1) Any proposal for an amendment to this Zoning Code text or map may be initiated by any qualified voter, resident in the City, upon filing with the City Clerk a petition containing the proposed text or map change and endorsed by City electors numbering not less than five (5) percent of the number of City electors voting for the office of Governor at the last election at which a Governor was elected, accompanied by any necessary documents.

(2) Any proposal for an amendment to the Zoning Map may be initiated by any owner of an interest in the lot as to the rezoning of such lot, upon filing with the City Clerk a petition proposing the zone change, accompanied by a map at a scale of not less than one (1) inch equals fifty (50) feet, showing the subject parcel in relation to adjoining parcels of land, and the necessary fees for such zone change.

(3) Any proposal for an amendment to the Zoning Code text or map may be initiated by Council or the Planning Commission, upon filing with the City Clerk a resolution, duly adopted, proposing an amendment.

#### **(b) Procedures.**

(1) The Planning Commission shall conduct at least one (1) public hearing with notice given in accordance with Section 1262.19.

(2) Following such hearing, the Commission shall process the proposed Zoning Code amendments in accordance with the procedures outlined in Act No. 110 of the Public Acts of 2006, as amended.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

### **1262.16 SCHEDULE OF FEES, CHARGES AND EXPENSES.**

(a) Fees, charges and expenses shall be assessed as part of the applications for conditional use permits, variances, appeals, certificates of zoning compliance, inspections, and amendments, to defray expenses incurred in processing such applications.

(b) Council shall establish a schedule of fees, charges and expenses and a procedure for their collection. The schedule of fees, charges and expenses shall be conspicuously posted in the Municipal Building. The schedule of fees, charges and expenses may be altered or amended by resolution duly adopted by Council.

(c) No action shall be taken on any application or appeal until all applicable fees, charges and expenses have been paid in full.

(Res. 24-95. Passed 2-13-95.)

### **1262.17 FINAL INSPECTION**

The holder of every permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit for a final inspection.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

### **1262.18 SEPARABILITY.**

This Zoning Code and the various parts, sections, subsections, provisions, sentences and clauses thereof are hereby declared to be separable. If any part, section, subsection, provision, sentence or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Zoning Code shall not be affected thereby.

(Res. 24-95. Passed 2-13-95.)

### **1262.19 PUBLIC NOTICE.**

(a) Public Notification. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this section with regard to public notification.

(1) Responsibility. When the provisions of this Zoning Code or the Michigan Zoning Enabling Act require that notice be published, the Building Official shall be responsible for preparing the content of the notice, having it published in a newspaper of general

circulation in the City of Davison and mailed or delivered as provided in this section.

(2) Content. All mail, personal and newspaper notices for public hearings shall:

A. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.

B. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

C. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

D. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

E. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

(3) Personal and mailed notice.

A. General. When the provision of this Zoning Code or State law require that personal or mailed notice be provided, notice shall be provided to:

1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The applicant shall provide the Building Official with a list of such persons along with the application.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to subsection (b) hereof, registration to receive notice by mail.

4. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.

B. Notice by mail/affidavit. Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Building Official shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

(4) Timing of notice. Unless otherwise provided in Act No. 110 of the Public Acts of 2006, as amended, or this Zoning Code where applicable, the notice for a public hearing on an application for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, ordinance interpretation, or other purpose must be published in a newspaper of general circulation, and for those receiving personal notice, deposited for delivery or personally delivered, not less than fifteen (15) days before the date the application will be considered for approval.

(b) Registration to Receive Notice by Mail.

(1) General. Any neighborhood organization, public utility company, railroad or any other person may register with the Building Official to receive written notice of all applications for development approval pursuant to paragraph (a)(3)A.3. hereof, personal and mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The Building Official shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by Council.

(2) Requirements. The requesting party must provide the Building Official information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this section.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-03. Passed 6-22-09.)

**1262.99 ENFORCEMENT AND PENALTIES.**

(a) Violations. A violation of any of the provisions of this Zoning Code or failure to comply with any of its requirements, including a violation of a condition or safeguard required as a condition for the granting of a variance, an appeal, or a conditional use permit, shall constitute a civil infraction. Whoever violates any of the provisions of this Zoning Code, or fails to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the granting of variances, appeals, or conditional use

permits, shall be subject to the penalty provided in Section 202.99(d) and, in addition, shall pay all costs and expenses involved in the case.

(b) Separate Offenses.

(1) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

(2) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(c) Other Action. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) Public Nuisance Per Se. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed, subsequent to the time of passage of this Zoning Code and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(e) Fines; Imprisonment. The owner of any building, structure or premises or part thereof, where any condition in violation of this Zoning Code shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment as provided in Section 202.99(d).

(f) Cumulative Rights and Remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Res. 24-95. Passed 2-13-95.)

## CHAPTER 1263

### Design Review

---

1263.01 Purpose.

1263.02 Scope.

1263.03 Approval procedure.

1263.04 Information required.

1263.05 Design criteria.

1263.06 Approval standards.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Design standards - see P. & Z. Ch. 1248

#### **1263.01 PURPOSE.**

The exterior appearance of any building located within RA, A, B, C, or I Zoning Districts of the City has an effect upon the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of such area, and prevent attendant deterioration of conditions affecting the general welfare of the citizens of the City.

(Res. 24-95. Passed 2-13-95.)

#### **1263.02 SCOPE.**

Except for those items listed below, all plans submitted under Sections 1262.04 et seq. relative to site plan review shall be subject to design review requirements of this Section. Those items exempt from these provisions are:

(a) Single-family detached dwellings. However, all single-family detached dwellings adding a temporary accessory apartment shall be subject to design review. Furthermore, all one-family dwellings shall be subject to the requirements of Section 1288.03.

(b) Items such as gutters, downspouts, door and window replacements, antennas, roof vents, small mechanical equipment, painting to a similar color, and items of ordinary repair and maintenance.

(c) Mobile home parks.

(Res. 24-95. Passed 2-13-95.)

#### **1263.03 APPROVAL PROCEDURE.**

The Planning Commission shall review submitted materials concurrently with site plan review when such is required. All approvals for site plans shall be conditioned upon an affirmative review of the building design.

(Res. 24-95. Passed 2-13-95.)

#### **1263.04 INFORMATION REQUIRED.**

The Planning Commission shall receive and promptly review all drawings, data, plans and specifications required under this subsection. This information shall include:

(a) An application form, indicating:

(1) The name, address, and telephone number of the petitioner, property owner, and site designer.

(2) The general location of the subject parcel.

(3) A project description.

(b) A site plan, providing data as required by Section 1262.07.

(c) Elevation drawings of all sides of buildings visible to the public, showing general design treatment.

(d) Any other material, drawings, and documents which may be helpful to, or requested by, the Planning Commission.

(Res. 24-95. Passed 2-13-95.)

#### **1263.05 DESIGN CRITERIA.**

In the process of reviewing the submitted materials, the Planning Commission shall consider:

(a) The relationship of buildings to the site, as follows:

(1) The site shall be planned to accomplish a desirable transition, between the building(s), with the streetscape to provide for adequate planting, safe pedestrian movement, and parking areas.

(2) Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged, where feasible, to provide an interesting relationship between buildings.

(3) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.

(4) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

(5) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground, where feasible.

(b) The relationship of buildings and the site to the adjoining area through attractive landscape transition.

(c) Building design.

(1) Architectural style is not restricted but shall incorporate elements representative of, or compatible with, the community. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

(2) Buildings shall have a scale which is harmonious with permanent neighboring development.

(3) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

(4) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view, or they shall be so located as not to be visible from any public ways.

(5) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

(6) The design should be compatible with future construction both on and off the site.

(d) Maintenance factors.

(1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

(2) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

(3) Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

(Res. 24-95. Passed 2-13-95.)

### **1263.06 APPROVAL STANDARDS.**

The Planning Commission shall review the particular circumstances and facts applicable to each submittal in terms of the preceding design criteria and shall make a finding as to whether the proposal meets the following standards:

(a) The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate vicinity.

(b) The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.

(c) The appearance of the building exterior will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

(Res. 24-95. Passed 2-13-95.)

## **Chapter 1264**

### **Board of Zoning Appeals**

---

1264.01 Prior Board continued.

1264.02 Adoption by reference of State statute.

1264.03 Membership.

1264.04 Chairperson; meetings; rules and records.

1264.05 Powers and duties.

1264.06 Prohibited variances.

1264.07 Attachment of conditions.

1264.08 Approval period.

1264.09 Fees.

1264.10 Notice of appeal hearing.

1264.11 Rehearing.

1264.12 Finality of Board's decision.

#### **CROSS REFERENCES**

Board of Zoning Appeals - see M.C.L. § 125.585

Meetings of the Board; freedom of information - see M.C.L. § 125.585a

Review by Circuit Courts; appeal to Supreme Court; procedure - see M.C.L. § 125.590

Actions for review; proper and necessary parties; notice; failure to appear - see M.C.L. § 125.591

### **1264.01 PRIOR BOARD CONTINUED.**

The Zoning Board of Appeals of the City, heretofore created pursuant to Act No. 110 of the Public Acts of 2006, as amended, is hereby continued.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

### **1264.02 ADOPTION BY REFERENCE OF STATE STATUTE.**

Act No. 110 of the Public Acts of 2006, as amended, is hereby adopted and made a part of this Zoning Code and the provisions of such statute shall prevail, except as modified by the provisions of these Codified Ordinances which are not in direct conflict therewith.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.03 MEMBERSHIP.**

(a) The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act No. 110 of the Public Acts of 2006, as amended, and in such a way that the objectives of this Zoning Code shall be observed, public safety secured, and substantial justice done. Pursuant to Act No. 110 of the Public Acts of 2006, as amended, the Zoning Board of Appeals shall consist of five (5) members appointed by the CEO with Council concurrence, one (1) of whom shall be a member of the Planning Commission with appointment coinciding with Planning Commission term, and one (1) of whom that, if desired, may be a member of the City Council with appointment coinciding with City Council term.

(b) Appointments for each member shall be for a three (3) year term. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. An employee or contractor of the City may not serve as a member of the Zoning Board of Appeals. The compensation of the appointed members of the Zoning Board of Appeals may be fixed by the City Council.

(c) The CEO with Council concurrence may appoint to the Zoning Board of Appeals two (2) alternate members who shall have the same voting rights as a regular member of the Zoning Board of Appeals. Each alternate member shall be appointed to a full three-year term. These alternate members may be called to sit as regular members of the Zoning Board of Appeals by the Chair of the Zoning Board of Appeals or a designated representative in the following instances:

(1) If a regular member is absent or unable to attend one (1) or more meetings.

(2) If a regular member has abstained from voting or has notified the Chair of the Zoning Board of Appeals the intention to abstain from voting by reason of a conflict of interest. In such case the alternate member shall serve until a final decision has been made.

(d) A member of the Zoning Board of Appeals may be removed by City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.04 CHAIRPERSON; MEETINGS; RULES AND RECORDS.**

(a) The Zoning Board of Appeals shall annually elect a Chairperson and Vice-Chairperson from the appointed members and create and fill such other offices as it may determine. The term of the Chairperson shall be one (1) year. The Zoning Board of Appeals shall hold at least one (1) regular meeting each month, unless there are no agenda items for consideration, in which case the scheduled meeting may be canceled. If appointed to the Zoning Board of Appeals, a member from the City Council or the Planning Commission cannot chair the Zoning Board of Appeals.

(b) The Zoning Board of Appeals shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the action of the Zoning Board of Appeals. The most recent edition of Robert's Rules of Order shall apply unless otherwise determined by a majority of the members of the Zoning Board of Appeals or unless otherwise provided by State law or these Codified Ordinances. All meetings, hearings, and records of the Zoning Board of Appeals shall be open to the public. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Zoning Board of Appeals is present.

(c) The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Zoning Board of Appeals is required to pass under an ordinance, or to effect a variation in an ordinance. In cases pertaining to use variances, approval of a use variance shall require an affirmative vote of two-thirds (2/3) or four (4) members of the Zoning Board of Appeals.

(d) A member of the Zoning Board of appeals who is also a member of the Planning Commission, or the City Council, shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the City Council. However, the member may consider and vote on other unrelated matters involving the same property.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.05 POWERS AND DUTIES.**

In all determinations, the Zoning Board of Appeals shall make a finding of facts describing the reasons for its decision.

(a) Administrative Review. The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, determination or refusal made by the Building Official or by any other administrative official carrying out or enforcing any provision of this Zoning Code, pursuant to the provisions of Act No. 110 of the Public Acts of 2006, as amended.

(b) Interpretation. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Zoning Code:

(1) Appeals for the interpretation of the provisions of this Zoning Code;



(2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject; and

(3) Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

(c) Variances.

(1) Nonuse (dimensional) variances: To authorize, upon an appeal, a variance from any dimensional standard or requirement of this chapter, such as, but not limited to, lot area and width regulations, building height and square foot regulations, setback, yard width and depth regulations, off-street parking and loading space requirements, landscaping requirements, sign regulations, and other similar requirements as specified in this Zoning Code, where by reason of unique physical characteristics a specific piece of property at the time of enactment of this Zoning Code or other extraordinary or exceptional conditions of such property, the strict application of such regulations if enacted would result in practical difficulties upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Zoning Code. In granting a variance, the Zoning Board of Appeals may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Zoning Code. In granting a variance, the Zoning Board of Appeals shall state the grounds upon which it justified the granting of a variance. To obtain a nonuse variance, the applicant must submit an affidavit demonstrating a practical difficulty exists, by explaining all of the following:

A. How the property, if developed in strict compliance with the requirements in the Zoning Code, would be prevented from being used for a permitted purpose, or how compliance with the Zoning Code requirements would be unnecessarily burdensome.

B. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

C. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.

D. The conditions and circumstances unique to the property which were not created by the owner, or his or her predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.

For each nonuse variance, the variance requested is the minimum necessary to permit reasonable use of the land.

(2) Use variances: The Zoning Board of Appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. Approval of a use variance shall require an affirmative vote of two-thirds (2/3) or four (4) members of the Zoning Board of Appeals. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

A. Unreasonable current zoning designation: The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.

B. Unique circumstances: The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the Zoning Board of Appeals may find that relief should be accomplished by an amendment to the Zoning Code, not a variance.

C. Character of neighborhood: The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.

D. Not self-created: The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.

For each use variance, the variance requested is the minimum necessary to permit reasonable use of the land.

(3) An application for the approval of a variance shall be made by an owner of an interest in the lot, to the City Clerk, accompanied by the necessary fees and documents as provided in this Zoning Code.

(4) The application shall be accompanied by a site plan, drawn to a scale of one (1) inch equals twenty (20) feet on three (3) acres or less and one (1) inch equals fifty (50) feet on a site over three (3) acres, placed on a standard sheet and containing the following information:

A. Dimensional elements for which a variance is requested.

B. Dimensional relationships of the subject lot to the structures on all adjacent lots.

(d) Approval of Temporary Uses.

(1) The application for a temporary use permit shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale showing the following:

A. The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, the off-street parking layout, and the location of any designated fire lanes.

B. The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot.

C. The anticipated vehicular traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

(2) A temporary use permit shall only be granted if the Zoning Board of Appeals determines that the proposed use, including the erection of any temporary building or structure, will:

- A. Provide adequate light and ventilation between buildings and structures.
- B. Provide adequate vehicular and pedestrian traffic flow and adequate off-street parking.
- C. Provide adequate lot access for fire protection purposes.
- D. Not adversely affect the stability and integrity of the zoning plan prescribed by this Zoning Code or otherwise interfere with the protection of public health, safety, and general welfare.
- E. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.

When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking. In no instance shall signs, parking, buildings, produce, or other site features occupy a public right-of-way.

(3) The Zoning Board of Appeals may permit in any Residential District the temporary location of a pre-manufactured building in new subdivisions for the period that active construction is in progress, provided that:

- A. The use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision.
- B. All applicable building height, bulk, and area requirements of the district are met.
- C. The structure shall be removed from the subdivision upon completion of the first permanently built model home intended for display, but in no case shall the pre-manufactured building remain beyond the time limitation specified above.

In classifying uses as not requiring capital improvement, the Zoning Board of Appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to, golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

(4) The Zoning Board of Appeals, in granting permits for temporary uses described in paragraphs (d)(1) to (3) hereof, shall do so under the following conditions:

- A. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the temporary use is permitted.
- B. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, the nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- C. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City shall be made at the discretion of the Zoning Board of Appeals.
- D. The use shall be in harmony with the general character of the area.

(5) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in Section 1262.19. Further, the Zoning Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.

(e) Nonconforming Uses and Structures. The Zoning Board of Appeals shall have authority to permit, upon proper application and adequate showing by applicant, an expansion, extension, or enlargement of a nonconforming use or structure, subject to the following conditions and limitations:

(1) No such nonconforming use shall be enlarged, increased, extended, or moved except as permitted by the Zoning Board of Appeals pursuant to authority granted to the Zoning Board of Appeals as set forth in Section 1288.07 of this Zoning Code.

(2) Exterior alterations, expansions, or structural modification involving exterior load-bearing walls shall be subject to review by the Zoning Board of Appeals, in accordance with Section 1288.07. This shall not include normal repair or routine maintenance of exterior surfaces.

(f) Conditional Uses and Planned Unit Developments. The Zoning Board of Appeals shall have the power to review and consider appeals pertaining to decisions on Conditional Uses, including Planned Unit Developments, made by the Planning Commission.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.06 PROHIBITED VARIANCES.**

No variance shall be made in connection with a condition attached to a conditional use approved by the Planning Commission.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.07 ATTACHMENT OF CONDITIONS.**

(a) The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

(1) Be designed to protect natural resources; the health, safety, and welfare, as well as the social and economic well being, of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.

(2) Be related to the valid exercise of the law enforcement and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of these zoning regulations; be related to the standards established in this Zoning Code for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

(b) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.08 APPROVAL PERIOD.**

(a) No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(b) No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; however, where such permitted use is dependent upon the erection or alteration of a building, such order shall remain in force and effect if the building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.09 FEES.**

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for Zoning Board of Appeals proceedings. At the time an application is filed, said fee shall be paid to the City Clerk.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.10 NOTICE OF APPEAL HEARING.**

(a) An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Building Official or Planning Commission when exercising its administrative role. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Building Official and with the Zoning Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Official shall transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. A fee, as described in Section 1264.09, shall be paid to the City Clerk at the time the notice of appeal is filed. The notice of appeal shall specify the particular grounds upon which the appeal is based, and shall be signed. It shall also specify the requirements from which a variance is sought and the nature and extent of such variance.

(b) The Building Department or Clerk's Office shall follow the notice procedures under Section 1262.19.

(c) Notices are required for all variance requests, map and text interpretations, temporary uses, and general appeals to the Zoning Board of Appeals, including appeals on conditional uses and planned unit developments.

(d) Any person shall be accorded the right to appear in person or be represented by a duly authorized agent.

(e) The Zoning Board of Appeals shall prepare an official record of each appeal and shall base its decision on this record. The official record shall include:

(1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.

(2) The notice of appeal.

(3) Such documents, exhibits, photographs, or written reports as may be submitted to the Zoning Board of Appeals for its consideration.

(f) The written findings of fact, the conditions attached, and the decisions and orders of the Zoning Board of Appeals in disposing of the appeal shall be entered into the official minutes. The official minutes of all business of the Zoning Board of Appeals shall be filed in the office of the Clerk.

(g) The Chairperson of the Zoning Board of Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment of the Zoning Board of Appeals hearing, no further notice shall be required.

(h) A copy of the official minutes of an appeal shall be made available for the parties to the appeal upon request and after the payment of such fee therefor as may be provided by the rules and regulations of the Zoning Board of Appeals.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.11 REHEARING.**

(a) The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by this Zoning Code may appeal to the circuit court.

(b) The Zoning Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision, unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

#### **1264.12 FINALITY OF BOARD'S DECISION.**

The decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Zoning Board of Appeals finds that the immediate effect of such order is necessary for the preservation of property or personal rights and so certifies on the record. A party aggrieved by the decision of the Zoning Board of Appeals may appeal to the Circuit Court. An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the Chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

(Res. 2007-02. Passed 7-11-07; Ord. 2009-04. Passed 6-22-09.)

## **CHAPTER 1266**

### **Zoning Districts**

---

1266.01 Establishment of districts

1266.02 Zoning Map.

1266.03 Interpretation of boundaries.

1266.04 Zoning of vacated areas.

1266.05 Zoning of annexed areas.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

#### **1266.01 ESTABLISHMENT OF DISTRICTS.**

The zoning districts of the City are hereby established as follows:

RA Residential Agricultural Districts

A-1 Residential Districts

A-2 Residential Districts

A-3 Residential Districts

B-1 Residential Multifamily Districts

B-2 Residential Mobile Home Park Districts

C-1 Commercial Central Business Districts

C-2 Professional Office Districts

C-3 Commercial General Business Districts

I Industrial Districts

CO Corridor Overlay Districts

FP Floodplain Protection Overlay Districts.

(Res. 24-95. Passed 2-13-95.)

#### **1266.02 ZONING MAP.**

The boundaries of the districts established in Section 1266.01 are depicted on a Zoning Map entitled "Zoning Map of the City of Davison," which shall be available at City Hall for review and inspection by the public. The Zoning Map and all notations, references, and other information shown thereon are hereby made a part of this Zoning Code as if fully set forth or described herein.

(Res. 24-95. Passed 2-13-95; Ord. 2010-09. Passed 4-26-10; Ord. 2020-07. Passed 8-24-20.)

#### **1266.03 INTERPRETATION OF BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Districts Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

(d) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

(e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.

(f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the Map.

(g) Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections (a) through (f) above, the Board of Zoning Appeals shall interpret the district boundaries.

(h) Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such district boundaries do extend to the center of any public right-of-way.

(Res. 24-95. Passed 2-13-95.)

#### **1266.04 ZONING OF VACATED AREAS.**

Wherever any street, alley, or other public way within the City of Davison shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

(Res. 24-95. Passed 2-13-95.)

#### **1266.05 ZONING OF ANNEXED AREAS.**

Wherever any area is annexed to the City of Davison, one of the following conditions will apply:

(a) Land that is zoned previous to annexation shall be classified as being in whichever district of this Zoning Code that most clearly conforms with the zoning that existed prior to annexation. Such classification shall be recommended by the Planning Commission to the City Council, and the Council shall approve the same by resolution.

(b) Land not zoned prior to annexation shall be automatically classified as an RA through A-3 District until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three months after the matter is referred to it by the City Council.

(Res. 24-95. Passed 2-13-95.)

## **CHAPTER 1268**

### **RA Residential Agricultural Districts**

---

1268.01 Application of regulations.

1268.02 Permitted uses.

- 1268.03 Conditional uses.
- 1268.04 Planned unit developments (PUD); tract requirements.
- 1268.05 PUD; permitted uses.
- 1268.06 PUD; density and design standards.
- 1268.07 PUD; lot size; minimum lot coverage.
- 1268.08 PUD; height of structures.
- 1268.09 PUD; location of structures.
- 1268.10 PUD; protection of open spaces.
- 1268.11 PUD; roads and parking areas.
- 1268.12 PUD; minimum floor area of dwelling units.
- 1268.13 PUD procedure; plans; criteria for approval.
- 1268.14 Cluster subdivisions.
- 1268.15 Hospitals and related uses.
- 1268.16 Parking; loading and unloading areas.
- 1268.17 Lot area.
- 1268.18 Front yards.
- 1268.19 Side yards.
- 1268.20 Rear yards.
- 1268.21 Height of buildings.
- 1268.22 Minimum floor area of dwelling units.
- 1268.23 Maximum lot coverage.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

#### **1268.01 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all RA Residential Agricultural Districts.

(Res. 24-95. Passed 2-13-95.)

#### **1268.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes:

(a) General or specialized farming, truck gardening, greenhouses, nurseries, and fowl and rabbit raising, provided that no killing is done on the farm.

(1) On farms devoted to the housing or breeding of cattle, sheep or goats, no pen, corral or barn shall be closer than two hundred (200) feet from any side or rear property line or less than one hundred fifty (150) feet from any existing right-of-way, provided that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen or corral is set back from the existing right-of-way over one hundred fifty (150) feet, and provided, further, that the side yard setback shall not be reduced below seventy (70) feet.

(2) Barns and appurtenances thereto which are in existence at the time of the passage of this Zoning Code shall be excluded from the above setback requirements under the nonconforming use provisions of this Zoning Code.

(3) Farmers are permitted to pasteurize milk from their own farms as well as milk from other farms.

(4) The minimum land area required for the above purposes shall be ten (10) acres.

(b) The keeping of horses for recreational purposes shall be permitted in a Residential Agricultural District upon a land area of less than ten (10) acres, provided that such use is for the private personal use of the owner or lessee of such land, his or her family and friends, and does not constitute a commercial occupation or a public stable.

(1) No barn, pen or corral shall be located closer than two hundred (200) feet from all property lines or less than one hundred fifty (150) feet from all street right-of-way lines, provided that the minimum side yard setback shall be reduced one (1) foot for each additional foot that the barn, pen or corral is set back from the existing right-of-way over one hundred fifty (150) feet, and provided, further, that the side yard setback shall not be reduced below a minimum of seventy (70) feet.

(2) At least one (1) acre shall be provided for each horse kept, except that the number of horses now existing on each parcel where horses are presently kept for recreational purposes may be continued under the nonconforming use provisions of this Zoning Code, subject to all conditions therein.

(3) Foals born on parcels where horses are presently kept may be kept on such parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the one (1) horse per acre limitation, but in no case shall there be more than one (1) horse and one (1) foal per acre.

(c) Single-family detached dwellings.

(d) Home occupations.

(e) The keeping of not more than two (2) persons as boarders by a resident family, provided that no separate cooking facilities are provided and that separate dwelling units are not thus established.

(f) Accessory structures.

(g) On-site signs, as provided in Chapter 1292.

(h) Adult foster care family homes and adult foster care small group homes containing six (6) or fewer residents.

(i) Family day care homes.

(Res. 24-95. Passed 2-13-95.)

### **1268.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

(a) Churches, synagogues, temples, public and parochial schools and colleges, public libraries, museums and art galleries.

(b) Municipal, County, State and Federal administration buildings, community center buildings and Municipal sanitary landfills.

(c) Fire stations and water towers when located at least fifty (50) feet from all property lines.

(d) Municipal, denominational and private cemeteries when occupying a site of at least twenty (20) acres and when all buildings are at least one hundred (100) feet from all property lines.

(e) Public parks, golf courses, country clubs, tennis courts and similar recreational uses (including restaurants when such use is conducted within an area accessory thereto, is an integral part thereof and is entered from within the main building) when all buildings are at least one hundred (100) feet from any property line.

(f) Swimming pools, as follows:

(1) Public and semipublic pools in compliance with the Michigan State Health Department regulations and these Codified Ordinances.

(2) Private pools in compliance with these Codified Ordinances.

(g) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulation stations and railroad rights-of-way.

(h) Radio and television stations, subject to the following provisions:

(1) All buildings shall be at least fifty (50) feet from all property lines.

(2) All masts, towers, aerials and transmitters shall be at least a distance equal to the height of such structures from all property lines.

(3) All buildings shall conform with the character of the neighborhood in which they are located.

(i) Medical and dental clinics.

(j) Commercial activities located on farms and limited to the sale of produce on such farms.

(k) Airports or heliports.

(l) Private park and recreational areas, of at least twenty-five (25) acres in size, including a picnic area and picnic pavilion; softball and baseball diamonds; swimming, boating and ice sport facilities; amusement and other outdoor recreational sport activities, not

including games of chance; camping sites for tents, campers and travel trailers, which shall be used only as private park and recreation facilities for the use of a tent or the parking of a camper or travel trailer for not more than fifteen (15) days; bath houses; lodges; and accessory or incidental local commercial structures or uses which are incidental to the above uses but not including the sale of beer, wine or spirits.

(1) The proprietor of the tent, camper and travel trailer park shall be deemed to be in violation of this Zoning Code if any person uses any tent or parks any camper or travel trailer in violation hereof.

(2) All camping sites for tents, campers and travel trailers shall have a central water supply system with potable water under pressure piped to within three hundred (300) feet of each trailer, tent or camper site and with fire hydrants available within three hundred (300) feet of each campsite. If a public water supply system is available within five hundred (500) feet of any portion of the land, then the water supply system shall be connected thereto.

(3) An enclosed toilet and sewage facility approved by the State and County Health Departments, with hot and cold running water, shall be available not farther than three hundred (300) feet from every campsite within the park. If a public sewer is available within five hundred (500) feet of any such park, the park sewerage system shall be connected thereto.

(4) No vehicle, tent, travel trailer or camper shall be allowed within the park except upon an approved camper site.

(5) The proprietor of any travel trailer, tent or camper park shall not permit any person not properly parked and registered upon an approved campsite within the park to use any facilities of the park.

(6) No travel trailer, tent, camper, vehicle or building, other than a single-family residence, shall be placed, parked or erected within one hundred (100) feet of any property line of a travel trailer, tent or camper park.

(7) No structure within such camping park shall have any office or other commercial facility connected thereto or to any part thereof, unless that office or commercial facility is specifically and only for the use of the users of the park and approved by the Planning Commission.

(m) Planned unit developments (PUD), subject to the conditions set forth in this chapter, found not to be detrimental to the public health, safety and general welfare of the occupants and the community.

(n) Cluster subdivisions, subject to the conditions set forth in Section 1268.14.

(o) Veterinary hospitals.

(p) Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care, subject to the provisions of Section 1268.15.

(q) Temporary accessory apartments, subject to the following requirements as well as those required in Chapters 1262 and 1263:

(1) The temporary accessory apartment shall be located in an owner-occupied, single-family detached dwelling unit.

(2) The owner of the residence in which the accessory unit is created shall continuously occupy the primary dwelling unit on the premises, except for bona fide temporary absences, for the length of the permit.

(3) The temporary accessory apartment will be a complete, separate housekeeping unit that can be isolated from but still physically attached to the original unit.

(4) Only one (1) temporary accessory apartment can be created within a single-family house.

(5) A maximum of two (2) individuals may occupy the temporary accessory apartment, one (1) of which shall be at least fifty-five (55) years old or permanently and totally handicapped.

(6) The temporary accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family detached dwelling. Any new entrances shall be located on the side or in the rear of the building, unless authorized by the Planning Commission, and any additions needed for the temporary accessory apartment shall not increase the square footage of the home by more than ten (10) percent.

(7) The temporary accessory apartment shall be clearly a subordinate part of the single-family detached dwelling. In no case shall it exceed thirty (30) percent of the building's total floor area, nor have a total area greater than eight hundred (800) square feet, nor have more than two (2) bedrooms, unless, in the opinion of the Planning Commission, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

(8) The design and size of the temporary accessory apartment conforms to all applicable standards in health, building, and other codes.

(9) At least three (3) off-street parking spaces (including garages) are available for use by the owner-occupant(s) and the resident of the accessory apartment.

(10) Whenever possible, temporary accessory apartments should be designed and arranged to facilitate access and mobility for disabled persons. The Planning Commission may allow reasonable deviation from the stated requirements and conditions, where necessary.

(11) The Planning Commission may require any other appropriate or more stringent conditions as are deemed necessary by the Commission to protect the public health, safety, and welfare, as well as the single-family character of the neighborhood.

(12) The Building Official shall review each approved temporary accessory apartment once every two (2) years to ensure compliance with these regulations and to ensure that a need for the temporary accessory apartment still exists.



(r) Bed and breakfast facilities subject to the following as well as Chapters 1262 and 1263:

- (1) Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
- (2) There shall be no separate cooking facilities used for the bed and breakfast stay.
- (3) The property (exterior structure architecture and landscaping) shall be maintained in a manner that is consistent with the residential single-family character of the neighborhood, except as required to meet health, safety, and sanitation requirements.
- (4) In residential areas, a maximum of four (4) bed and breakfast sleeping rooms shall be provided.
- (5) Occupancy by guests shall be restricted to from one (1) to seven (7) days.
- (6) One (1) additional off-street parking space shall be provided for each guest room on-site; said parking shall not be permitted within a required front yard.
- (7) No bed and breakfast operation shall be located on a lot closer than five hundred (500) feet from another lot containing a bed and breakfast operation.
- (8) Rooms used for sleeping shall be part of the primary residential dwelling and shall not have been specifically constructed for rental purposes.

(s) Adult foster care small group homes consisting of seven (7) to twelve (12) residents, subject to the following:

- (1) A State-licensed adult foster care facility shall be not be located within fifteen hundred (1,500) feet of another similar State-licensed facility.
- (2) One (1) on-site parking space shall be provided for each employee in addition to the parking required in Chapter 1290 for the dwelling unit.
- (3) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- (4) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
- (5) If the proposal does not meet any of the above criteria, a variance may be sought according to the procedures outlined in this Zoning Code.
- (6) Such facilities shall not be subject to the landscaping requirements of this Zoning Code.

(t) Group day care homes, subject to the following:

- (1) A group day care home shall not be located closer than fifteen hundred (1,500) feet to any of the following facilities as measured along a street, road or other public thoroughfare, excluding any alley:
  - A. Another licensed group day care home.
  - B. An adult foster care large group home licensed by the State of Michigan.
  - C. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - D. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the State Department of Corrections.
- (2) All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.
- (3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood.
- (4) One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.
- (5) One (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence in Chapter 1290. A driveway may be used to fulfill this requirement.
- (6) Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and activity shall be limited between the hours of 10:00 p.m. and 6:00 a.m.

(Res. 24-95. Passed 2-13-95.)

#### **1268.04 PLANNED UNIT DEVELOPMENTS (PUD); TRACT REQUIREMENTS.**

(a) The minimum required land area for a planned unit development shall be sixty (60) contiguous acres. The developer shall provide within the planned unit development a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the City's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances and regulations of the State, the County Health Department, the County Drain Commissioner's office and the City.

(b) The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will, in the opinion of the City Engineer, collect, carry off and dispose of all predictable surface water run-off within the development and any adjoining tributary area, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State, the County Health Department, the County Drain Commissioner's office and the City.

(c) The developer shall provide within the planned unit development a water distribution system which shall be of sufficient size and design to supply water to each of the structures to be erected in the development. Such system shall connect to the City's water supply system.

(1) The developer shall provide a fire hydrant within three hundred (300) feet of each structure.

(2) Water systems shall conform to the statutes, ordinances and regulations of the State, the County Health Department, the County Drain Commissioner's office and the City.

(Res. 24-95. Passed 2-13-95.)

#### **1268.05 PUD; PERMITTED USES.**

The permitted and conditional uses of the A-1, A-2, A-3, and B-1 Districts shall be permitted in planned unit developments.

(Res. 24-95. Passed 2-13-95.)

#### **1268.06 PUD; DENSITY AND DESIGN STANDARDS.**

(a) Area Limitations for Various Uses. Within a planned unit development, the following percentages of the total land area shall be devoted to the specified uses:

(1) A maximum of eighty (80) percent shall be used for residential use. Land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to it, unless otherwise provided herein.

(2) A maximum of twenty (20) percent shall be used for nonresidential uses and required parking, provided that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining nonresidential use.

(3) A minimum of twenty (20) percent shall be used for open air recreational uses and other useable open space.

(4) "Useable open space," as used herein, means an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public), courts, gardens or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible. The term shall not include space devoted to streets and parking.

(b) Residential Density. The density of residences shall not exceed six (6) units per acre of land within the development which is devoted to residential use and useable open space.

(Res. 24-95. Passed 2-13-95.)

#### **1268.07 PUD; LOT SIZE; MINIMUM LOT COVERAGE.**

There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width for any unit in planned unit developments. However, areas of single-family and/or townhouse structures, which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structure or parts of such structures, shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of determining overall densities within the planned unit development, the number of units located in such platted areas shall be included.

(Res. 24-95. Passed 2-13-95.)

#### **1268.08 PUD; HEIGHT OF STRUCTURES.**

The height of any structure within a planned unit development shall be related to the location of the structure such as to equal the distance to any adjacent property line. However, height limitation shall be related to the fire-fighting capabilities of the City. Further, this section does not affect any structure less than thirty-five (35) feet in height.

(Res. 24-95. Passed 2-13-95.)

#### **1268.09 PUD; LOCATION OF STRUCTURES.**

The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. Every single-family dwelling shall have access to a public street, court, walkway or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of townhouses) shall be erected within twenty-four (24) feet of any other structures or group of structures.

(Res. 24-95. Passed 2-13-95.)

#### **1268.10 PUD; PROTECTION OF OPEN SPACES.**

Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedication, as the Planning Commission specifies.

(Res. 24-95. Passed 2-13-95.)

#### **1268.11 PUD; ROADS AND PARKING AREAS.**

The dimensions and construction of roads, alleys and parking areas within the planned unit development, whether or not dedication of them to the City is contemplated, shall conform with all applicable State and County regulations and these Codified Ordinances.

(Res. 24-95. Passed 2-13-95.)

#### **1268.12 PUD; MINIMUM FLOOR AREA OF DWELLING UNITS.**

The minimum floor space of dwelling units in a planned unit development, exclusive of garages, carports, crawl spaces, porches and breezeways, shall be in accordance with the following table:

| First Floor<br>Area (sq. ft.)   | Other Area<br>Limitations (sq. ft.) |
|---|-------------------------------------|
| Single-family, one (1) or one and one-half (1-1/2) story with basement              | 864                                 |
| Single-family, one (1) or one and one-half (1-1/2) story without basement           | 624                                 |
| Single-family, two (2) story without basement                                       | 816                                 |
| Single-family, multi-level with basement, with partial basement or without basement | 864*                                |
| Two-family residential structure  | 864*                                |
| Three and four-family residential structures  | 864*                                |
| Garden apartment and/or townhouse, three (3) or more bedrooms                       | 864*                                |
| Garden apartment and/or townhouse, two (2) or more bedrooms                         | 744*                                |
| Garden apartment and/or townhouse, one (1) bedroom                                  | 624*                                |

\*This square footage requirement represents the minimum living space per dwelling unit, exclusive of furnace and utility rooms, attics, stairwells and any floor area below grade.

(Res. 24-95. Passed 2-13-95.)

#### **1268.13 PUD PROCEDURE; PLANS; CRITERIA FOR APPROVAL.**

(a) Before any conditional use permit or building permit is issued for land or a building in a planned unit development, the developer shall obtain approval from the Planning Commission of an overall plan for development of the land. For this purpose, he or she shall submit to the Commission a plan prepared by a registered community planner or a registered architect which shall:

- (1) State the acreages to be devoted to specific uses.
- (2) Set forth the proposed density of dwelling units.
- (3) Include a major thoroughfare plan and a public utility plan.
- (4) Include a separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public or community uses.

(b) The criteria for approval of any planned unit development shall be those which are included within the conditional use permit review procedures in Sections 1262.02 and 1262.03. These criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, and drainage.

(c) If the plan is approved by the Commission, the developer shall thereafter submit a detailed plan, containing all the information required by this Zoning Code, for any part or section of the land for which he or she expects to seek subdivision approval in the immediate future.

(1) The Commission shall review the detailed plan to determine that it complies with this Zoning Code and with the overall plan originally submitted by the developer.

(2) No building permit shall be issued until after approval of the detailed plan for the section in which the proposed structure is located.

(3) Approval of any detailed plan shall lapse unless construction is started in that section within one (1) year.

(4) No conveyance of land within the development shall be made until the developer has complied with all City regulations.

(Res. 24-95. Passed 2-13-95.)

#### **1268.14 CLUSTER SUBDIVISIONS.**

Cluster subdivisions permitted under Section 1268.03(n) shall be subject to the following conditions:

(a) The proposed subdivision shall consist of a tract of land at least twenty (20) acres in area.

(b) The application shall be endorsed unequivocally for such development by all the owners of the tract, and procedures and documents shall be provided to assure development under a single administration and as approved by the Planning Commission.

(c) Residential densities shall be not less than twenty-five thousand (25,000) square feet per dwelling unit based upon the total land area.

(d) The developer shall dedicate not less than twenty (20) percent of the total land area for parks, woodlands, conservation districts, playgrounds, golf courses, tennis courts or other open space areas, such as to encourage the preservation of natural features or for public (streets not included) or semipublic use. Such land may be dedicated to the City or may be reserved for private use, in which case satisfactory arrangements shall be made, acceptable to the City, for the development, operation and maintenance of all such areas. Affirmative action by Council is required for the acceptance of any land dedicated to the City.

(1) The location, extent and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the Commission and Council.

(2) The development, operation and maintenance of dedicated land for private open space or recreational use shall be guaranteed by a trust indenture approved by the City and shall be filed with the County Register of Deeds simultaneously with the recording of the final plat of the subdivision.

(Res. 24-95. Passed 2-13-95.)

#### **1268.15 HOSPITALS AND RELATED USES.**

Hospitals and related uses permitted under Section 1268.03(p) shall be subject to the following:

(a) The area accommodating any one (1) of these uses shall not be less than one (1) acre.

(b) All buildings, including accessory buildings, shall be located at least fifty (50) feet from all property lines.

(c) The height of any structure shall be related to the location of the structure so as to equal the distance to any adjacent property line. However, the height limitation shall be related to the fire-fighting capability of the City.

(d) The area must be completely surrounded with screen planting and landscape development, the ultimate height of which shall not be less than six (6) feet. Such planting may be within the above specified setbacks.

(e) Ingress and egress to the area must be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. Such ingress and egress shall be hard-surfaced and properly drained.

(Res. 24-95. Passed 2-13-95.)

#### **1268.16 PARKING; LOADING AND UNLOADING AREAS.**

Off-street parking areas, and loading and unloading areas, as required in Chapter 1290, shall be provided.

(Res. 24-95. Passed 2-13-95.)

**1268.17 LOT AREA.**

Minimum lot area shall be twenty-two thousand (22,000) square feet, except as otherwise provided or required. The depth of lots platted after the date of enactment of this Zoning Code shall not be three (3) times longer than their width, which shall be a minimum of one hundred ten (110) feet.

(Res. 24-95. Passed 2-13-95.)

**1268.18 FRONT YARDS.**

There shall be a front yard having a minimum depth of forty (40) feet.

(Res. 24-95. Passed 2-13-95.)

**1268.19 SIDE YARDS.**

Side yards adjacent to an existing street or road shall be a minimum of forty (40) feet. If there is no right-of-way adjacent to the side yard, no residential structure shall be located closer than twenty (20) feet from the side property line.

(Res. 24-95. Passed 2-13-95.)

**1268.20 REAR YARDS.**

No structure or appurtenance thereto shall be closer than fifty (50) feet from any rear lot line, except as otherwise provided in this chapter.

(Res. 24-95. Passed 2-13-95.)

**1268.21 HEIGHT OF BUILDINGS.**

No structure or part thereof shall be erected to a height exceeding two and one-half (2-1/2) stories or twenty-five (25) feet, except farm buildings and essential service structures, unless otherwise provided in this chapter.

(Res. 24-95. Passed 2-13-95.)

**1268.22 MINIMUM FLOOR AREA OF DWELLING UNITS.**

Floor space, exclusive of garages, carports, crawl spaces, porches and breezeways, shall be in accordance with the following table:

First Floor Other Area

Area (sq. Limitations

Dwelling Description ft. (sq. ft.)

Single-family, one (1) or one  
and one-half (1-1/2) story with  
basement 1,600

Single-family, one (1) or one  
and one-half (1-1/2) story - with  
out basement 1,740

Single-family, two (2) story  
with basement 1,200

Single-family, two (2) story  
without basement 1,392

Single-family, multi-level  
with basement, with  
partial basement or with  
out basement 1,600\*

\*This square footage requirement represents the minimum living space per dwelling unit, exclusive of furnace and utility rooms, attics, stairwells and any floor area below grade.

(Res. 24-95. Passed 2-13-95.)

**1268.23 MAXIMUM LOT COVERAGE.**

The maximum percentage of lot building coverage in a Residential Agricultural District shall be ten (10) percent.

(Ord. 99-1. Passed 3-22-99.)

## Chapter 1270

### A-1 Residential Districts

---

- 1270.01 Application of regulations.
- 1270.02 Permitted uses.
- 1270.03 Conditional uses.
- 1270.04 Parking; loading and unloading areas.
- 1270.05 Lot area.
- 1270.06 Front yards.
- 1270.07 Side yards.
- 1270.08 Rear yards.
- 1270.09 Width of lot.
- 1270.10 Depth of lot.
- 1270.11 Height of buildings.
- 1270.12 Minimum floor area of dwelling units.
- 1270.13 Maximum lot coverage.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property -see M.C.L. § 125.583a

#### **1270.01 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all A-1 Residential Districts.

(Res. 24-95. Passed 2-13-95.)

#### **1270.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes:

- (a) One (1) single-family dwelling per lot.
- (b) A home occupation.
- (c) Accessory structures.
- (d) The keeping of not more than two (2) persons as boarders by a resident family, provided that no separate cooking facilities are provided and that separate dwelling units are not thus established.
- (e) Signs in accordance with Chapter 1292.
- (f) Adult foster care family homes and adult foster care small group homes, containing six (6) or fewer residents.
- (g) Family day care homes.

(Res. 24-95. Passed 2-13-95.)

(h) Garage sales, subject to the following:

- (1) Garage sales shall be limited to a seven (7)-continuous day period.

(2) There must be a ninety (90)-day period between each garage sale for an individual property within the City, except when a garage sale is held in conjunction with a neighborhood sale.

(3) No garage sale shall begin prior to 8:00 a.m. or extend beyond 7:00 p.m.

(4) No sale activities shall take place on any public sidewalk area, nor within the area between the public sidewalk and street curb or, if there is no public sidewalk on the premises, within fifteen (15) feet from the edge of the roadway.

(5) Signs advertising the location, dates and times of a garage sale shall not be placed within any City right of way area. Such signs shall not exceed four (4) square feet in size, and shall be removed within twenty-four (24) hours after the conclusion of the sale.

(Ord. 99-3. Passed 3-22-99.)

### **1270.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

(a) Churches, public and parochial schools and colleges, public libraries, museums, art galleries, funeral homes and mortuaries.

(b) Municipal, County, State and Federal administration buildings and community center buildings.

(c) Fire stations and water towers when located at least fifty (50) feet from all property lines.

(d) Municipal, denominational and private cemeteries when occupying a site of at least twenty (20) acres and when all buildings are at least one hundred (100) feet from all property lines.

(e) Public parks, golf courses, country clubs, tennis courts and similar recreational uses (including restaurants when such use is conducted within an area accessory thereto, is an integral part thereof and is entered from within the main building) when all buildings are at least one hundred (100) feet from any property line.

(f) Swimming pools, as follows:

(1) Public and semipublic in compliance with the Michigan State Health Department Regulations and these Codified Ordinances.

(2) Private pools in compliance with these Codified Ordinances and Michigan Department of Labor regulations.

(g) Cluster subdivisions, subject to the provisions of Section 1268.14, except that residential densities may not be less than eighteen thousand (18,000) square feet per dwelling unit based on the total land area.

(h) Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care, subject to the provisions of Section 1268.15.

(i) Planned unit developments, subject to the provisions of Chapter 1268.

(j) Group day care homes, subject to the requirements of Section 1268.03(t).

(k) Temporary accessory apartments, subject to the requirements set forth in Section 1268.03(q) and those required in Chapters 1262 and 1263.

(l) Bed and breakfast facilities, subject to the requirements set forth in Section 1268.03(r) and those required in Chapters 1262 and 1263.

(m) Adult foster care small group homes consisting of seven (7) to twelve (12) residents, subject to the requirements of Section 1268.03(s).

(Res. 24-95. Passed 2-13-95.)

### **1270.04 PARKING; LOADING AND UNLOADING AREAS.**

Off-street parking areas, and loading and unloading areas, as required in Chapter 1290, shall be provided.

(Res. 24-95. Passed 2-13-95.)

### **1270.05 LOT AREA.**

Minimum lot area shall be fifteen thousand (15,000) square feet, except that a lot having an area of less than fifteen thousand (15,000) square feet which was of record prior to the adoption of this Zoning Code may be used for any use permitted in this chapter, subject to the provisions of Section 1288.10.

(Res. 24-95. Passed 2-13-95.)

### **1270.06 FRONT YARDS.**

(a) There shall be a front yard having a minimum depth of thirty (30) feet.

(b) The maximum variation in setback in any one (1) block shall not exceed eight (8) feet.

(c) Where lots have double frontage, running through from one (1) street to another, the required front yard shall be provided on both streets.

(Res. 24-95. Passed 2-13-95.)

#### **1270.07 SIDE YARDS.**

There shall be a side yard on each side of the lot having a minimum dimension of fifteen (15) feet, except that the side yard adjacent to a side street shall be the same as the front yard setback and in no case less than thirty (30) feet.

(Res. 24-95. Passed 2-13-95.)

#### **1270.08 REAR YARDS.**

There shall be a rear yard having a minimum depth of fifty (50) feet.

(Res. 24-95. Passed 2-13-95.)

#### **1270.09 WIDTH OF LOT.**

The minimum width of the lot shall be one hundred (100) feet on an approved street.

(Res. 24-95. Passed 2-13-95.)

#### **1270.10 DEPTH OF LOT.**

The minimum depth of the lot shall be one hundred twenty (120) feet, provided that no lot shall have a depth which is more than three (3) times its width.

(Res. 24-95. Passed 2-13-95.)

#### **1270.11 HEIGHT OF BUILDINGS.**

No structure or appurtenance thereto shall be erected to exceed a height of two (2) stories or twenty-five (25) feet, except essential service structures, unless otherwise provided in this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

#### **1270.12 MINIMUM FLOOR AREA OF DWELLING UNITS.**

The minimum floor space requirements shall be the same as those provided in Section 1268.22.

(Res. 24-95. Passed 2-13-95.)

#### **1270.13 MAXIMUM LOT COVERAGE.**

The maximum percentage of lot building coverage in an A-1 Residential District shall be thirty (30) percent.

(Ord. 99-1. Passed 3-22-99.)

## **Chapter 1272**

### **A-2 Residential Districts**

---

- 1272.01 Application of regulations.
- 1272.02 Permitted uses.
- 1272.03 Conditional uses.
- 1272.04 Parking; loading and unloading areas.
- 1272.05 Lot area.
- 1272.06 Front yards.
- 1272.07 Side yards.
- 1272.08 Rear yards.
- 1272.09 Width of lot.
- 1272.10 Depth of lot.
- 1272.11 Height of buildings.



1272.12 Minimum floor area of dwelling units.

1272.13 Maximum lot coverage.

### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

### **1272.01 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all A-2 Residential Districts.

(Res. 24-95. Passed 2-13-95.)

### **1272.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes: All uses permitted and under the same conditions as set forth in the A-1 Residential District, and as indicated in Section 1270.02.

(Res. 24-95. Passed 2-13-95.)

### **1272.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

All conditional uses permitted and under the same conditions as set forth in the A-1 Residential District.

(Res. 24-95. Passed 2-13-95; Ord. 2005-06. Passed 8-8-05.)

### **1272.04 PARKING; LOADING AND UNLOADING AREAS.**

Off-street parking areas, and loading and unloading areas, as required in Chapter 1290, shall be provided.

(Res. 24-95. Passed 2-13-95.)

### **1272.05 LOT AREA.**

For a single-family detached dwelling, the minimum lot area shall be twelve thousand (12,000) square feet, except that a lot having an area less than twelve thousand (12,000) square feet which was of record prior to the adoption of this Zoning Code may be used for a single-family detached dwelling subject to the conditions of Section 1288.10.

(Res. 24-95. Passed 2-13-95; Ord. 2005-06. Passed 8-8-05.)

### **1272.06 FRONT YARDS.**

(a) There shall be a front yard having a minimum depth of twenty-five (25) feet.

(b) The maximum variation in setback in any one (1) block shall be eight (8) feet.

(c) Where lots have double frontage, running through from one (1) street to another, the required front yard setback shall be provided on both streets.

(Res. 24-95. Passed 2-13-95.)

### **1272.07 SIDE YARDS.**

There shall be a side yard on each side of the lot having a minimum dimension of ten (10) feet, except that the side yard adjacent to a side street shall be the same as the front setback on the side street and in no case less than twenty-five (25) feet.

(Res. 24-95. Passed 2-13-95.)

### **1272.08 REAR YARDS.**

There shall be a rear yard having a minimum depth of forty (40) feet.

(Res. 24-95. Passed 2-13-95.)

**1272.09 WIDTH OF LOT.**

The minimum width of the lot shall be ninety (90) feet.

(Res. 24-95. Passed 2-13-95.)

**1272.10 DEPTH OF LOT.**

The minimum depth of the lot shall be one hundred twenty (120) feet, provided that no lot shall have a depth which is more than three (3) times its width.

(Res. 24-95. Passed 2-13-95.)

**1272.11 HEIGHT OF BUILDINGS.**

No structure or appurtenance thereto shall be erected to exceed a height of two (2) stories or twenty-five (25) feet, except essential service structures, unless otherwise provided in this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

**1272.12 MINIMUM FLOOR AREA OF DWELLING UNITS.**

The minimum floor space, exclusive of garages, carports, crawl spaces, porches and breezeways, shall be in accordance with the following table:

| Dwelling Description  | First Floor Area (sq. ft.) | Other Area Limitations (sq. ft.) |
|---|----------------------------|----------------------------------|
| Single-family, one (1) or one and one-half (1-1/2) story with basement              | 1,200                      |                                  |
| Single-family, one (1) or one and one-half (1-1/2) story 'with out basement         | 1,340                      |                                  |
| Single-family, two (2) story with basement  | 864                        |                                  |
| Single-family, two (2) story without basement                                       | 1,056                      |                                  |
| Single-family, multi-level with basement, with partial basement or without basement | 1,200*                     |                                  |

\*This square footage requirement represents the minimum living space per dwelling unit, exclusive of furnace and utility rooms, attics, stairwells and any floor area below grade.

(Res. 24-95. Passed 2-13-95; Ord. 2005-06. Passed 8-8-05.)

**1272.13 MAXIMUM LOT COVERAGE.**

The maximum percentage of lot building coverage in an A-2 Residential District shall be thirty (30) percent.

(Ord. 99-1. Passed 3-22-99.)

**Chapter 1274**

**A-3 Residential Districts**

1274.01 Application of regulations.

1274.02 Permitted uses.

- 1274.03 Conditional uses.
- 1274.04 Parking; loading and unloading areas.
- 1274.05 Lot area.
- 1274.06 Front yards.
- 1274.07 Side yards.
- 1274.08 Rear yards.
- 1274.09 Width of lot.
- 1274.10 Depth of lot.
- 1274.11 Height of buildings.
- 1274.12 Minimum floor area of dwelling units.
- 1274.13 Maximum lot coverage.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

#### **1274.01 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all A-3 Residential Districts.

(Res. 24-95. Passed 2-13-95.)

#### **1274.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes: All uses permitted and under the same conditions as set forth in the A-2 Residential District.

(Res. 24-95. Passed 2-13-95.)

#### **1274.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

(a) All conditional uses permitted and under the same conditions set forth in the A-2 Residential District.

(b) Adult foster care large group homes consisting of thirteen (13) to twenty (20) residents and subject to the following:

(1) A State-licensed adult foster care facility shall not be located within fifteen hundred (1,500) feet of another similar State-licensed facility.

(2) One (1) on-site parking space shall be provided for each employee in addition to the parking required in Chapter 1290 for the dwelling unit or other accessory uses.

(3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

(4) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.

(5) A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.

(6) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

(7) If the proposal does not meet any of the above criteria, a variance may be sought according to the procedures outlined in this Zoning Code.

(Res. 24-95. Passed 2-13-95; Ord. 2005-06. Passed 8-8-05.)

#### **1274.04 PARKING; LOADING AND UNLOADING AREAS.**

Off-street parking areas and loading and unloading areas, as required in Chapter 1290, shall be provided.

(Res. 24-95. Passed 2-13-95.)

**1274.05 LOT AREA.**

(a) For a one-family dwelling, the minimum lot area shall be nine thousand eight hundred (9,800) square feet, except that a lot having an area less than nine thousand eight hundred (9,800) square feet which was of record prior to the adoption of this Zoning Code may be used for a one-family dwelling.

(b) For a two-family dwelling, the minimum lot area shall be twelve thousand eight hundred (12,800) square feet with a minimum lot width of one hundred (100) feet.

(c) For a three-family dwelling, the minimum lot area shall be fifteen thousand (15,000) square feet with a minimum lot width of one hundred twenty-five (125) feet.

(d) For a four-family dwelling, the minimum lot area shall be seventeen thousand (17,000) square feet with a minimum lot width of one hundred thirty-two (132) feet.

(Res. 24-95. Passed 2-13-95.)

**1274.06 FRONT YARDS.**

(a) There shall be a front yard having a minimum depth of twenty-five (25) feet.

(b) The maximum variation in any one (1) block shall be eight (8) feet.

(c) Where lots have double frontage, running through from one (1) street to another, the required front yard setback shall be required on both streets.

(Res. 24-95. Passed 2-13-95.)

**1274.07 SIDE YARDS.**

There shall be a side yard on each side of the lot having a minimum dimension of eight (8) feet, except that a side yard adjacent to a street shall have a minimum depth of twenty-five (25) feet.

(Res. 24-95. Passed 2-13-95.)

**1274.08 REAR YARDS.**

There shall be a rear yard having a minimum depth of twenty-five (25) feet.

(Res. 24-95. Passed 2-13-95.)

**1274.09 WIDTH OF LOT.**

The minimum width of the lot shall be seventy-five (75) feet.

(Res. 24-95. Passed 2-13-95.)

**1274.10 DEPTH OF LOT.**

The minimum depth of the lot shall be one hundred ten (110) feet. However, no lot shall be greater in depth than three (3) times its width.

(Res. 24-95. Passed 2-13-95.)

**1274.11 HEIGHT OF BUILDINGS.**

No structure or appurtenance thereto shall be erected to exceed a height of two (2) stories or twenty-five (25) feet, except essential service structures, unless otherwise provided in this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

**1274.12 MINIMUM FLOOR AREA OF DWELLING UNITS.**

The minimum floor space, exclusive of garages, carports, crawl spaces, porches and breezeways, shall be in accordance with the following table:

| First Floor  | Other Area          |
|--|---------------------|
| Area (sq. ft.)   | Limitations         |
| Dwelling Description                                     | ft.) ____ (sq. ft.) |
| Single-family, one (1) or one and one-half (1-1/2) story |                     |

with basement 1,096

Single-family, one (1) or one  
and one-half (1-1/2) story with  
out basement 1,236

Single-family, two (2) story  
with basement 624

Single-family, two (2) story  
without basement 816

Single-family, multi-level  
with basement, with  
partial basement or with  
out basement 1,096\*

\*This square footage requirement represents the minimum living space per dwelling unit, exclusive of furnace and utility rooms, attics, stairwells and any floor area below grade.

(Res. 24-95. Passed 2-13-95; Ord. 2005-06. Passed 8-8-05.)

#### **1274.13 MAXIMUM LOT COVERAGE.**

The maximum percentage of lot building coverage in an A-3 Residential District shall be thirty (30) percent.

(Ord. 99-1. Passed 3-22-99.)

## **Chapter 1276**

### **B-1 Residential Multifamily Districts**

---

- 1276.01 Purpose and intent.
- 1276.02 Permitted uses.
- 1276.03 Conditional uses.
- 1276.04 Site plan review.
- 1276.05 Parking; loading and unloading areas.
- 1276.06 Lot area.
- 1276.07 Front yards.
- 1276.08 Side yards.
- 1276.09 Rear yards.
- 1276.10 Width of lot.
- 1276.11 Depth of lot.
- 1276.12 Height of buildings.
- 1276.13 Minimum floor area of dwelling units.
- 1276.14 Garden apartment and townhouse site design standards.
- 1276.15 Maximum lot coverage.
- 1276.16 Schedule of regulations for B-1 uses.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

## Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

**1276.01 PURPOSE AND INTENT.**

The B-1 Residential Multifamily Residential District is composed of those areas within the City where the principal use is intended to be multiple-family dwellings at a higher density than permitted in other residential zoning districts. These areas would be designed for good accessibility and to be compatible with adjacent single-family areas. Various types and sizes of residential units, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in Davison without creating an unreasonable burden to existing community facilities, utilities, or services. In addition to the dwellings permitted in this zone, there are certain non-residential uses which may be compatible with, and supportive of, a residential environment and may be permitted only with conditional use approval.

(Ord. 2008-01. Passed 3-10-08.)

**1276.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes:

- (a) All uses permitted and under the same conditions as set forth in the A-3 Residential District;
- (b) Two-, three- and four-family dwellings, provided that the minimum lot area requirements comply with Section 1276.06;
- (c) Garden apartment and/or townhouse structures;
- (d) Nursing/rest homes, subject to Section 1268.15;
- (e) Adult foster care small group homes consisting of seven (7) to twelve (12) residents and subject to the requirements of Section 1268.03(s); and
- (f) Adult foster care large group homes consisting of thirteen (13) to twenty (20) residents and subject to the requirements of Section 1274.03(b).

(Ord. 2008-01. Passed 3-10-08.)

**1276.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

- (a) Medical or dental clinics;
- (b) All conditional uses permitted and under the same conditions as set forth in the A-3 Residential District, with the exception of temporary accessory apartments; and
- (c) Day care centers.

(Ord. 2008-01. Passed 3-10-08.)

**1276.04 SITE PLAN REVIEW.**

All proposed structures, other than one- and two-family dwellings, and uses of land or structures, shall be subject to the site plan review provisions of Chapter 1262.

(Ord. 2008-01. Passed 3-10-08.)

**1276.05 PARKING; LOADING AND UNLOADING AREAS.**

Off-street parking areas, and loading and unloading areas, as required in Chapter 1290, shall be provided. Additional requirements for garden apartment and/or townhouse structures are detailed in Section 1276.14.

(Ord. 2008-01. Passed 3-10-08.)

**1276.06 LOT AREA.**

- (a) The minimum lot area permitted for a garden apartment and/or townhome development shall conform to the following formula:

|   |
|---|
| <p><b>Lot Area</b> = area required per type of dwelling unit x number of units for each type of dwelling unit</p> |
|---|

In no case shall the total minimum lot area be less than two (2) acres (87,120 square feet).

Each three-bedroom unit requires a minimum of five thousand five hundred (5,500) square feet of lot area, each two-bedroom unit requires a minimum of three thousand six hundred (3,600) square feet of lot area, and each one (1) bedroom unit requires a minimum of two thousand four hundred (2,400) square feet of lot area.

(b) For two-family, three-family, and four-family dwellings, see Schedule of Regulations for B-1 Uses in Section 1276.16 for additional information.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.07 FRONT YARDS.**

See Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.08 SIDE YARDS.**

See Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.09 REAR YARDS.**

See Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.10 WIDTH OF LOT.**

See Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.11 DEPTH OF LOT.**

See Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.12 HEIGHT OF BUILDINGS.**

Maximum building height of four (4) stories or fifty-four (54) feet, provided such height does not interfere with FAA regulations and does not affect the safe use of navigable airspace.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.13 MINIMUM FLOOR AREA OF DWELLING UNITS.**

The minimum floor area for garden apartments and/or townhouses, exclusive of garages, carports, crawl spaces, porches and breezeways, shall be in accordance to the Schedule of Regulations for B-1 Uses noted in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

#### **1276.14 GARDEN APARTMENT AND TOWNHOUSE SITE DESIGN STANDARDS.**

The following site design standards will be required for all garden apartment and/or townhouse developments:

- (a) Maximum building coverage shall not exceed thirty (30) percent of the lot area.
- (b) The distance between any two (2) buildings within a garden apartment or townhouse development shall be not less than twenty (20) feet.
- (c) There shall be a greenbelt planting strip proposed along all side, rear and front property lines of any garden apartment or townhouse complex. The width of the landscaped planting area shall be at least twenty (20) feet. The Planning Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics. The Planning Commission may require evergreen screening or a screenwall in its place.
- (d) All garden apartment and townhouse developments shall be served with public sewer and water facilities.
- (e) Subject to Planning Commission review and recommendations, a minimum of ten (10) percent of the total lot area shall be developed for recreation and park purposes.
- (f) Provision shall be made for safe and efficient egress and ingress to public streets and highways serving any garden apartment or townhouse development, which shall be designed to minimize congestion and interference with traffic flow.
- (g) The site shall be developed and facilities shall be provided in such a manner as to ensure adequate drainage.

(h) Lighting facilities shall be required where deemed necessary for the safety and convenience of residents and visitors. These facilities shall be arranged in such a manner as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

(i) Provision shall be made for serving garden apartments and townhouses by refuse collection vehicles. No incinerators are permitted. All refuse and garbage shall be screened and stored in waste disposal containers and shall meet the provisions stated in Section 1288.30.

(j) Design guidelines.

(1) Building facades are considered the public faces of buildings. All four (4) sides of the building must be addressed with consistent architecture.

(2) Natural materials, such as natural brick, stone, and wood are encouraged.

(3) Complementary design.

A. All developments and/or redevelopments should rely on neighboring architecture and not necessarily on corporate architecture to distinguish themselves while complimenting existing quality development.

B. Roof pitch, bulk and materials types shall be considered during design and/or renovation.

(4) All mechanical equipment, including roof top equipment, shall be screened from view.

A. Mechanical equipment, including but not limited to HVAC, generators, trash compactors and other such items shall be so screened and shielded in order to conform to the noise standards adopted in Section 1228.27.

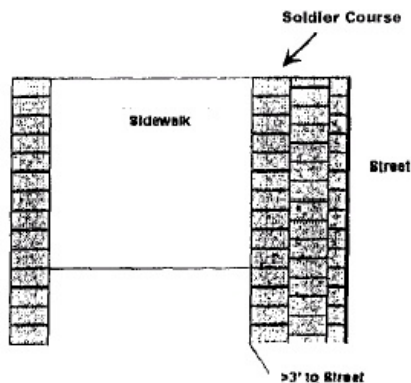
B. All screening both in terms of visual and sound, shall be consistent with the architecture of the building.

(5) Accessory structures must be consistent in architecture and size and proportion with the principal building and subject to setback and lot coverage requirements.

(6) Off-street parking is required as specified in Chapter 1290, except that off-street private parking shall not be the dominant feature of the site. Parking is not permitted in the front yard. In addition, off-street parking may be public, private, or a combination of both and shall be located within three hundred (300) feet of the proposed use.

(7) Sidewalks or a multi-use path, as shown on the City's adopted plan, are required with each development.

A. Sidewalks along the public road shall be a minimum of five (5) feet in width and shall require the installation of a brick soldier course on both sides of walk. If the area between the soldier course and curb is less than three (3) feet, the soldier course shall be extended to the curb.



B. A pathway, if required, shall be a minimum of eight (8) feet in width, subject to the engineering and design standards of the City.

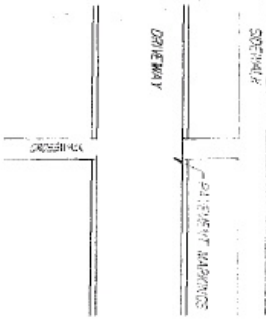
C. A paved walk connection shall be provided from the path or walk at the street to the front entry of the building. It shall be a minimum of five (5) feet wide.

D. If appropriate, additional sidewalk or pathway connections may be required to connect pedestrians to and from parking areas. This walk shall be five (5) feet in width.

E. At any point where a pedestrian pathway or walk crosses an entry/exit driveway, a stamped concrete or stamped bituminous crosswalk is required. The crosswalk shall also include reflective white lines outlining the stamped area. The crosswalk shall be a pattern and color approved by the City.

F. At any point where a pedestrian connection crosses a driveway, the pedestrian crosswalk shall be marked by white crosswalk striping.





(Ord. 2008-01. Passed 3-10-08.)

### 1276.15 MAXIMUM LOT COVERAGE.

The maximum percentage of lot building coverage in a B-1 Residential Multifamily District is described in Schedule of Regulations for B-1 Uses in Section 1276.16.

(Ord. 2008-01. Passed 3-10-08.)

### 1276.16 SCHEDULE OF REGULATIONS FOR B-1 USES.

|   | <i>Minimum Floor Area of Dwelling Unit (square feet)</i>                  | <i>Minimum Lot Width (feet)</i> | <i>Minimum Lot Depth (feet)</i> | <i>Minimum Lot Area (square feet)</i> | <i>Maximum Lot Coverage</i> | <i>Front Yard (feet) *****</i> | <i>Side Yard, each side (feet)</i> | <i>Rear Yard (feet)</i> |
|---|---|---------------------------------|---------------------------------|---------------------------------------|-----------------------------|--------------------------------|------------------------------------|-------------------------|
|   | <i>Minimum Floor Area of Dwelling Unit (square feet)</i>                  | <i>Minimum Lot Width (feet)</i> | <i>Minimum Lot Depth (feet)</i> | <i>Minimum Lot Area (square feet)</i> | <i>Maximum Lot Coverage</i> | <i>Front Yard (feet) *****</i> | <i>Side Yard, each side (feet)</i> | <i>Rear Yard (feet)</i> |
| PERMITTED USES  |   |                                 |                                 |                                       |                             |                                |                                    |                         |
| Garden apartment and/or townhouse, 3 bedrooms   | 864 per dwelling unit   | 200                             | 200                             | 2 acres**                             | 30%                         | 40                             | 25****                             | 35                      |
| Garden apartment and/or townhouse, 2 bedrooms   | 744 per dwelling unit   | 200                             | 200                             | 2 acres**                             | 30%                         | 40                             | 25****                             | 35                      |
| Garden apartment and/or townhouse, 1 bedroom  | 624 per dwelling unit   | 200                             | 200                             | 2 acres**                             | 30%                         | 40                             | 25****                             | 35                      |
| Two-family dwelling residential structures  | 864* for a minimum of 2 bedrooms, plus 108 sq. ft. per additional bedroom | 120                             | 110                             | 14,400                                | 30%                         | 25                             | 8***                               | 35                      |
| Three-family dwelling residential structures  | 864* for a minimum of 2 bedrooms, plus 108 sq. ft. per additional bedroom | 125                             | 110                             | 15,000                                | 30%                         | 25                             | 8***                               | 35                      |
| Four-family dwelling residential structures   | 864* for a minimum of 2 bedrooms, plus 108 sq. ft. per additional bedroom | 132                             | 110                             | 17,000                                | 30%                         | 25                             | 8***                               | 35                      |
| Nursing/rest homes (See 1268.15)  |   | 75                              | 110                             |                                       | 30%                         | 25                             | 8***                               | 35                      |
| Adult foster care: Small group homes consisting of 7 to 12 residents subject to 1268.03(s)  |   | 75                              | 110                             |                                       | 30%                         | 25                             | 8***                               | 35                      |
| Adult foster care: Large group homes consisting of 13 to 20 residents subject to 1274.03(b) |   | 75                              | 110                             |                                       | 30%                         | 25                             | 8***                               | 35                      |

|  |       |    |     |       |     |    |      |    |
|--|-------|----|-----|-------|-----|----|------|----|
| Single-family dwelling: Up to 1.5 stories w/ basement  | 1,096 | 75 | 110 | 9,800 | 30% | 25 | 8*** | 35 |
| Single-family dwelling: Up to 1.5 stories w/o basement   | 1,236 | 75 | 110 | 9,800 | 30% | 25 | 8*** | 35 |
| Single-family dwelling: 2 story w/ basement  | 624   | 75 | 110 | 9,800 | 30% | 25 | 8*** | 35 |
| Single-family dwelling: Up to 2 story w/o basement   | 816   | 75 | 110 | 9,800 | 30% | 25 | 8*** | 35 |
| Single-family dwelling: Multi-level w/, w/o, or partial basement   | 1,096 | 75 | 110 | 9,800 | 30% | 25 | 8*** | 35 |
| The keeping of not more than 2 persons as boarders by a resident family, provided that no separate cooking facilities are provided and that separate dwelling units are not thus established |       | 75 | 110 | 9,800 | 30% | 25 | 8    | 35 |
| Signs in accordance with Chapter 1292  |       | 75 | 110 | 9,800 | 30% | 25 | 8    | 35 |
| Adult foster care family homes and adult foster care small group homes, containing 6 or fewer residents  |       | 75 | 110 | 9,800 | 30% | 25 | 8    | 35 |
| Family day care homes  |       | 75 | 110 | 9,800 | 30% | 25 | 8    | 35 |

|  | <i>Minimum Floor Area of Dwelling Unit (square feet)</i> | <i>Minimum Lot Width (feet)</i> | <i>Minimum Lot Depth (feet)</i> | <i>Minimum Lot Area (square feet)</i> | <i>Maximum Lot Coverage</i> | <i>Front Yard (feet) *****</i> | <i>Side Yard, each side (feet)</i> | <i>Rear Yard (feet)</i> |
|--|--|---------------------------------|---------------------------------|---------------------------------------|-----------------------------|--------------------------------|------------------------------------|-------------------------|
|  |  |                                 |                                 |                                       |                             |                                |                                    |                         |

PERMITTED USES (Cont.)

|   |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|
| A home occupation, when located on the site with a principal structure                          |  |  |  |  |  |  |  |  |
| Accessory structures, when located on the site with a principal structure                       |  |  |  |  |  |  |  |  |
| Garage sales in accordance with 1270.02(e), when located on the site with a principal structure |  |  |  |  |  |  |  |  |

CONDITIONAL USES

The following conditional uses are subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263

|   |  |    |     |  |     |    |      |    |
|---|--|----|-----|--|-----|----|------|----|
| Medical or dental clinics   |  | 75 | 110 |  | 30% | 25 | 8*** | 35 |
| Day care centers  |  | 75 | 110 |  | 30% | 25 | 8*** | 35 |
| Churches, public and parochial schools and colleges, public libraries, museums, art galleries, funeral homes and mortuaries |  | 75 | 110 |  | 30% | 25 | 8*** | 35 |

|  |    |     |  |  |     |    |      |    |
|--|----|-----|--|--|-----|----|------|----|
| Municipal, County, State and Federal administration buildings and community center buildings   | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Fire stations and water towers when located at least 50 feet from all property lines   | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Municipal, denominational and private cemeteries when occupying a site of a least 20 acres and when all buildings are at least 100 feet from all property lines  | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Public parks, golf courses, country clubs, tennis courts and similar recreational uses (including restaurants when such use is conducted within an area accessory thereto, is an integral part thereof and is entered from within the main building) when all buildings are at least 100 feet from any property line | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Swimming pools in accordance with 1270.03(f)   | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Cluster subdivisions, subject to the provisions of 1268.14   | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |
| Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care, subject to the provisions of 1268.15   | 75 | 110 |  |  | 30% | 25 | 8*** | 35 |

|  | <i>Minimum Floor Area of Dwelling Unit (square feet)</i> | <i>Minimum Lot Width (feet)</i> | <i>Minimum Lot Depth (feet)</i> | <i>Minimum Lot Area (square feet)</i> | <i>Maximum Lot Coverage</i> | <i>Front Yard (feet) *****</i> | <i>Side Yard, each side (feet)</i> | <i>Rear Yard (feet)</i> |
|--|--|---------------------------------|---------------------------------|---------------------------------------|-----------------------------|--------------------------------|------------------------------------|-------------------------|
| <b>CONDITIONAL USES (Cont.)</b>  |  |                                 |                                 |                                       |                             |                                |                                    |                         |
| The following conditional uses are subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263 |  |                                 |                                 |                                       |                             |                                |                                    |                         |
| Planned unit developments, subject to the provisions of Chapter 1268   | 75   | 110                             |                                 |                                       | 30%                         | 25                             | 8***                               | 35                      |
| Group day care homes, subject to the requirements of 1268.03(t)  | 75   | 110                             |                                 |                                       | 30%                         | 25                             | 8***                               | 35                      |
| Bed and breakfast facilities, subject to the requirements set forth in 1268.03(r)  | 75   | 110                             |                                 |                                       | 30%                         | 25                             | 8***                               | 35                      |

\* This square footage requirement represents the minimum living space per dwelling unit, exclusive of furnace and utility rooms, attics, stairwells, and any basement floor area. There is a maximum of two (2) bedrooms for any dwelling unit that has a floor area of 864 square feet.

\*\* See Section 1276.06(a) for additional requirements.

\*\*\* A side yard adjacent to a street shall have a minimum depth of twenty-five (25) feet.

\*\*\*\* A side yard adjacent to a street shall be not less than forty (40) feet.

\*\*\*\*\* Where lots have double frontage, running through from one (1) street to another, the required front yard shall be provided on both streets.

(Ord. 2008-01. Passed 3-10-08.)

## Chapter 1278

### B-2 Residential Mobile Home Park Districts

---

- 1278.01 Application of regulations.
- 1278.02 Permitted uses.
- 1278.03 Conditional uses.
- 1278.04 Site plan review.
- 1278.05 Parking.
- 1278.06 Lot area.
- 1278.07 Front yards.
- 1278.08 Side yards.
- 1278.09 Rear yards.
- 1278.10 Building height.
- 1278.11 Mobile home park development requirements; site design requirements.
- 1278.12 General requirements for mobile home parks.
- 1278.13 Site constructed buildings.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property -see M.C.L. § 125.583a

Mobile homes and mobile home parks in floodplain areas - see B. H. 1466.14

#### **1278.01 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all B-2 Residential Mobile Home Park Districts.

(Res. 24-95. Passed 2-13-95.)

#### **1278.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land may be used, except for one (1) or more of the following purposes:

(a) Mobile home parks, subject to the provisions of this chapter and as regulated by the Mobile Home Commission, pursuant to Act 96 of the Public Acts of 1987, as amended, as well as all other applicable City codes and ordinances, referenced herein.

(b) Mobile home condominium projects, subject to the requirements of Act 59 of the Public Acts of 1978, as amended.

(c) Clubhouse, swimming pool and recreation facilities for the use of the park residents. Accessory uses and structures, such as manager's office, laundry facilities, tool and storage sheds, and other services for the residents of the park, shall be permitted.

(d) One (1) identification sign, not exceeding thirty-two (32) square feet in area, which shall be permitted for a mobile home park. For multiple entrances, a second sixteen (16) square foot sign shall be permitted. Identification signs associated with approved home occupations within the park shall be permitted at the discretion of the mobile home park developer, and shall not exceed two hundred sixteen (216) square inches.

(e) Adult foster care family homes and adult foster care small group homes consisting of six (6) or fewer residents.

(f) Family day care homes.

(Res. 24-95. Passed 2-13-95.)

**1278.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered, or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Sections 1262.02 and 1262.03:

- (a) Home occupations.
- (b) Adult foster care small group homes consisting of seven (7) to twelve (12) residents, subject to the requirements of Section 1268.03(s).
- (c) Group day care homes subject to the requirements of Section 1268.03(t).

(Res. 24-95. Passed 2-13-95.)

**1278.04 SITE PLAN REVIEW.**

All proposed mobile home parks shall be subject to the site plan review provisions described below:

(a) Intent. Site plan review procedures set forth are instituted to provide an opportunity for the Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner.

(b) Waiver of Review. The Building Official shall have authority to waive the Planning Commission's review of a site plan when the proposed use is of a nature which will require no alterations or only minor modifications to the site and/or structures in question. These shall not include the following:

- (1) Expansion or relocation of an existing building or construction of a new building;
- (2) A change in use and/or interior modifications which will result in a need for increased parking;
- (3) Reduction of parking spaces from what originally existed for the former use;
- (4) Major changes to the internal traffic or pedestrian circulation system of the site;
- (5) Relocation or modification of the ingress and egress drives to public thoroughfares of the site;
- (6) Major changes to landscaping, fences or walls; or
- (7) Any use or modification to the site and/or structure which, in the opinion of the Building Official, may significantly affect public health, safety, or general welfare.

The site plan shall always be required when a conditional use permit is being considered.

**(c) Administrative Review; Formal Review.**

(1) Prior to the establishment of a new mobile home park or expansion of an existing mobile home park, subject to the conditions listed below, a site plan shall be submitted to the Site Plan Committee for City review as follows:

A. Prior to review by the Planning Commission, all site plans shall be reviewed administratively by City staff to ensure compliance with the submittal requirements of this Zoning Code, and consistency with existing site zoning and the site development requirements.

B. After administrative review of a site plan by the Site Plan Committee, the Building Official shall place the site plan on the Planning Commission agenda for review and action at the earliest available meeting. A site plan shall be approved, approved with conditions or disapproved by the City of Davison Planning Commission in accordance with the requirements of this Zoning Code.

(2) When the proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified, at the discretion of the City Manager, to provide for an administrative review by City staff in lieu of a more formal review by the Planning Commission. City staff may conduct an administrative review provided both of the following are true:

A. No variances to the Zoning Code are required.

B. The proposed new construction would not increase the total square footage of the building greater than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.

(3) For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review by City staff in lieu of a more formal review by the City Planning Commission. City staff may conduct an administrative review provided all of the following are true:

A. No variances to the Zoning Code are required.

B. Such use is conducted within a completely enclosed building.

C. Reoccupancy does not create additional parking demands, beyond ten (10) percent of that which exists.

D. Reoccupancy does not substantially alter the character of the site.

(4) The Building Official shall notify the Planning Commission of all site plans scheduled for administrative review.

(5) Every site plan submitted for review shall be in accordance with the requirements of this Zoning Code. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.

(d) Application; Contents.

(1) Application for site plan review shall be made to the City Manager's office so that the site plan application can be reviewed interdepartmentally and any revisions, corrections, or information necessary can be corrected and/or made available by the petitioner.

This does not necessarily mean that upon review by the Planning Commission any further pertinent information will not be requested.

(2) Three copies of the application and eight (8) copies of the site plan shall be filed, the same to be reviewed interdepartmentally and accompanied by the necessary fees and documents as required. The applicant will be notified of any corrections and/or modifications necessary within thirty (30) days. The applicant shall submit modified site plans to the City Manager or his or her designee. Upon finding the application complete the City shall instruct the applicant to submit eighteen (18) copies to the City Clerk fifteen (15) days prior to the Planning Commission's next regular or special meeting intended for that purpose. Plans shall be prepared by a licensed professional architect, engineer, land surveyor, community planner, or registered landscape architect. The plans shall have the signature and seal of the licensed professional affixed thereon. The requirements may be waived at the discretion of the City Manager or his or her designee only after the City Manager or his or her designee determines that the scope of the project does not warrant such services. Drawings shall be to the scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres, or not less than one (1) inch equals one hundred (100) feet if three (3) acres or more. The information shall accompany all plans submitted for review and must comply with the procedures set forth in these Codified Ordinances and/or any State laws or statutes. Each site plan shall contain the following information:

A. Generally.

1. Statistical data, including the number of dwelling units, the size of dwelling units (e.g., one (1) bedroom, two (2) bedrooms, and three (3) bedrooms), if any, and total gross acreage involved.
2. Title and date of plan, including the date and nature of all subsequent revisions.
3. North arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
4. Location map showing the site in relation to existing roads and developments within the City.
5. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
6. Boundary of the tract shown by a heavy line; a legal description of the parcel, and the acreage.
7. Zoning classification of the petitioner's parcel and all abutting parcels.
8. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
9. The location and the pavement and right-of-way width of all abutting roads and streets, and driveway locations on abutting public streets. The location of all easements of record.
10. The name, address, and telephone number of the property owner or petitioner.
11. The name, firm address, and telephone number of the professional civil engineering or architectural firms responsible for the preparation of the site plan (including imprint of professional seal).
12. Notation of City, County, or State license/permits required and/or secured.
13. Method of waste collection.
14. A statement on intended phases of the project.
15. All required setbacks for front, side, and rear yards as required in Sections 1278.07 through 1278.09.

B. Natural features.

1. Location of clusters of trees on the site and all existing trees over twenty-four (24) inches in diameter.
2. Location of existing wetlands.
3. Location of floodplains, drainage courses, lakes, ponds, drains, rivers, and streams including their water surface elevation, floodplain elevation and normal high water elevation.
4. Soil characteristics of the parcel utilizing information provided by the U.S. Soil and Conservation Services "Soil Survey of Genesee County."

C. Physical features.

1. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs. Each individual parking space shall be indicated, including typical parking space dimensions for regular and handicapped spaces and type of lot surfacing.
2. A note specifying maintenance of paved surfaces and other improvements as follows:

## Maintenance Agreement

"Paved surfaces, walkways, signs, lighting, and other structures and surfaces shall be maintained in a safe, attractive condition as originally designed and constructed. Parking lot striping and markings shall be maintained in a clearly visible condition."

3. The location of all community trash receptacles, where provided, and the location, height, and type of walls to screen receptacles.

4. Location of existing and proposed fire hydrants.

5. Location and dimension of required easements for public rights-of-way, utilities, access and shared access.

6. Entrance sign locations and size.

D. Additional requirements. Any other information specifically required by Act 96 of the Public Acts of 1987, as amended, the Mobile Home Commission Act.

E. Administrative review. In lieu of the site plan data requirements enumerated above, the following information is required for those cases receiving administrative review solely as a result of building reoccupancy or minor improvement:

1. Title and date of plan, including the date and nature of all subsequent revisions.

2. North arrow and scale.

3. An accurate description of the subject property.

4. Clear documentation of all proposed changes to the existing site, building or land use.

5. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.

6. A description of existing and proposed parking facilities serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.

7. A description of existing and proposed landscaping, sidewalks, and other site amenities.

8. A note specifying annual landscape maintenance procedures such as the following:

### Landscape Maintenance

"Owner agrees to seasonal maintenance program and will replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune beginning upon completion of construction of landscaping."

9. A description of buffering (i.e., walls, greenbelts) between the use and adjacent residential properties both existing and proposed as referenced in Section 1278.11.(d).

10. A description of site ingress and egress, both existing and proposed.

11. Information regarding the number of times separate plans have been submitted by the applicant to the City for review of additions or alterations to the existing building or site in the past.

12. A note on the location and type of outdoor lighting, proposed illumination patterns, and method of screening to prevent glare onto adjacent streets or properties.

13. The location, height, and area of all signs.

14. Information and plans for the storage, loading, disposal and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.). If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.

F. Site plan referral to Planning Commission.

1. The site plan shall be referred, within fifteen (15) days after achieving interdepartmental compliance, to the Planning Commission for its review and evaluation at its next regular or special meeting intended for that purpose.

2. The Commission shall review and communicate its approval or recommend site plan modifications to the applicant within not more than forty-five (45) days after receipt of the site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Commission for its review. The same number of copies shall be provided as was the case for the original submission.

a. The Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public.

b. Any required modification shall be directed to the specific elimination of unsafe or hazardous health or safety conditions.

3. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval of the site plan to the applicant within not more than forty-five (45) days after receipt of the modified site plan.

Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.

G. Fees required. Fees for the review of site plans shall be established by resolution of the City Council.

H. Basis for approval. In the process of reviewing the site plan, the Planning Commission shall consider:

1. Single-family subdivision and site condominium development.

2. The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.

3. The traffic circulation features within the site and the location of automobile parking areas. The Commission may make such requirements with respect to any matters as will assure the safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

(Res. 24-95. Passed 2-13-95.)

#### **1278.05 PARKING.**

Paved parking off the roadways or streets within a mobile home park shall be provided at the rate of at least two (2) parking spaces for each mobile home or dwelling unit, plus one (1) additional parking space for every three (3) mobile home sites as guest parking, as follows:

(a) Guest parking shall be provided within the park.

(b) The roadways and streets within the park may be utilized for additional guest parking, provided that such parking will not interfere with safe vehicular and pedestrian movement, and provided, further, that the street width permits the same in accordance with Act 96 of the Public Acts of 1987, as amended.

(c) Roadways and streets within the park shall be posted as to parking areas to ensure compliance with Act 96. The cost of such posting, including signs, shall be borne by the park owner.

(Res. 24-95. Passed 2-13-95.)

#### **1278.06 LOT AREA.**

The minimum required lot area for a mobile home park shall be fifteen (15) acres.

(Res. 24-95. Passed 2-13-95.)

#### **1278.07 FRONT YARDS.**

No mobile home shall be located closer than fifty (50) feet from any public street right-of-way line.

(Res. 24-95. Passed 2-13-95.)

#### **1278.08 SIDE YARDS.**

No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any side lot line of the mobile home park.

(Res. 24-95. Passed 2-13-95.)

#### **1278.09 REAR YARDS.**

No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any rear lot line.

(Res. 24-95. Passed 2-13-95.)

#### **1278.10 BUILDING HEIGHT.**

No structure or appurtenance thereto shall be erected to exceed a height of two (2) stories or twenty-five (25) feet, except essential service structures.

(Res. 24-95. Passed 2-13-95.)

#### **1278.11 MOBILE HOME PARK DEVELOPMENT REQUIREMENTS; SITE DESIGN REQUIREMENTS.**

(a) The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944, of the Michigan Administrative Code.

(b) There shall be not less than seven hundred twenty (720) square feet of floor area within each mobile home. The floor area of any porch, sun deck, or other structure shall not be used to meet the seven hundred twenty (720) foot requirement.



(c) The placement of mobile homes within a mobile home park shall observe the following internal setback requirements:

- (1) Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
- (2) Ten (10) feet from an on-site parking space of an adjacent mobile home site.
- (3) Ten (10) feet from a detached structure or accessory building which is not used for living purposes.
- (4) Fifty (50) feet from a permanent building.
- (5) Ten (10) feet from the edge of an internal road.
- (6) Seven (7) feet from a parking bay.
- (7) Seven (7) feet from a common pedestrian walkway.

(d) Mobile home parks shall be landscaped as follows:

- (1) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
- (2) If the park abuts a non-residential development, the park need not provide screening.
- (3) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs a minimum of three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

(e) Open space shall be provided as required by Rule 946 of the Mobile Home Commission and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

(f) All roadways or streets within the park shall be constructed and paved in accordance with American Association of State Highway Officials (AASHO) specifications specified in Rule 922 of the Mobile Home Commission.

(g) The mobile home park shall be provided with a walk system consisting of thirty-six (36) inch minimum width concrete sidewalks parallel to and along one (1) side of all collector streets within the park and connecting to the park, recreation, and service facilities. Walks connecting the entrance of each mobile home to the balance of the park walk system shall be designed per Mobile Home Commission rules.

All such walks shall be constructed in accordance with and in conformance with Rule 928 of the Mobile Home Commission.

(h) Each mobile home site shall conform with Mobile Home Commission requirements of Rule 602 for installation of mobile homes.

(i) The grounds of a mobile home park shall be graded to drain properly.

All storm sewers shall be constructed in accordance with Parts 2 through 4 of the Michigan Department of Public Health (MDPH) mobile home park standards, by the developer.

(j) Site built single-family dwellings may be located in a mobile home park as follows:

(1) One (1) single-family dwelling may be permitted for the exclusive use of the mobile home park owner or manager in a park of thirty (30) acres or less.

(2) Two (2) single-family dwellings may be permitted for the exclusive use of the park owner, manager or caretaker in a park in excess of thirty (30) acres.

(3) Any such dwellings shall comply in all respects with the requirements for single-family dwellings in the A-3 Residential District. (Res. 24-95. Passed 2-13-95.)

#### **1278.12 GENERAL REQUIREMENTS FOR MOBILE HOME PARKS.**

(a) All mobile home sites and all other buildings shall be connected to the water system of the City, if it is available to the park, or to other State-approved system.

(1) The park water system shall conform to Parts 2 through 4 of the MDPH mobile home park standards.

(2) Fire hydrants shall be included using the same requirements for their location, provided that City water is available.

(b) All mobile home sites and all other buildings shall be connected to the sanitary sewerage system of the City, if it is available to the park, or to other State-approved systems. The park sanitary sewerage system shall conform to MDPH mobile home park standards.

(c) No mobile home shall be occupied for dwelling purposes unless the mobile home is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary or prior to Building Official inspection and permit approval.

(d) Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Mobile Home Commission as to the adequacy of illumination.

(e) Street name signs shall be provided by the owner at all street intersections in accordance with Mobile Home Commission requirements. Park street names shall not duplicate or be confusingly similar to the name of any existing street within the area served by the Post Office or the Fire Authority.

(f) Fences on individual home sites shall be uniform in height, not to exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide fire-fighters an access of at least two (2) access gates.

(g) Mobile home parks shall be located with access to State trunkline, county primary road, or major street as determined by the Planning Commission.

(h) There shall be a maximum of one (1) sign per roadway frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Mobile Home Commission rules and may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type.

(i) The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This subsection shall not prohibit the sale of a used mobile home by a resident of a mobile home development, provided the development permits the sale.

(j) All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.

(k) The owner or operator of any mobile home park shall be responsible for all street construction and street maintenance within the confines of the mobile home park; shall be responsible for all snow removal within the confines of the mobile home park; and shall be responsible for picking up trash and garbage within the confines of the mobile home park.

(l) No mobile home shall be occupied by more than one (1) family.

(m) If boats, boat trailers and utility trailers are permitted to be parked within the mobile home park, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Zoning Code and shall be adequately locked, fenced and permanently buffered.

(n) Each mobile home shall have a safe and unobstructed primary exit and emergency exit located away from the primary exit.

(o) Electrical and utility service shall be underground and designed and installed in conformance with the standards established in Rules 932(a), 934(a), 935(a), 937(2)(a) and 940 of the Mobile Home Commission.

(p) All gas distribution lines shall be located underground. Each mobile home lot so served shall have the service line located underground to a connection point below the mobile home. Any line running between such connection point and the mobile home shall be supported so it can not be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual mobile home sites, and shall be subject to the same requirements given herein for gas lines. The use of independent bottled gas service for individual mobile homes is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Mobile Home Commission.

(q) Each mobile home site shall be provided with approved garbage containers per Mobile Home Commission rules. The containers shall be kept in a sanitary condition at all times.

(1) It shall be the responsibility of the mobile home park operator to ensure that garbage containers do not overflow.

(2) Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

(r) No domestic animals or house pets shall be allowed to run at large or commit any nuisance within the limits of the mobile home park.

(s) Park grounds shall be maintained in a neat condition at all times.

(t) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size and number and so located within the park as to be in compliance with the applicable regulations of the Rules 702a and 703 of the Mobile Home Commission.

(1) No open fire shall be permitted at any place which may endanger life or property.

(2) No fire shall be left unattended at any time.

(u) No home occupations shall be conducted in any mobile home, except as permitted and approved as a conditional use.

(v) Skirting on each mobile home shall be required, to be installed within ninety (90) days of being placed on its site and shall conform to Rule 604 of the Mobile Home Commission.

(w) Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.

(x) There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.

(y) No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property but need not be supplied by the owner of the mobile home development.

(z) Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.

(Res. 24-95. Passed 2-13-95.)

### **1278.13 SITE CONSTRUCTED BUILDINGS.**

Site constructed buildings within the mobile home park, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the City at the time of submittal for a building permit, per the requirements of applicable building codes and required Mobile Home Commission setbacks.

(Res. 24-95. Passed 2-13-95.)

## **CHAPTER 1280**

### **C-1 Commercial Central Business District**

---

- 1280.01 Purpose and intent.
- 1280.02 Application of regulations.
- 1280.03 Permitted uses.
- 1280.04 Conditional uses.
- 1280.05 Site and building placement.
- 1280.06 Building elements.
- 1280.07 Accessory provisions.
- 1280.08 Performance standards.
- 1280.09 Plan and design review.

#### ***CROSS REFERENCES***

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Portable signs in Commercial Districts - see P. & Z. 1292.17

#### **1280.01 PURPOSE AND INTENT.**

The Commercial Central Business District is designed to preserve and strengthen the City's traditional downtown area. This area is intended to provide opportunities for residents of the City and the surrounding areas to park and reasonably walk to and from different destinations. The intent is to permit and encourage a mix of uses, allowing for more activity within an area than traditional working hours, providing a more stable and dynamic environment for the City.

(Res. 2007-02. Passed 7-11-07.)

#### **1280.02 APPLICATION OF REGULATIONS.**

The following regulations shall apply in the C-1 Commercial Central Business District.

(Res. 2007-02. Passed 7-11-07.)

#### **1280.03 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land shall be used, except for one (1) or more of the following purposes, with 8,000 square feet gross floor area or less:

Retail space

Offices

Commercial recreation (indoor)

Financial institutions  
 Personal services  
 Restaurants, taverns and pubs, excluding drive thru facilities  
 Galleries, museums and studios  
 Residential uses, on the upper floors of two (2) or more storied buildings  
 School of special instruction

(Res. 2007-02. Passed 7-11-07.)

#### **1280.04 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

Any use permitted by right but greater than 8,000 square feet gross floor area

Religious institutions  
 Clubs or gathering places  
 Convenience store  
 Day care centers  
 Medical facilities  
 Public buildings  
 Hotels  
 Multiple family housing or stand alone apartment buildings  
 Schools (private, public, business or trade school)  
 Funeral homes and mortuaries

(Res. 2007-02. Passed 7-11-07.)

#### **1280.05 SITE AND BUILDING PLACEMENT.**

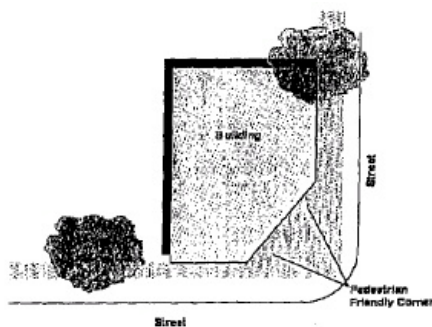
(a) Building Placement.

(1) Build to lines.

A. For all new buildings or additions to the front or street side of existing buildings located on Main Street, from Mill Street to Third Street, to the front or street side of existing buildings fifty percent (50%) of the front or street side facade area of the first floor, or first and second floors in buildings with more than one (1) floor shall extend to within five (5) feet of the street right-of-way line so that the building visually reinforces the building facade line of the street. The building may be set back from the front or street side property line when specifically approved by the Planning Commission so as to accommodate shop entrances, arcades, plazas, sidewalk cafes, other approved design amenities or landscaping.

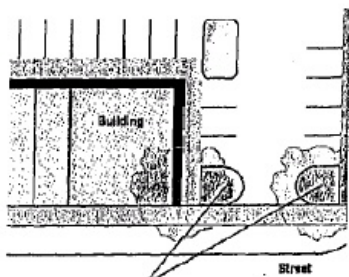
B. For all new buildings or additions to the front or street side of existing buildings located on Main Street, from Third Street to Flint Street shall be located at an eight (8) foot front yard setback or in accordance with the established building line.

C. Corner lots should place the building at both street fronts.



D. Buildings located on parcels which have double frontage or through-lots shall be located so that the building fronts the primary street.

(2) Off-street private parking shall not be the dominant feature of the site. Off-street parking is not permitted within ten (10) feet of the established building line.

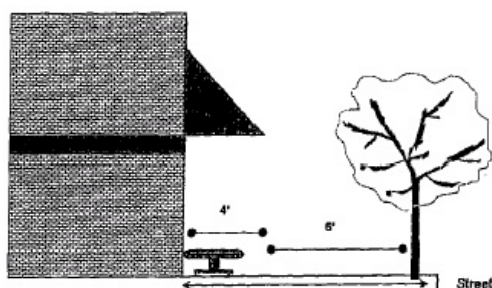


Parking located min. 10' behind established building line. Building and landscaping, not parking, are the dominant site feature.

(b) Lot Requirements.

- (1) There is no maximum lot coverage.
- (2) There is no minimum lot size.
- (3) There is no minimum lot width.
- (4) All properties are required to provide pedestrian access and accommodation as follows:

A. The building front (a through lot shall be considered to have two (2) building fronts) shall provide a minimum of ten (10) feet of pedestrian space, with six (6) feet used for pedestrian movement and the remaining four (4) feet used for street furniture; contingent upon approval by City Council.



Provide 10' clear width, 4' for street furniture and 6' for pedestrians

(5) No rear or sideyard setback is required except when adjacent to a residential district. The side and rear yard of a nonresidential use which abuts a residential district shall be landscaped to provide a visual screen between districts. The extent of the screening shall be based on the distance between the parking area and/or the building to the property line, with the exception that the Planning Commission may require additional screening from parking areas and headlights if trespass by lighting or vehicle headlights is a concern:

- A. Fifty (50) feet or more from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn is required along with one (1) tree or two (2) shrubs for each thirty (30) lineal feet.
- B. Thirty (30) feet but less than fifty (50) feet from building and/or parking area to the nearest residential property line, a buffer of maintained and seeded lawn or ground cover with three (3) foot tall with a slope no greater than three to one (3:1) with two (2) trees or four (4) shrubs installed within said buffer for each thirty (30) lineal feet.
- C. Fifteen (15) feet but less than thirty (30) feet from building and/or parking area to the nearest residential property line, an opaque fence six (6) feet in height with one (1) tree or two (2) shrubs shall be planted every thirty (30) lineal feet.
- D. A minimum of five (5) feet but less than fifteen (15) feet from building and/or parking area to the nearest residential property line, a buffer screen no less than five (5) feet in width and six (6) feet in height shall be established, consisting of tree plantings, hedges, and an opaque fence or wall that is consistent with the materials and colors used on site.

(Res. 2007-02. Passed 7-11-07.)

**1280.06 BUILDING ELEMENTS.**

(a) General.

(1) Building facades are considered the public faces of buildings. All exposed sides of the building must be addressed with materials that are similar in color and texture and that are complimentary to the overall design of the structure.

(2) In instances where a building located on a through lot has or chooses to have two or more distinct facades, each facade shall be complimentary and harmonious to the street or alley on which it is placed.

(3) Building owners are encouraged to place planters and window boxes with flowers or approved climbing vines within 12 inches of the building facade.

(4) All mechanical equipment, including roof top equipment, shall be screened from view.

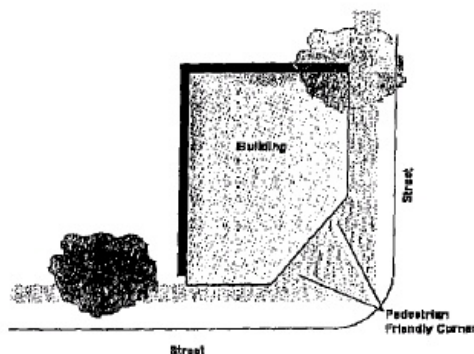
A. Mechanical equipment, including but not limited to HVAC, generators, trash compactors and other such items shall be so screened and shielded as to muffle noise; in accordance with Section 1288.27.

B. All screening both in terms of visual and sound shall be consistent with the architecture of the building.

(b) Articulation.

(1) Each entry shall be the primary focus of the building. A minimum of 60% of each building street face shall be transparent on the first floor. Deviation from this minimum percentage may be permitted provided additional architectural elements, landscaping and other such details are incorporated into the site in lieu of transparency as approved by the Planning Commission.

(2) An emphasis should be placed on corners of the buildings and articulation of these areas as a way to "break down" the building so that it is pedestrian friendly.



(3) Windows should be used in such a way as to provide visual interest to the building as a whole as well as to pedestrians. Banding of windows on second floors is encouraged.



Banding of windows and the addition of architectural elements throughout help "breakdown" the scale of the building.

(c) Roof Edge. Effort should be made to provide a varied street front for buildings. Roof elements, such as cornices and other three-dimensional elements are strongly encouraged.

(d) Materials.

(1) Natural materials and traditional materials, including natural brick, architectural block stone (including cast stone), wood and stucco should be used as the primary building facade materials. Tile, stone, glass block, copper flashing, metal, and wood should be considered for accent materials.

(2) Preferred is a high level of design and architectural detail.

(e) Entry.

(1) Entryways shall be the primary focus of all buildings.

(2) At rear entrances the primary materials should be used in a way that highlights the entrance.

(f) Height.

(1) Buildings are encouraged to have a minimum height of 24 feet in the C-1 Commercial District. Minimum buildings height shall be harmonious in height with adjacent structures.

(2) No building shall be greater than five stories.

(Res. 2007-02. Passed 7-11-07.)

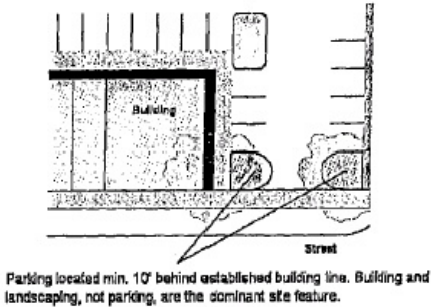
### 1280.07 ACCESSORY PROVISIONS.

(a) Signs. Signs are permitted per Chapter 1292, with exception of the following:

- (1) Canopies are permitted to extend over the storefront. Canopies are further subject to standards in Chapter 1292.
- (2) Signs that reflect the nature and uniqueness of the development are encouraged.

(b) Parking. Parking is required as specified in Chapter 1290, except that:

- (1) No off-street private parking is permitted within ten feet of the established building line.



(2) Parking may be public or private and shall be located within six hundred (600) feet of the proposed use.

(3) Mixed uses in one (1) building shall be the sum of the uses, reduced by twenty percent (20%) regarding parking requirements.

(4) Any change in use from what exists at the time of the adoption of this Zoning Code C-1 Commercial Central Business District shall provide additional parking area as specified in Chapter 1290.

(5) When any change of use occurs within the C-1 Commercial Central Business District which would require an increase in parking area over that required by the previous use, additional parking equal to the difference between the two (2) requirements shall be provided.

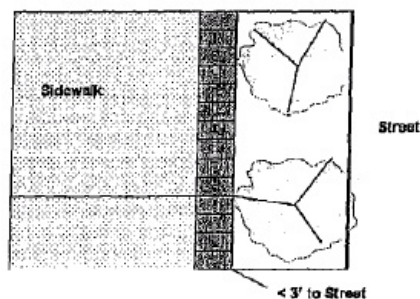
(6) With the concurrence of the Planning Commission and Council, a cash payment equivalent in value to the cost of the land required, plus necessary improvements thereto for parking purposes, may be made to the City's Off-Street Parking Fund. Council may accept real property of equivalent value in lieu of cash.

(Res. 24-95. Passed 2-13-95.)

(c) Pedestrian Connections.

(1) When located on Main Street between Mill Street and Third Street, sidewalks shall be a minimum of ten (10) feet in width at the store front, providing for six (6) feet of pedestrian movement and four (4) feet of area for street furniture; and other business use during business hours subject to approval by City Council unless existing right-of-way or other existing conditions prevent such width. A brick soldier course shall be installed on the street side of the sidewalk.

A. All sidewalks shall require the installation of a brick soldier course on the street side of the sidewalk. The soldier course must be stamped concrete in a pattern and color approved by the City. If the area between the soldier course and street is less than three (3) feet, the color stamped concrete shall be extended to the road in a fashion consistent with the City's adopted Streetscape Plan for the area.

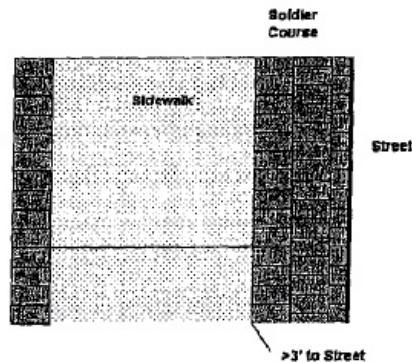


B. If appropriate, as deemed by the Planning Commission, additional sidewalk or pathway connections may be required to connect pedestrians to and from parking areas. This sidewalk shall be five (5) feet in width, and include a brick soldier course on both

sides of the walk.

(2) When located on Main Street between Third Street and Flint Street, sidewalks shall be a minimum of five (5) feet in width at the storefront.

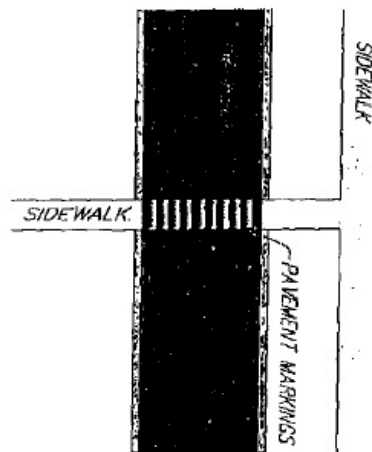
A. All sidewalks shall require the installation of a brick soldier course on both sides of the sidewalk. The soldier course may be stamped concrete in a pattern and color approved by the City. If the area between the soldier course and street is less than three (3) feet, the soldier course shall be extended to the road in a fashion consistent with the City's adopted Streetscape Plan for the area.



B. If appropriate, additional sidewalk or pathway connections may be required to connect pedestrians to and from parking areas. This sidewalk shall be five (5) feet in width, and include a brick soldier course on both sides of the walk.

(3) At any point where a pedestrian pathway or sidewalk crosses an entry/exit driveway, a stamped concrete or stamped bituminous crosswalk is required. The crosswalk shall also include reflective white lines outlining the stamped area. The crosswalk shall be a pattern and color approved by the City.

(4) At any point where a pedestrian connection crosses a driveway, the pedestrian crosswalk shall be marked by white crosswalk striping.



(d) Landscaping. All landscaping with the exception of City owned street trees shall be well maintained and kept alive. If necessary, the City will maintain or contract out the necessary landscaping and bill back the costs of the maintenance to the property owner including an administrative fee. Landscaping shall be as required per Section 1288.22.

(1) Street trees shall be planted every 30 feet on center for each street or entrance drive longer than 30 feet. All street trees are subject to the site vision clearance of Section 1288.22(c)(7).

(2) Street trees shall be a combination of deciduous canopy trees and ornamental flowering trees and shall alternate in their placement. Refer to Section 1288.23 for permitted and prohibited species.

(3) Tree grates are required for trees planted along M-15 or Main Street.

(4) In developments where there is plantable area between the sidewalk and road, low growing perennial landscaping is required. Plants, shrubs and grasses shall be chosen so that it is no higher than 30 inches but dense enough so that it provides for consistent visual interest. A City-approved corridor landscaping plan shall supersede this requirement.

(5) Development incentives: A development installing street trees that provides underground electricity to the street trees for the purposes of providing seasonal lights may reduce required parking lot landscaping by 20%.



(Res. 2007-02. Passed 7-11-07; Ord. 2010-13. Passed 10-21-10; Ord. 1280.07. Passed 12-8-14.)

#### **1280.08 PERFORMANCE STANDARDS.**

In order to permit a wide range of uses and provide for creativity and flexibility for developers and the City, while still preserving the character and identity of Davison, the following performance standards shall apply to all uses within the C-1 Commercial District:

- (a) All outdoor lighting shall be limited to 15 feet in height when located 300 feet from a residentially zoned district and further subject to the provisions of Section 1288.26.
- (b) Dumpster unloading, parking lot cleaning, and similar building or site maintenance shall not take place before 7:00 a.m. nor after 10:00 p.m., excepting that snow plowing is permitted during all hours.
- (c) No use is permitted which creates a noise level greater than which is allowed in Section 1288.27 when measured from the nearest residential property line. The Planning Commission may require details of operation and a map showing the areas affected by potential noise.
- (d) No use is permitted which emits smoke, soot or noxious fumes or odors excepting smoke or odors which are typically associated with restaurants and food service establishments.
- (e) Emergency road and utility repairs, road cleaning, snow plowing and other such similar work conducted by the City and/or its agents operated within the road or road right-of-way shall be exempt from these standards. Additionally, sirens used by public safety agencies are exempt as well.
- (f) Any use that evolves into a nuisance, resulting in police, fire or other such calls that exceeds by 50% similar uses in the City, the property owner/operator shall be issued a notice of violation and a public hearing will be scheduled. The purpose of the public hearing is to establish a timeframe and plan for improvement. If improvement is not made, a civil infraction shall be issued.

(Res. 2007-02. Passed 7-11-07.)

#### **1280.09 PLAN AND DESIGN REVIEW.**

All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Chapter 1262 and the design review provisions of Chapter 1263.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

## **CHAPTER 1281**

### **C-2 Traditional Neighborhood District**

---

- 1281.01 Purpose and intent.
- 1281.02 Permitted uses.
- 1281.03 Conditional uses.
- 1281.04 Site and building placement.
- 1281.05 Design guidelines for nonresidential buildings.
- 1281.06 Accessory provisions.
- 1281.07 Performance standards.
- 1281.08 Plan and design review.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Portable signs in Commercial Districts - see P. & Z. 1292.17

#### **1281.01 PURPOSE AND INTENT.**

The Traditional Neighborhood District is designed to preserve and protect the strong residential neighborhoods in Davison. This business district is intended to provide a visual and physical buffer between dense commercial activities and neighborhoods while

providing low intensity, complimentary and needed services, office space and other such development.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

#### **1281.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land shall be used, except for one (1) or more of the following purposes:

- (a) Offices.
- (b) Medical clinics and medical laboratories.
- (c) Veterinary clinics without outdoor runs.
- (d) Business services.
- (e) Personal services.
- (f) Professional services.
- (g) Galleries, museums and art studios.
- (h) Accessory structures and uses customarily incidental to the above permitted uses.
- (i) Residential development located above the ground floor, or as an accessory use, with a minimum floor area as determined in Section 1274.12.
- (j) Single-family dwellings, with a minimum floor area as determined in Section 1274.12.
- (k) Residential uses when located above the first floor of a permitted use, with a minimum floor area as determined in Section 1274.12.

(Res. 2007-02. Passed 7-11-07.)

#### **1281.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one (1) or more of the following purposes, subject to the approval of the Planning Commission and subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

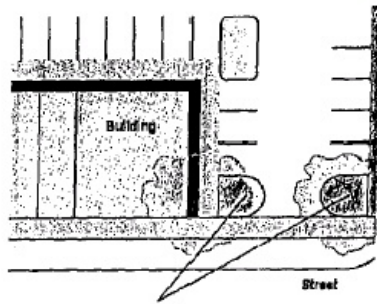
- (a) Day care centers.
- (b) Pharmacies, without drive thru faculties.
- (c) Public buildings, excluding transformer stations, storage yards, and other such uses which are land intense and/or require outdoor storage.
- (d) Financial institutions, without drive thru facilities.
- (e) Bed and breakfasts.
- (f) Funeral homes and mortuaries.
- (g) Places of worship and customary accessory uses.
- (h) K-12 schools - public and private.

(Res. 2007-02. Passed 7-11-07.)

#### **1281.04 SITE AND BUILDING PLACEMENT.**

##### (a) Building Placement.

- (1) Minimum lot width: sixty (60) feet.
- (2) Minimum lot size: none.
- (3) Front yard setback: twenty-five (25) feet or the existing building setback. If it is less than twenty-five (25) feet and the building is to remain.
- (4) Side yard: fifteen (15) feet each side, except that street side yards shall be twenty-five (25) feet. The Planning Commission may require the installation of a solid, six (6) foot tall approved fence that provides for high quality and low maintenance.
- (5) Parking requirements. Off-street parking shall not be the dominant feature of the site. Off-street parking and circulation drives are not permitted within ten (10) feet of the road right-of-way or within the front yard setback.



(b) Lot Requirements.

- (1) Maximum lot coverage: forty percent (40%).
- (2) There is no minimum lot size.
- (3) Lots shall be a minimum of sixty (60) feet in width.
- (4) There is no minimum lot depth except that no lot depth to width ratio shall exceed 4:1.
- (5) All properties are required to provide pedestrian access and accommodation as follows:
  - A. A five (5) foot wide public walk along the street with brick soldier course.
  - B. A five (5) foot wide walk connection from the public walk to the development is required.
- (6) Rear yard setbacks: No building shall be located closer than twenty-five (25) feet to the rear property line. For nonresidential developments, the following provisions also apply:
  - A. A minimum five (5) foot landscaped buffer shall be installed between any pavement and adjacent use.
  - B. The Planning Commission may require the installation of a solid, six (6) foot tall approved fence that provides for high quality and low maintenance.

(c) Development Incentives. Development may increase their required overall lot coverage by ten percent (10%) if a structural element is added for visual interest. This includes arbors, trellises, gateways, and gazebos. The structure, its placement and form, must be approved as part of the original development.

(Res. 2007-02. Passed 7-11-07.)

**1281.05 DESIGN GUIDELINES FOR NONRESIDENTIAL BUILDINGS.**

(a) General.

- (1) Building facades are considered the public faces of buildings. All four (4) sides of the building must be addressed with consistent architecture.
- (2) Complementary design.
  - A. If surrounding and/or adjacent buildings have residential features, the developer shall attempt to design and/or renovate a building that is complimentary. This may include a "porch" or other such entrance feature.
  - B. There may be situations that permit different, creative high quality development, dependent on the proposed use, the surrounding buildings and other such features. All developments and/or redevelopments should rely on neighboring architecture and not necessarily on corporate architecture to distinguish themselves while complimenting existing quality development.
  - C. Roof pitch, bulk and materials types shall be considered during design and/or renovation.
- (3) All mechanical equipment, including roof top equipment, shall be screened from view.
  - A. Mechanical equipment, including but not limited to HVAC, generators, trash compactors and other such items shall be so screened and shielded as to muffle noise.
  - B. All screening both in terms of visual and sound, shall be consistent with the architecture of the building.
- (4) Accessory structures are permitted however, they must be consistent in architecture and size and proportion with the principal building and subject to setback and lot coverage requirements.

(b) Windows and Transparency. Windows shall not be mirrored or frosted, except that specialty windows (stained, etched, or other such similar treatments) are permitted at a maximum of one (1) per facade face.

(c) Natural materials, such as natural brick, stone, and wood are encouraged.

(d) Functional doorways shall be included in the rear of the building so that any necessary loading and unloading can take place off of the public street when possible.

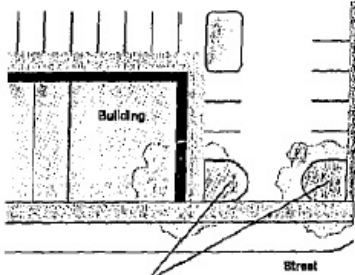
(e) Height. No building shall be greater than two (2) stories or thirty (30) feet, except that structural appurtenances shall be permitted to exceed the height limitations when they are ornamental in purpose, such as steeples, belfries, cupolas, ornamental towers provided that such structural elements do not exceed twenty percent (20%) of the roof area.

(Res. 2007-02. Passed 7-11-07.)

### 1281.06 ACCESSORY PROVISIONS.

(a) Parking. Off-street parking is required as specified in Chapter 1290, except that:

(1) Off-street private parking shall not be the dominant feature of the site. Parking is not permitted in the front yard.



Parking located min. 10' behind established building line. Building and landscaping, not parking, are the dominant site feature.

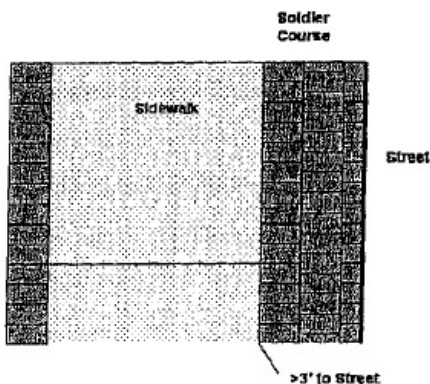
(2) Off-street parking may be public, private or a combination of both and shall be located within three hundred (300) feet of the proposed use.

(3) Parking requirements for mixed uses in one (1) building with varying schedules shall be the sum of the uses, reduced by twenty percent (20%).

(4) When any change of use occurs within the C-2 Traditional Neighborhood District which would require an increase in parking area over that required by the previous use, additional parking equal to the difference between the two (2) requirements shall be provided.

(b) Pedestrian Connections. Sidewalks or a multi-use path, as shown on the City's adopted plan are required with each development.

(1) Sidewalks along the public road shall be a minimum of five (5) feet in width and shall require the installation of a brick soldier course on both sides of walk. If the area between the soldier course and street is less than three (3) feet, the soldier course shall be extended to the road.



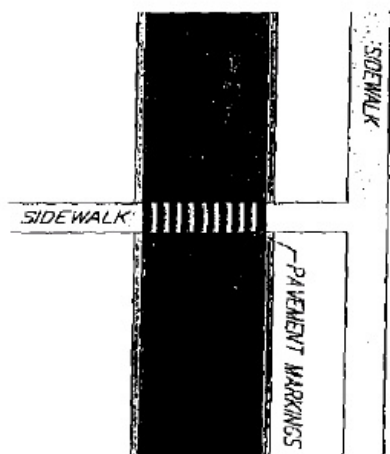
(2) A pathway, if required, shall be a minimum of eight (8) feet in width, subject to the engineering and design standards of the City.

(3) A paved walk connection shall be provided from the path or walk at the street to the front entry of the building. It shall be a minimum of five (5) feet wide.

(4) If appropriate, additional sidewalk or pathway connections may be required to connect pedestrians to and from parking areas. This walk shall be five (5) feet in width.

(5) At any point where a pedestrian pathway or walk crosses an entry/exit driveway, a stamped concrete or stamped bituminous crosswalk is required. The crosswalk shall also include reflective white lines outlining the stamped area. The crosswalk shall be a pattern and color approved by the City.

(6) At any point where a pedestrian connection crosses a driveway, the pedestrian crosswalk shall be marked by white crosswalk striping.



(c) **Landscaping.** All landscaping shall be well maintained and kept alive. If necessary, the City will maintain the landscaping and bill back the costs of the maintenance to the property owner. Landscaping shall be as required:

(1) If applicable, street trees shall be planted every thirty (30) feet on center for each street or entrance drive longer than thirty (30) feet. All street trees are subject to the site vision clearance of Section 1288.22(c)(7).

(2) Street trees shall be similar to those older growth trees in the district in terms of expected height, etc., but not necessarily species and or type.

(d) **Screening.** All shredding bins, generators, air handling units and other such similar items shall be screened through a combination of a wall, fence and landscaping. The wall shall be consistent with the materials used in the building. If a fence is used the fence shall be opaque in nature and solid wood or vinyl, masonry painted to blend with the building. The height of the wall or fence shall be equal to the height of the object being screened, except that it shall not be greater than seven (7) feet. Each shall require the installation of landscaping around the perimeter of the screening. Due to the expected level of noise that certain types of equipment may generate, the screening may require the installation of such mitigating measures as a sound wall, as determined by the Zoning Administrator or the Planning Commission.

(Res. 2007-02. Passed 7-11-07.)

### **1281.07 PERFORMANCE STANDARDS.**

In order to permit a wide range of uses and provide for creativity and flexibility for developers and the City, while still preserving the character and identity of Davison, the following performance standards apply to all uses within the C-2 Traditional Neighborhood Commercial.

(a) No use shall operate before 7:00 a.m. nor after 10:00 p.m., unless specifically approved as such.

(b) Any outdoor lighting adjacent to residential districts shall be no greater than twelve (12) feet in height. All lighting levels shall be at zero foot candles at the neighboring residentially zoned property. The developer is required to submit a photometric plan.

(c) Dumpster unloading, parking lot cleaning, shall not take place before 7:00 a.m. nor after 10:00 p.m. excepting that snow plowing is permitted all hours.

(d) The Planning Commission may require the installation of sound dampening or noise walls when a proposed use has loading and/or unloading that may disturb adjacent residential uses, or requires the need for a generator or other such items that emit noise not typically associated with residential neighborhoods or light commercial development.

(e) No use is permitted which emits smoke, soot or noxious fumes or odors.

(f) Road construction, road cleaning, snow plowing and other such similar work conducted by the City and/or its agents operated within the road or road right-of-way shall be exempt from these standards. Additionally, sirens used by public safety agencies are exempt as well.

(g) No use is permitted which creates a noise level greater than the provisions allowed in Section 1288.27. The Planning Commission may require details of operation and map showing the areas affected by potential noise.

(h) Any use that evolves into a nuisance, resulting in police, fire or other such calls that exceed by fifty percent (50%) similar uses in the City or uses within five hundred (500) feet will be issued a notice and a public hearing will be scheduled. The purpose of the public hearing is to establish a timeframe and plan for improvement. If improvement is not made, the City will pursue the action as a nuisance and a civil infraction.

(Res. 2007-02. Passed 7-11-07.)

## **1281.08 PLAN AND DESIGN REVIEW.**

All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Chapter 1262 and the design review provisions of Chapter 1263.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

## **CHAPTER 1282**

### **C-3 Commercial General Business Districts**

---

- 1282.01 Purpose and intent.
- 1282.02 Application of regulations.
- 1282.03 Permitted uses.
- 1282.04 Conditional uses.
- 1282.05 Site and building placement.
- 1282.06 Building elements.
- 1282.07 Accessory provisions.
- 1282.08 Performance standards.
- 1282.09 Plan and design review.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Portable signs in Commercial Districts - see P. & Z. 1292.17

#### **1282.01 PURPOSE AND INTENT.**

The Commercial General Business District is designed to provide space for those types of retail and commercial uses that cater to the greater community region. Uses in this district are typically greater space users and are highly reliant on access to major thoroughfares. The intent is to permit and encourage uses that meet the greater needs of the region while still recognizing and enhancing the quality of life in the City of Davison.

(Res. 2007-02. Passed 7-11-07.)

#### **1282.02 APPLICATION OF REGULATIONS.**

The following regulations shall apply to all C-3 Commercial General Business Districts.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

#### **1282.03 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land shall be used, except for one or more of the following purposes:

- (a) Vehicle sales, rental and service.
- (b) Retail.
- (c) Personal service.
- (d) Business service.
- (e) Indoor commercial recreation.
- (f) Restaurants, bars and taverns.
- (g) Medical offices.

- (h) Animal clinics and veterinary hospitals.
- (i) Offices.
- (j) Gas service stations and car washes.
- (k) Contractor establishments.
- (l) Greenhouses.
- (m) Motels and hotels.
- (n) Public buildings.
- (o) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulation stations with service yards, but without storage yards.
- (p) Private or commercial schools.
- (q) Trailer sales, service and rentals.
- (r) Clubs.
- (s) Carry-out, drive-in, and drive-through eating and drinking establishments.
- (t) Day nurseries.
- (u) Wireless communication facilities with monopole support structures less than 150 feet in height, including options for collocation and attachment to existing structures, subject to Section 1287.02(i).

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07; Ord. 2010-12. Passed 9-27-10.)

#### **1282.04 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one or more of the following purposes, subject to the approval of the Planning Commission, subject to the conditional use provisions of Sections 1262.02 and 1262.03, and subject to the design review provisions of Chapter 1263:

- (a) Churches.
- (b) Drive-in theaters.
- (c) Hospitals, nursing/rest homes, subject to Section 1268.15.
- (d) Radio and television stations (including transmitters, antennas and masts).
- (e) Manufacturing and production, less than 10,000 square feet.
- (f) Wireless communication facilities with monopole support structures 150 feet in height and higher, subject to Section 1287.03(i).

(Res. 24-95. Passed 2-13-95; Ord. 97-6. Passed 8-25-97; Res. 2007-02. Passed 7-11-07; Ord. 2010-12. Passed 9-27-10.)

#### **1282.05 SITE AND BUILDING PLACEMENT.**

##### (a) Site Placement.

- (1) New buildings shall be so designed so as parking is not the dominant feature of the site.
- (2) Site design should consider existing traffic patterns or ways to improve traffic patterns, including access management principles, when locating buildings.

##### (b) Lot Requirements.

- (1) The maximum lot coverage is 60%.
- (2) Lots shall be a minimum of 18,000 square feet.
- (3) Lots shall be a minimum of 130 feet in width.
- (4) All properties are required to provide pedestrian access and accommodation as follows:
  - A. A public pedestrian system, such as a sidewalk, which may also include a non-motorized pathway, as determined by the Planning Commission, shall be provided along the property where it is adjacent to the road right-of-way.
  - B. A walkway or pathway, as appropriate, shall connect the public pedestrian system to the building.
  - C. Each pedestrian component shall be constructed to the standards and specifications of the City.
- (5) Rear yard setbacks: A minimum ten (10) foot buffer space between the parcel line and any pavement or structure is required. If the property is adjacent to a residentially zoned district, this minimum buffer space shall be increased to thirty (30) feet. Within the buffer, the following is required:

A. Landscaping, opaque and a minimum of five (5) feet in height at time of installation.

B. Opaque fencing or a wall between six (6) and eight (8) feet in height, consistent with the height provisions of Section 1288.24 may be required by the Planning Commission, in a style and color similar to the building with landscaping installed at reasonable intervals.

(6) Side yard setbacks: No side yard setback is required when there is a connection between adjacent parking areas when and where appropriate and otherwise the area shall be a minimum of ten (10) foot green space or buffer protected by a raised curb.

A. If directly adjacent to a residentially zoned district, the side yard setbacks shall be fifty (50) feet, and with landscaping, opaque and a minimum of five (5) feet in height at time of installation.

B. If adjacent to an outdoor gathering area or seating area or public space, the side yard adjacent to such shall be a minimum of thirty (30) feet or as otherwise determined at the time of site plan approval by the Planning Commission, but in no case shall it be less than twenty (20) feet.

(Res. 2007-02. Passed 7-11-07.)

## **1282.06 BUILDING ELEMENTS.**

### (a) General.

(1) Building facades are considered the public faces of buildings. All four (4) sides of the building must be addressed with materials that are similar in color and texture and that are complimentary to the overall design of the structure.

(2) Walls greater than fifty (50) feet in length shall be effectively broken down through a change in surface, a change in materials or additional landscaping so as to reduce the perceived scale and mass of the wall.

(3) In instances where a building is located on a through lot, has, or chooses to have two (2) or more distinct facades, each facade shall be complimentary and harmonious to the street or alley on which it is placed.

(4) All mechanical equipment, including roof top equipment, shall be screened from view.

A. Mechanical equipment, including but not limited to HVAC, generators, trash compactors and other such items shall be so screened and shielded as to muffle noise; in accordance with Section 1288.27.

B. When a proposed loading dock is adjacent or within three hundred (300) feet of a residential district, the loading dock shall be designed to muffle noise, in accordance with Section 1288.27 and to visually screen the adjacent residential properties.

C. All screening both in terms of visual and sound shall be consistent with the architecture of the building.

### (b) Articulation.

(1) Each entry shall be the primary focus of the building.

(2) Windows should be used in such a way as to provide visual interest to the building as a whole as well as to pedestrians.

(3) Large scale developments, such as strip malls and shopping centers are required to provide a facade and design that allows distinctions between individual storefronts.

### (c) Windows and Transparency.

(1) Care should be taken to place windows around the perimeter of the building unless not feasible due to interior layout or use. If the installation of windows is deemed not feasible by both the developer and the Zoning Administrator, additional architectural and/or landscaping detail should be placed along said facade.

(2) Reflective/mirrored or smoked windows are discouraged.

(d) Roof Type. There is no specific type of required roof type or pitch, except that creativity and quality design is encouraged. Large scale developments, such as strip malls and shopping centers are required to provide a facade and overall design that allows distinction between and among individual storefronts.

### (e) Materials.

(1) Natural materials, such as natural brick and stone, are encouraged.

(2) Color schemes that enhance and compliment surrounding buildings are encouraged.

(3) Typical corporate architecture is discouraged. An effort should be made to emphasize the existing character of the area.

### (f) Entry.

(1) Entryways shall be the primary focus of all buildings.

(2) Functional doorways shall be included along storefronts and other developments whenever possible.

(g) Height. No building shall be greater than five (5) stories or sixty (60) feet in height, with fire fighting access and as approved by the fire chief.

(Res. 2007-02. Passed 7-11-07.)



**1282.07 ACCESSORY PROVISIONS.**

(a) Signs. Signs are permitted per Chapter 1292.

(b) Parking. Parking is required as specified in Chapter 1290, except that:

(1) Off-street private parking should not be the dominant feature of the site. An effort should be made to soften parking through landscaping and site design and location.

(2) Any change in use from what exists at the time of the adoption of this C-3 General Commercial District shall provide additional parking area as specified in Chapter 1290.

(3) When any change of use occurs within the C-3 General Commercial District which would require an increase in parking area over that required by the previous use, additional parking equal to the difference between the two (2) requirements shall be provided.

(c) Pedestrian Connections. Sidewalks or a multi-use path, as shown on the City's adopted plan are required with each development.

(1) Sidewalks along the public road, private road, entry drive or service drive shall be a minimum of five (5) feet in width and shall require the installation of a brick soldier course on both sides of the sidewalk. If the area between the soldier course and street is less than three (3) feet, the soldier course shall be extended to the road.

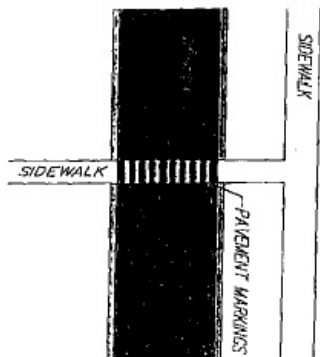
(2) A pathway shall be a minimum of eight (8) feet in width, subject to the engineering and design standards of the City. The path shall be a minimum of ten (10) feet in width where it must meet AASHTO requirements.

(3) A paved walk connection shall be provided from the path or sidewalk at the street to the front entry of the building. It shall be a minimum of five (5) feet wide.

(4) If appropriate, additional sidewalk or pathway connections may be required to connect pedestrians to and from parking areas. This walk shall be five (5) feet in width, and include the brick soldier course as outlined above; or have a width of eight (8) feet to be consistent with the City-approved pathway plan.

(5) At any point where a pedestrian pathway or sidewalk crosses an entry/exit driveway, a stamped concrete or stamped bituminous crosswalk is required. The crosswalk shall also include reflective white lines outlining the stamped area. The crosswalk shall be a pattern and color approved by the City.

(6) At any point where a pedestrian connection crosses a driveway, the pedestrian crosswalk shall be marked by white crosswalk striping.



(d) Landscaping. All landscaping with the exception of City-owned street trees shall be well maintained and kept alive. If necessary, the City will maintain or contract out the necessary landscaping and bill back the costs of the maintenance to the property owner including an administrative fee. Landscaping shall be as required per Section 1288.22.

(1) If applicable, street trees shall be planted every thirty (30) feet on center for each street or entrance drive longer than thirty (30) feet.

(2) Street trees shall be a combination of canopy trees and ornamental flowering trees and shall alternate in their placement.

(3) The area between the sidewalk or pathway and the road shall be planted with lawn or low growing perennial landscaping no higher than thirty (30) inches but dense enough so that it provides for consistent visual interest. Stone, hard surface, mulch and other such similar materials are not permitted in this area. A City approved corridor landscaping plan shall supersede this requirement.

(e) Screening.

(1) All shredding bins, generators, air handling units and other such similar items shall be screened through a combination of a wall, fence and landscaping. The wall shall be consistent with the materials used in the building. If a fence is used the fence shall be opaque in nature and solid wood or vinyl, colored to blend with the building. The height of the wall or fence shall be equal to the height of the object being screened, except that it shall not be greater than seven (7) feet in height. Each shall require the installation of landscaping around the perimeter of the screening. See Section 1288.30 in regards to permitted and prohibited dumpster screening.

(2) All roof top mechanical equipment shall be screened and shielded.

A. Mechanical equipment, including but not limited to HVAC, generators, trash compactors and other such items shall be so screened and shielded as to muffle noise.

B. All screening both in terms of visual and sound, shall be consistent with the architecture of the building.

(Res. 2007-02. Passed 7-11-07; Ord. 2008-01. Passed 3-10-08.)

#### **1282.08 PERFORMANCE STANDARDS.**

In order to permit a wide range of uses and provide for creativity and flexibility for developers and the City, while still preserving the character and identity of Davison, the following performance standards apply to all uses within the C-3 General Commercial:

(a) All outdoor lighting shall be limited to twenty (20) feet in height and further subject to the provisions of Section 1288.26, excepting that when not open for business operation, lighting levels should be reduced, or dimmed by a minimum of twenty-five percent (25%).

(b) Dumpster unloading, parking lot cleaning, and similar building or site maintenance shall not take place before 7:00 a.m. nor after 10:00 p.m., excepting that snow plowing is permitted during all hours.

(c) No use is permitted which creates a noise level greater than which is allowed in Section 1288.27 when measured from the nearest residential property line. The Planning Commission may require details of operation and a map showing the areas affected by potential noise.

(d) No use is permitted which emits smoke, soot or noxious fumes or odors excepting smoke or odors which are typically associated with restaurants and food service establishments.

(e) Emergency road and utility repairs, road cleaning, snow plowing and other such similar work conducted by the City and/or its agents operated within the road or road right-of-way shall be exempt from these standards. Additionally, sirens used by public safety agencies are exempt as well.

(f) Any use that evolves into a nuisance, resulting in police, fire or other such calls that exceeds by fifty percent (50%) similar uses in the City, the property owner/operator shall be issued a notice of violation and a public hearing will be scheduled. The purpose of the public hearing is to establish a timeframe and plan for improvement. If improvement is not made, a civil infraction shall be issued.

(Res. 2007-02. Passed 7-11-07.)

#### **1282.09 PLAN AND DESIGN REVIEW.**

All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Chapter 1262 and the design review provisions of Chapter 1263.

(Res. 24-95. Passed 2-13-95; Res. 2007-02. Passed 7-11-07.)

## **CHAPTER 1283**

### **I Industrial Districts**

---

- 1283.01 Intent and purpose.
- 1283.02 Permitted uses.
- 1283.03 Conditional uses.
- 1283.04 Site plan and design review.
- 1283.05 Parking.
- 1283.06 Loading and unloading.
- 1283.07 Lot area.
- 1283.08 Front yards.
- 1283.09 Side yards.
- 1283.10 Rear yards.
- 1283.11 Height of buildings.
- 1283.12 Maximum lot coverage.
- 1283.13 Performance standards.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Portable signs in Industrial Districts - see P. & Z. 1292.17

### **1283.01 INTENT AND PURPOSE.**

The Industrial District is intended for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects may be felt to some degree by surrounding districts.

(Ord. 2010-05. Passed 3-8-10.)

### **1283.02 PERMITTED USES.**

The following are the principal uses permitted by right within an Industrial District. All uses shall comply with all applicable Federal, State, County, and local regulations.

- (a) Any use listed as a permitted use in the Technology District.
- (b) Production, manufacturing, processing, assembling, packaging or treatment of goods, which must be conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (c) Blacksmith shop or machine shop, an automatic screw machine or a wrought iron shop (excluding punch presses of over 20 tons rated capacity, drop hammers and drop forges) conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (d) Laundry, cleaning, and carpet or rug cleaning, when conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (e) Laboratories, experimental, or testing conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (f) Warehousing and distribution centers, including ice and cold storage facilities, when conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (g) Plumbing shop, when conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (h) Newspaper publishing, conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (i) Print shops, conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (j) Painting/enameling shops, conducted wholly within an enclosed structure (except for on-site delivery vehicles).
- (k) Airport or heliport.
- (l) Public utility service yard or electrical receiving transformer station.
- (m) Retail lumberyard, including incidental millwork.
- (n) Freight or truck terminals.
- (o) Freight yards.
- (p) Trailer sales and rental.
- (q) Industrial park, subject to the following conditions:
  - (1) Permitted uses shall include all uses permitted by right within this district. Conditional uses may be permitted, subject to the conditional use provisions of Chapter 1262.
  - (2) The minimum required land area for an industrial park shall be five contiguous acres.
  - (3) The development of an industrial park shall be in accordance with an overall plan for development of the park, which plan shall be approved by the Planning Commission.
  - (4) The developer shall provide, within the industrial park, a sanitary sewerage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with the City's system. The park's sanitary sewerage system shall be designed, constructed and maintained in conformity with the statutes, ordinances and regulations of the State, the County Health Department, the County Drain Commissioner's Office, and the City.
  - (5) The developer shall provide, within the industrial park, a storm drainage system which shall be of sufficient size and design as will, in the opinion of the City Engineer, collect, carry off and dispose of all predictable surface water run-off within the industrial park and all tributary areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State, the County Drain Commissioner's Office, and the City.

(6) All industrial park sites and structures shall be connected to the water system of the City. The industrial park's water system shall conform to Chapters 1040 et seq. of these Codified Ordinances. The developer shall also provide a fire hydrant within 300 feet of each structure.

(7) All industrial parks shall have direct access to a primary street as determined by the Planning Commission.

(8) Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than 200 feet from the intersection of any public street lines with each other.

(9) No parking access and/or service area shall be located closer than 25 feet from any residential property line.

(10) Parking, loading or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.

(11) There shall be a greenbelt planting strip with a width of not less than 50 feet along all side and rear property lines of any industrial park which adjoins a platted residential subdivision, garden apartment or townhouse development. A landscaped planting area shall also be provided along all street frontage which shall be at least 20 feet in depth. This greenbelt may be within the minimum front, side and rear yard setbacks required. The landscaped planting area may be within the minimum front yard setback. The side and rear yard greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart and at least three rows of deciduous or evergreen shrubs spaced not more than eight feet apart, which shrubs grow to an ultimate height of approximately 12 feet. Varieties and species to be planted shall be approved in advance by the Planning Commission.

(12) Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities shall be arranged in such a manner as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

(13) Maximum building coverage on any lot within the industrial park shall not exceed 25%.

(14) Minimum lot sizes within an industrial park shall be 20,000 square feet.

(r) Wireless communication facilities with monopole support structures less than 150 feet in height, including options for collocation and attachment to existing structures, subject to Section 1287.02(i).

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10; Ord. 2010-12. Passed 9-27-12.)

### **1283.03 CONDITIONAL USES.**

Structures and parts thereof may be erected, altered or used, and land may be used, for one or more of the following purposes, subject to the approval of the Planning Commission, subject to the conditional use provisions of Chapter 1262 and the design review provisions of Chapter 1263:

(a) Outdoor amusement parks, including, but not limited to, games of skill and science, merry-go-rounds, Ferris wheels, and penny arcades.

(b) Restaurants and drive-in restaurants.

(c) Coal yards.

(d) Fire stations.

(e) Vehicle assembly, painting, upholstering, rebuilding, conditioning and repairing; body and fender work; tire capping or retreading; and battery manufacture.

(f) Manufacturing, processing, storage, packaging, and/or treatment of raw materials or previously processed materials.

(g) Automobile wrecking and junk yards, if carried on wholly within a structure and subject to the following conditions:

(1) All junk yards shall be provided with a buffer of at least 50 feet, which buffer shall be provided adjacent to all abutting lands and rights-of-way. Such buffer shall be planted with evergreens and other suitable plants, shall be used for no other purpose and shall be neatly maintained at all times.

(2) All junk yards shall be enclosed on all sides by a tight, unpierced fence or wall with a height of not less than ten feet. Stored objects shall not exceed eight feet in height.

(3) No storage or processing or junk shall be viewable by virtue of terrain from residences within one-quarter of a mile from any property line.

(h) Water towers and municipal water wells.

(i) Wireless communication facilities with monopole support structures 150 feet in height and higher, subject to Section 1287.03(i).

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10; Ord. 2010-12. Passed 9-27-10.)

### **1283.04 SITE PLAN AND DESIGN REVIEW.**

All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Chapter 1262 and the design review provisions of Chapter 1263.

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10.)

#### **1283.05 PARKING.**

Off-street parking areas shall be provided as required in Chapter 1290.

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10.)

#### **1283.06 LOADING AND UNLOADING.**

Loading and unloading areas, as required in Chapter 1290, shall be provided.

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10.)

#### **1283.07 LOT AREA.**

The minimum lot area for any use in the Industrial District shall be 20,000 square feet.

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10.)

#### **1283.08 FRONT YARDS.**

(a) The front yard setback shall equal the mean number of feet of other buildings located in the same block on the same side of the street or at least 75 feet, whichever is less.

(b) Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained an unobstructed landscaped greenbelt planting area between the nearest point of the off-street parking area and the front lot line. The width of the landscaped greenbelt planting area shall be at least 15 feet. The Planning Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics.

(Ord. 97-6. Passed 8-25-97; Ord. 2010-05. Passed 3-8-10.)

#### **1283.09 SIDE YARDS.**

(a) A minimum side yard setback of 25 feet shall be required, provided that side yards adjacent to any Residential District or roads shall not be less than 75 feet. If a side yard abuts a railroad right-of-way, the required width of such side yard may be modified by the Planning Commission.

(b) Off-street parking shall be permitted to occupy a portion of the required side yard, provided that there shall be maintained an unobstructed landscaped greenbelt planting area between the nearest point of the off-street parking area and the side lot line. The width of the landscaped greenbelt planting area shall be at least 15 feet. The Planning Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics. The Planning Commission may require evergreen screening or a screen wall in its place.

(Ord. 97-6. Passed 8-25-97; Ord. 2010-05. Passed 3-8-10.)

#### **1283.10 REAR YARDS.**

(a) A minimum rear yard setback of 25 feet shall be required, provided that rear yards adjacent to any Residential District or roads shall not be less than 75 feet. If a rear yard abuts a railroad right-of-way, the required width of such rear yard may be modified by the Planning Commission.

(b) Off-street parking shall be permitted to occupy a portion of the required rear yard, provided that there shall be maintained an unobstructed landscaped greenbelt planting area between the nearest point of the off-street parking area and the rear lot line. The width of the landscaped greenbelt planting area shall be at 15 feet. The Planning

Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics. The Planning Commission may require evergreen screening or a screen wall in its place.

(Ord. 97-6. Passed 8-25-97; Ord. 2010-05. Passed 3-8-10.)

#### **1283.11 HEIGHT OF BUILDINGS.**

The height of any structure shall be related to the location of the structure so as to equal the distance to any adjacent property line. However, the height limitations shall be related to the fire-fighting capabilities of the City.

(Res. 24-95. Passed 2-13-95; Ord. 2010-05. Passed 3-8-10.)

#### **1283.12 MAXIMUM LOT COVERAGE.**

The maximum percentage of lot building coverage in an I Industrial District shall be determined by the use and provisions of required off-street parking, loading and unloading and required yard areas.

(Ord. 99-1. Passed 3-22-99; Ord. 2010-05. Passed 3-8-10.)

### 1283.13 PERFORMANCE STANDARDS.

The intent and purpose of the following performance standards is to allow for industrial operations with high standards for site development and use performance. These performance standards shall apply to all uses allowed within the Industrial District. Applicants may be required by the Planning Commission to submit studies, reports and additional information relative to how a proposed use will meet the performance standards described in this section. This includes, but is not limited to: noise studies, odor maps, engineering analysis of proposed vibrations, emission maps, schematics and renderings of the proposed buffers and buildings when viewed from the adjoining property.

(a) Control of Smoke, Dust, Fly Ash, and Gases. The emission of smoke, dust, fly ash and gases shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all new source standards of performance promulgated under the Federal Clean Air Act for sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, dioxin, dibenzofurans, particulate matter, opacity and other post-combustion concentrations of surrogate substances, as well as all applicable State and County health laws as pertaining to air pollution and smoke abatement.

(b) Control of Odors. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

(1) Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system fails.

(2) There is hereby established, as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

(c) Control of Glare or Heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of such glare or heat is located.

(d) Control of Vibrations. No vibration which is discernible to the human sense of feeling shall be perceptible at any point beyond the lot line of the lot upon which the source of such vibration is located.

(e) Control of Excessive Noise. Noise emanating from operations within the Industrial District shall conform to the noise standards described in Section 1288.27 of this zoning ordinance.

(f) Control of Radioactivity or Electrical Disturbances. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.

(g) Outdoor Storage and Waste Disposal.

(1) No flammable or explosive liquid, solid or gas shall be stored in bulk above ground. However, tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision. The storage and handling of any flammable materials used on site shall comply with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. If located above ground, storage tanks shall provide secondary containment. If located below ground, storage tanks shall provide corrosion protection and spill/overflow prevention systems. Furthermore, all storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines. No outdoor storage shall be visible from abutting lots that are zoned for residential purpose or zoned "Technology."

(2) All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties and to prevent spillage onto all adjacent properties and into storm sewers.

(3) No material or waste shall be deposited upon a lot in such a form or manner that the same may be transferred off the lot by natural forces or causes.

(4) All material or waste which might cause fumes or dust or which constitutes a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(h) Control of Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Genesee County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards, in which case the following standards shall apply:

(1) No untreated or polluted wastes shall be discharged in the public sewer, storm sewer, or sanitary sewer system which are dangerous to the public health and safety.

(2) Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.

(3) Wastes shall contain no cyanides and no halogens (chlorine, iodine, bromine, and fluorine) and shall contain not more than ten ppm of the following gases: hydrogen sulfite, sulfur dioxide, and nitrous oxide.

(4) Wastes shall not contain any insoluble substance in excess of 10,000 ppm or exceeding a daily average of 500 ppm or fail to pass a No. 8 Standard sieve, or have a dimension greater than one-half inch.

(5) Wastes shall not have chlorine demand greater than 15 ppm.

(6) Wastes shall not contain phenols in excess of 0.005 ppm.

(7) Wastes shall not contain any grease or oil or any oil substance in excess of 100 ppm or exceed a daily average of 25 ppm.

(i) Floor Drains. General purpose floor drains in work and storage areas of operations within the Industrial District are prohibited except in facilities which do not store or use flammable or combustible materials and under one of the following conditions:

(1) Holding Tank. The drain(s) are connected to a holding tank or sump which is pump out and hauled away for proper disposal.

(2) Permit from City. A permit is obtained from the City to permit the drain(s) to be connected to the sanitary sewer system.

(3) Permit from State. A State ground water discharge permit is obtained.

(j) Fire Department Requirements. The owner and/or operator of each facility in the Industrial District shall comply with City Fire Department information requests to ensure compliance with the Michigan Occupational Safety and Health Act (PA 154 of 1974) and the Michigan Fire Prevention Code (PA 207 of 1941).

(Res. 24-95. Passed 2-113-95; Ord. 2010-05. Passed 3-8-10.)

## Chapter 1284

### CO Corridor Overlay Districts

---

1284.01 Purpose.

1284.02 Scope.

1284.03 Nonresidential site access regulations.

1284.04 Miscellaneous requirements.

1284.05 Site plan review.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

#### **1284.01 PURPOSE.**

It is the intent of the CO Corridor Overlay District to establish regulations to protect the public health, safety, and general welfare, as well as the social and economic well being of the community, which regulations are designed to:

(a) Regulate access control along designated corridors within the City of Davison as a means to improve traffic flow, reduce traffic congestion, and diminish accident hazards;

(b) Stabilize and enhance property values through compatible building development, inasmuch as buildings individually and collectively contribute to the employment and economic base of the community; and

(c) Foster civic pride by introducing aesthetic standards and regulations to protect and enhance existing development and to attract residents, tourists and visitors.

(Res. 24-95. Passed 2-13-95.)

#### **1284.02 SCOPE.**

The requirements of this chapter shall apply to all lands that are designated as CO Corridor Overlay Districts and are shown on the City of Davison Zoning Map. The provisions and restrictions of this chapter shall be considered to apply in addition to, and, where applicable, instead of, the provisions of the underlying zoning districts shown on the official Zoning Map, sufficient to fulfill the purposes of this chapter. Uses and regulations otherwise applicable in existing zoning districts shall not be allowed unless also permitted and developed, in accordance with the provisions of this chapter.

(Res. 24-95. Passed 2-13-95.)

#### **1284.03 NONRESIDENTIAL SITE ACCESS REGULATIONS.**

(a) Performance Standards. No person shall construct or utilize any direct access driveway which does not meet the following criteria:

- (1) Any driveway design utilized must allow an entering vehicle turning speed of fifteen (15) mph to help reduce interference with through street traffic.
- (2) Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period as determined by a competent traffic survey.
- (3) There must be sufficient on-site storage (sixty (60) feet minimum) to accommodate at least three (3) lined-up vehicles waiting to park or exit without utilizing any portion of the street right-of-way or in any other way interfering with street traffic.
- (4) Provision for circulation between adjacent parcels should be provided through coordinated or collective parking marginal access drives, or other methods.
- (5) Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- (6) Driveway placement must be such that loading and unloading activities will in no way hinder vehicle ingress and egress.
- (7) Direct access driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

| <b>Roadway Design Speed (mph)</b> | <b>Sight Distance (ft.)</b> |
|-----------------------------------|-----------------------------|
| 25                                | 150                         |
| 30                                | 200                         |
| 35                                | 225                         |
| 40                                | 275                         |
| 45                                | 325                         |

(8) Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right turning exiting vehicle shall be able to utilize only the first through-traffic lane available without encroachment into the adjacent through lane.

(b) Design Criteria.

(1) Driveway profiles.

A. The grade of a two-way, one-way or divided commercial driveway shall not exceed four (4) percent for a minimum distance of twenty-five (25) feet from the edge of the pavement. Beyond this distance the grade shall not exceed ten (10) percent.

B. If the street is curbed and if the sidewalk is ten (10) feet or less from the edge of the pavement, the grade of a driveway shall be the grade required to meet the sidewalk elevation, but if that grade would exceed the maximums specified in paragraph (b)(1)A. hereof, the sidewalk shall be inclined, per the regulations in paragraph (b)(1)F. hereof.

C. If the street is uncurbed, the grade of the driveway between the street edge of pavement and the edge of the shoulder shall conform to the slope of the shoulder to the edge of the driveway approach. From that point the dimensions specified in paragraph (b)(1)D. hereof will apply.

D. For a driveway on an upgrade towards the street, a grade of four (4) percent for a distance of one hundred (100) feet from the edge of the pavement is required. Beyond this distance, the grade shall not exceed ten (10) percent and the difference in grades where there is a change of grade shall not exceed three (3) percent.

E. Vertical curves with a minimum length of fifty (50) feet, as measured along the arc, shall be provided at a change of grade of four (4) percent or more.

F. If the sidewalk elevation has to be adjusted to meet the driveway, the sidewalk shall be inclined at a rate not to exceed one (1) foot vertical for every twenty-four (24) feet horizontal.

(2) Driveway spacing and design.

A. Each parcel shall be limited to one (1) access drive on a fronting road, unless a second drive is shared with an adjacent parcel, or subject to the conditions of paragraph (b)(2)B. hereof.

B. For uses that have driveway approach volumes exceeding five thousand (5,000) vehicles per day, or arterial frontage of three hundred (300) feet or more, additional driveways may be allowed, in accordance with the following: one (1) additional driveway entrance along a continuous site with frontage in excess of three hundred (300) feet, or two (2) additional driveway entrances along a continuous site with frontage in excess of six hundred (600) feet.

C. Two (2)-way driveways shall be at least twenty-four (24) feet wide. One (1)-way driveways shall be at least sixteen (16) feet wide.

D. For uses which generate exit volumes of more than five thousand (5,000) vehicles per day, two (2) exit lanes shall be provided, separated by a median, and shall be clearly marked for left or right turns.



E. Commercial access drives shall be spaced no less than two hundred (200) feet from any street intersection or other access drive, and no less than seventy-five (75) feet from any residential zoning district. Spacing will be measured from the midpoint of each driveway. In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain adequate spacing, the land owner(s) may pursue either of the following options:

1. They may seek a variance from the Board of Zoning Appeals in accordance with Chapter 1264.

2. The adjacent land owners may agree to establish a common driveway. In such case the driveway mid-point should be the property line between the two (2) parcels. The driveway must meet standard specifications, and the estimated driveway volume will be the sum of the trip generation rates of both land uses in question.

When two (2) adjacent property owners agree to combine access points, the Municipality will grant an incentive bonus. The total lot size and road frontage normally required will each be reduced by ten (10) percent for both land owners. In addition, the required number of parking spaces will be reduced by ten (10) percent for each development.

(Res. 24-95. Passed 2-13-95.)

#### **1284.04 MISCELLANEOUS REQUIREMENTS.**

(a) Required Landscaping Adjacent to Public Rights-of-Way. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area. Said landscaping shall include a landscaped yard at least thirty (30) feet in width containing an opaque screen of landscaping at least three (3) feet in height. Said screen may be composed of a berm at least three (3) feet in height, a maintenance-free wall at least three (3) feet in height or a screen of landscaping at least two and one-half (2-1/2) feet in height at time of planting. If a screen of living landscaping material is utilized, it shall attain capacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions. One (1) tree shall be planted for each fifty (50) linear feet, or fraction thereof, of frontage on a public right-of-way. Landscaping adjacent to public rights-of-way is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure.

No berm or other landscaping shall interfere with the natural flow of water.

(b) Existing Plant Materials.

(1) In instances where healthy plant material exists on a site prior to its development, the forester may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.

(2) All existing plant materials must first be inspected by the forester to determine the health and desirability of such materials. In the event plant materials are to be saved, prior approval must be obtained from the Building Official before any delimiting, root pruning, or other work is done.

(3) If such existing plant material is labeled "to be saved" on site plans, protective techniques, such as, but not limited to, fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

(4) In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the Building Official, the owner, developer, or contractor shall replace said trees with individual trees of comparable type and size or a group of individual trees which total the same size.

(c) Screening of Trash Storage Areas. Any new or altered use which requires an outdoor trash storage area shall comply with the following requirements:

(1) Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.

(2) In no instance shall any such refuse be visible above the required screening.

(3) Required screening shall consist of a masonry wall and plant material per Sections 1288.22 and 1288.23.

(d) Utilities.

(1) Electrical telephone and cable television lines shall be underground.

(2) Surface mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be screened from view.

(e) Walkways. Where the subject site borders a public right-of-way, a sidewalk five (5) feet in width or greater shall be provided within the public right-of-way one (1) foot from the subject site's property lines, except that the Planning Commission may approve an alternate location to provide for a logical interconnection with adjoining properties.

(f) Lighting.

(1) Lighting is an integral part of the corridor design concept and a major element in creating a unique and safe night-time ambience. All exterior lighting shall be designed as part of the overall architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with the building design, the lighting design and hardware of the public spaces, and the overall visual environment of the district. Obtrusive appearance of their setting should be avoided.

(2) Night lighting of buildings shall be selective and focused; overall ambient lighting of buildings is not desirable. Rather, lighting should highlight entrances, dramatize special architectural features, keynote repeated features, and use the play of light and shadow to articulate the facade. The creative use of lighting to accomplish these ends is strongly encouraged. The lighting of signs themselves will play a significant role in the nighttime visual environment.

(3) For safety, identification, and convenience, entrances of buildings and parking areas shall be well illuminated.

(4) Vestibules created by recessed entries shall be illuminated by downlights.

(5) All show window areas shall be adequately lighted employing concealed or baffled sources which will not create glare or uncomfortable visual conditions for pedestrians.

(Res. 24-95. Passed 2-13-95.)

#### **1284.05 SITE PLAN REVIEW.**

(a) Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building, a site plan shall be submitted and approved, or approved with conditions in accordance with the requirements of this Zoning Code.

(b) Site plan review will be required for all construction except for single-family detached and two-family dwellings and their accessory uses unless otherwise required by this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

## **CHAPTER 1285**

### **Temporary Overlay Design Guidelines**

---

1285.01 Purpose.

1285.02 Scope.

1285.03 Signs.

1285.04 Building heights.

1285.05 Setbacks.

1285.06 Utility areas and mechanical equipment. (Repealed)

1285.07 Buildings.

1285.08 Landscaping.

1285.09 Streetscape and lighting.

1285.10 Sidewalks.

#### **1285.01 PURPOSE.**

The City of Davison overlay design district is recommended in order to meet the following:

(a) Preserve the small-town, unique character of the City of Davison.

(b) Complement the existing pattern of architecture of buildings. Development should rely on found character, not imported character. Structures should be designed and developed or redeveloped to complement architecture, mass and bulk in the area surrounding it.

(c) Enhance the pedestrian orientation of the Davison community and encourage streetscape design that is inviting and on a human scale as well as insuring consistent pedestrian connections throughout the City.

(d) Communicate the community's vision for the City and its downtown area and ensure pending developments comply with these guidelines while specific and detailed guidelines are created.

(2008-01. Passed 3-10-08.)

#### **1285.02 SCOPE.**

(a) This overlay district applies to all of the City of Davison. The standards outlined will apply to all developments (excluding single-family dwellings) including:

(1) All newly constructed buildings.

(2) All exterior building improvements and signage changes which require a building and/or sign permit (only standards applicable to the changed element apply).

- (3) Renovation of a structure that requires site plan review (all standards are applicable).
- (4) All new or reconstructed parking areas with five (5) or more spaces.
- (5) All City or otherwise public improvements shall conform to the same process.

(b) These guidelines are intended to be temporary in nature and will remain in place for up to two (2) years, from the date of adoption. During this time the Planning Commission will work to develop more permanent guidelines and adopt them as changes to the Zoning Code as required by the Michigan Zoning Enabling Act, Act 110 of 2006.

(2008-01. Passed 3-10-08.)

#### **1285.03 SIGNS.**

(a) Signs should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings, while providing for adequate identification of the business.

(b) Symbolic and historic three-dimensional signs such as barber shop poles and appropriately sized projecting signs are encouraged. Signage should have the capability of being lit in the evening, although the source of light must not be visible to motorists or pedestrians.

(2008-01. Passed 3-10-08.)

#### **1285.04 BUILDING HEIGHTS.**

New development and redevelopment should complement the existing pattern of building heights.

(2008-01. Passed 3-10-08.)

#### **1285.05 SETBACKS.**

(a) Buildings in the Downtown/Main Street area should work together to create the "wall of buildings" effect associated with traditional "Main Street" areas.

(b) New construction and infill buildings must maintain the alignment of facades along the sidewalk edge where appropriate and when applicable.

(c) In instances where there are parking areas abutting the street, the sidewalk edge must be delineated in a manner that is consistent with the City of Davison streetscape master plan.

(2008-01. Passed 3-10-08.)

#### **1285.06 UTILITY AREAS AND MECHANICAL EQUIPMENT. (REPEALED)**

(EDITOR'S NOTE: This section was repealed by Ord. 2014-09. Passed 12-8-14.)

#### **1285.07 BUILDINGS.**

(a) To maintain and promote the unique character of Davison, buildings should not be branded using an architectural style of a company.

(b) Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is not allowed, unless approved by the Planning Commission. Franchises or national chains must follow these standards to create a unique building that is compatible with Davison.

(c) When restoring or renovating an historic structure, there should be an attempt to return the facade to its original character. Original materials or details and the shape and size of original window openings should be preserved and missing original elements such as transom windows should be replaced.

(d) When developing or redeveloping in the traditional main street/downtown area, a minimum of thirty percent (30%) of the ground level facade and sides of buildings adjacent to public right-of-ways shall be transparent (windows and doors). A minimum of fifteen percent (15%) of the building's rear facade facing a public right-of-way, parking area or open space shall be transparent. Reflective or glass tinted more than forty percent (40%) is not allowed.

(e) Rehabilitation or redevelopment projects should be constructed to be long-lasting and use materials and detailing that maintains the distinct character and harmony of the area. Traditional materials including brick, stone (including cast stone) and stucco should be used as the primary building materials. Tile, stone, glass block, copper flashing, metal and wood should be considered for accent materials. Preferred is a high level of design and architectural detail. At rear entrances the primary materials should be used in a way that highlights the entrance. Infill construction should reflect some of the detailing of surrounding buildings in window shape, cornice lines and brick work.

(2008-01. Passed 3-10-08.)

#### **1285.08 LANDSCAPING.**

(a) Landscaping treatments should be used to enhance the pedestrian experience, complement architectural features and/or screen utility areas.

(b) The use of flower boxes, planters and hanging flower baskets is encouraged.

(2008-01. Passed 3-10-08.)

#### **1285.09 STREETScape AND LIGHTING.**

If the proposed project falls within an area identified in the City's Streetscape Master Plan, the appropriate period-fixture lighting (as specified by the City of Davison) should be incorporated into the project whenever applicable.

(2008-01. Passed 3-10-08.)

#### **1285.10 SIDEWALKS.**

(a) All sidewalks shall be constructed to a minimum of five (5) feet in width or the width of the abutting adjacent sidewalk, whichever is greater. When located within the area identified in the City's Streetscape Master Plan, the sidewalk shall be so designed and installed so that it is consistent with the streetscape (soldier course at edge).

(b) Any development abutting or adjacent to the route of the proposed Heritage Trail should incorporate a non-motorized connection to the trail, being a minimum of eight (8) feet wide.

(c) All sidewalks shall be designed and constructed to conform with Chapter 1026 of the City of Davison Code of Ordinances and the barrier-free requirements of the Michigan Building Code.

(2008-01. Passed 3-10-08.)

## **CHAPTER 1286**

### **FP Floodplain Protection Overlay District**

---

1286.01 Purpose.

1286.02 Scope.

1286.03 Floodplain area boundaries.

1286.04 Special permitted or prohibited uses.

1286.05 Provision of technical data.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Floodplain areas - see B. & H. Ch. 1466

#### **1286.01 PURPOSE.**

The floodplain provisions provided in this chapter are intended to protect the floodplain area, as defined below, so that the reservoir capacity shall not be reduced, thereby creating a danger to areas previously not so endangered in time of high water, or impeding, retarding, accelerating, or changing the direction of the flow of water or carrying capacity of the river valley or otherwise increasing the possibility of flood.

(Res. 24-95. Passed 2-13-95; Ord. 2010-06. Passed 3-8-10.)

#### **1286.02 SCOPE.**

(a) The requirements of this chapter shall apply to all lands within the City of Davison that are designated regulated flood prone hazard areas by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Rate Maps (FIRMs) with panel numbers of 26049C, 00216D, 0217D, 0218D, and 0219D, dated September 25, 2009, as amended. The provisions and restrictions of this chapter shall be considered to apply in addition to, and, where applicable, in lieu of the provisions of the underlying zoning districts shown on the official Zoning Map, sufficient to fulfill the purpose of this chapter.

(b) This chapter shall take precedence over any competing laws, ordinances, or codes, with the exception of State and Federal laws, such as Part 301 of the Michigan Natural Resources and Environmental Protection Act, being Act 451 of the Public Acts of 1994.

(Res. 24-95. Passed 2-13-95; Ord. 2010-06. Passed 3-8-10.)

**1286.03 FLOODPLAIN AREA BOUNDARIES.**

"Floodplain area," as used herein, is deemed to mean that area defined within the 100-year flood boundary in the FEMA Flood Insurance Rate Map (FIRMs) with panel numbers 26049C, 00216D, 0217D, 0218D, and 0219D, dated September 25, 2009, as amended.

Where there is a question as to the exact boundaries and limits of a floodplain area boundary, the City Building Official shall determine the limits from the topographical data available.

(Res. 24-95. Passed 2-13-95; Ord. 2010-06. Passed 3-8-10.)

**1286.04 SPECIAL PERMITTED OR PROHIBITED USES.**

The following uses shall be permitted in floodplain areas, subject to any limitations described herein and the provisions of Part 301 of the Michigan Natural Resources and Environmental Protection Act, being Act 451 of the Public Acts of 1994 and provided that no alteration of grades will occur:

- (a) Gardening, general farming, horticulture, forestry, or any similar agricultural activity.
- (b) Public and private open recreation areas, such as parks, playgrounds, play fields, golf courses, and bridle paths.
- (c) Railroads, roads, bridges, dams, weirs and public utilities, when designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety, and welfare.
- (d) Surface parking areas as regulated by Chapter 1290.
- (e) Uses permitted by the zoning districts otherwise established for the parcel subject to the regulations of such districts, provided that:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least one foot above the base flood level.

(2) All new construction and substantial improvements of nonresidential structures shall either:

A. Have the lowest floor, including the basement, elevated at least one foot above the base flood level; or

B. Be constructed such that the structure, below base flood level, together with attendant utility and sanitary facilities, is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A licensed professional engineer or architect shall certify that the standards of this paragraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure.

(3) In the area below the upper limit of the floodplain area boundary, dumping, or backfilling with any material in any manner is prohibited, unless, through compensating excavation and shaping of the floodplain area, its flow and impoundment capacity will be maintained or improved, subject to State permitting requirements.

(4) Any filling on banks adjacent to a floodplain area boundary shall have approved erosion control to prevent soil from being washed into the floodplain. City Council shall adopt erosion control standards, which are subject to State Part 91 of the Michigan Natural Resources and Environmental Protection Act, being Act 451 of the Public Acts of 1994. These standards shall be administered by the Genesee County Drain Commissioner Division of Water and Waste Services.

(Res. 24-95. Passed 2-13-95; Ord. 2010-06. Passed 3-8-10.)

**1286.05 APPLICANT TO PROVIDE TECHNICAL DATA.**

Where topographic data, engineering studies or other studies are required by any City agency to determine the effects of flooding on a proposed site, and/or the effect of a structure on the flow of water, the applicant shall submit such data or studies. All such required data or studies shall be prepared by a registered professional engineer.

(Res. 24-95. Passed 2-13-95; Ord. 2010-06. Passed 3-8-10.)

**CHAPTER 1287****T Technology District**

1287.01 Intent and purpose.

1287.02 Permitted uses.

1287.03 Conditional uses.

1287.04 Parking.

1287.05 Loading and unloading.

- 1287.06 Lot area.
- 1287.07 Width of lot.
- 1287.08 Front yard.
- 1287.09 Side yards.
- 1287.10 Rear yard.
- 1287.11 Height of buildings.
- 1287.12 Maximum lot coverage.
- 1287.13 Performance standards.

### **1287.01 INTENT AND PURPOSE.**

The Technology District is designed to provide for research and development uses, limited light manufacturing, corporate and professional offices, and office services. The Technology District is further intended to allow, through the conditional permit process, limited commercial and retail uses.

(Ord. 2008-07. Passed 11-10-08.)

### **1287.02 PERMITTED USES.**

No structure or part thereof shall be erected, altered or used, and no land shall be used, except for one or more of the following purposes, subject to the site plan review procedures of Chapter 1262 and the design review provisions of Chapter 1263:

(a) Life science technology and medical laboratories, including but not limited to biomedical engineering, materials engineering, biotechnology, genomics, proteomics, molecular and chemical ecology.

(b) Research, design, engineering, testing, diagnostics and pilot or experimental product development, including but not limited to medical device and alternative energy technologies.

(c) Medical offices, clinics, including accessory laboratories but excluding blood plasma centers and similar uses.

(d) Design and development of computer hardware and software, data communications, information technology, data processing, and other computer-related services.

(e) Administrative and professional offices.

(f) Limited light manufacturing of prototypes and related research and development, where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building.

(g) Vocational schools and other types of technical training facilities.

(h) Accessory buildings and uses customarily incidental to any principal use permitted.

(i) Wireless communication facilities:

(1) Wireless communication facilities with monopole support structures no more than 150 feet in height are subject to site plan approval as provided in Chapter 1262, and further, must conform to the conditions set forth in Sections 1287.03(i)(1) through (12) below.

(2) New wireless communication facilities as described below shall also be considered a permitted use, and are subject to site plan approval as provided in Chapter 1262, and further, must conform to the conditions set forth in Sections 1287.03(i)(1) through (12) below.

A. Attached wireless communication facilities where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed.

B. The collocation and attachment of a new wireless communication facility upon an existing wireless communication facility that has been previously approved by the Planning Commission.

(Ord. 2008-07. Passed 11-10-08; Ord. 2010-12. Passed 9-27-10.)

### **1287.03 CONDITIONAL USES.**

No structure or part thereof shall be erected, altered or used, and no land shall be used, except for one or more of the following purposes, subject to the conditional uses permit requirements of Chapter 1262, the site plan review procedures of Chapter 1262, and the design review provisions of Chapter 1263:

(a) Business services.

(b) Personal services.

(c) Professional services.

(d) Food stores.

- (e) Retail.
- (f) Restaurants/food service.
- (g) Financial uses.
- (h) Day care.
- (i) Wireless communication facilities with monopole support structures greater than 150 feet in height, subject to the following conditions:

(1) Required Information.

A. Site Plan. A site plan prepared in accordance with Chapter 1262, also showing as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

B. Demonstration of Need. Demonstration of the need for the proposed wireless communication support structure due to a minimum of one of the following:

1. Proximity to an interstate or limited-access highway or major thoroughfare.
2. Proximity to areas of population concentration.
3. Proximity to commercial or industrial business centers.
4. Avoidance of signal interference due to buildings, woodlands, topography, or other obstructions.
5. Other specific reasons.

C. Service Area and Power. As applicable, a description of the planned, proposed, or existing service area of the facility, and wireless communication support structure height and type, and signal power expressed in effective radiated power (ERP) upon which the service area has been planned.

D. Map of Other Facilities Nearby. A map showing existing or proposed wireless communication facilities within the City of Davison, Genesee County, Lapeer County, and the immediate region, as appropriate, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the County, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If the information is on file with the City, the applicant shall update as needed. A written request for confidentiality must be prominently stated by the applicant.

E. Data on Other Facilities Nearby. For each location identified by the applicant/provider, the application shall include the following data, if known, with the applicant/provider expected to exercise reasonable diligence to obtain such information:

1. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
2. Evidence of property owner approvals.
3. Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility. If the location cannot be used, a disclosure of the technological considerations involved shall be provided, with specific reference to how use of the location would prohibit the applicant/provider from providing services.

F. Fall Zone Certification. To determine the required setbacks, a Michigan registered engineer shall submit a determination and certification regarding the manner in which the proposed structure will fall.

The fall zone or collapse distance as cited in the certification shall therefore be the minimum setback required. However, in the absence of an engineer's certification, the minimum setback shall be equal to the total height of the tower. Furthermore, in no case shall the minimum setback from a property line be less than 75 feet.

G. Description of Security for Removal. A performance guarantee may be required for the wireless communication support structure to ensure removal and maintenance, in accordance with this section. The security shall be required at the discretion of the Planning Commission and shall be in the form of a performance bond or dedicated escrow account placed with the City for coverage of stated purposes. The security shall be a promise of the applicant and owner of the property to timely remove the facility as required, with the provision that the applicant and owner shall pay costs and attorney's fees incurred by the City of Davison in securing removal.

H. Data on FCC and FAA Approval. Due to the proximity of any airport to the corporate limits of the City of Davison, an application for a wireless communication installation shall have first been submitted for review and have been approved for such facility before the appropriate Airport Zoning Board.

A copy of the application submitted to the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) detailing technical parameters authorization for the facility shall be submitted to the City as part of the City's required application packet. Approved facilities shall be subject to all FAA and FCC requirements for placement, maintenance, and operation.

I. Access to Right-of-Way. All wireless communication facilities shall have direct or deeded access to a public road right-of-way. Verification of the access shall be provided upon application for approval.

J. Vegetation. All existing vegetation shall be shown on the submitted site plan and shall be preserved during and after installation to the maximum extent possible. Furthermore, additional landscaping shall be required in accordance with the landscaping requirements described in Section 1288.22.

K. Visual Analysis. A visual analysis shall be conducted with simulated photos, graphic renderings, or similar visual aids provided to show the proposed appearance of the site from a distance upon completion of the tower installation.

L. Fencing. The perimeter of all wireless communication sites shall be fenced with appropriate material with a minimum height of six feet and a maximum height of nine feet. All support structures, wires, and accessory buildings shall be located within the fenced area.

M. Parking. All parking areas must conform to the requirements of Chapter 1290, and there shall be no more than three parking spaces permitted at the wireless communication site.

(2) Compatibility of Support Structures. Wireless communication support structures shall not be injurious to the neighborhood or detrimental to the public safety and welfare. Support structures shall be harmonious with the surrounding areas, and aesthetically and architecturally compatible with the natural environment. In addition, all structures shall be equipped with an anti-climbing device to prevent unauthorized access.

(3) Maximum Height. The maximum height of wireless communication support structures shall be: A. 250 feet, B. the minimum height demonstrated to be necessary by the applicant, or C. such lower heights as required and approved by the Federal Aviation Administration (FAA). The applicant shall demonstrate a justification for the height and provide an evaluation of alternative designs, which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within respective zoning districts.

(4) Setbacks from Nonresidential Districts. Wireless communication support structures abutting any lot zoned for other than residential purposes shall have a minimum setback in accordance with the required setbacks for the principal buildings for the zoning district in which the support structure is located.

(5) Compatibility of Accessory Structures. Wireless communication facilities proposed on the roof of a building with an equipment enclosure shall be architecturally compatible with the principal building upon which it is located. The equipment enclosure may be located within the principal building or may be an accessory building, provided the accessory building conforms to all district requirements for accessory buildings and is constructed of the same or compatible building material as the principal building.

(6) Appearance of Support Structures. The color of wireless communication support structures and all accessory buildings shall minimize distraction, reduce visibility as little as possible, maximize aesthetics, and ensure compatibility with its surroundings. The applicant shall be responsible for the maintenance of the wireless communication facility in a neat and orderly condition, as well as maintaining the safety of the site and structural integrity of any structures.

(7) Federal and State Requirements. The requirements of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and the Michigan Aeronautics Commission shall be noted on the site plan. Structures shall be subject to any State and Federal regulations concerning non-ionizing electromagnetic radiation. Furthermore, if more restrictive State or Federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the approval and permit for the structure shall be subject to revocation by the City. The cost for testing and verification of compliance shall be borne by the operator of the antenna.

(8) Lighting. Lighting on a wireless communication facility shall be prohibited unless otherwise required by the Federal Aviation Administration (FAA). The applicant shall propose a height reduction to eliminate the need for lighting, or shall submit detailed technical data demonstrating the need for the requested height, including an analysis demonstrating that other sites are unavailable or inadequate for the applicant's purposes.

(9) Collocation. All wireless communication support structures shall accommodate no more than six attached wireless communication facilities. Support structures shall allow for future rearrangement of attached wireless communication facilities to accept other attached facilities mounted at varying heights.

A. When Collocation is not Feasible. Wireless communication support structures shall not be approved unless the applicant documents that its attached wireless communication facilities cannot be feasibly collocated or accommodated on an existing support structure or other existing structure due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing support structure or other structure, as documented by a licensed engineer, and the existing support structure or other structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference affecting the function of other equipment on the existing supporting structure or other structure as documented by a licensed engineer, and the interference cannot be prevented at a reasonable cost.

3. Support structures and other structures within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function as documented by a qualified and licensed professional engineer.

4. Other unforeseen reasons that make it infeasible to locate the planned communication equipment upon an existing support structure or other structure.

B. Determining Feasibility of Collocation. Collocation shall be deemed to be feasible when all of the following are met:

1. The applicant/ provider will pay market rent or other market compensation for collocation.

2. The site is able to provide structural support, considering reasonable modification or replacement of a facility.

3. The collocation being considered is technically reasonable and will not result in unreasonable interference, given appropriate physical adjustments.



4. The height of the structure necessary for collocation will not be increased beyond maximum height limits.

C. Refusal to Permit Collocation. If a party who owns or otherwise controls a wireless communication support structure shall fail or refuse to alter a structure to accommodate a feasible collocation, such facility shall thereafter be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

D. Refusal of Collocation Constitutes Violation. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this section of the zoning ordinance.

E. Violation Resulting in Prohibition of New Structures. Consequently, such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new support structure within the City of Davison for a period of five years from the date of the failure or refusal to permit the collocation.

F. Appeal of Prohibition; Variance. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

G. Offer of Collocation Required. An application for a new wireless communication support structure shall include a letter from the applicant to all potential users offering an opportunity for collocation. The list of potential users shall be provided by the City of Davison based on those entities who or which have requested approval of a wireless communication facility, current FCC license holders, and other entities requesting to be on the list. If, during a period of 30 days after the notice letters are sent to potential users, a user requests, in writing, to collocate on the new support structure, the applicant shall accommodate the request(s), unless collocation is not feasible based on the criteria of this section.

(10) Removal. When a wireless communication facility has not been used for six months or six months after new technology is available which permits the operation of a facility without the requirement of a wireless communication support structure, all or parts of the wireless communication facility shall be removed by the users and owners of the facility and owners of the property.

The removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The situation(s) in which removal of a wireless communication facility is required may be applied and limited to a portion of the facility.

A. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communication facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition or removal, restoring the condition which existed prior to the construction of the facility.

B. If the partial or total required removal of the wireless communication facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the City of Davison may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charges to be drawn or collected from the security posted at the time application was made for establishing the facility or, if necessary, through appropriate judicial remedies. Such changes, if not paid within six months, constitute a lien on the property and shall be placed in the next general tax roll and collected as a part of the general City taxes.

(11) Radio Frequency Emission Standards. Wireless communication facilities shall comply with applicable Federal and State standards relative to electromagnetic fields and the environmental effects of radio frequency emissions.

(12) Effect of Approval.

A. Subject to division (i)(12)B. below, final approval for a wireless communication support structure shall be effective for a period of six months.

B. If construction of a wireless communication support structure is commenced within two miles of the land upon which a facility has been approved, but upon which construction has not been commenced during the six-month period of effectiveness, the approval for the support structure that has not been commenced shall be void 30 days following written notice from the City of the commencement of the other support structure. Such voiding shall apply unless the applicant granted approval for the support structure which has not been commenced, demonstrates that it would not be feasible to collocate on the support structure that has been newly commenced.

(Ord. 2008-07. Passed 11-10-08; Ord. 2010-12. Passed 9-27-10.)

#### **1287.04 PARKING.**

Off-street parking areas shall be provided as required in Chapter 1290.

(Ord. 2008-07. Passed 11-10-08.)

#### **1287.05 LOADING AND UNLOADING.**

Loading and unloading areas, as required in Chapter 1290, shall be provided.

(Ord. 2008-07. Passed 11-10-08.)

**1287.06 LOT AREA.**

Minimum lot area shall be 87,120 square feet, or two acres. Pre-platted lots located within the boundary of the Local Development Finance Authority (LDFA) district shall be a minimum of 34,500 square feet.

(Ord. 2008-07. Passed 11-10-08.)

**1287.07 WIDTH OF LOT.**

(a) Each lot shall have a minimum width of 150 feet.

(b) For pre-platted lots located within the boundary of the Local Development Finance Authority (LDFA) district, each lot shall have a minimum width of 100 feet.

(Ord. 2008-07. Passed 11-10-08.)

**1287.08 FRONT YARD.**

(a) Each lot shall have a minimum front yard of 50 feet and said yard, except for necessary drives or walks, shall remain clear and shall not be used for parking, loading or accessory structures.

(b) For pre-platted lots located within the boundary of the Local Development Finance Authority (LDFA) district, off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained an unobstructed landscaped greenbelt planting area between the nearest point of the off-street parking area and the front lot line. The width of the landscaped greenbelt planting area shall be at least fifteen (15) feet. The Planning Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics.

(Ord. 2008-07. Passed 11-10-08.)

**1287.09 SIDE YARDS.**

(a) Each lot shall have a total side yard of at least fifty (50) feet, with a minimum of twenty-five (25) feet on each side. If a side yard abuts a railroad right-of-way, the required width of such side yard may be modified by the Planning Commission. A side yard that abuts a residential district or use shall be a minimum of fifty (50) feet and be designed with a greenbelt buffer and berm that complies with the standards described in Section 1288.22.

(b) For pre-platted lots located within the boundary of the Local Development Finance Authority (LDFA) district, off-street parking shall be permitted to occupy a portion of the required side yard, provided that there shall be maintained an unobstructed landscaped greenbelt planting area between the nearest point of the off-street parking area and the side lot line. The width of the landscaped greenbelt planting area shall be at least fifteen (15) feet. The Planning Commission may modify this requirement and instead allow a reduction in width, based on evidence presented by the property owners and/or their agents, showing that the reasonable ability to comply with the requirement does not exist by reason of limited site area or natural feature characteristics. The Planning Commission may require evergreen screening or a screen wall in its place.

(Ord. 2008-07. Passed 11-10-08.)

**1287.10 REAR YARD.**

Each lot shall have a rear yard of at least fifty (50) feet. If a rear yard abuts a railroad right-of-way, the required depth of the rear yard may be modified by the Planning Commission. Lots abutting residential districts or uses shall have a minimum rear yard of one hundred (100) feet and be designed with a greenbelt buffer and berm that complies with the standards described in Section 1288.22. Pre-platted lots located within the boundary of the Local Development Finance Authority (LDFA) district that abut a residential district or use are permitted to have a minimum rear yard of fifty (50) feet and are exempt from the greenbelt buffer and berm requirements.

(Ord. 2008-07. Passed 11-10-08.)

**1287.11 HEIGHT OF BUILDINGS.**

No building shall exceed three (3) stories or forty (40) feet in height, whichever is less.

(Ord. 2008-07. Passed 11-10-08.)

**1287.12 MAXIMUM LOT COVERAGE.**

A maximum of thirty-five percent (35%) of the lot may be covered by buildings.

(Ord. 2008-07. Passed 11-10-08.)

**1287.13 PERFORMANCE STANDARDS.**

In order to permit a wide range of uses and provide for creativity and flexibility for developers and the City, while still preserving the character and identity of Davison, the following performance standards shall apply to all uses within the T Technology district:

(a) All outdoor lighting shall be limited to fifteen (15) feet in height when located three hundred (300) feet from a residentially zoned district and further subject to the provisions of Section 1288.26.

(b) Dumpster unloading, parking lot cleaning, and similar building or site maintenance shall not take place before 7:00 a.m. or after 10:00 p.m., excepting that snowplowing is permitted during all hours.

(c) Outside storage of any materials, supplies or products shall not be permitted within any required setback area, and further, outside storage areas shall be located, constructed, or landscaped so as to not be visible from any other lot or public street right-of-way.

(d) No use is permitted which creates a noise level greater than which is allowed in Section 1288.27 when measured from the nearest residential property line. The Planning Commission may require details of operation and a map showing the areas affected by potential noise.

(e) No use is permitted which emits smoke, soot, or noxious fumes or odors, excepting smoke or odors which are typically associated with restaurants and food service establishments.

(f) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building, and such heat and glare shall not be discernable at or beyond the property line.

(g) No vibration, other than that caused by highway vehicles and trains, shall be permitted if such vibration will endanger the health, welfare, or safety of the public or constitute a public nuisance.

(Ord. 2008-07. Passed 11-10-08.)

## CHAPTER 1288

### Provisions Relating to All Districts

---

- 1288.01 Building regulations.
- 1288.02 Construction or contracts under existing permits; building completion period.
- 1288.03 One-family dwelling standards.
- 1288.04 On-site sewage disposal systems.
- 1288.05 Water supply.
- 1288.06 Excavations and sanitary landfills.
- 1288.07 Nonconforming uses, structures and lots.
- 1288.08 Nonconventional dwellings.
- 1288.09 Yard and lot area requirements.
- 1288.10 Exceptions to yard and lot area requirements, etc.
- 1288.11 Accessory structures.
- 1288.12 Clear vision zone.
- 1288.13 Lot grades.
- 1288.14 Curb cuts and driveways.
- 1288.15 Temporary living quarters.
- 1288.16 Storage in front yards.
- 1288.17 Home occupations.
- 1288.18 Temporary uses.
- 1288.19 Completion of structures; temporary occupancy permits.
- 1288.20 Adaptive reuse projects.
- 1288.21 Recreational vehicle storage.
- 1288.22 Landscaping requirements.
- 1288.23 Plant materials.
- 1288.24 Walls.
- 1288.25 Fences.
- 1288.26 Exterior lighting.

- 1288.27 Noise standards.
- 1288.28 Preservation of environmental quality.
- 1288.29 Access.
- 1288.30 Screening requirements for solid waste collection facilities.

### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

### **1288.01 BUILDING REGULATIONS.**

(a) No structure shall be erected, altered or moved into the City except in conformity with all of the regulations pertaining to such structure and pertaining to the district in which such structure is located or to be located.

(b) No structure shall be erected, altered or moved into the City without a permit authorizing such erection, alteration or movement having previously been issued.

(c) No permit shall be issued unless a site plan showing compliance with all of the requirements of this Zoning Code has been approved by the Building Official or, in the case of a use requiring approval of the Planning Commission, by such Commission. In the case of an existing structure, there must be a finding by the Building Official that the structure is in conformity with all existing ordinances and regulations, or that the alteration, after moving, will permit compliance with all such ordinances and regulations. However, nothing in this section shall prevent the issuance of a permit for a variance duly granted by the Board of Zoning Appeals.

(d) No structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, side yards or other open spaces than required by this Zoning Code, or in any other manner contrary to the provisions of this Zoning Code.

(e) No part of a yard, or other open space, or off-street parking or loading space, required for, or in connection with, any land use or structure, for the purpose of complying with this Zoning Code, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under this Zoning Code.

(f) No yard or lot existing at the time of the passage of this Zoning Code shall be reduced in dimensions or area below the minimum requirements set forth in this Zoning Code. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements established by this Zoning Code.

(g) No structure shall be constructed within a flood plain of any natural watercourse, such as to diminish the capacity of the flood plain to store run-off or to impede the free flow of such run-off.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

### **1288.02 CONSTRUCTION OR CONTRACTS UNDER EXISTING PERMITS; BUILDING COMPLETION PERIOD.**

Any structure for which a permit has been issued, and construction of the whole or a part of which has been started, or for which a contract has been entered into pursuant to a permit issued prior to the effective date of this Zoning Code may be completed and used in accordance with the plans and applications on which such permit was granted, provided that the construction permitted by such permit has been prosecuted and completed within one (1) year from the date of issuance of such permit and per the requirements of Section 1288.19.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

### **1288.03 ONE-FAMILY DWELLING STANDARDS.**

(a) Every one-family dwelling unit hereafter erected shall:

(1) With the exception of mobile homes in mobile home parks, have a minimum square footage based on the requirements of the zoning district where the dwelling is located.

(2) Have a minimum width across any section of twenty-four (24) feet and shall comply in all respects with the State Construction Code. Where a dwelling is required, by law, to comply with any Federal or State standards or regulations for construction, and where such standards or regulations allow standards of construction which are less stringent than those imposed by the State Construction Code; then, and in that event, the less stringent Federal or State standard or regulation shall apply.

(3) Be firmly attached to a permanent foundation constructed on the site in accordance with the State Construction Code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other State and Federal regulations.

(4) Not have exposed wheels, towing mechanism, undercarriage or chassis.

(5) Be connected to a public sewer and water supply or to such private facilities approved by the County Health Department.

(6) Contain a storage area, whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure, being of standard construction similar to, or of better quality than, the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Zoning Code for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.

(7) Be aesthetically compatible in design and appearance with other residences in the vicinity, and with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than one (1) exterior door being in the front of the dwelling and containing permanently attached steps connected to said exterior door area where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the City Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved applicant to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the following standards:

A. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.

B. Buildings shall have a good scale and be in harmonious conformance with permanent neighboring development.

C. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

D. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

E. Materials shall be of durable quality.

F. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

G. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

H. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.

I. The roof overhang and pitch shall be comparable to the overhang and pitch of homes typically found in the surrounding area, provided the pitch of the roof shall not be less than one (1) foot of rise for each three (3) feet of horizontal run.

J. Any determination of compatibility shall be based upon the standards set forth in this section, as compared against the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within one thousand (1,000) feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or, where said area is not developed, by the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the City. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.

(8) Comply with all pertinent building and fire codes. In the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," as amended, shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(b) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law, or otherwise specifically required in this Zoning Code pertaining to such parks.

(c) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable State Construction Code provisions and requirements.

(Res. 24-95. Passed 2-13-95.)

#### **1288.04 ON-SITE SEWAGE DISPOSAL SYSTEMS.**

Before any permit is issued under the provisions of this Zoning Code, the applicant shall obtain an endorsement in writing from the County Health Department or the Building Official approving his or her plans for any on-site sewage disposal system, which system shall be in accordance with State law, County regulations or these Codified Ordinances, whichever is the most restrictive, and in accordance with the applicable regulations of the Genesee County Sewage Disposal District No. 1.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

#### **1288.05 WATER SUPPLY.**

(a) Every building or structure hereafter erected or moved upon any premises and used in whole or in part for dwelling, recreational, business, commercial, or industrial purposes shall be provided with a safe, adequate and sanitary water supply. All

plumbing work relating to the water supply system shall conform to the material and installation standards set forth in the State Plumbing Code.

(b) Where a public water system is not available, each fixture for which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the State, the County Health Department, the State Department of Health, or these Codified Ordinances, whichever is greater.

(Res. 24-95. Passed 2-13-95.)

#### **1288.06 EXCAVATIONS AND SANITARY LANDFILLS.**

(a) The excavation and removal of soil shall be permitted only under renewable annual permit, subject to the approval of the Planning Commission based on a finding that the proposed excavation operation and the conditions in which the excavation site will be left will not be detrimental to the surrounding land uses or to the public health, safety, morals and general welfare. However, the provisions of this subsection shall not apply to excavations for the construction of a structure for which a building permit has been issued.

(b) The sanitary landfill or the filling and grading of any lot shall be permitted only under a permit for a prescribed period of time, to be determined by the Commission, and upon a finding by the Commission that the proposed sanitary landfill filling or grading will not encroach upon an existing flood plain, will not adversely affect surface water drainage and will not be detrimental to surrounding land uses or to the public health, safety, morals, and general welfare.

(c) The Commission may require all documents necessary to make the foregoing finding and impose such conditions as it deems necessary to safeguard the public health, safety, morals, and general welfare.

(d) The findings of the Commission shall be made upon the review procedure outlined in Chapter 1262.

(e) The Commission shall establish the amount of a bond and require a posting of such bond, in favor of the City, holding the City free of all liability incidental to such excavation or sanitary landfill and to assure performance in accordance with the conditions required by the Commission.

(Res. 24-95. Passed 2-13-95.)

#### **1288.07 NONCONFORMING USES, STRUCTURES AND LOTS.**

(a) Intent.

(1) It is the intent of this Zoning Code to permit existing, legal nonconforming lots, structures, and uses to continue until they are removed, but not to encourage their survival.

(2) It is recognized that there exists, within the districts established by this Zoning Code and subsequent amendments thereto, lots, structures, and uses of land and structures which were lawful before this Zoning Code was passed or amended which would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendments.

(3) Such uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. It is further the intent of this Zoning Code that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(4) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(5) To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

(6) Any nonconforming use which has ceased its usual conduct of business for a period of one (1) year or more shall be considered to have been terminated and may not thereafter commence operations.

(7) The use or occupancy of a nonconforming structure, which was a lawful structure at the time of the effective date of this Zoning Code, may be continued, provided that no enlargement, change or alteration shall be permitted upon such nonconforming structure, except upon a finding by the Building Official that such enlargement, change or alteration will bring such structure into conformity with this Zoning Code, and that the use within such structure is in conformity with the requirements of this Zoning Code; and provided, further, that no enlargement, change or alteration of a nonconforming structure housing a nonconforming use shall be permitted, except upon a finding by the Board of Zoning Appeals that such enlargement, change or alteration will permit greater compliance with the provisions of this Zoning Code and that adequate provisions, as required by the Board of Zoning Appeals, are installed or instituted to minimize the detrimental effects of the nonconforming use upon adjoining conforming uses.

(b) Nonconforming Lots. In any single-family district, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which is under separate and distinct ownership from adjacent lots at the effective date of adoption or amendment of this Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that

yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

(c) Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Zoning Code, lawful use of land exists that is made no longer permissible under the terms of this Zoning Code as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) Enlargement or extension. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.

(2) Relocation. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.

(3) Cessation of use. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

(4) Nonconforming structures generally. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity. However, existing residences on lots of a width less than required herein may add a rear porch, provided that other requirements relative to the yard space and land coverage are met with the approval of the Board of Zoning Appeals.

B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

(5) Nonconforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code, that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Board of Zoning Appeals, either by general rule or by making findings in a specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accordance with the purpose and intent of this Zoning Code. Where a nonconforming use of a structure, land, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or a structure and premises in combination, is discontinued or ceases to exist for twelve (12) consecutive months or eighteen (18) months during any three (3)-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses (one season out of each year) shall be excepted from this provision.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(6) Repairs and maintenance.

A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding sixty-five (65) percent of the assessed value of the building as determined by the most recent City record of assessment, provided that the cubic content of the building as it existed at the time of passage or amendment of this Zoning Code shall not be increased.

B. Nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring or repair of normal wear and tear to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(7) Conditional use interpretation. Any conditional use as provided for in this Zoning Code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(8) Change of tenancy or ownership. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided that there is no change in the nature or character of such nonconforming uses.

(9) Acquisition. The City Council may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The City Council may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

(Res. 24-95. Passed 2-13-95.)

#### **1288.08 NONCONVENTIONAL DWELLINGS.**

(a) No cellar, garage or any incompletely constructed structure in use as a dwelling on the effective date of this Zoning Code shall be used as a dwelling for more than three (3) years following such date, unless such structure has been brought to a state of external completion in conformity with the provisions of this Zoning Code relative to dwellings in the district in which such structure is located.

(b) No such structure constructed after the effective date of this Zoning Code shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit has been issued for such structure.

(Res. 24-95. Passed 2-13-95.)

#### **1288.09 YARD AND LOT AREA REQUIREMENTS.**

(a) Lot Measurements. No area shall be counted as accessory to more than one (1) principal structure or use, and no area necessary for compliance with the open space requirements for one (1) principal structure or use shall be included or counted in the calculation of the open space accessory to any other principal structure or use. In the determination of a land area where a structure is to be erected, altered or used, no road right-of-way shall be included in the computation of the required minimum land area.

(1) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rear-most points of the side lot lines in the rear.

(2) Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot, between side lot lines, at the required setback line. Side lot lines shall be as nearly perpendicular or radial to the street lines as practical.

(3) The front of a lot shall be the portion nearest the street and, for the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Zoning Code.

(b) Yards. All front, side, and rear yard setbacks shall be the minimum distance, measured on a line perpendicular to the respective front, side, or rear lot line, to the nearest point of the principal structure, excluding all projections which project less than three (3) feet from the structure wall and which do not exceed four (4) feet in length.

(1) No fence or wall shall be permitted within any required front yard which materially impedes vision across such yard above the height of two (2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between heights of three (3) feet and eight (8) feet, all of which shall be measured from the existing grade at the base of such vegetation, provided, however, that this provision shall not affect any yard area where the natural ground elevation is more than four (4) feet above the centerline elevation.

(2) In the case of corner lots which do not have reversed frontage, the front yard requirements shall apply to all sides of the lot which abut a street.

(3) In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.

(4) In the case of through lots, side yards shall extend from the set-back lines of required front yards. In the case of corner lots, front yard requirements shall apply to each side of the lot which abuts a street. The rear yard shall be considered as that area adjacent to the side of the principal structure which is opposite to that side of the principal structure in which the main entrance is located.

(5) Width of a required side yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.

(6) Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.

(Res. 24-95. Passed 2-13-95.)

#### **1288.10 EXCEPTIONS TO YARD AND LOT AREA REQUIREMENTS, ETC.**

(a) Yard and Lot Area Requirements. Lot area and yard requirements of this Zoning Code may be changed upon the approval of a variance by the Board of Zoning Appeals, in accordance with the provisions of Chapter 1264, subject to the following provisions:



(1) **Lot width.** A single-family dwelling may be constructed on any officially platted and recorded lot which is less than the minimum width required by this Zoning Code if the structure and setbacks comply with all other requirements of this Zoning Code.

(2) **Lot area.** A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Zoning Code if the structure and setbacks comply with all other requirements of this Zoning Code.

(3) **Front yards.** In all Residential Districts, the front yard requirement shall not be less than the average depth of existing developed front yards on lots within two hundred (200) feet of such lot and within the same block face.

(4) **Side yards.** The required combined width of side yards on lots existing prior to the effective date of this Zoning Code, and with a width of less than that specified in the Residential District provisions affecting the district in which such lot is located, may be reduced six (6) inches for each foot or major fraction thereof by which the width of such lot is less than the required district provisions, provided that the minimum side yard shall not be less than five (5) feet and the combined width of both side yards shall not be less than fifteen (15) feet.

(5) **Rear yards.** Any platted and recorded lot with less than one hundred ten (110) feet of depth and located in a Residential District may have three (3) inches deducted from the required rear yard depth for every foot the lot is less than one hundred ten (110) feet deep, provided that no rear yard shall be less than twenty (20) feet.

(b) **Essential Services.** Essential services serving the City of Davison shall be permitted as authorized and regulated by law and applicable ordinances of the Municipality. Overhead or underground lines and necessary poles and towers proposed to be erected to service primarily those areas beyond the Municipality shall require the review and approval, after a public hearing, of the City Council acting in the capacity of appeal board. Such review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and, further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City of Davison.

(c) **Voting Places.** The provisions of this Zoning Code shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Municipal or other public election.

(d) **Height Limits.** The height limitations of this Zoning Code shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or television receiving antennae for personal use; provided, however, that the City Council may specify a height limit for any such structure when such structure requires authorization as a conditional use.

(e) **Yard Regulations.** When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the Board of Zoning Appeals.

(f) **Porches.** An open, unenclosed, porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet or one-half (1/2) the distance to the right-of-way line, whichever is less.

(g) **Projections Into Yards.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

(h) **Access Through Yards.** For the purpose of this Zoning Code, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall, for the purpose of this Zoning Code, not be considered to be a structure, and shall be permitted in any required yard.

(Res. 24-95. Passed 2-13-95.)

## **1288.11 ACCESSORY STRUCTURES.**

### (a) **Nonresidential Districts.**

(1) No part of a detached accessory structure shall be less than sixty (60) feet from any front lot line when the adjoining lot is located in a Residential District.

(2) Accessory structures may be erected as a part of or connected to the principal structure but in either case shall be considered a part of the principal structure provided that all yard requirements for a principal structure are complied with.

(3) Accessory structures are subject to the requirements of Chapter 1262, Sections 1262.04 to 1262.14.

### (b) **Residential Districts.**

(1) In all Residential Districts there shall be allowed not more than two (2) accessory structures per lot of record, one (1) to be used as an attached or detached garage.

(2) Accessory structures shall not be constructed where the total lot building coverage for all buildings exceeds the maximum lot coverage as allowed in each of the zoning districts. Accessory structures also shall not occupy more than twenty-five (25) percent of a required rear yard. The total area of all accessory structures combined shall comply with the following:

A. For lots less than or equal to one (1) acre in size, the total area of all accessory structures combined shall not exceed the ground floor area of the principal structure.

B. For lots greater than one (1) acre in size, the total area of all accessory structures combined shall not exceed 2,000 square feet in area.

(3) Where an accessory structure is structurally attached in any way to the main or principal building it shall be subject to, and must conform with all regulations of this Zoning Code applicable to the principal structure.

(4) Any accessory structure, except those buildings used as a garage and attached to the principal structure shall be built in the rear yard area.

(5) Detached accessory structures shall be located a minimum of six (6) feet from any other structure on the same lot and shall be located a minimum of five (5) feet from any lot line.

(6) When the rear line of a corner lot abuts the side line of an adjoining lot in a Residential District, no accessory structure shall be within eight (8) feet of such abutting lot line or closer to the side street lot line than the front yard setback of the principal structure on the adjoining lot, but in no case shall the setback be less than twenty-five (25) feet.

(7) When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory structure shall be closer to the side street lot line of the corner lot than the side street yard setback of the principal structure on the corner lot, but in no case shall the setback be less than twenty-five (25) feet.

(8) Detached accessory structures shall not exceed eighteen (18) feet in height.

(9) An accessory structure being used as an attached or detached garage or a portion thereof may be rented or leased for not more than one (1) motor vehicle (noncommercial type only) to a person not a resident of the dwelling on the lot.

(Res. 24-95. Passed 2-13-95; Ord. 98-2. Passed 6-22-98; Ord. 2001-3. Passed 10-8-01.)

#### **1288.12 CLEAR VISION ZONE.**

There shall be a clear vision zone at all corners of intersecting roads, road junctions, marginal access drives consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two (2) points extended along such lines a distance of twenty-five (25) feet from the point of intersection, within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above the centerline elevation of abutting streets, except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights, may be located within such area. However, this section shall not prohibit the requirement of a greater clear vision area where the same is necessary in view of permitted traffic, anticipated traffic volumes or geographic conditions. (See Section 1288.22(c)(7) for additional requirements.)

(Res. 24-95. Passed 2-13-95.)

#### **1288.13 LOT GRADES.**

(a) All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.

(b) Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems. Such grades shall be approved in advance by the Building Official and such other authorities having jurisdiction over the system. Drawings and/or maps showing both existing and proposed elevations and grades shall be submitted in duplicate as the basis for approval. One (1) signed, approved copy shall be retained by the City and one (1) returned to the applicant in all such cases.

(Res. 24-95. Passed 2-13-95.)

#### **1288.14 CURB CUTS AND DRIVEWAYS.**

(a) Curb cuts and driveways may be located only upon approval by the City Manager, or his or her designee, and such other County and State authorities as are required by law. However, such approval shall not be given where such curb cuts and driveways will cause an unreasonable increase in traffic hazards or violate the clear vision zone requirements of Section 1288.12.

(b) Curb cuts and driveway aprons shall comply with Chapters 1020 and 1026 of these Codified Ordinances.

(c) All driveways and driveway aprons shall be constructed of concrete or bituminous material.

(d) Residential driveways shall comply with the following requirements:

(1) Driveways shall lead directly from a public street to a garage, carport, or off-street parking space or area.

(2) A driveway that serves a one vehicle garage, carport, or parking area shall not exceed eleven (11) feet in width measured at the property line. If an additional parking pad is provided as allowed by Section 1290.05(d), the driveway may be widened to fourteen (14) feet measured at the property line. The access drive for the parking pad must taper down to the fourteen (14)-foot width at the property line.

(3) A driveway that serves a two vehicle garage, carport, or parking area shall not exceed twenty-two (22) feet in width measured at the property line. If an additional parking pad is provided as allowed by Section 1290.05(d), the driveway may be widened to twenty-six (26) feet measured at the property line. The access drive for the parking pad must taper down to the twenty-six (26)-foot width at the property line.

(4) A driveway that serves a three or more vehicle garage, carport, or parking area or combination thereof shall not exceed twenty-six (26) feet in width measured at the property line. If an additional parking pad is provided as allowed by Section 1290.05(d), the access drive for the parking pad must taper down to the twenty-six (26)-foot width at the property line.

(Ord. 96-1. Passed 2-12-96; Ord. 2003-17. Passed 3-24-03.)

#### **1288.15 TEMPORARY LIVING QUARTERS.**

Nothing in this Zoning Code shall prohibit the use of a mobile home upon a lot while construction is diligently pursued upon a residence meeting all requirements of this Zoning Code. However, all health requirements affecting the provision of water and sanitary sewer services must be complied with and approved by the Board of Zoning Appeals. Further, all such construction must be completed within one (1) year from the date of the issuance of the building permit. Further, nothing in this section or in this Zoning Code shall permit the occupancy of a cellar without a complete residential structure thereon sufficient to permit the issuance of an occupancy permit, except as otherwise specifically provided.

(Res. 24-95. Passed 2-13-95.)

#### **1288.16 STORAGE IN FRONT YARDS.**

Nothing in this Zoning Code shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot within a Residential District, except that the parking of a licensed operable passenger vehicle on a driveway located on private property is permitted.

(Res. 24-95. Passed 2-13-95.)

#### **1288.17 HOME OCCUPATIONS.**

A home occupation may be permitted within a single-family residential dwelling, subject to the following conditions:

- (a) No person, other than members of the family residing on the premises, shall be engaged in such occupation.
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation, and the home occupation shall be carried out completely within such dwelling.
- (c) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
- (d) No home occupation shall be conducted in an accessory structure or any area other than the principal dwelling.
- (e) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
- (f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receiver off the premises, or which causes fluctuations in line voltage off the premises.

(Res. 24-95. Passed 2-13-95.)

#### **1288.18 TEMPORARY USES.**

(a) Temporary sales and promotions, such as the following, for a period of ten (10) days or less, shall be submitted to the City Manager describing the event, area and dates requested for approval by the City Council:

- (1) Festivals.
- (2) Sidewalk sales.
- (3) Tent sales.
- (4) Canvassing of area or areas.
- (5) Soliciting for funds or goods.

(b) All temporary sales or promotions, such as the following, for more than ten (10) days, shall be reviewed and approved by the Zoning Board of Appeals per the requirements of Section 1264.05:

- (1) Produce sales.
- (2) Christmas tree sales.
- (3) Tent sales of more than ten (10) days duration.
- (4) Any activity that requires the use of any lot or parcel of land within the City for a temporary use.

(Res. 2007-02. Passed 7-11-07.)

#### **1288.19 COMPLETION OF STRUCTURES; TEMPORARY OCCUPANCY PERMITS.**

All structures shall be completed on the outside in conformity with the Building Code and with finish materials such as wood, brick, brick veneer, shingles, concrete or similar performance-tested materials, within one (1) year after construction is started, unless an extension for not more than one (1) additional year is granted by the Building Official as provided elsewhere in this Zoning Code. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards of this Zoning Code or any other part of these Codified Ordinances or any other applicable regulation or statute. Furthermore, the applicant shall supply an irrevocable bank letter of credit acceptable to the City covering the estimated cost of completion of construction to the Treasurer of the City to ensure faithful completion of the project. The City shall return the letter of credit or bond upon verification by the Building Official that all work has been satisfactorily completed.

(Res. 24-95. Passed 2-13-95.)

## **1288.20 ADAPTIVE REUSE PROJECTS.**

(a) Intent. Typically, various land use activities are provided for in one (1) or more zoning districts. The criteria for such allocations are based upon similarities in the nature of uses and their relationship to other such uses and adjoining development. Zoning districts are also established to coordinate with and provide for the effectuation of the City's long-range development plan.

The City does, however, possess various existing specialized structures which have become functionally obsolete for their original purpose and whose redevelopment or conversion in conformance with the City of Davison Master Plan would be unnecessarily burdensome. It is therefore the intent of this section to set forth the basic qualifying criteria, project classification, development standards, and submittal requirements necessary to provide for the adaptive reuse of eligible properties within the City to support the local economic and employment base without adversely affecting the public health, safety, and welfare of the City as a whole.

(b) Qualifying Criteria.

(1) The City Council shall approve the adaptive reuse of nonresidential buildings and uses. In qualifying a site for adaptive reuse, the City Council shall find the following conditions to exist:

- A. The subject site is zoned in compliance with the City of Davison Master Plan;
- B. The use can no longer be reasonably continued for its existing purpose by reason of market conditions or operational constraints (i.e., limited site size, floor area deficiencies, parking or loading area, etc.);
- C. Site redevelopment in accordance with local development codes would be unnecessarily burdensome by reason of ordinance compliance (restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot) or cost; and
- D. The subject site has frontage on, or direct access to, an improved major or secondary thoroughfare.

(2) The City Council may not grant adaptive reuse status to any property whose principal structures are found to be destroyed by any means to the extent of more than sixty (60) percent of its replacement cost. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.

(c) Data Required.

(1) Application for an adaptive reuse project as provided under the provisions of this Zoning Code shall be made to the Building Official by filing an application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the City Council, and as may be amended from time to time. No portion of such fee shall be reimbursable to the applicant.

(2) An application shall contain the following:

- A. The applicant's name, address, and telephone number.
- B. The address and tax description number of the subject parcel.
- C. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
- D. A certified survey drawing of the subject parcel.
- E. Supporting statements, evidence, data, information and exhibits which address those qualifying criteria for assessing special condition use permit applications outlined in subsection (b) hereof.

(d) Public Hearing Requirements. Upon receipt of an application for an adaptive reuse project, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than five (5) nor more than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the City and sent by first class mail to the owners of the property for which an adaptive reuse project is being considered, to the owners of record of all real property and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question. The notice shall:

- A. Describe the nature of the adaptive reuse request.
- B. Adequately describe the property in question.
- C. State the date, time, and place of the public hearing.
- D. Indicate when and where written comments concerning the request will be received.

(e) Project Classification.

(1) Upon holding a public hearing and receipt of the recommendations by the City administration, the Planning Commission shall determine whether the qualifying criteria have been met as set forth in subsection (b) hereof.

The Planning Commission shall, within thirty (30) days of making such determination, forward to the City Council its finding and recommendation.

(2) The City Council, upon receipt of the finding, may table action for purposes of further study or gaining additional information, deny the application for adaptive reuse upon finding that the criteria have not been met, or approve the application for adaptive reuse upon finding that the qualifying criteria have been met.

(3) If the applicant for adaptive reuse is approved, the City Council shall designate the applicant's property as either a Class I or Class II site.

A. Class I sites permit the conversion of institutional or business uses in residential zones. Properties may be redeveloped and/or converted to offices, multifamily developments, care facilities and similar uses deemed no more objectionable than the aforementioned uses.

B. Class II sites permit the conversion of industrial uses in residential or commercial zones. Properties may be redeveloped and/or converted to any Class I purpose, business uses, as well as less intensive industrial development in areas zoned for business.

(f) Development Standards.

(1) In areas meeting the above criteria, development standards governing setbacks, building height, minimum lot sizes, and lot coverage may be modified by the Planning Commission upon finding adequate evidence that the proposed use:

A. Will be compatibly designed, constructed and maintained with the existing and intended character of the vicinity;

B. Will not be hazardous or disturbing to existing or future neighboring uses;

C. Will be served adequately by essential public services and facilities or the agencies responsible for the establishment of the proposed use shall be able to adequately provide for such services; and

D. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odor.

(2) The Planning Commission may require such additional safeguards as deemed necessary for the protection of the general welfare and for insuring individual property rights and for insuring that the intent and objectives of this Zoning Code will be observed.

(g) Site Plan Requirements. Site plan approval shall be required in accordance with Chapter 1262 of this Zoning Code and all applicable ordinances. The Planning Commission may, at its discretion, concurrently review the site plan at the time of its review of qualifying criteria.

(h) Design Review Requirements. Design review approval shall be required in accordance with Chapter 1263.

(Res. 24-95. Passed 2-13-95.)

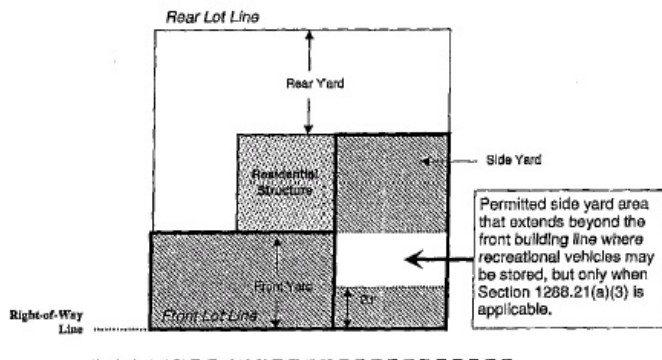
### 1288.21 RECREATIONAL VEHICLE STORAGE.

(a) Storage of recreational vehicles is permitted on property that is zoned or used for residential purposes when said vehicle(s) are located:

(1) In the rear yard.

(2) In the side yard, when parked on an approved surface limited to asphalt, concrete, or pavers, as approved by the Building Official. This surface is not the same as the paved parking pad described in Section 1290.05(d) and is not applicable to the storage of recreational vehicles.

(3) In the front yard, only when adequate ingress and egress is not available because of a permanent difficulty to the side or rear yard setback area, as determined by the Building Official. In these cases, storage may be allowed in the side yard area extending beyond the front building line, however, not within twenty (20) feet of the road right-of-way (see illustration below). A surface, described above in paragraph (a)(2), is required.



(b) In required rear yard areas, up to one (1) of each type of recreational vehicle may be stored or parked, provided there is adequate ingress and egress available or potentially available, on either a public or private right-of-way.

(c) In the side yard areas, the storage of recreational vehicles is limited to two (2), provided there is adequate ingress and egress available or potentially available, on either a public or private right-of-way.

(d) In all cases, a minimum of three (3) feet of side and rear yard shall be maintained between the recreational vehicle and the side and rear lot line(s).

(e) Recreational vehicles shall not have fixed connections to electricity, water, gas or sanitary sewerage, and at no time shall such equipment be used for living, sleeping, or housekeeping purposes.

(f) The storage of recreational vehicles shall be limited to only those vehicles owned by, and licensed or registered to, the occupant of the lot or parcel on which the vehicle is stored.

(g) Recreational vehicles shall not exceed thirty-five (35) feet in length.

(h) All recreational vehicles shall be maintained in good condition, shall be operable, and shall have a current license or registration, issued by a state in prominent display to be considered licensed.

(i) In the case of multiple-family dwelling complexes and mobile home parks, the Planning Commission, after site plan review, may require that a screened area, in addition to required off-street parking spaces, be provided on the site for the parking and storage of recreational vehicles.

(Res. 2007-02. Passed 7-11-07.)

### **1288.22 LANDSCAPING REQUIREMENTS.**

(a) Intent. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

(b) Scope of Application. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels requiring site plan review which are developed or expanded following the effective date of this Zoning Code. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Section 1262.14.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.

(c) Landscaping Design Standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

(1) General landscaping. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening, are required:

A. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.

B. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet or portion thereof of landscaped open-space area.

C. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

D. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of this Zoning Code, and, more specifically, with the intent of subsection (a) hereof, and upon a finding that the existing vegetation to be maintained on the site generally accomplishes the same effect in accordance with this subsection.

E. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

(2) Greenbelt buffer. Where required, greenbelts and greenbelt buffers shall conform to the following standards:

A. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.

B. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.

C. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each fifty (50) linear feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.

D. For the purpose of determining required plant material, required greenbelt area length shall be measured along the periphery of the greenbelt area.

(3) Berms. Where required, earth berms or landscaped berms shall conform to the following standards:

A. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2)-foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

B. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

C. A minimum of one (1) deciduous or evergreen tree shall be planted for each fifty (50) linear feet or portion of required berm.

D. Eight (8) shrubs per tree may be planted as substitutes for trees required in paragraph (c)(3)C. hereof.

E. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

F. For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

G. Berms shall not disrupt the natural flow of water/runoff.

(4) Parking lot landscaping. Off-street parking areas shall be landscaped as follows:

A. In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

B. Parking lot landscaping shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in any single area and shall be protected from parking areas with curbing or other permanent means to prevent vehicular encroachment onto the landscaped areas.

C. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.

D. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

E. A minimum of one (1) deciduous tree shall be planted in each landscaped area.

(5) Evergreen screening. Where required, evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting.

(6) Landscaping of rights-of-way and other adjacent public open space areas. Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

(7) Regulations pertaining to landscaping areas used for sight distance (clear vision zone). When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than twenty-four (24) inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of twenty-four (24) inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface, except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights, may be located within such area. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

A. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

B. The area formed at a corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two (2) sides.

(Res. 24-95. Passed 2-13-95.)

## **1288.23 PLANT MATERIALS.**

Whenever in this Zoning Code planting is required, such plantings shall be planted within one (1) year from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials.

(a) Plant Material Spacing.

(1) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.

- (2) Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
- (3) Evergreen trees shall be planted not more than thirty (30) feet on centers.
- (4) Narrow evergreens shall be planted not more than three (3) feet on centers.
- (5) Deciduous trees shall be planted not more than thirty (30) feet on centers.
- (6) Tree-like shrubs shall be planted not more than ten (10) feet on centers.
- (7) Large deciduous shrubs shall be planted not more than four (4) feet on centers.

(b) Suggested Plant Materials. The following plant materials are suggested for use in the City:

(1) Evergreen trees (minimum height - five (5) ft.):

- A. Juniper
- B. Hemlock
- C. Fir
- D. Pine
- E. Spruce
- F. Douglas Fir

(2) Narrow evergreens (minimum height - five (5) ft.):

- A. Column Honoki Cypress
- B. Blue Columnar Chinese Juniper
- C. Pyramidal Red-Cedar
- D. Swiss Stone Pine
- E. Pyramidal White Pine
- F. Irish Yew
- G. Douglas Arborvitae
- H. Columnar Giant Arborvitae

(3) Tree-like shrubs (minimum height - six (6) ft.):

- A. Flowering Crab
- B. Russian Olive
- C. Mountain Ash
- D. Dogwood
- E. Redbud
- F. Rose of Sharon
- G. Hornbeam
- H. Hawthorn
- I. Magnolia

(4) Large deciduous shrubs (minimum height - six (6) ft.):

- A. Honeysuckle
- B. Viburnum
- C. Mock-Orange
- D. Forsythia
- E. Lilac
- F. Ninebark
- G. Cotoneaster
- H. Hazelnut
- I. Euonymus



J. Privet

K. Buckthorn

L. Sumac

(c) Trees Not Permitted. The following trees shall not be permitted in the City:

- (1) Box Elders
- (2) Soft Maples (Red-Silver)
- (3) Slippery Elms
- (4) Poplars
- (5) Willows
- (6) Horse Chestnut (Nut Bearing)
- (7) Tree of Heaven
- (8) Catalpa
- (9) Ginkgo (Female).

(d) Existing Plant Materials. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.

All existing plant materials must first be inspected by the City Forester to determine the health and desirability of such materials. In the event plant materials are to be saved, prior approval must be obtained from the Building Official before any delimiting, root pruning, or other work is done.

If such existing plant material is labeled "to be saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the drip-line around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

In the event that healthy trees labeled "to be saved" on the approved site plan are destroyed or damaged, as determined by the City Forester, the owner, developer, or contractor shall replace said trees with trees of comparable type.

(Res. 24-95. Passed 2-13-95.)

#### **1288.24 WALLS.**

(a) For the use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a Residential District an obscuring wall. Required walls shall be located adjacent to the lot line except where underground utilities interfere and except in instances where this Zoning Code requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement if, in specific cases where natural or man-made barriers exist, the same would accomplish the same obscuring effect and, due to these circumstances, the Planning Commission would find that no good purpose would be served by compliance with the requirements of this section.

(b) The height of the wall shall be in accordance with the following schedule measured from the surface of the parking area or land on the nonresidential side of the wall:

| <u>Use</u> | <u>Height Requirements</u> |
|------------|----------------------------|
|------------|----------------------------|

- |  |  |
|--|--|
| (1) "C" Districts (on those sides adjacent to single-family residential districts)         | 4'-6" to 6'-0"   |
| (2) "A", "RA" and "B" Districts  | 4'-6" to 6'-0"   |
| (3) "I" Districts, storage areas, loading and unloading areas, and service areas possible) | 5'-0" to 8'-0" (height shall provide the most complete obscuring possible) |
| (4) Off-street parking area (other than the above districts)                               | 4'-6"  |

(5) Hospital-ambulance 6'-0"

and delivery areas

(6) Public utility 6'-0"

buildings, stations,

and/or substations

(c) In the case of variable wall height requirements such as in paragraphs (b)(1), (2) and (3) hereof, the extent of an obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum height.

(d) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Zoning Code and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Building Official to be durable, weather resistant, and easily maintained.

(e) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district may be waived at the discretion of the Planning Commission when such areas are located more than two hundred (200) feet distant from an abutting Residential District.

(Res. 24-95. Passed 2-13-95.)

### **1288.25 FENCES.**

Fences are permitted subject to the following:

(a) Application, Review, Permits and Fees. No person shall cause, build or relocate a fence within the City without first having obtained a permit therefor from the Building Official. Decorative and temporary fences are to be reviewed by the Building Official; however, these types of fences do not require a fence permit.

Applications for fence permits shall be made upon forms provided by the Building Official and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the property owner.

(2) Location of the building, structure or lot to which or upon which the fence is to be attached or erected.

(3) Location of the fence in relation to nearby buildings, structures and lot lines.

(4) Description of the type of fence to be constructed.

(5) Name of person, firm, corporation, or association erecting the fence.

(6) Any other information as requested by the Building Official in order to assure that full compliance with this section has been obtained.

(b) Permit Review and Revocation. It shall be the duty of the Building Official, upon the filing of an application for permit, to examine any plans and specifications and other related data and the premises upon which it is proposed to erect the fence, and if it shall appear that the proposed fence is in compliance with all the requirements of this section and all other laws and ordinances of the City, a fence permit shall then be issued. If the work authorized under a fence permit has not been started within six (6) months and or completed within one (1) year after the date of issuance, the said permit shall become null and void.

A fee for the fence permit required by this section shall be as set forth in the Schedule of Fees, as adopted by the City Council.

(c) Residential Districts - Fences. Fences may be built on all lots of record in all Residential Districts. Fences in the side and rear yards shall not exceed six (6) feet in height, measured from grade. The fence height may be increased an additional six (6) inches for the purpose of providing an open space at the base of the fence for property maintenance.

Fences in the front yard shall not exceed three and one-half (3-1/2) feet in height measured from grade, and shall not be placed within two feet of the property line. The vertical surface in any five (5) foot long section, measured from the finished ground grade to the top of the fence, shall have openings of at least 50% of the total fence surface. No solid or obscuring fence shall be located within the front yard area. All framing members, including post, horizontal or vertical supports, and fencing, must be considered in the calculation. Decorative fences does not include chain link fences. A solid or obscuring fence located within a side yard area fronting along a city street shall maintain a twelve (12) foot setback from the property line.

Where a fence is constructed on a residential lot abutting public, commercial or industrial alleys or properties, public play fields, parking lots, school grounds, or recreational areas, approved fences not exceeding six (6) feet in height may be erected and maintained alongside of rear lot lines abutting such alleys or properties.

Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of the total area, unless said fence is constructed as a buffer from adjoining residential properties.

(d) Nonresidential Districts - Fences. Fences built in Office and Commercial Districts shall not exceed six (6) feet in height, measured from grade. Fences built in industrial districts shall not exceed eight (8) feet in height, measured from grade. The fence

height for all nonresidential districts may be increased an additional six (6) inches for the purpose of providing an open space at the base of the fence for property maintenance.

Fences not used as a buffer from adjoining residential property shall not obstruct vision to an extent greater than twenty-five (25) percent of its total area.

(e) For the protection of the general public, no swimming pool shall be constructed or maintained unless such swimming pool is entirely enclosed by a building and/or fence. The fence shall be designed and constructed so as to make the pool inaccessible to children by climbing or entering through any fence openings. The minimum height of all parts of a fence, including gates, shall be four (4) feet in height and not be more than six (6) feet in height measured from grade, for all pools. Swimming pools shall maintain a distance of not less than five (5) feet from any enclosing fence or other structure.

All gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.

(f) Temporary Construction Fences. Every excavation or area of construction on a site located five (5) feet or less from a property line shall be enclosed with a temporary fence or barrier to prevent the entry of unauthorized persons. Where located more than five (5) feet from a property line, a temporary fence or barrier shall be erected where required by the Building Department. Temporary fences must be removed within seven (7) days upon completion of any construction.

(g) General Requirements for all Fences. No fence shall be installed, erected or maintained except as provided in this section and in strict compliance with the following requirements:

(1) All fences herein shall be constructed solely of structurally sound materials and they shall be treated in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents.

(2) The height of all fences shall be regulated by subsections (c) and (d) of this section.

(3) Any approved type of fence located in a front yard area shall maintain a two (2) foot minimum setback from a property line. Any approved type fence located along a side property line adjoining a city street shall comply with the following:

A. Any approved type fence shall maintain a two (2) foot minimum setback from a property line.

B. A solid or obscuring fence shall maintain a twelve (12) foot minimum setback from a property line.

C. Where a solid or obscuring fence is located adjacent to an adjoining driveway a clear vision area may be required by the Building Official.

(4) Fences shall be constructed with suitable posts sunk into the ground at least three feet or installed according to the fence manufacturer's recommendations.

(5) Fences shall be constructed within all property lines, except where a written agreement is submitted to the City that allows for a dual ownership of a fence so located on a common property line. Visual corner stakes must be present. Where in the opinion of the Building Official may request a property survey at the expense of the property owner.

(6) The attaching of one fence to the face of another to form a single fence or barrier is expressly prohibited.

(7) All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.

(8) No wire or other fence materials shall be affixed to the fence with the top edge having any sharp or pointed projections of any kind, except where required by law for security reasons.

(9) No person shall use rope; string; wire products including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

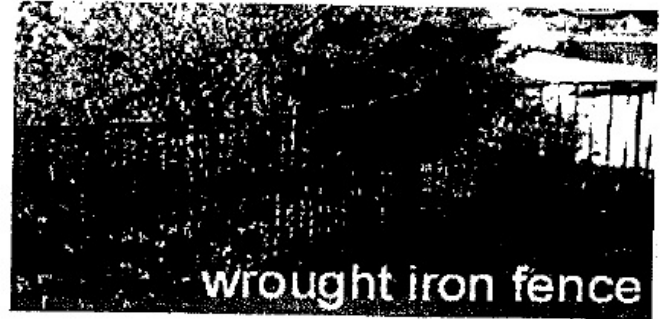
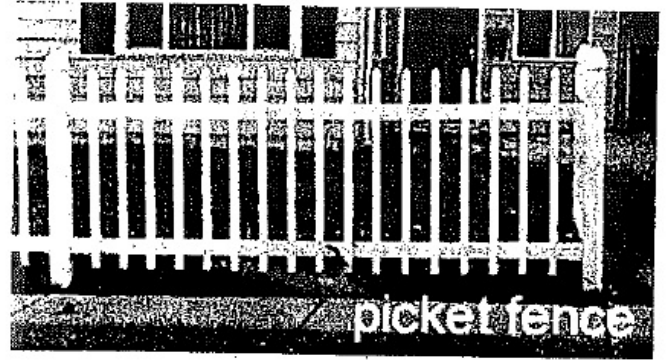
(10) No barbed wire or razor wire shall be allowed, except where required by law.

(11) Fences shall not contain electric current or charge of electricity. This provision shall not apply to electrical barriers, provided below grade, used to contain household pets.

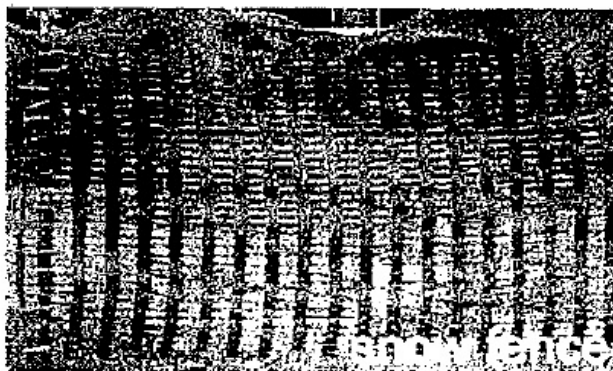
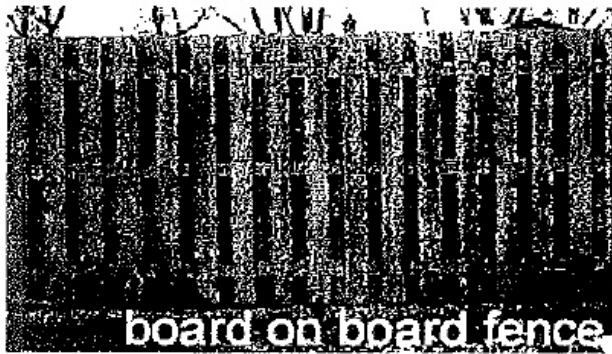
(12) In no instance shall the installation of a fence cause the isolation of property that is inaccessible for purposes of yard maintenance and upkeep. The Building Department may cause, under authority of this section the separation between fences, or a fence and a structure, or such other remedy, to ensure adequate access for cutting of grass and weeds and/or the collection of litter and debris.

(h) Fence Maintenance. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The Building Department shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof be removed and shall provide a time limiting such repair, modification, or removal.

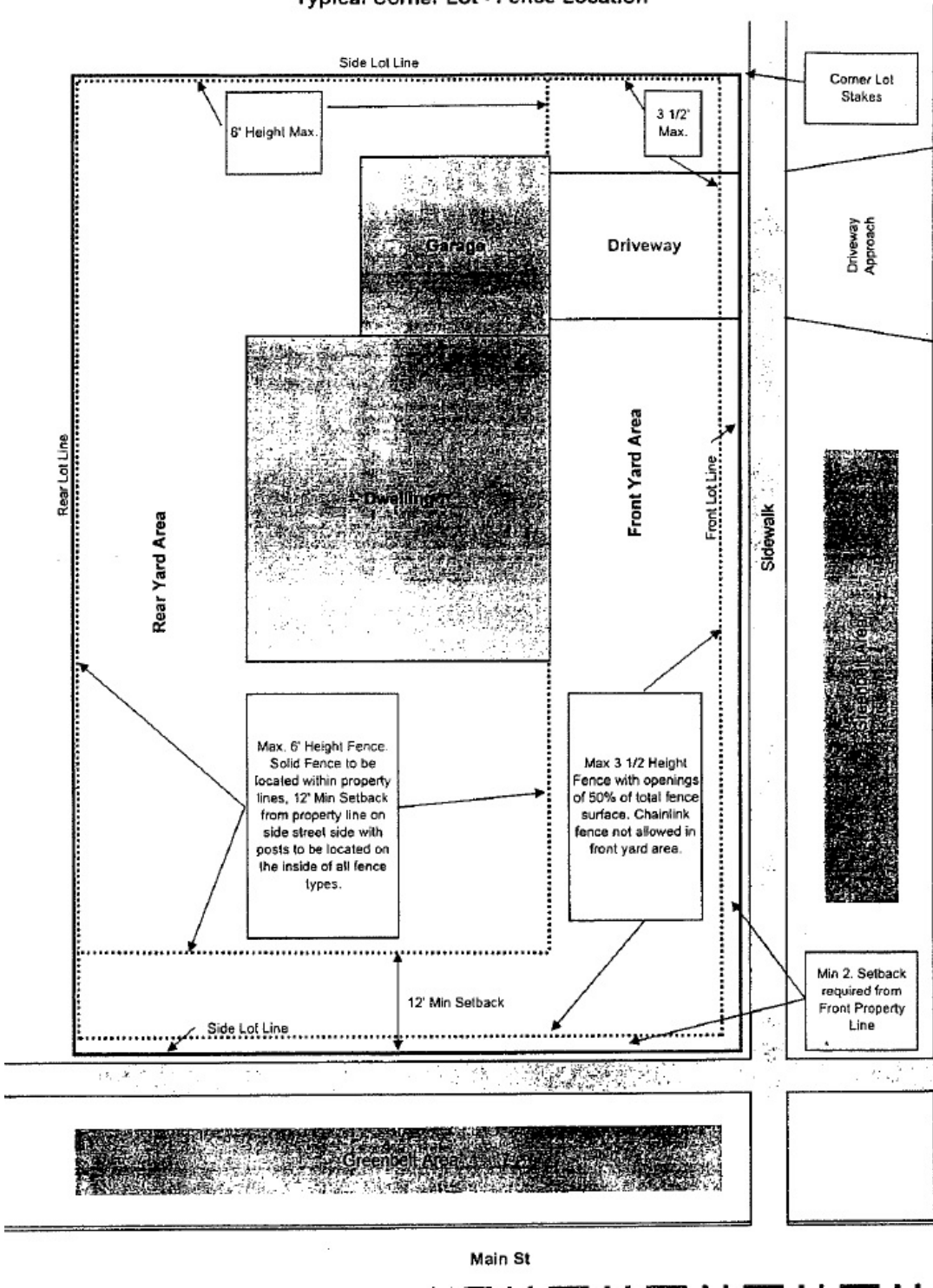
Examples of fences allowed within the front yard area include rail and picket fences. Decorative fences like wrought iron fences are also allowed in the front yard area.



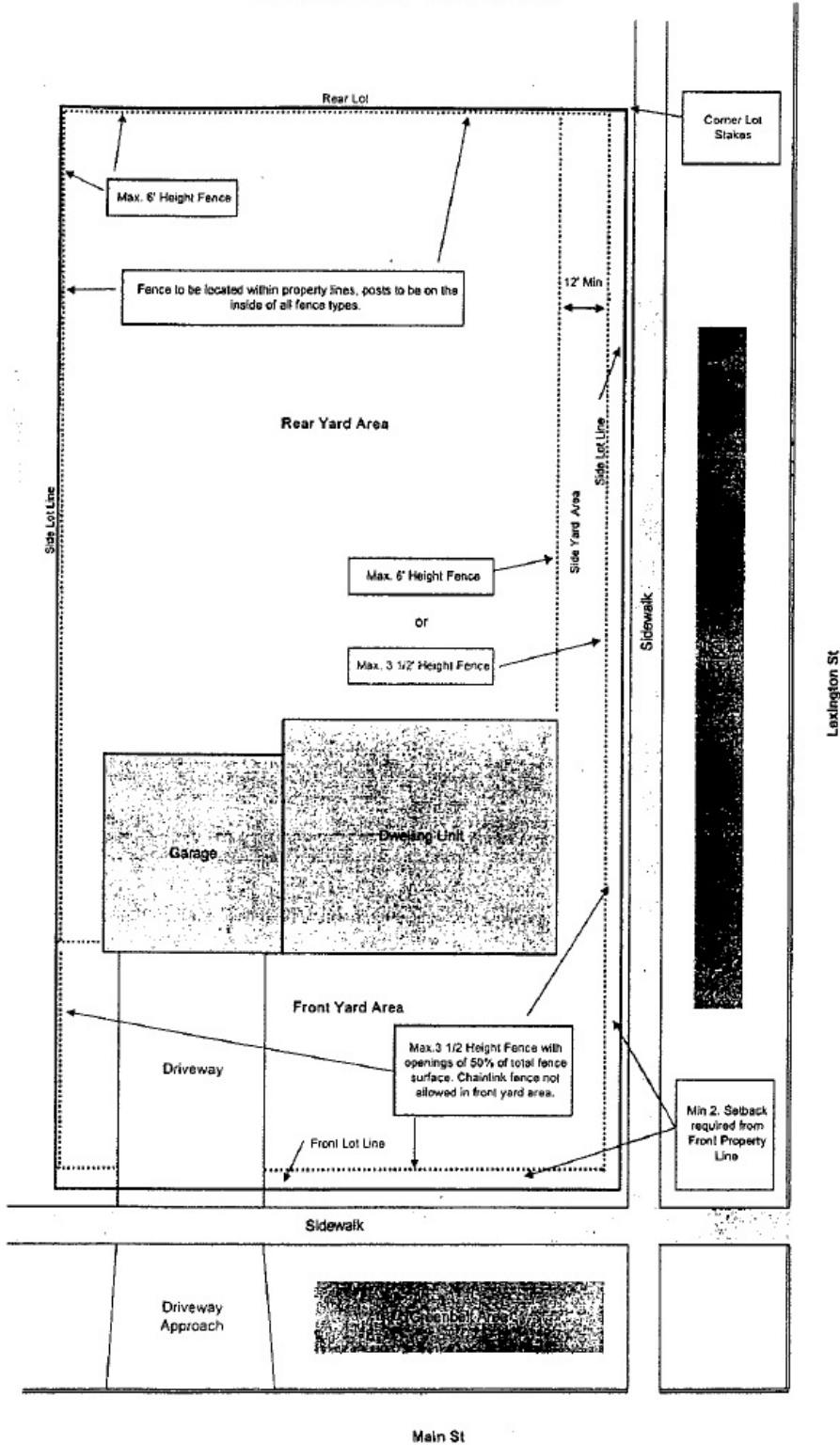
Examples of fences not allowed within the front yard area of all zoning districts except for nonresidential districts include chain link fences, wire fences, snow fences and stockade/board fences.



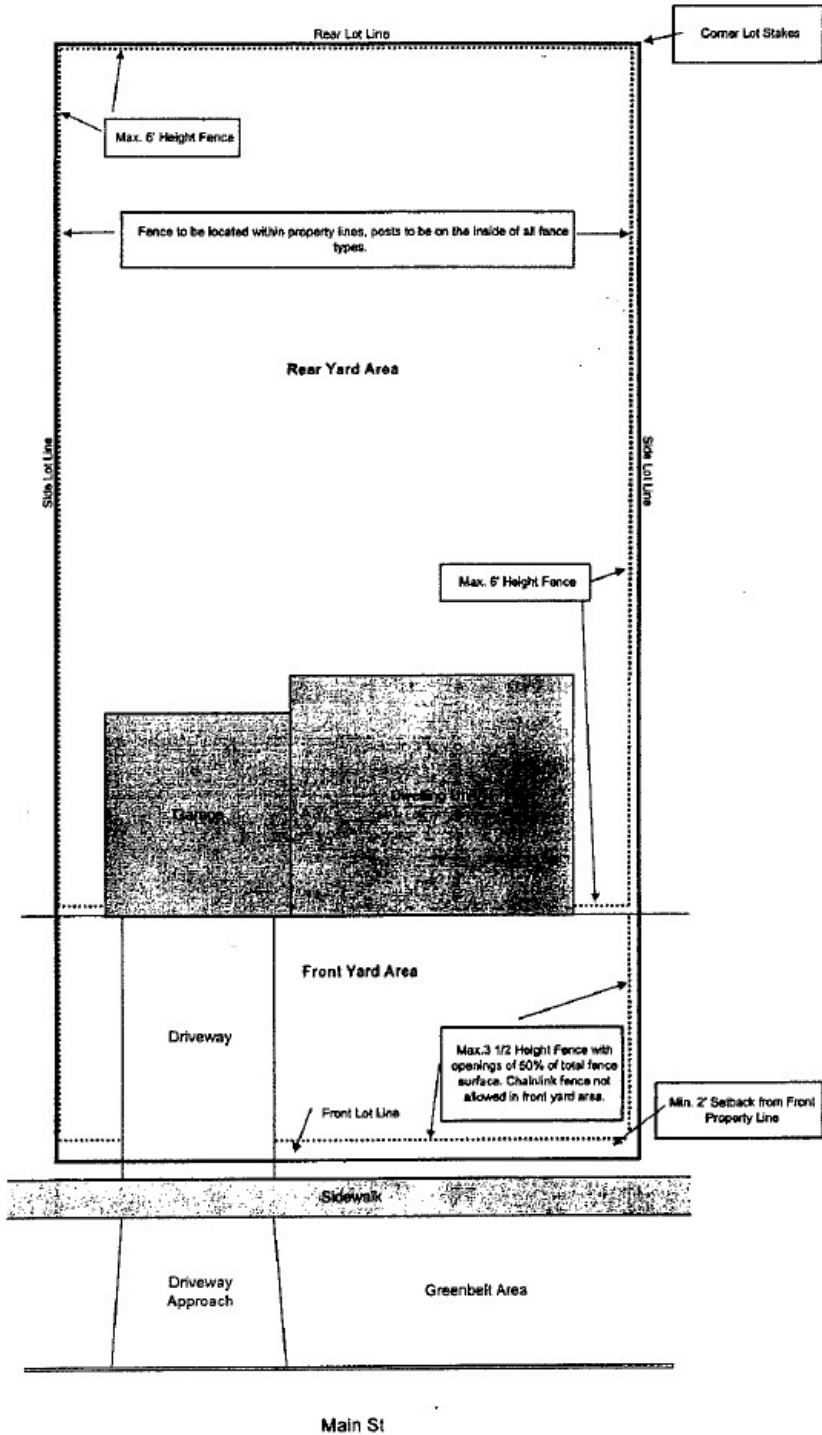
### Typical Corner Lot - Fence Location



Typical Corner Lot - Fence Location



**Typical Lot - Fence Location**



(Ord. 98-3. Passed 8-10-98; Ord. 2005-03. Passed 4-11-05; Ord. 2017-01. Passed 2-27-17.)

**1288.26 EXTERIOR LIGHTING.**

(a) All outdoor lighting in all use districts other than Residential Districts shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent Residential Districts, adjacent residences, and public rights-of-way.

(b) Illumination guidelines shall generally be in accordance with the following standards:

- (1) Street illumination.

| STREET HIERARCHY | NONRESIDENTIAL AREA | RESIDENTIAL AREA |
|------------------|---------------------|------------------|
|                  |                     |                  |

|             | <b>LUX</b> | <b>FOOTCANDLES</b> | <b>LUX</b> | <b>FOOTCANDLES</b> |
|-------------|------------|--------------------|------------|--------------------|
| "Major"     | 15         | 1.5                | 10         | 1.0                |
| "Collector" | 10         | 1.0                | 6          | 0.6                |
| "Local"     | 6          | 0.6                | 4          | 0.4                |

A. "Major street" means the part of the roadway system that serves as the principal network for through traffic flow. The routes connect areas of principal traffic generation and important rural highways entering the City.

B. "Collector street" means the distributor and collector roadways serving traffic between major and local roadways. These are roadways used mainly for traffic movements within residential, commercial, and industrial areas.

C. "Local street" means roadways used primarily for direct access to residential, commercial, industrial, or other abutting property. They do not include roadways carrying through traffic. Long local roadways will generally be divided into short sections by collector roadway systems.

(2) Parking illumination.

| <b>LEVEL OF ACTIVITY</b> | <b>ACTIVE VEHICULAR USE AREAS ONLY</b> |                    | <b>GENERAL PARKING AND PEDESTRIAN AREAS</b> |                    |
|--------------------------|--|--------------------|---|--------------------|
|                          | <b>LUX</b>                             | <b>FOOTCANDLES</b> | <b>LUX</b>                                  | <b>FOOTCANDLES</b> |
| Low Activity             | 5                                      | 0.5                | 2   | 0.2                |
| Medium Activity          | 10                                     | 1.0                | 6   | 0.6                |
| High Activity            | 20                                     | 2.0                | 10  | 1.0                |

A. High activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

B. Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), Cultural, civic or recreational events, and residential complex parking.

C. Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

(3) Building exterior illumination.

|                           | <b>OUTDOOR AREAS</b> |                    |
|---------------------------|----------------------|--------------------|
| <b>COMPONENT</b>          | <b>LUX</b>           | <b>FOOTCANDLES</b> |
|                           | <b>OUTDOOR AREAS</b> |                    |
| <b>COMPONENT</b>          | <b>LUX</b>           | <b>FOOTCANDLES</b> |
| Entry/Active Use Area     | 50                   | 5.0                |
| Vital Locations           | 50                   | 5.0                |
| Building Surroundings     | 10                   | 1.0                |
| Gardens (General)         | 5                    | 0.5                |
| Walkways                  | 5                    | 0.5                |
| Monuments (Flood Lighted) | 150                  | 15.0               |

(c) No illumination shall be of a flashing, moving, or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or stock average.

(d) All illumination shall be constant in intensity and color at all times when in use.

(e) All exterior lighting information shall be provided on the site plan per the requirements of Chapter 1262.

(Res. 24-95. Passed 2-13-95.)

### **1288.27 NOISE STANDARDS.**

(a) No person shall create, operate, or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table, when measured at or within the property boundary of the receiving land use, which source of sound shall be deemed prima facie to be a noise disturbance:



## SOUND LEVELS

## BY RECEIVING LAND USE

| Receiving Land Use Category | A Weighted Sound Level | Time                    | Limit (dBA) |
|-----------------------------|------------------------|-------------------------|-------------|
| RA, A-1, A-2, A-3,          |                        | 10:00 p.m. to 7:00 a.m. | 65          |
| B-1, B-2                    |                        | 7:00 a.m. to 10:00 p.m. | 75          |
| C-1, C-2, C-3               |                        | 10:00 p.m. to 7:00 a.m. | 72          |
|                             |                        | 7:00 a.m. to 10:00 p.m. | 77          |
|                             |                        | 10:00 p.m. to 7:00 a.m. | 76          |
|                             |                        | 7:00 a.m. to 10:00 p.m. | 81          |

(b) The following uses and/or activities shall be exempt from noise level regulations:

- (1) Noise for safety signals and warning devices.
- (2) Noise resulting from any authorized vehicle, when responding to an emergency.
- (3) Noises resulting from the provision of Municipal services.
- (4) Parades and other authorized public gatherings.
- (5) Noise emanating from vehicles and equipment temporarily used for the development, construction and maintenance of sites, buildings, and infrastructure.
- (6) Bells, chimes, carillons, while being used for religious purposes or for special civic celebrations.
- (7) Nonamplified crowd noises resulting from the activities of schools or governmental, or community groups.

(Res. 24-95. Passed 2-13-95.)

### **1288.28 PRESERVATION OF ENVIRONMENTAL QUALITY.**

(a) Purpose. It is the intent of this section to specify certain materials which must be prepared and submitted by land developers to assist the City in determining if the proposed development is in compliance with local ordinances and State and Federal statutes, which are enacted to protect wildlife, preserve ecologically important features, and retain environmental resources.

(b) "Natural Resources" Defined. As used in this section, "natural resources" shall include:

- (1) Archaeological finds.
- (2) Endangered species habitat.
- (3) Floodplain, 100-year. An area which has a one (1) percent chance of flood occurrence in any given year.
- (4) Hedgerow. A row of eight (8) or more trees having a four (4) inch or more diameter at four (4) feet. (The drip-line of the trees defines the land area of a hedgerow.)
- (5) Ponds and lakes. A natural or artificial impoundment of water that retains water year-round.
- (6) Steep slopes. Slopes equal to or exceeding a grade of thirty-three (33) percent or a 3:1 ratio of run over rise.
- (7) Wetlands. Land where standing water is retained for a portion of the year and does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.
- (8) Woodlot. An area of one-quarter (1/4) acre or more containing eight (8) or more trees per one-quarter (1/4) acre having a four (4)-inch or more diameter at a four (4) foot height.

(c) Applicability. In any zoning district, no natural resource shall be altered, changed, transformed, or otherwise varied by any person except as provided by this Zoning Code, and such person having submitted to the City Planning Commission the required data, exhibits, and information as hereafter required.

(d) Information and Data Required. The submission of a site plan review as provided by Chapter 1262 of this Zoning Code shall be accompanied by a natural resources analysis, which shall be submitted by and at the expense of the petitioner. Submission shall be made concurrently with the payment of site plan review fees.

The natural resources analysis shall include, but not be limited to, the following information:

- (1) Site conditions of the subject property indicating the location, size, and type of existing natural resources. Such information shall be displayed on a map in relation to the subject parcel's property lines and existing development pattern.

(2) A project description which, in narrative form, shall describe the proposed development in terms of use, density, building coverage, height, gross floor area, number of units, parking, landscaping, internal site circulation, traffic to be generated, and other applicable design features.

(3) A full analysis and description of the proposed project's impact on the natural resources existing on the site. This analysis shall include an evaluation of alternatives to affecting the natural resources in terms of alternative site location or actions. The analysis shall also assess the impact of affecting the natural resources in terms of the natural environment (topography, habitat, hazards, etc.), social concerns (aesthetics, historic and cultural values, etc.), economic aspects (employment opportunities created, tax base, land use pattern, etc.), and legal constraints (permits required, intergovernmental review, conformance with local plans/ordinances, etc.). These factors shall be evaluated in terms of both positive and negative impacts, direct and indirect impacts, as well as long-term versus short-term effects.

The applicant shall identify measures to mitigate or eliminate negative effects to natural resources as identified in this subsection.

(e) Waiver; Appeals. The requirements for a natural resources analysis, as provided above, may be waived by the Planning Commission, upon appeal and by showing of the applicant that the proposed development will not alter, change, transform, or otherwise vary any natural resource contained on the subject parcel.

(f) Exclusions. The development of detached single-family units on an individual basis is hereby excluded from the requirements of this section.

The requirements contained herein shall not relieve the project's sponsor from complying with other land development or environmental standards established by other public agencies having jurisdiction.

(Res. 24-95. Passed 2-13-95.)

#### **1288.29 ACCESS.**

With the exception of mobile home sites within mobile home parks, every lot must have direct access to a public street.

(Res. 24-95. Passed 2-13-95.)

#### **1288.30 SCREENING REQUIREMENTS FOR SOLID WASTE COLLECTION FACILITIES.**

The following rules apply to every commercial solid waste container which requires a mechanical device to empty it.

(a) Screening for solid waste containers shall be constructed so that all containers are not visible to a person standing on the ground. Screening shall not be portable or temporary. Minimum height of the screening shall be six feet. Screening material should be attractive with economy of construction a goal. Chain link fencing with opaque slats is an acceptable screening material. All access gates shall be closed when not in use.

(b) Solid waste containers shall be maintained with the lid closed except during the time when solid waste is put into or emptied from the container.

(c) If a solid waste container is not visible from a public way, it does not have to be screened.

(d) The owner of the solid waste container site shall be responsible for maintenance of the screening.

(e) No solid waste container or its screening shall be a traffic barrier or hazard in any way including, but not limited to, obstruction and visibility. Vehicles or mechanical equipment used to empty solid waste containers must not block highway, street, ally, or pedestrian walkways when emptying, installing, or replacing solid waste containers.

(f) Solid waste containers shall be located on a sufficiently solid surface that the emptying vehicle or mechanical device, regardless of weather condition, will not disturb the surface upon which the containers are placed or the approach to the containers used by the emptying vehicle or mechanical device.

(g) Solid waste containers used temporarily for special events do not require screening, but the solid surface requirements in subsection (f) apply. Users of temporary solid waste containers shall notify the City of the purpose, placement and time-frame for temporary solid waste containers. Temporary solid waste containers shall not block traffic or visibility on any street, sidewalk, or thoroughfare.

(h) With the exception of Chapter 674, the portion of any ordinance that is in conflict with this section is hereby repealed as of the effective date of this section. This includes but is not limited to Sections 1280.07(e) and 1285.06.

(Ord. 2014-09. Passed 12-8-14.)

## **CHAPTER 1289**

### **Unplatted Land; Condominium Projects**

1289.01 Purpose.

1289.02 Scope; conflicts.

- 1289.03 Definitions.
- 1289.04 Application of chapter.
- 1289.05 Permits.
- 1289.06 Certificates of occupancy; requirements for issuance.
- 1289.07 Certificates of occupancy; required.
- 1289.08 Improvement policy.
- 1289.09 Improvements required; exceptions.
- 1289.10 Public services.
- 1289.11 Public easements.
- 1289.12 Uncompleted subdivisions under former subdivision ordinance.
- 1289.13 Agreements as to improvements.
- 1289.14 Improvement plans.
- 1289.15 City approval required prior to filing condominium application.
- 1289.16 Conversion of existing structures to condominium ownership.
- 1289.17 Action following receipt of City approval.
- 1289.18 Bylaws of condominium association of co-owners.

#### **CROSS REFERENCES**

Planning Commission - see P. & Z. Ch. 1220

Master Plan - see P. & Z. Ch. 1222

Site plans - see P. & Z. 1262.04 et seq.

Planned unit developments - see P. & Z. 1268.04 et seq.

Building plans; fee for local review - see B. & H. 1440.05

#### **1289.01 PURPOSE.**

The purpose of this chapter is to regulate and control the development of land within the City, which for any reason is not otherwise subject to the Subdivision Regulations, in order to promote the public health, safety, comfort, convenience and general welfare of the residents of the City; to provide for the orderly growth and harmonious uniform development of the City consistent with the Master Plan or such portions thereof as have been promulgated; to secure adequate traffic circulation through coordinated street systems so as to lessen congestion on the streets and highways; to ensure adequate provisions for water, drainage and sanitary sewer facilities and other health requirements; to achieve the maximum utility and liveability on individual land parcels or lots; to encourage the subdivision of large tracts into smaller tracts; and to provide logical procedures for the achievement of these purposes.

(Res. 24-95. Passed 2-13-95.)

#### **1289.02 SCOPE; CONFLICTS.**

This chapter shall not apply to any lot forming part of a subdivision platted and recorded under the provisions of the Subdivision Regulations. Further, this chapter shall not apply to the lot size of any lot forming part of a subdivision platted and recorded under the Subdivision Regulations adopted May 19, 1958, or any applicable ordinance antedating those Regulations so long as the boundaries of any such lot are not altered by division or other means. In this connection, the filing of an Assessor's Plat without an actual boundary change shall not be construed as altering the boundary of any lot or parcel of land. Further, this chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

(Res. 24-95. Passed 2-13-95.)

#### **1289.03 DEFINITIONS.**

(a) As used in this chapter:

- (1) Commission or Planning Commission. "Commission" or "Planning Commission" means the Planning Commission of the City.
- (2) Condominium. "Condominium" means the ownership of a condominium unit and the space enclosed by the description thereof as contained in the master deed in a multiple unit structure, together with ownership of an interest in common elements.
- (3) Condominium Act. "Condominium Act" means Act No. 59 of the Public Acts of 1978, as amended.

(4) Condominium Project. "Condominium project" means a plan or project consisting of not less than four (4) condominium units in existing or proposed buildings or structures established and approved in conformity with the provisions of the Condominium Act. No condominium project shall be composed of one (1) or more mobile homes or trailer coaches.

(5) Condominium Subdivision Plan. "Condominium subdivision plan" means the captioned plan showing the permanent identification numbers assigned to the several condominium units in the condominium project and recorded as a part of the master deed.

(6) Condominium Unit. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership or use, as described in the master deed.

(7) Co-Owner. "Co-owner" means a person who owns one (1) or more apartments within the condominium project.

(8) Developer or Owner. "Developer" or "owner" means any person having a sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings to subdivide or develop under this chapter as applicable.

(9) General Common Elements. "General common elements" means and includes:

- A. The land in the condominium project;
- B. The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits, or communication ways;
- C. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;
- D. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;
- E. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks and pumps and the like;
- F. The elevators, incinerators and, in general, all devices or installations existing for common use; and
- G. All other elements of the condominium project intended for common use or necessary to the existence, upkeep and safety of the project.

(10) Limited Common Elements. "Limited common elements" means and includes those common elements which are reserved in the master deed for the use of specified apartments to the exclusion of the other apartments.

(11) Lot. "Lot" means a parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

(12) Majority of Co-Owners. "Majority of co-owners" means fifty-one (51) percent of the co-owners in number and in value of their share of the total property in accordance with the percentage allocated to each apartment in the master deed.

(13) Master Deed. "Master deed" means the deed recording the condominium project as approved by the Michigan Department of Commerce, Securities Bureau, following its prior approval by the Planning Commission and Council in accordance with the provisions of this chapter, including:

- A. An accurate legal description of the land involved in the project;
- B. A complete set of architectural plans showing details of all structures and improvements, including the location thereof on the land, the size, location, area, volume, vertical and horizontal boundaries and condominium subdivision plan number for each individual apartment, and the nature, size and location of all general and limited common elements;
- C. A statement designating the apartments served by limited common elements and clearly defining the rights therein;
- D. A complete description for each apartment, identified with the applicable condominium subdivision plan number and sufficient to enable a competent land surveyor to relocate accurately the space enclosed by the description without reference to the structure itself, with elevations therein referenced to an official bench mark of the United States Coast and Geodetic Survey. The use of the Michigan Coordinate System for this purpose shall be permitted.
- E. A condominium subdivision plan assigning numbers serially to the several apartments included in the project;
- F. A statement showing a total value for the condominium project and the percentage thereof assigned to each individual apartment, identifying the apartments by the numbers assigned on the condominium subdivision plan; and
- G. The approved bylaws for the project.

(14) Michigan Coordinate System. "Michigan Coordinate System" means the system defined in Act No. 9 of the Public Acts of 1964, as amended, being Sections 54.231 to 54.239 of the Compiled Laws of 1948, State of Michigan.

(15) Plan, Master. "Master Plan" means a comprehensive plan prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the City and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(16) Property. "Property" means and includes the land and the buildings, all improvements and structures thereon and all easements, rights, and appurtenances belonging thereto.

(17) **Single Unit.** "Single unit" does not include a mobile home or trailer coach as defined in Act No. 243 of the Public Acts of 1959, as amended.

(18) **Site Condominium.** "Site condominium" means a condominium development consisting of single-family detached residential dwelling units.

(19) **Street.** "Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, drive, boulevard, lane, place, court, or by any other name designated.

(20) **Street, Arterial.** "Arterial street" means a street used primarily for fast or heavy traffic.

(21) **Street, Collector.** "Collector street" means a street which carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.

(22) **Street, Cul-de-Sac.** "Cul-de-sac" or "dead-end street" means a minor street with only one (1) open end and with the other end being terminated by a vehicular turn-around.

(23) **Street, Marginal Access.** "Marginal access street" means a minor street which is parallel to and adjacent to arterial streets and highways and which provides access to abutting properties and protection from through traffic.

(24) **Street, Minor.** "Minor street" means a street used primarily for access to abutting properties.

(25) **Subdivider.** "Subdivider" means any person commencing proceedings under the Subdivision Regulations to effect a subdivision of land thereunder for himself or herself or for another.

(26) **Subdivision.** "Subdivision" means the partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, lease for more than one (1) year or building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area and each of which is created by successive divisions within a period of ten (10) years.

(27) **To Record.** "To record" means to record pursuant to the laws of the State relating to the recording of deeds, but the provisions of Act No. 172 of the Public Acts of 1929, as amended, being Sections 560.1 to 560.80 of the Compiled Laws of 1948, shall not control divisions made for any condominium project.

(28) **Width, Lot.** "Lot width" means the width of the lot measured along the minimum building setback line, except for lots which front on the concave side of a curving street, where the width of the lot shall be measured sixty (60) feet back from the front lot line.

(Res. 24-95. Passed 2-13-95.)

#### **1289.04 APPLICATION OF CHAPTER.**

Except as otherwise provided in this chapter, no person shall develop or erect or place any building on any lot, tract or parcel of land which is located within the City except in conformity with the provisions of this chapter.

(Res. 24-95. Passed 2-13-95.)

#### **1289.05 PERMITS.**

No permit shall be issued for the placement, construction or erection of any building or other structure on a tract or parcel of land not served by a public street or, in the case of a condominium unit, on a tract or parcel of land not served either by a public street or general common land area adjacent to a public street, unless provisions are made, as described herein, to ensure that all improvements are provided for the use contemplated as required by these Codified Ordinances or State law.

(Res. 24-95. Passed 2-13-95; Ord. 2001-4. Passed 10-8-01.)

#### **1289.06 CERTIFICATES OF OCCUPANCY; REQUIREMENTS FOR ISSUANCE.**

No certificate of occupancy for any condominium unit, site condominium, or any other building shall be issued unless:

(a) All improvements required by these Codified Ordinances or State law, for the parcel of land containing the condominium unit, building, or site condominium for which a certificate of occupancy is requested, have been satisfactorily completed or arrangements, acceptable to the City, have been made to ensure their completion at no cost to the City.

(b) All locations, lot sizes and other applicable requirements specified in the Zoning Code have been complied with.

(c) In the case of a condominium unit or site condominium, the master deed and the condominium subdivision plan have been approved by the Planning Commission and Council prior to their recording, unless the master deed was approved by both the Planning Commission and Council, and by the Michigan Department of Commerce, Securities Bureau, and unless a permit to sell has been issued to the developer by the Michigan Department of Commerce, Securities Bureau.

(d) In the case of a condominium unit in a conversion project, any repairs ordered in accordance with Section 1289.16 have been satisfactorily completed.

(Res. 24-95. Passed 2-13-95.)

#### **1289.07 CERTIFICATES OF OCCUPANCY; REQUIRED.**

No person shall occupy any condominium unit, site condominium, or any other building covered by this chapter unless such condominium unit, site condominium or other structure is covered with a valid certificate of occupancy issued by the City.

(Res. 24-95. Passed 2-13-95.)

#### **1289.08 IMPROVEMENT POLICY.**

It is the policy of the City to withhold all public improvements of any nature, including the installation and maintenance of streets and sidewalks and the installation and furnishing of sewage facilities and water service to any residence, building or other structure hereafter erected on property served only by a private street or road, unless provisions have been made as described herein to ensure that all improvements are provided for the use contemplated. Acceptance of improvements and areas by Council shall be by resolution upon submission of evidence showing completion of all improvements in strict compliance with these Codified Ordinances and State law. Prior to such acceptance, it shall be determined by proper local officials that such improvements are in conformity with all applicable local and State specifications, ordinances and law and with the Master Plan or such portions thereof as have been promulgated.

(Res. 24-95. Passed 2-13-95.)

#### **1289.09 IMPROVEMENTS REQUIRED; EXCEPTIONS.**

The improvements required in all cases shall be those specified in Chapter 1250 of the Subdivision Regulations. Should any of the requirements so specified not be applicable to a parcel of land proposed for development under this chapter, the Planning Commission may, with concurrence by Council, waive such requirement as to that parcel of land only.

(Res. 24-95. Passed 2-13-95.)

#### **1289.10 PUBLIC SERVICES.**

(a) During the site plan review procedure, as required in this Zoning Code, all required public services shall be documented by the developer as to adequate capacity and compatible patterns with off-site systems, both existing and planned. Approvals will be granted upon demonstration that the intended project will not exceed intended capacities or adversely affect off-site users. The applicant, prior to formal submission for site plan review, shall set forth his or her requirements for required public service as follows:

(1) The number of total vehicles generated by the proposed project (by required parking spaces); and

(2) The demand load generated by the proposed project for, but not limited to, water, sanitary sewer, storm sewer and street lighting services. The developer shall request of the respective City departments providing such services a statement indicating the adequacy of the existing or proposed services. If services as proposed will be adequate, approval may be granted conditional upon availability on this portion of the application.

If a proposed project requires services in excess of existing and proposed services, approval of a portion of the project (as determined by the least available service) may be granted. The applicant, in this event, may either request additional services and receive approval granted conditional upon availability or elect to provide such services at his or her expense, developed as public services in accordance with City standards for such services, and which, upon satisfactory completion thereof, may be accepted by Council. A three-year maintenance bond shall be furnished for all such streets and any other publicly owned facilities in the project installed by the developer, including, but not limited to, sidewalks, water mains and appurtenances, and sanitary and storm sewer lines and their appurtenances.

Should the Planning Commission determine that the services of an engineer, architect or planning consultant are necessary to properly evaluate a proposed site plan and related documents for a condominium project, the cost of such services shall be reimbursed by the developer prior to the granting of project approval. Such costs shall be reasonable for the services rendered.

(b) All nonpublic service drives, driveways and parking areas shall be suitably paved and drained into a project storm sewer system connected to that of the City. All streets, both public and private, shall be constructed in accordance with the Streets, Utilities and Public Services Code.

(c) Storm sewer connections shall be provided to all buildings in accordance with the Streets, Utilities and Public Services Code.

(d) Sidewalks shall be required adjacent to all project perimeter streets and on both sides of all public streets within the project. Location and construction shall be as specified in the Subdivision Regulations and the Streets, Utilities and Public Services Code. Additional pedestrian walkways shall be furnished in order to provide adequate pedestrian circulation within the project. Such walkways shall be constructed in accordance with the Streets, Utilities and Public Services Code.

(e) Of the total open space within the project, the portion planned and/or maintained for the recreational use of condominium members may, after development, be given to the City as a public park, provided that Council agrees to accept the same. Council shall not accept any such parcel unless it is so situated as to be readily used by the general public and maintained by the City and unless it conforms to the Davison Community Master Plan prepared by Wade-Trim/Associates.

(Res. 24-95. Passed 2-13-95.)

#### **1289.11 PUBLIC EASEMENTS.**

(a) Water System. Public easements shall be provided for all water mains and service lines. The easements shall exist on service lines to the point where the service valve is installed outside of each structure for each meter located within such structure. A separate water meter and service shall be provided for each unit in each structure. Each such meter shall have as its water source a separate service valve located outside of the structure. No building or structure shall be located over any water easement. In the case of

multiple service valves for any structure, each shall be clearly and permanently marked in an approved manner as to which unit it serves within the structure.

(b) Sanitary Sewer System. All sanitary sewer lines with an inner diameter of eight (8) inches or more shall be located within a public easement. No building or structure shall be located over any sanitary sewer easement. Where necessary to permit the logical extension of such sewers for the development of adjacent property, such easements may be required as a part of the site review procedure.

(c) Storm Sewer System. Storm sewer easements may be required by the City where essential to permit the logical extension of such sewers for the development of adjacent property. The requirement for such easements, if any, shall be established during the site plan review procedure. No building or structure shall be located over any such storm sewer easement.

(Res. 24-95. Passed 2-13-95.)

#### **1289.12 UNCOMPLETED SUBDIVISIONS UNDER FORMER SUBDIVISION ORDINANCE.**

If the improvements of any proposed subdivision, approval for which was given by Council prior to the adoption of this Zoning Code have not been completed by the effective date of this chapter, the improvements required in all such cases shall be those specified in the Subdivision Regulations, and no building permit or certificate of occupancy shall be issued without such compliance as herein provided. In all such cases, agreements shall be entered into between the current developer of such uncompleted subdivision and the City, in accordance with Section 1246.03.

(Res. 24-95. Passed 2-13-95.)

#### **1289.13 AGREEMENTS AS TO IMPROVEMENTS.**

If the Planning Commission approves a proposed development and Council concurs, then Section 1246.03 shall apply and the builder or developer and the City shall enter into the agreements indicated therein before proceeding with development.

(Res. 24-95. Passed 2-13-95.)

#### **1289.14 IMPROVEMENT PLANS.**

Owners or developers of individual land parcels which require improvements or provisions therefor under the provisions of this chapter prior to the issuance of a building permit shall prepare suitable plans for such improvements, after consultation with the Planning Commission, and file them with the City Clerk, who shall transmit them to the Commission within three (3) working days. Such owner or developer shall secure approval of the Commission and the Building Official for such improvement plans. The Commission shall indicate by resolution that it has reviewed such plans and found them to be in conformity with the requirements of this chapter. The Building Official shall indicate his or her approval by a certificate of approval, prior to consideration of the plans by the Commission. Such approval shall be given within thirty days of the date of submission to the City Clerk unless the plans are rejected for cause, in which case the submitter shall be so notified in writing within such thirty (30)-day period.

After the Commission and the Building Official have approved the plans, the approval action shall be confirmed by Council within thirty (30) days of the date of Commission approval. At the time of consideration of the improvement plans by Council, the owner or developer shall also submit to Council the agreements as to improvements herein required in a form suitable for execution.

(Res. 24-95. Passed 2-13-95.)

#### **1289.15 CITY APPROVAL REQUIRED PRIOR TO FILING CONDOMINIUM APPLICATION.**

The approval of the City shall be obtained prior to the filing by the developer of an application for a condominium project, either part one or part two or both parts, with the Michigan Department of Commerce, Securities Bureau, in accordance with Act No. 59 of the Public Acts of 1978, as amended. The approval procedure shall be as follows:

Where condominium projects consisting of new construction are proposed, approval of both the condominium subdivision plan and the corresponding master deed of which it is a part shall be obtained concurrently using the procedures provided in the Subdivision Regulations, as supplemented by this chapter. These approval procedures shall also serve as and shall include the site plan review procedure required in this Zoning Code.

(a) Filing for Preliminary Approval. The developer shall file with the City Clerk an application for preliminary approval, together with a fully completed copy of the State Department of Commerce, Securities Bureau, application for condominium project, parts one and two, except that part one may be omitted if the developer certifies that he or she will not take nonbinding reservations prior to the sale of apartments. In addition, he or she shall file the required copies of a site plan in accordance with this Zoning Code, together with at least the following portions of the proposed master deed:

(1) A legal description of the land; and

(2) The proposed bylaws for the association of co-owners, which shall comply with Section 1289.18, and the proposed articles of incorporation for the association if it is to be incorporated. These shall be accompanied by a preliminary filing fee of five dollars (\$5.00) per gross acre included within the project.

(b) Preliminary Approval. Upon approval of the site plan and related documents by the Planning Commission, a notice of conditional approval shall be given as provided in the Subdivision Regulations. Upon concurrence by Council, the developer may, if he or she so elects and has filed such part one with his or her application, file part one of the State application for condominium project with the Department of Commerce, Securities Bureau. Following preliminary approval, the master deed should be completed and shall include all modifications and amendments required by the Planning Commission and confirmed by Council.

(c) Filing for Final Approval. The application for final condominium project approval shall be filed within one (1) year after the date of preliminary condominium project approval by Council, unless an extension of this period has been granted by Council for good cause prior to the expiration of the one-year period; otherwise, the preliminary approval shall be considered void and the procedure for filing for preliminary approval shall again be followed. The developer, during either the one (1)-year period or a valid extension thereof and at least one (1) week prior to the Planning Commission meeting at which it is to be considered, shall file with the City Clerk an application for final approval, together with five (5) copies of the proposed complete master deed, together with agreements relative to proposed public improvements, as indicated in Section 1246.03, and all other applicable documents required. These shall be accompanied by the final filing fee of five dollars (\$5.00) per unit in the project, or in the portion of the total project for which approval is then being requested, and either a revised copy of part two (2) of the State application for condominium project or a statement certifying that there have been no changes affecting such application since its filing with the application for preliminary approval. The master deed with all accompanying documents shall be examined by both the City Attorney and the Building Official within one (1) week after filing in order to determine that the project is in full compliance with the formal and technical provisions of this chapter, this Zoning Code and the Condominium Act, with all agreements in order and enforceable upon their formal acceptance by Council.

Further, the Building Official shall find that all amendments upon which contingent approval of the site plan was granted by the Planning Commission and confirmed by Council have been incorporated in the master deed. The City Attorney and the City Manager shall endorse the application for final approval with their individual findings and return it to the City Clerk for appropriate action. If the master deed and related documents are not approved by either the City Attorney or the Building Official, or both, the developer shall be immediately so notified by the City Clerk so that he or she may take necessary corrective action. The refile of such a corrected master deed and/or related documents shall be done in the same manner as the original filing as provided herein, except that no fee shall be required.

(Res. 24-95. Passed 2-13-95.)

### **1289.16 CONVERSION OF EXISTING STRUCTURES TO CONDOMINIUM OWNERSHIP.**

Where conversion to condominium ownership is proposed, approval shall follow the same procedure outlined above for new construction with the following additional requirements:

(a) Such change in ownership shall be defined as a change in use, in accordance with the Building Code of the City. Accordingly, the Building Official shall inspect the structures and shall find compliance with the provisions of the Building Code prior to any approval. Where substantial noncompliance is found by such inspection, the Building Official shall order necessary corrections which shall be completed prior to final approval, unless agreements are provided guaranteeing such corrections prior to issuance of certificates of occupancy, following approval of the conversion condominium project by the State.

(b) The Building Official shall inspect all private streets, walks, drives, driveways, parking areas, water systems and sanitary and storm sewer systems serving the proposed condominium conversion project. He or she shall find them of adequate size and in good repair and of such quality as likely to be free of need for repair for at least five (5) years. He or she shall find that all such streets, drives, walks, driveways and parking areas are adequately paved and drained. Unless he or she so finds, no approval shall be granted for a condominium conversion project unless agreements are supplied guaranteeing necessary repairs and/or improvements to facilities which shall be completed either prior to final approval or prior to issuance of certificates of occupancy, following approval of the conversion condominium project by the State.

(c) In the event of the disapproval of any proposed condominium project by the State, all subsequent changes shall be submitted to the City for its approval prior to their resubmission to the State. If the revisions do not conflict with the provisions and intent of this chapter and other relevant City ordinances, the Building Official and the Chairperson of the Planning Commission are authorized to grant approval for resubmission to the State. Should the revisions substantially change any part of the master deed as approved, in the opinion of either the Building Official or the Chairperson of the Planning Commission, then the revised project shall be resubmitted to the Planning Commission for final approval in accordance with this chapter. Fees in such case shall be twenty percent of the original final application fee.

(Res. 24-95. Passed 2-13-95.)

### **1289.17 ACTION FOLLOWING RECEIPT OF CITY APPROVAL.**

Following City approval of the master deed and condominium subdivision plan, as herein provided, the City Clerk shall endorse each with a notice of City approval and the date of Council's action, together with his or her signature, and return the same to the developer for filing with the Michigan Department of Commerce, Securities Bureau. The developer shall furnish the City with a reproducible duplicate of the complete master deed, on polyester drafting film, as approved by the City and the Michigan Department of Commerce, Securities Bureau, within thirty (30) days of the Bureau's approval. In addition, one (1) copy of the master deed reduced to eight and one-half by fourteen (8-1/2 x 14) inches in accordance with the Bureau's regulations, and as recorded by the County Register of Deeds and bearing the information about recording, shall be filed with the City Clerk, together with the Bureau's "permit to sell order."

(Res. 24-95. Passed 2-13-95.)

### **1289.18 BYLAWS OF CONDOMINIUM ASSOCIATION OF CO-OWNERS.**

The bylaws of each condominium project association of co-owners shall be subject to City approval and shall contain provisions indicating that the water lines, sewer lines, streets, street lighting, sidewalks and other elements which constitute public services between each structure, are a part of the general common elements of the project to be designed, constructed, operated, and maintained in conformity with City standards by the persons designated to administer the affairs of the project or by the City when turned over to and accepted by the City. The bylaws shall also state that the City shall have the right to withhold or deny occupancy permits for any or all apartments until all required improvements have been provided or until agreements have been signed ensuring that all such required improvements will be provided in strict conformity with these Codified Ordinances at no cost to the City and



providing an acceptable means of financing such improvements if the developer does not complete such improvements by an acceptable date. The bylaws shall also contain the provision that any future revision of the bylaws, as provided therein, shall not be effective until and unless approved by the City. City approval in any such case shall be given only when either the proposed changes do not affect public services or their maintenance as indicated or, if they do affect public services, they are satisfactory in their revised form to the Planning Commission with concurrence by Council.

(Res. 24-95. Passed 2-13-95.)

## CHAPTER 1290

### Off-Street Parking and Loading

---

- 1290.01 General parking space requirements.
- 1290.02 Off-street parking for industrial uses.
- 1290.03 Additional off-street parking requirements.
- 1290.04 Off-street parking exceptions.
- 1290.05 Off-street parking regulations in Residential Districts.
- 1290.06 Loading space requirements.
- 1290.07 Off-street parking and loading design requirements.
- 1290.08 Off-site parking facilities.
- 1290.09 Collective parking.

#### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Parking generally - see TRAF. Ch. 430

#### **1290.01 GENERAL PARKING SPACE REQUIREMENTS.**

Off-street parking spaces shall be provided for each land use activity in accordance with the following schedule:

##### PARKING SPACE REQUIREMENTS

| <u>Type of Use</u>                           | <u>Number of Spaces</u>  |
|--|--|
| <b>(a) Residential</b>                       |  |
| Dwelling units                               | 2 per unit, provided that for single-family residential structures, a minimum of two (2) spaces shall be provided behind the front building line |
| Motels                                       | 1 per rooming unit   |
| Hotels                                       | 1 per room   |
| Rooming houses,                              | 1 per bed or each one hundred  |
| fraternity houses,                           | (100) square feet, whichever   |
| dormitories, etc.                            | will require the larger number of parking spaces   |
| Travel trailer parks                         | 1 per site   |
| <b>(b) Institutional and Public Assembly</b> |  |
| Nursery, elementary                          | 1 per classroom plus five (5),   |
| and junior high                              | or one (1) per three (3)   |

schools permanent seats or per twenty-one

(21) square feet of assembly hall, whichever will require the largest number of parking spaces

High schools and 4.5 per classroom, or one (1) per

colleges with three (3) permanent seats

dormitory facilities or twenty-one (21) square feet of assembly

space in each assembly hall, which ever will require the largest number of parking spaces

Colleges without 10 per classroom, plus one (1)

dormitory facilities per three (3) permanent

seats or twenty-one (21)

square feet of assembly

space in each assembly hall,

whichever will require the largest number of parking spaces

Stadiums and sport 1 per four (4) seats

arenas

Swimming pools 1 per three (3) seats, or per forty (40) square feet of pool surface, whichever will require the largest number of parking spaces

Assembly halls, 1 per three (3) seats or per

churches, mortuaries, twenty-one (21) square feet

theaters, and like of assembly space, which-

structures ever will require the largest number of parking spaces

Hospitals 2.25 per bed

Convalescent homes, 1 per bed

homes for the aged

(c) Commercial

Business offices, 1 per seventy-five (75) square

except as otherwise feet of floor area, but not

specified herein less than four (4)

Professional offices 1 per one hundred (100) of

of architects, square feet of floor

attorneys, accountants, area, but not less than three

engineers, real (3)

estate brokers, etc.

Medical and dental 1.33 per one hundred (100)

clinics square feet of floor area, but not less than ten (10)

Retail stores, except 1 per one hundred (100)

as otherwise specified square feet of sales area,

herein with a minimum of five (5)

Retail stores of appli- 1 per three hundred (300)

ances, furniture, square feet of sales area,

motor vehicles, but not less than ten (10)

hardware, lumber and

building materials

Restaurants and bars 1 per thirty (30) square feet of sales area

Beauty or barber shops 1 per one hundred (100)

square feet of floor area

Service shops 1 per thirty (30) square feet of sales area, with a minimum of three (3)

Bowling alleys 7 per alley

Poolrooms, bow and 1 per fifty (50) square feet of

arrow and other activity area

recreation facilities

Service stations 1 per ten (10) square feet of office area, plus two (2) per hoist, but not less than five (5)

(d) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Building Official considers similar in type.

(Res. 24-95. Passed 2-13-95.)

#### **1290.02 OFF-STREET PARKING FOR INDUSTRIAL USES.**

(a) Parking for industrial uses shall be provided as follows:

(1) For individual establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, publishing, or similar uses, one (1) parking space shall be provided for each employee during the shift with the largest number of employees working, plus five (5) spaces, or one (1) space for each five hundred (500) square feet of gross floor area (whichever is greater).

(2) For warehouses, storage buildings and similar uses, one (1) space shall be provided for each fifteen hundred (1,500) square feet of gross floor area.

(3) Parking requirements for administrative offices shall be in addition to any such industrial use requirement.

(Res. 24-95. Passed 2-13-95.)

### **1290.03 ADDITIONAL OFF-STREET PARKING REQUIREMENTS.**

(a) Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall conform to the Michigan barrier-free parking requirements as set forth and identified by above-grade signs and painted pavement as reserved for physically handicapped persons.

(b) Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide or be not less than ninety-six (96) inches wide and be adjacent to an access aisle not less than sixty (60) inches wide, and must meet all other applicable requirements as to size as set forth in Section 1290.07.

(Res. 24-95. Passed 2-13-95.)

### **1290.04 OFF-STREET PARKING EXCEPTIONS.**

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission finds that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that such particular land use parking requirements can be advantageously used during other nonconflicting hours by the other contiguous land uses, in which event the required parking spaces for such particular land uses may be reduced by the Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

(Res. 24-95. Passed 2-13-95.)

### **1290.05 OFF-STREET PARKING REGULATIONS IN RESIDENTIAL DISTRICTS.**

(a) All residential buildings or nonresidential buildings in a Residential District shall be provided with required paved parking areas on the same lot with the building or on a lot immediately adjacent to the lot with the building intended to be served.

(b) Such parking areas shall not be located in any required front yard or required side yard, except that in a case of a dwelling with a driveway leading to a garage or parking area, the drive may be used for parking. Yard setback requirements for parking areas shall be the same as those required for buildings in the Residential District in which such parking is located.

(c) In no case shall a permitted off-street parking space or area be located closer than the required side yard setback to the side property line, or closer than five (5) feet from the rear property line. A residential driveway shall not be located closer than the required side yard setback to a side property line.

(d) The construction of a paved parking pad in accordance with Section 1288.14(b) may be allowed to be constructed at least three (3) feet from the side lot line, but not to include any area directly in front of the living area of the principal structure. The paved parking pad must be graded to control water runoff onto owners' lots. No such pad shall be constructed in excess of ten (10) feet by twenty (20) feet and no parked vehicles or any mass on such pad shall exceed ten (10) feet by twenty (20) feet by nine (9) feet in height. Every such pad shall be served by a paved driveway which shall be of adequate size to carry all traffic using such pad back to the main driveway prior to the sidewalk or road right-of-way and shall comply with Section 1288.14. These paved parking pad requirements do not apply to the recreational vehicle storage requirements described in Section 1288.21(a).

(Ord. 2007-02. Passed 7-11-07.)

(e) All parking areas, except for single-family detached and two-family dwellings, shall be screened on all sides abutting a Residential District or a street. Such screening shall consist of an ornamental fence, or a planting hedge not less than three (3) feet nor more than six (6) feet high of a type which will obscure vision at all seasons from adjoining property. If a hedge is used, the above minimum height shall be achieved no more than three (3) years after planting.

(f) No parking area shall be used for parking or storing of any commercial vehicle exceeding one (1) ton in capacity in a Residential District.

(g) No commercial repair work, servicing or selling of any kind shall be conducted on such areas, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon. No charge shall be made for parking or storage of vehicles.

(h) The establishment and operation of off-street parking areas in such parts of a Residential District that are immediately adjacent to or across an alley from a Business or Industrial District, and which are intended to serve such business or industry, may be authorized by the Planning Commission, subject to the conditional use provisions of Chapter 1262 and subject to the following requirements:

(1) Entrance and exit drives shall be at least twenty (20) feet from any adjoining property line in a Residential District.

(2) All requirements of this section shall be complied with, together with any other requirements deemed necessary or desirable by the Board of Zoning Appeals for the protection of the parking area and the Residential District in which such parking area is to be located.

(Res. 24-95. Passed 2-13-95.)

**1290.06 LOADING SPACE REQUIREMENTS.**

Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements:

(a) Office Uses. All office uses exceeding ten thousand (10,000) square feet in floor area shall provide at least two (2) off-street loading spaces plus at least one (1) loading space for each additional thirty thousand (30,000) square feet of floor area over ten thousand (10,000) square feet. Each loading space shall be a minimum of ten (10) feet wide by fifty (50) feet long.

(b) Retail/Other Commercial Uses. All retail/other commercial uses shall provide off-street loading areas as follows:

| <u>TOTAL SQUARE FOOTAGE<br/>OF THE BUILDING</u> | <u>OFF-STREET LOADING<br/>SPACES REQUIRED</u>  |
|---|--|
| 0 - 1,400                                       | 0  |
| 1,401 - 20,000                                  | 1  |
| 20,001 - 50,000                                 | 2  |
| Over 50,000                                     | 3, plus 1 additional space<br>for each 50,000 square<br>feet in excess of 50,000<br>square feet. |

(c) Industrial Uses. All industrial land uses shall provide at least one (1) off-street loading space for each ten thousand (10,000) square feet of floor area, with a minimum of two (2) loading spaces. Each loading space shall be a minimum of ten (10) feet wide by fifty (50) feet long.

(d) Traffic Hazard. All off-street loading spaces shall be located and designed to avoid creating a traffic hazard to public use of all public rights-of-way, maneuvering areas, or off-street parking areas.

(e) In Addition to Off-Street Parking Area Requirements. All off-street loading spaces and all access drives shall be in addition to the off-street parking area requirements.

(Res. 24-95. Passed 2-13-95.)

**1290.07 OFF-STREET PARKING AND LOADING DESIGN REQUIREMENTS.**

An off-street parking and/or loading area, and dimensional requirements showing compliance with this Zoning Code, shall be submitted to the Building Official for approval before the issuance of a building permit for the structure for which the parking facility and/or loading area is required.

(a) Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking shall be on any public street, walk or alley, and so that any automobile may be parked and maneuvered without moving or damaging another. Backing directly onto a street shall be prohibited.

(b) Plans for the layout of off-street parking facilities shall be in accordance with Figure I, Parking Layouts, following the text of this chapter, and the parking layout standards.

(c) There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way, so designed to prevent any portion of a vehicle from encroaching upon such walk or right-of-way.

(d) Lighting used to illuminate an off-street parking and loading area shall be so arranged as to direct light away from adjoining property and streets.

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

|                            | TOTAL WIDTH OF<br>ONE TIER OF<br>PARKING | TOTAL WIDTH OF<br>TWO TIERS OF<br>PARKING | SPACES PLUS<br>SPACE | SPACES PLUS<br>SPACE | MANEUVERING<br>LANE | MANEUVERING<br>LANE |
|----------------------------|--|---|----------------------|----------------------|---------------------|---------------------|
| <u>PARKING<br/>PATTERN</u> | <u>LANE WIDTH</u>                        | <u>WIDTH</u>                              | <u>LENGTH</u>        | <u>LANE</u>          | <u>LANE</u>         | <u>LANE</u>         |
| 0°                         | 12 FT.                                   | 8 FT.                                     | 22 FT.               | 20 FT.               | 28 FT.              |                     |
| (PARALLEL PARKING)         |  |   |                      |                      |                     |                     |
| 30° TO 53°                 | 13 FT.                                   | 9 FT.                                     | 18 FT.               | 32 FT.               | 51 FT.              |                     |
| 54° TO 74°                 | 18 FT.                                   | 9 FT.                                     | 18 FT.               | 38 FT.               | 58 FT.              |                     |
| 75° TO 90°                 | 24 FT.                                   | 9 FT.                                     | 18 FT.               | 42 FT.               | 60 FT.              |                     |

(e) Off-street parking and loading areas, maneuvering lanes and ingress and egress routes shall be surfaced with asphalt, bituminous or concrete pavement and shall be graded and drained to dispose of all surface water into the storm sewerage system.

(f) Any construction or rearrangement of existing drives which involves the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged as to ensure the maximum of safety and the least interference with traffic upon such streets and shall be approved in advance by the Building Official, in writing.

(g) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned other than RA, A-1, A-2, or A-3 shall not be across land zoned RA, A-1, A-2, or A-3.

(h) All required loading spaces shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent durable and dustless surface.

(Res. 24-95. Passed 2-13-95.)

#### **1290.08 OFF-SITE PARKING FACILITIES.**

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

(a) Residential Uses. Parking facilities accessory to dwelling units shall be located on the same zoning lot as the principal structure. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case shall accessory parking be at a distance in excess of three hundred (300) feet from the principal structure. In no case shall the off-site parking reduce the number of parking spaces provided for any other use below the minimum required by this Zoning Code.

(b) Nonresidential Uses. Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served. All required parking spaces shall be within five hundred (500) feet of the use served. No parking spaces accessory to a use in a Business or Industrial District shall be located in a Residential District. In no case shall the off-site parking reduce the number of parking spaces provided for any other use below the minimum required by this Zoning Code.

(Res. 24-95. Passed 2-13-95.)

#### **1290.09 COLLECTIVE PARKING.**

(a) The collective provision of off-street parking for two (2) or more structures or uses is permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.

(b) The total of such off-street parking facilities for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:

(1) Use for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.

(2) Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls, and establishments for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.

(c) A legally sufficient written license agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and the City Attorney, filed with the register of deeds, and made part of the application for a building permit.

(Res. 24-95. Passed 2-13-95.)

[\[Click here to view FIGURE I Parking Layouts\]](#)

## **CHAPTER 1291**

### **MM Medical Marihuana Overlay District**

---

1291.01 Intent and purpose.

1291.02 Scope.

1291.03 Required conditions.

1291.04 Site development location.

1291.05 Site use - additional conditions.

1291.06 Signs.

1291.07 Site plan review.

## **CROSS REFERENCES**

Medical marihuana facilities - see B.R. & T. Ch. 810

### **1291.01 INTENT AND PURPOSE.**

(a) The Medical Marihuana Overlay District is designed to provide for and regulate medical marihuana facilities in accordance with the Michigan Medical Marihuana Facilities Licensing Act so as to protect the public health, safety, and welfare of the residents and patients of the City and to establish reasonable and uniform regulations for their operation, while preserving the smalltown, unique character of the City of Davison by:

(1) Providing reasonable limitations on marihuana business operations as they relate to noise, air and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns; and

(2) Protecting the character of residential neighborhoods by limiting the location and the concentration of types of medical marihuana facilities to specific areas of the City compatible with such uses.

(b) The provisions of this chapter have neither the purpose nor effect of granting immunity from any criminal prosecution under federal law or granting immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with all applicable laws and rules promulgated by the State of Michigan and the City of Davison regarding medical marihuana. This chapter does not provide any rights or privileges with regard to marihuana under the Michigan Regulation and Taxation of Marihuana Act, MCL § 333.27102.

(Ord. 2020-05. Passed 7-13-20.)

### **1291.02 SCOPE.**

(a) The requirements of this Chapter shall apply to all lands that are designated as MM Medical Marihuana Overlay Districts and are shown on the City of Davison Zoning Map. The provisions and restrictions of this Chapter shall be considered to apply in addition to, and, where applicable, instead of, the provisions of the underlying zoning districts shown on the official Zoning Map, sufficient to fulfill the purposes of this Chapter. Medical marihuana facilities as defined by this chapter are allowed in the Medical Marihuana Overlay District as an additional conditional use, subject to the conditional uses permit requirements of Chapter 1262, the site plan review procedures of Chapter 1262, the design review provisions of Chapter 1263, and the provisions of this Chapter.

(Ord. 2020-05. Passed 7-13-20.)

### **1291.03 REQUIRED CONDITIONS.**

Medical marihuana facilities as defined by this chapter shall be subject to the following general regulations:

(a) Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by State law are prohibited in the City. In the event that a court with jurisdiction declares some or all of this Chapter invalid, the City may suspend the acceptance of applications for licensing or active medical marihuana permits pending the resolutions of the legal issue in question.

(b) An operator of a medical marihuana facility shall at all times have a valid medical marihuana facility permit issued by the City pursuant to Chapter 810 of the Davison Code of Ordinances, as amended, and a State operating license as issued by LARA pursuant to the Medical Marihuana Facilities Licensing Act, MCL § 333.27101 et seq.

(c) A property owner or operator of a medical marihuana facility shall not have vested rights or prior nonconforming use rights that would serve as a basis for failing to comply with this Chapter or any applicable amendment thereto.

(Ord. 2020-05. Passed 7-13-20.)

### **1291.04 SITE DEVELOPMENT LOCATION.**

(a) Only one medical marihuana facility is permitted per parcel or lot.

(b) A separation distance of 500 feet is required from any other medical marihuana facility or a marihuana establishment.

(c) The distances described in this section shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in this section above to the nearest property line for the property on which the medical marihuana facility is located.

(d) The Medical Marihuana Overlay District shall consist of properties that are located in the Commercial Central Business District (C-1). The provisions and restrictions of this chapter shall be considered to apply in addition to, and, where applicable, instead of, the provisions of the underlying zoning district shown on the official Zoning Map, sufficient to fulfill the purposes of this chapter.

(e) The separation distances contained in this section are applicable to marihuana facilities and establishments located in adjacent governmental jurisdictions.

(f) A medical marihuana facility is not permitted on the same property or parcel or within the same building where any of the following are located: a package liquor store, a convenience store that sells alcoholic beverages or a fueling station that sells alcoholic beverages.

(Ord. 2020-05. Passed 7-13-20; Ord. 2021-03. Passed 5-10-21.)

### **1291.05 SITE USE - ADDITIONAL CONDITIONS.**

- (a) No person shall reside in or permit any person to reside in a medical marihuana facility.
- (b) No smoking, inhalation, or consumption of marihuana shall take place on the premises of any medical marihuana facility.
- (c) All activities of a medical marihuana facility including, without limitation, displaying, manufacturing, selling, and storage of marihuana and marihuana-infused products, shall be conducted indoors. Medical marihuana facilities may not provide drive-through service.
- (d) No equipment or process shall be used in any medical marihuana facility which creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property boundary.
- (e) The hours of operation shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m. Monday through Saturday and Sunday 12:00 p.m. to 6:00 p.m.
- (f) The medical marihuana facility shall be subject to inspection by law enforcement, city building officials and members of the Michigan Department of Community Health during the hours of operation.
- (g) All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the medical marijuana facility in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- (h) No alcoholic beverage shall be sold, conveyed or consumed on the premises of any medical marijuana facility.
- (i) Persons under the age of 18 years of age are not permitted to be on the premises of any medical marijuana facility unless they possess a valid medical marijuana registry card issued by the State of Michigan or another state.
- (j) Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a medical marihuana facility and any adjacent business.
- (k) A permit holder shall not operate a medical marihuana facility any place in the City other than the address provided in the permit application on file with the City Clerk.

(Ord. 2020-05. Passed 7-13-20.)

### **1291.06 SIGNS.**

- (a) Signage for medical marihuana facilities shall comply with the requirements of the City of Davison Sign Ordinance (Chapter 1292) and the requirements of this Section. All signage and advertising for a medical marihuana facility shall also comply with all applicable provisions of this Code and the State of Michigan. When there is a conflict between the City's Sign Ordinance, this Ordinance and state standards, the more restrictive standards shall control.
- (b) Medical marihuana facilities may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects. Facilities may not use exterior signage or displays that contain an image of a marihuana leaf or other commonly recognized symbol for marijuana or which utilize any of the following words: marijuana, marihuana, weed, cannabis, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products.

(Ord. 2020-05. Passed 7-13-20.)

### **1291.07 SITE PLAN REVIEW.**

Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building, a site plan shall be submitted and approved, or approved with conditions in accordance with the requirements of this Zoning Code. In addition to the materials required for the site plan review procedures of Chapter 1262 and the design review provisions of Chapter 1263, an application for a marihuana facility shall also include a comprehensive facility operation and safety plan that addresses marihuana, customers, employees, and neighboring residents, offices, or businesses. This document shall contain, at minimum, a safety/security plan indicating how the applicant will comply with the requirements of this chapter and any other applicable law, rule or regulation. The security systems identified below and contained in the security plan, shall be maintained in good working order and provide twenty-four hours per day coverage. A separate security system is required for each facility. The security plan must include the following security measures:

- (a) Cameras. The medical marihuana facility shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to marihuana or cash. Cameras shall record operations of the business, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be recorded to and maintained for a minimum of thirty days at a secure offsite location in the City or through a service over a network that provides on-demand access, commonly referred to as a "cloud." The offsite location shall be included in the security plan submitted to the City and provided to the City Police Department upon request, and updated within seventy-two hours of any change of such location. Security cameras shall be directed to record only the subject property and may not be directed to public rights-of-ways as applicable, unless required to comply with licensing requirements of the State of Michigan.
- (b) Alarm system. The medical marihuana facility shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The security plan submitted to the City shall identify the company monitoring the alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.
- (c) Lighting. A lighting plan showing the lighting outside of the medical marihuana facility for security purposes and compliance with applicable City requirements.



(d) Use of Safe for Storage. The medical marihuana facility shall install and use a safe for storage of any processed marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the City in place of use of a safe so long as the container is affixed to the building structure.

(e) Disposal Plan. A disposal plan shall be designed to protect against any marihuana being ingested on the premises by any person or animal. Disposal of any marihuana, including any/all byproducts and/or waste products shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it or otherwise exist in nonconformance with local and state laws. The plan shall indicate how any marihuana will be rendered unusable and how the waste and byproduct will be stored until disposed of.

(f) Ventilation. A plan for ventilation of the medical marihuana facility should include the methods to be used to contain all smoke, odors, debris, dust, fluids and other substances within the building. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a medical marihuana facility must be provided at all times.

(g) Regulated Materials. A description of all toxic, flammable or other regulated materials that will be used or kept at the medical marihuana facility along with the location of such materials, and a description as to how such materials will be stored. All chemicals or hazardous substances used in the storage of marihuana shall be stored and used in strict compliance with manufacturer recommendations and all applicable federal, State or local regulations.

(h) Operations. An operations statement that describes, but is not limited to, the lifecycle of marihuana and marihuana-infused products entering, stored on, and leaving the site. This may include a description of how deliveries are handled, methods of storage, cash handling, a business floor plan, or other pertinent information.

(Ord. 2020-05. Passed 7-13-20.)

## CHAPTER 1292

### Signs

---

- 1292.01 Purpose, scope and intent.
- 1292.02 Definitions.
- 1292.03 Permit required; exceptions.
- 1292.04 Permit application review.
- 1292.05 Permit fees.
- 1292.06 Permit issuance.
- 1292.07 Permit denial.
- 1292.08 Administrative review, interpretation and variances.
- 1292.09 Maintenance of signs.
- 1292.10 Unsafe and unlawful signs.
- 1292.11 Signs in A-1, A-2 and A-3 Residential Districts.
- 1292.12 Signs in B-1 and B-2 Residential Multi-Family and Mobile Home Park Districts.
- 1292.13 Building-mounted signs in C-1, C-2, C-3 and I, Commercial and Industrial Districts.
- 1292.14 Temporary window signs in C-1, C-2, C-3 and I, Commercial and Industrial Districts.
- 1292.15 Freestanding or pylon signs in C-1, C-2, C-3 and I, Commercial and Industrial Districts.
- 1292.16 Off-site signs.
- 1292.17 Portable signs in Commercial and Industrial Districts.
- 1292.18 Political signs.
- 1292.19 Temporary signs.
- 1292.20 Exempt signs.
- 1292.21 Prohibited and unclassified signs.
- 1292.22 Legal nonconforming signs.
- 1292.23 Removal and disposition of signs.

1292.24 Sandwich board signs located within the Downtown Development Authority Area.

1292.25 Supplementary graphics.

### **CROSS REFERENCES**

Zoning and planning in home rule cities - see M.C.L. § 117.41

Regulation of location of trades, buildings and uses by local authorities - see M.C.L. § 125.581

Regulation of buildings; authority to zone - see M.C.L. § 125.582

Regulation of congested areas - see M.C.L. § 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L. § 125.583a

Signs within right-of-way - see TRAF. 400.10

### **1292.01 PURPOSE, SCOPE AND INTENT.**

(a) The purposes of this chapter are to regulate signs and outdoor advertising within the City so as to provide the optimum identification and advertising for businesses, protect public health, safety and welfare, preserve property values, support and complement land use objectives and enhance the aesthetic appearance of the City, all of which directly affect the quality of life and property values within the City.

(b) The objectives set forth in division (a) of this section are accomplished by regulating the design, illumination, size, type, construction, location, installation, maintenance, disposition, and other aspects of signs so as to:

(1) Prevent signs that are dangerous to the public due to structural deficiencies and/or disrepair;

(2) Reduce visual and physical obstructions and distractions to motorists; and

(3) Allow and promote optimum conditions for meeting the sign user's needs while at the same time promoting the environment desired by the general public.

(c) Provisions of the adopted Building Code, as adopted in Chapter 1420 of these Codified Ordinances, shall remain in full force and effect and shall be read in harmony with this chapter to the extent feasible. However, if any provision of this chapter conflicts with any provision of the adopted Building Code or any other ordinance now or hereafter in effect, the more restrictive provision shall apply.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

### **1292.02 DEFINITIONS.**

(EDITOR'S NOTE: See Section 1260.05 for definitions regarding signs.)

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

### **1292.03 PERMIT REQUIRED; EXCEPTIONS.**

(a) No person shall erect, alter, relocate, enlarge, or convert any sign in the City without first obtaining a sign permit from the Building Official or his or her designee.

(b) To ensure compliance with all appropriate laws and City Ordinances it shall be the duty of the Building Official or his or her designee to review applications for new sign permits, temporary sign permits and/or sign permits for a change to an existing sign. The Building Official shall examine the application material, plans and specifications and other data pertinent to the regulations of this chapter, the Michigan Building Code and other Codified Ordinances for the City. Any requested permits for existing nonconforming signs shall require the sign to be brought into compliance with current sign regulation standards. The Planning Commission may, as part of their review of a site plan, approve applications for new signs, temporary signs or changes to existing signs in the same manner as stated by the Building Official.

(c) Applications for sign permits shall contain or have attached thereto the following information:

(1) The name, address, and telephone number of the owner/applicant.

(2) Letter of approval, which outlines the consent of the property owner, if different from the applicant.

(3) A site plan drawing, (two copies required) which must include the following:

A. For wall signs, the location of the building or structure to which or upon which the sign or other advertising structures is to be attached or erected;

B. For freestanding signs, the location of the sign in relationship to nearby buildings, improvements and property lines;

C. An elevation of the proposed sign with dimensions, colors and wording.

(4) Any other information deemed necessary by the Building Official to ensure compliance with this chapter and all other provisions of these Codified Ordinances or the Michigan Building Code.

(d) Buildings or clusters of buildings within a project having more than one tenant shall submit a Master Sign Plan with the sign permit application. The Master Sign Plan shall include locations, area, height, colors, and fonts of all freestanding and wall signs. Elevations of the freestanding signs shall also be included. The Master Sign Plan must be designed so that it establishes a common theme or design, use similar construction methods, has compatible colors, size and scale. The Sign Plan must also indicate the area designated for individual tenant signs on the permitted freestanding signs.

(e) The following purposes shall not be required to obtain a sign review or permit:

(1) Painting, cleaning or maintenance, or the changing of the copy or message, unless a structural change is made; or

(2) The changing of the copy or message on reader board panel signs designed for such changes, including, but not limited to theatre marquees, billboards, electronic message signs and signs with moveable copy.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.04 PERMIT APPLICATION REVIEW.**

An application for a permit for a sign shall be submitted in such written form as the Building Official prescribes and shall be accompanied by the required fees.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.05 PERMIT FEES.**

Permit fees shall be determined pursuant to the, "Schedule of Fees", as adopted by the City Council.

(Ord. 97-1. Passed 3-10-97; Ord. 2002-05. Passed 6-24-02.)

#### **1292.06 PERMIT ISSUANCE.**

Once the proposed sign has been reviewed and approved, the Building Official or his or her designee will issue the sign permit in written form.

(Ord. 2007-04. Passed 10-8-07.)

#### **1292.07 PERMIT DENIAL.**

The Building Official or his or her designee shall give written notice to an applicant of the denial of a permit, including the reasons for denial.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.08 ADMINISTRATIVE REVIEW; INTERPRETATION AND VARIANCES.**

The Zoning Board of Appeals shall serve as the Sign Code Board of Appeals. Administrative Reviews, Interpretations and Variances with reference to signage may be taken to the Board under the terms of Chapter 1264.

(Ord. 2007-04. Passed 10-8-07.)

#### **1292.09 MAINTENANCE OF SIGNS.**

(a) The Building Official or his or her designee is authorized to order the removal of any sign that is not maintained in accordance with this chapter.

(b) All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be kept in repair in accordance with this chapter. When not galvanized or constructed of approved corrosion-resistant noncombustible materials, signs shall be painted when necessary to prevent corrosion.

(c) The owner or lessee of every sign shall maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition.

(d) Every sign shall be subject to the inspection and approval of the Building Official or his or her designee.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.10 UNSAFE AND UNLAWFUL SIGNS.**

(a) Notices. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this chapter, the owner thereof or the person maintaining the same shall, upon written notice from the Building Official or his or her designee, forthwith in the case of immediate danger and in any case within not more than ten days, make such sign conform to this chapter or remove it. If, within ten days, the order is not complied with, the Building Official or his or her designee is authorized to remove such sign at the expense of the owner or lessee thereof as provided in Section 1292.23.

(b) Unlawful Signs. The following signs shall be considered unlawful.

(1) Egress obstructions. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, means of egress, window or door opening used as an element of a means of egress, or to prevent free passage from one part of a roof to

another part thereof or access thereto as required by the adopted Building Code or for the fire-fighting forces having jurisdiction.

(2) Obstructions to ventilation. A sign shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation by the adopted Building Code, except that such a sign is permitted to be erected in front of or to cover transom windows when not in violation of this chapter.

(3) Projecting signs. No projecting sign shall be erected at other than right angles to the wall of a building or structure outside of the building line which extends above the roof cornice or parapet wall, or above the roof level when there is not a cornice or parapet wall, and which obstructs access to the roof. Such signs shall be reconstructed or removed as herein required.

(4) Alley signs. Signs shall not be permitted in any alleyway or to project beyond alley lot lines.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.11 SIGNS IN A-1, A-2 AND A-3 RESIDENTIAL DISTRICTS.**

The following signs shall be permitted in A-1, A-2, and A-3 Residential Districts:

(a) One nameplate not exceeding a combined area of 216 square inches for each residential dwelling. Such nameplate shall not be subject to the permit requirements of this chapter.

(b) One building identification sign for each building of a developed parcel. Said signs shall not exceed eight square feet in area for each building and shall be subject to a review and the issuance of a sign permit by the Building Official.

(c) For nonresidential uses, such as uses fronting on Flint or State Streets and/or uses which have been granted a conditional use permit, signs are subject to the requirements of Section 1292.13 of this chapter.

(d) Except as otherwise provided, permitted signs may be anywhere on the premises, except that they may not project beyond one-half of the setback required, or within a required clear vision zone. If ground-mounted, the top shall not be over five feet above the ground, and if building-mounted, such sign shall be mounted flush to the building and shall not be mounted on any roof.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.12 SIGNS IN B-1 AND B-2 RESIDENTIAL MULTI-FAMILY AND MOBILE HOME PARK DISTRICTS.**

The following signs shall be permitted in B-1 Residential Multi-Family Districts:

(a) One nameplate not exceeding 216 square inches for each residential dwelling unit or occupancy. Such nameplate shall not be subject to the permit requirements of this chapter.

(b) One building identification sign for each structure of a developed parcel. Said sign shall not exceed eight square feet in area for each building and shall be subject to a review and the issuance of a sign permit by the Building Official.

(c) For nonresidential uses, such as uses fronting on Flint or State Streets and/or uses which have been granted conditional use permits, and uses in a B-2 Mobile Home Park District, signs are subject to the requirements of Section 1292.13.

(d) Except as otherwise provided, permitted signs may be anywhere on the premises, except that they may not project beyond one-half of the setback required. If ground-mounted, the top of the sign shall not be in excess of five feet above ground level, and if mounted on the building, such sign shall be mounted flush against the wall, and no sign shall be mounted on the roof or project above the roof line.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.13 BUILDING-MOUNTED SIGNS IN C-1, C-2, C-3 AND I, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Building-mounted signs located on exterior canopies, marquees, and wall areas shall comply with the following requirements:

(a) Signs shall be located on canopies, marquees and wall areas facing the business street frontage or a City-owned alleyway. Businesses located on multiple street frontages or City-owned alleyways are limited to two wall areas. No signs shall be located on a canopy owned by the City, except as allowed under division (g) of this section,

(b) For each individual business building-mounted signs shall comply with the following:

(1) All building-mounted signs regardless of its location shall not exceed a total of 150 square feet. (See illustrations in Section 1292.25.)

(2) The area of a single building-mounted sign shall not be greater than 30% of the total wall area on which it is placed.

(3) For a wall area that is divided by a canopy the entire length of said wall, the wall area calculation is based on the wall area above the canopy.

(c) Building-mounted signs placed on a canopy or marquee are further subject to the sign's width not exceeding 50% of the building's foot frontage for the street where the sign is to face for that business. The sign height shall be limited as follows:

(1) Seventy-five percent of the sign width shall not exceed two feet in height.

(2) Twenty-five percent of the sign width shall not exceed four feet in height.

(d) Building-mounted signs shall not be located less than seven feet from a walkway surface and shall not project more than 15 inches from the face of a canopy, marquee or wall. All supporting mounting brackets or braces shall be enclosed.

(e) A building-mounted sign may be located anywhere flush with the building, except on the roof, and shall not project above the roofline.

(f) A multiple business building may have a building identification sign, not to exceed 12 square feet in size. Each individual business of a multiple business building may be provided with a single line identification sign not to exceed eight inches in height and 48 inches in length. All such identification signs shall be located in the same area on the building.

(g) Buildings with front or rear sidewalk and covered canopies may mount an additional identification sign on only the underside of the canopy. All such identification signs shall be uniform in style and be limited to six inches in height and 36 inches in length.

(h) Building-mounted signs located within the Downtown Development Authority District or the Local Development Finance Authority District may be subject to additional rules and regulations as adopted by the City Council. See illustrations on building-mounted signs in Section 1292.25.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

**1292.14 TEMPORARY WINDOW SIGNS IN C-1, C-2, C-3 AND I, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

- (a) Window signs shall not exceed 80% of the total window area for each wall of the building.
- (b) Such temporary window signs shall not be subject to the permit requirements of this chapter.
- (c) Such temporary window signs shall not display any material listed in Section 1292.23(a)(1).

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

**1292.15 FREESTANDING OR PYLON SIGNS IN C-1, C-2, C-3 AND I, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(a) Free-standing or pylon signs, including monument signs, are permitted on individual sites based on the width of property, according to the following schedule:

|                                  | <i>Maximum Area:<br/>sites with frontage between 150<br/>to 300-feet</i>   |  |   | <i>Maximum Area:<br/>sites with frontage up to 150-<br/>feet</i>           |  |   | <i>Max<br/>Height<br/>(ft.)</i> | <i>Min.<br/>distance<br/>between<br/>signs on<br/>same<br/>property<br/>(ft.)</i> | <i>Min.<br/>setback<br/>from<br/>side lot<br/>line (ft.)</i> | <i>Min.<br/>setback<br/>from<br/>front lot<br/>line (ft.)</i> |
|----------------------------------|--|--|---|--|--|---|---------------------------------|---|--|---|
|                                  | <i>Max area<br/>for<br/>individual<br/>business<br/>sign (sq.<br/>ft.)</i> | <i>Max<br/>area<br/>for<br/>reader<br/>board<br/>(sq. ft.)</i> | <i>Total<br/>max<br/>allowable<br/>area (sq.<br/>ft.)</i> | <i>Max area<br/>for<br/>individual<br/>business<br/>sign (sq.<br/>ft.)</i> | <i>Max<br/>area<br/>for<br/>reader<br/>board<br/>(sq.<br/>ft.)</i> | <i>Total<br/>max<br/>allowable<br/>area (sq.<br/>ft.)</i> |                                 |   |  |   |
| Freestanding/Pylon Sign          |  |  |   |  |  |   |                                 |   |  |   |
| single business                  | 36   | 24   | 60  | 24   | 24   | 48  | 25                              | 50  | 25   | 3   |
| multiple businesses              | 24   | 24   | 150   | 12   | 24   | 100   | 25                              | 50  | 25   | 3   |
| Ground-Mounted/<br>Monument Sign |  |  |   |  |  |   |                                 |   |  |   |
| single business                  | 36   | 24   | 60  | 3G   | 24   | 60  | 5                               | 50  | 25   | 10  |
| multiple businesses              | 24   | 24   | 150   | •  | 24   | 60  | 5                               | 50  | 25   | 10  |

\* 36-square feet total combined for all businesses

(b) One additional free-standing or pylon sign shall be allowed for each additional 300 feet of frontage. Such frontage shall be calculated on a per street basis and shall not be cumulative for those lots fronting on more than one street.

(c) No freestanding or pylon sign shall be closer than 50 feet from another such sign on the same site, nor shall any such sign be closer than 25 feet from any interior lot line.

(d) No freestanding or pylon sign shall exceed the following sizes:

(1) A freestanding or pylon sign for a single business location shall not exceed 36 square feet.

(2) A freestanding or pylon sign for a multiple business location shall not exceed 24 square feet per each individual approved business, however the total sign area for a multiple business sign shall not exceed 150 square feet.

(3) Individual business signs as allowed in subsection (d)(2) shall be uniform in size and style and be located on one continuous sign area at one location.

(4) One manual or computerized reader-board not to exceed 24 square feet may be added to a single freestanding or pylon sign. (See illustrations in Section 1292.25.)

(e) No freestanding or pylon sign shall exceed 25 feet in height.

(f) No portion of a freestanding or pylon sign shall be located within three feet of a property line. A freestanding or pylon signs located within ten feet of a property line shall be, at its lowest frame, not less than ten feet from the street curb elevation.

(g) In place of a freestanding or pylon sign, a ground-mounted or monument sign, with a minimum setback of ten feet and outside of any required clear vision zone, may be permitted. The top of such sign shall not be in excess of five (5) feet above ground level. (See illustrations in Section 1292.25.)

(h) Foundation supporting columns or posts for any freestanding sign shall not be greater than eight inches in width. No advertising shall be allowed on said supporting material, except that the property's address (6 inch numbers/letters maximum height) shall be located on said supporting columns or post, so as to be visible to the public.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2005-02. Passed 4-11-05; Ord. 2007-04. Passed 10-8-07.)

#### **1292.16 OFF-SITE SIGNS.**

(a) No off-site sign shall be permitted in any zoning district in the City of Davison unless conditional use permits therefor shall be first obtained from the City Council with recommendation by the Planning Commission after site plan review as per Chapter 1262.

(Ord. 97-1. Passed 3-10-97.)

(b) Permits shall be issued for one year only and shall expire January 1 of each year, regardless of the date originally issued during the year. Permits will be issued subject to structural inspection if deemed necessary by the Building Official.

(c) Permit fees shall be determined pursuant to the Schedule of Fees, as adopted by the City Council. Waiver of any fees for governmental or community service units is subject to Council approval.

(d) The City's Planning Commission shall review all applications for permits to determine the impact upon the surrounding neighborhood, including vision clearance, safety, decency and general good taste of the community. Also, the size, height, location, and positioning shall be reviewed to protect the general landscape and recreational uses of the neighborhood.

(e) In those few instances when advertising signs shall be permitted, such signs shall not in any instance violate the following conditions:

(1) Such signs shall not be within 1,000 feet of an existing residential structure on the same side of the street.

(2) Such signs shall not be closer than 1,000 feet to another advertising structure on the same side of the street.

(f) Off-site signs may be permitted in Industrial Districts, subject to the conditional use provisions of Chapter 1262, and subject to the following conditions:

(1) Freestanding advertising signs or billboards shall not be placed closer than 1,000 feet from any Residential District other than a Residential Agricultural District.

(2) Off-site signs may be either non-illuminated or illuminated, but non-flashing, provided that the direct source of light is in such a manner that it is not visible from the street or any adjoining residential property.

(3) No off-site advertising sign or billboard shall exceed a height of 15 feet or a length of 30 feet, nor shall there be less than ten feet to its lowest edge from the curb level of the street or more than 25 feet to the top of the sign.

(g) Each permit application shall be subject to site plan review consistent with all other Zoning Code provisions, made and provided, and consistent with districts affected.

(Res. 24-95. Passed 2-13-95; Ord. 95-5 Passed 7-10-95; Ord. 2002-05. Passed 6-24-02.)

#### **1292.17 PORTABLE SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(a) A "portable sign" is defined as any sign that is not affixed to a building or the grounds upon which it is situated or located, and such signs may be permitted, provided that:

- (1) No such sign shall exceed 32 square feet in area.
- (2) No such sign shall be placed upon or within the public right-of-way.
- (3) Such a sign may be multiple sided.

(4) Such a sign may or may not be illuminated, but under no circumstances shall any such sign contain flashing lights, moving lights or lights determined by the Chief of Police to be dangerous to the safety of motorists or pedestrians using the immediate street or public right-of-way.

(b) Portable signs shall be allowed by permit only and such permits shall be signed by the Building Official or his or her designee, under the following conditions:

(1) Only one permit shall be granted to an individual or business during any three-month period, regardless of where the sign may be located.

(2) All permits shall be issued for a period not to exceed two weeks in duration. An additional week for a "Grand Opening Sale" and/or a "Going Out of Business Sale" will be allowed on proper application. Special permits will be issued for City-wide events such as "Downtown Sidewalk Days."

(3) A permit will be issued for only one sign per designated "Point of Sale."

(4) Permit fees shall be determined pursuant to the, Schedule of Fees, as adopted by the City Council.

(c) A "sandwich board sign" shall not be considered a portable sign. Sandwich board signs are controlled by Section 1292.24.

(Res. 24-95. Passed 2-13-95; Ord. 95-5. Passed 7-10-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07; Ord. 2010-10. Passed 8-9-10.)

### **1292.18 POLITICAL SIGNS.**

(a) Political signs in a Residential District shall be restricted to a maximum size of 14 inches by 22 inches. Political signs in all other districts shall be restricted to the size, area, height, and setback requirements of the district in which they are placed.

(b) No political sign shall be allowed prior to 30 days before an election. All political signs shall be removed within 72 hours after the election or they shall be subject to removal by the City as an abandoned sign.

(c) No political sign shall be placed within the public right-of-way.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02.)

### **1292.19 TEMPORARY SIGNS.**

(a) Banners, pennants and flags (other than those of any nation, state or political subdivision or corporate flags) are prohibited, except as set forth in division (b) of this section. Search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons or other gas-filled figures and portable signs shall not be used on a permanent basis.

(b) Signs described in division (a) of this section will be permitted in a Commercial or an Industrial District for a total period not to exceed 21 days and will be allowed in Residential Districts in conjunction with an open house or model home demonstration conducted by a realtor for two days before the opening of such a demonstration to two days after, and not to exceed a total period of 30 days.

(c) A "sandwich board sign" shall not be considered a temporary sign. Sandwich board signs are controlled by Section 1292.24.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

### **1292.20 EXEMPT SIGNS.**

The following signs are exempt from the provisions of this chapter:

(a) Construction Signs. One construction sign per construction project, not exceeding 32 square feet in sign area in Residential Districts or 64 square feet in Commercial Districts or Industrial Districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction and shall be removed five days after completion of construction and prior to occupancy;

(b) Memorial Signs. Memorial signs or tablets, or names of buildings and the date of erection when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material;

(c) Notice Bulletin Boards. Notice bulletin boards not over 24 feet in area for medical, public, charitable, or religious institutions, where such signs are located on the premises of such institutions;

(d) No Trespassing or No Dumping Signs. No trespassing or no dumping signs, not to exceed 216 square inches in area per sign and not exceeding four in number per lot, except that special permission may be obtained from the Building Official or his or her designee for additional signs under proven special circumstances;

(e) Permanent Window Signs. Except in residential zones, for each ground floor occupancy of a building, not more than two permanent signs painted on or otherwise displayed from the inside surface of any window, showcase, or other similar facility. Such signs shall be in addition to those signs permitted under the other provisions of this chapter. The total copy area of such signs shall not exceed 25% of the total window area, or one square foot per linear front foot of the premises occupied, whichever is less.

(f) Symbols or Insignia. Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building;

(g) Temporary Signs. Temporary signs not exceeding four square feet pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs are posted only during such drives or not more than 30 days before such events and are removed not more than 15 days after an event;

(h) Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping and other similar materials or features combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name;

(i) Directional or Instructional Signs. Signs which provide direction or instruction, are located entirely on the property to which they pertain, do not in any way advertise a business and do not exceed four square feet in area; signs identifying rest rooms, public telephones or walkways; and signs providing direction, such as parking lot entrance and exit signs and those of a similar nature;

(j) Flags. The flags, emblems, or insignia of any nation or political subdivision or a corporate flag;

(k) Governmental Signs. Governmental signs for the control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety, which signs are erected by or on the order of a public officer in the performance of his or her public duty;

(l) Holiday Decorations. Signs of a primarily decorative nature, clearly incidental and customarily and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any one year;

(m) Public Notices. Official notices posted by public officers or employees in the performance of their duties;

(n) Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance. Such signs may be of any type, number, area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected;

(o) Real Estate Signs. One real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed eight square feet in area and is removed within seven days after the sale, rental, or lease has been accomplished;

(p) Signs in Display Windows. Signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to previously listed services herein this section; and

(q) Warning Signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon the subsidence of danger.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

#### **1292.21 PROHIBITED AND UNCLASSIFIED SIGNS.**

The following types of signs are prohibited:

(a) Swinging signs;

(b) Curb signs;

(c) Signs that bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;

(d) Signs that are painted on or attached to any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address;

(e) Signs that operate or employ any stereopticon, motion picture projection or media in conjunction with any advertisements, or that have visible moving parts or any portion which covers or gives the illusion of motion, except as permitted in this chapter;

(f) Signs that emit audible sound, odor, or visible matter;

(g) Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "slow," "go slow," "caution," "danger," "warning" or similar words; and

(h) Signs that, by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed to be a traffic control sign, signal or device or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal, or device.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

#### **1292.22 LEGAL NONCONFORMING SIGNS.**

(a) (1) After the enactment of this chapter, the Building Official or his or her designee shall, as soon as practicable, survey the City for signs which do not conform to this chapter. Upon a determination that a sign is nonconforming, the Building Official or his or her designee shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:



A. The sign's nonconformity; and

B. Whether the sign is eligible for characterization either as legal nonconforming or unlawful.

(2) Failing determination of the sign owner, user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(b) Legal Nonconforming Characterization. Any sign located within the City limits on the date of adoption of this chapter or located in an area annexed to the City thereafter, which sign does not conform with this chapter, is eligible for characterization as a legal nonconforming sign and is permitted, provided it also meets the following requirements. Temporary signs shall not be characterized as legal nonconforming signs.

(1) The sign was covered by a sign permit or variance on the date of adoption of this chapter if one was required under applicable law.

(2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on such date of adoption.

(c) Loss of Legal Nonconforming Status.

(1) A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

A. The sign is altered in any way in structure or copy, except for changeable copy signs and normal maintenance, which alteration tends to or makes the sign less in compliance with this chapter than it was before the alteration.

B. The sign is relocated, moved, or adjusted to a position making it less in compliance with the requirements in this chapter, e.g. within the required setback or the clear vision zone area.

C. The sign is replaced.

(2) On the happening of any one of the events described in division (c)(1), B. or C. of this section, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or it shall be removed.

(d) Maintenance and Repair. Nothing in this section shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs. However, no repainting, cleaning or other normal maintenance or repair of the sign or sign structure shall modify the sign structure or copy in any way which makes it more nonconforming. In such a case, the sign may lose its legal nonconforming status.

(e) Compliance Required. Legal nonconforming signs must comply with this chapter when a change in ownership, tenancy, business, or organization occurs on the premises where the sign is located or when the advertising on the sign changes to denote a change in ownership, tenancy, business, or organization. However, this section shall not prevent the enforcement of Section 1292.23.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07.)

### **1292.23 REMOVAL AND DISPOSITION OF SIGNS.**

(a) Maintenance and Repair of Signs. All signs and all components thereof, including, without limitation, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

(1) If the Building Official shall find that any sign is unsafe or insecure, or is a menace to the public, he or she shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the safety condition which caused the Building Official to give such notice shall be effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Building Official is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner, agent or person having the beneficial interest in the building or premises on which such sign is located, whenever he or she determines that such sign is an immediate peril to persons or property.

(2) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign, the owner of the property where the sign is located, or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This division shall not be construed to alter the effect of Section 1292.22, which prohibits the replacement of a nonconforming sign. Nor shall this division be construed to prevent the changing of the message of a sign.

(b) Abandoned Signs. Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises.

(c) Dangerous or Defective Signs. No person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

(d) Unlawful Signs. No person shall erect on any premises owned or controlled by him or her any sign which does not comply with this chapter.

(e) Street Improvement Projects. Any sign projecting over a public right-of-way on the effective date of this chapter, which sign was subject to removal or relocation at the owner's expense pursuant to a permit or other ordinance of the City, shall be removed by the owner or altered at the owner's expense to comply with this chapter if, as the result of or after completion of a street improvement project, such sign does not or would not comply with this chapter.

(f) Signs Placed within the City Right-of-Way. All signs in the City of Davison are subject to Section 1292.03 of this zoning ordinance, which states that no person shall erect, alter, relocate, enlarge, or convert any sign in the City without first obtaining a sign permit. Furthermore, failure to obtain a sign permit is subject to Section 1262.99 of this zoning ordinance which states that the City may take additional lawful action that is necessary to prevent or remedy any violation of this zoning ordinance.

(g) (1) Removal by Building Official. The Building Official or his or her designee shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically or structurally defective sign, or a sign for which no permit has been issued. The Building Official or his or her designee shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation is not corrected within 21 days, the sign shall be removed in accordance with this section.

(2) All notices mailed by the Building Official or his or her designee shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

(3) For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

(4) Any person having an interest in the sign or the property may appeal the determination of the Building Official or his or her designee ordering removal or compliance by filing a written notice of appeal with the Zoning Board of Appeals within 14 days after the date of mailing the notice, or within 14 days after receipt of the notice, if the notice was not mailed. When an appeal is filed, action on enforcement is suspended until a decision on the appeal has been finalized by the Zoning Board of Appeals.

(5) Notwithstanding the provisions of this division (g)(5), in cases of emergency, the Building Official or his or her designee may cause the immediate removal of a dangerous or defective sign without notice.

(h) Disposal of Signs; Fees.

(1) Any sign removed by the Building Official or his or her designee pursuant to division (g) of this section shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the City or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal.

(2) When it is determined by the Building Official or his or her designee that the sign would cause an imminent danger to the public safety and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Building Official or his or her designee may correct the danger, all costs being assessed as follows:

A. The notice given by the Building Official or his or her designee shall state not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limits set forth in this chapter, the cost of correcting the unlawful feature of the sign may be assessed against the property on which the sign is located, together with the additional 5% for inspection and incidental costs and an additional 10% penalty for the cost of collection, and that such assessment shall be collected in the same manner as real estate taxes against the property.

B. If the owner of the premises, the person entitled to the possession thereof, or the owner of the sign fails, neglects, or refuses to comply with the notice to repair, rehabilitate or demolish the sign declared to be unlawful, then any such owner or person entitled to possession of the premises, if other than the owner of the premises, or all of them, may be prosecuted for a violation of this chapter. The Building Official or his or her designee may remove the sign declared to be unlawful.

C. If it becomes necessary for the Building Official or his or her designee to remove a sign pursuant to this division, bids shall be taken when the estimated costs of demolition exceed five hundred dollars (\$500.00). When completed, the Building Official or his or her designee shall certify to the City Clerk the legal description of the property upon which the work was done, together with the name of the owner thereof, as shown by the City of Davison tax rolls, together with a statement of work performed, the date of performance and the cost thereof.

D. Upon receipt of such statement, the City Clerk shall mail a notice to the owner of the premises as shown by the tax rolls, at the address shown upon the tax rolls, by certified mail, postage prepaid, notifying such owner that the work has been performed pursuant to this chapter, stating the date of performance of the work and the nature of the work and demanding payment of the costs thereof (as certified by the Building Official or his or her designee), together with 5% for inspection and other incidental costs in connection therewith. Such notice shall state that if such amount is not paid within 30 days of the mailing of the notice, it shall become an assessment upon and a lien against the property of such owner, describing the same, and will be certified as an assessment against the property, together with a 10% penalty, for collection in the same manner as real estate taxes upon the property are collected.

E. If the City Clerk does not receive payment within a period of 30 days following the mailing of such notice, the City Clerk shall inform Council of such fact, and Council shall thereupon enact a resolution assessing the whole cost of such work, including 5% for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the sign has been removed, together with a 10% penalty for the cost of collection.

F. Following passage of such resolution upon third reading, the City Clerk shall certify the same to the City Treasurer, who shall collect the assessment, including the 10% penalty, in the same manner as other taxes are collected.

G. Each such assessment shall be a lien against each lot or tract of land assessed, until paid, and shall have priority over all other liens except general taxes and prior special assessments.

H. For purposes of this section, the owner of the premises shall be presumed to be the owner of the sign thereon, unless the contrary appears from facts brought to the attention of the Building Official or his or her designee.

(3) If costs are to be assessed against the property, a hearing to confirm the costs shall be held before Council. At such hearing, the owner of the property or other interested person may appear and object to the proposed assessment. Notice of the hearing shall be given to the property owner at least ten days prior to the date of the hearing by mailing a notice of the hearing to the address of such property owner as shown on the last equalized assessment roll.

(Res. 24-95. Passed 2-13-95; Ord. 2002-05. Passed 6-24-02; Ord. 2007-04. Passed 10-8-07; Ord. 2010-08. Passed 3-8-10.)

#### **1292.24 SANDWICH BOARD SIGNS LOCATED WITHIN THE DOWNTOWN DEVELOPMENT AUTHORITY AREA.**

(a) Sandwich board signs are exclusively permitted within the defined central business district within the Downtown Development Authority. This defined area is bordered on the south by the railroad tracks, west by M-15 (State Street), north by Third Street, and east by a line beginning on the south at railroad tracks aligning with the fence along the eastern edge of merchants parking lot directly north to Third Street.

(b) Permitted Sign Types.

(1) Signs shall be a sandwich board type with multiple (minimum of two) or one continuous hinge across top.

(2) Signs must be portable and are intended to be set on the sidewalk.

(c) Signs shall have a maximum height of 42 inches and a maximum width of 24 inches. The minimum height of a sandwich board shall be not less than 36 inches and a minimum width of not less than 20 inches.

(d) Design.

(1) All sandwich board signs shall be maintained in a high-quality state, with no peeling, broken, cracked, or faded paint/vinyl.

(2) Lettering shall have crisp and sharp edges with a professional quality, either painted or vinyl.

(3) Signs are to have a flat surface.

(4) Signs shall have no more than two sign faces.

(5) Signs are intended to contain the name of the business it is intended to advertise on both sides.

(6) Signs shall not be illuminated, animated, have moving parts, or be electrically powered in any way.

(7) Signs shall contain a device (such as a chain, rope, cable, etc.) to prevent sign panels from spreading open and collapsing onto the ground.

(8) Edges shall have no protruding features that extend beyond the edges of the sign.

(9) Signs may contain three-dimensional type lettering and/or objects contained within overall area limits of the sign.

(10) Removable signage panels on thin sign board material such as aluminum, Centrex, or other quality sign grade material shall be attached to the sign frame with screws or through the use of slide rails. These materials are necessary to ensure high-quality interchangeable sign panels while enhancing the versatility of the sign. Flimsy fixtures including, but not limited to, Velcro, staples, or double sided tape, are not permitted.

(11) Signs are encouraged to be unique creations that have a high-quality appearance, reflecting creative hand-made craftsmanship through carvings, paintings, and other unique sign-making techniques.

(12) Combinations of sign colors are encouraged because they ensure contrast and clarity. The following color palette is suggested:

A. Background: Black, brown, dark green, medium to dark blue, burgandy.

B. Lettering: Black, brown, medium blue, medium to dark green, burgandy, goldenrod, and white.

(13) Signs may be a silhouette cut into a shape. Protruding features extending beyond the limits of the sign area that could cause a hazard to pedestrian traffic are not permitted.

(14) Temporary hand lettering is permitted only on a chalk or white board section of the sign comprising of an area not greater than 60% of any one side of sign, such as: "Daily Specials" or "Sale Today" applications. This chalk or white board section may be on one or both sides of sign.

(e) Construction Materials.

(1) Signs shall be constructed using quality exterior sign board materials.

(2) Suggested materials: MDO board, Centrex, Alumiply, high density foam board, plastic (with weights).

- (3) Materials not recommended (due to temporary exterior quality): Cardboard, OSB, plywood, Coraply, or Masonite.
- (4) Signs shall not be constructed from materials that may cause a hazard to pedestrian traffic.
- (5) Signs constructed with light materials such as plastic shall be weighted so they can remain stationary on windy days.
- (6) Sign panels that are loose or lightly attached are not permitted.
- (7) Items that are attached loosely or lightly to the sign panels are not permitted.

(f) Installation.

- (1) Each building, including buildings with more than one (1) tenant, with exterior frontage is permitted to display one (1) sandwich board sign at a time.
- (2) Placement on landscaped areas in front of business, between frontage of building and sidewalk is permitted. However signs are not permitted in landscaped areas between sidewalk and curb.
- (3) If a business owns private property between the building and the sidewalk, the sign must be located in this area.
- (4) Sandwich board signs do not have permanent fixtures. Therefore, they are placed outside of the business only during business hours and must be removed and placed indoors daily for storage after the close of business.
- (5) Location of sign must be within fifteen (15) feet of the business entry on the sidewalk as far from the curb as possible and within business frontage of the building. Signs are not permitted to restrict the width of permissible sidewalk egress from the City's minimum commercial sidewalk width requirements.
- (6) Signs are not permitted to be placed in front or adjacent to another business, commercial enterprise, or vacant land. In addition, placement of such signs is prohibited on City property (except within the permitted sidewalk right-of-way), including but not limited to parking lots, streets, or alleys.

(g) Examples of acceptable signs:



- (h) Maintenance. Sandwich board signs must conform to the requirements set forth in Section 1292.09.
- (i) Approval. Approval of sandwich board signs are subject to the permit requirements of Section 1292.03.
- (j) Exceptions. Requests for exceptions from the regulation of sandwich board signs are subject to the administrative review requirements of Section 1292.08.

(Ord. 2007-04. Passed 10-8-07.)

**1292.25 SUPPLEMENTARY GRAPHICS.**

Figure 1

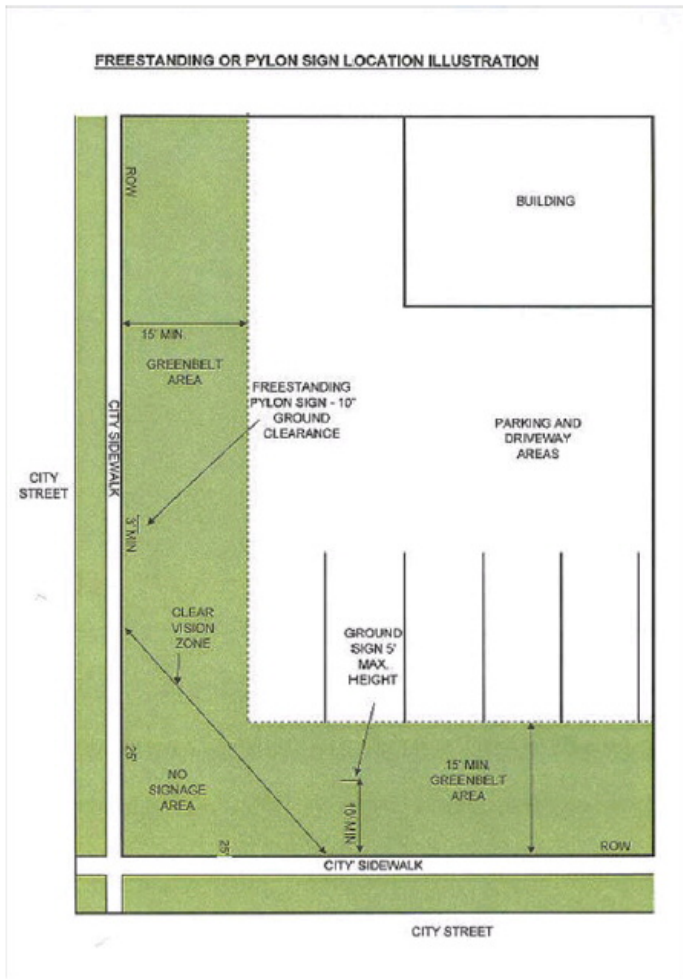


Figure 2

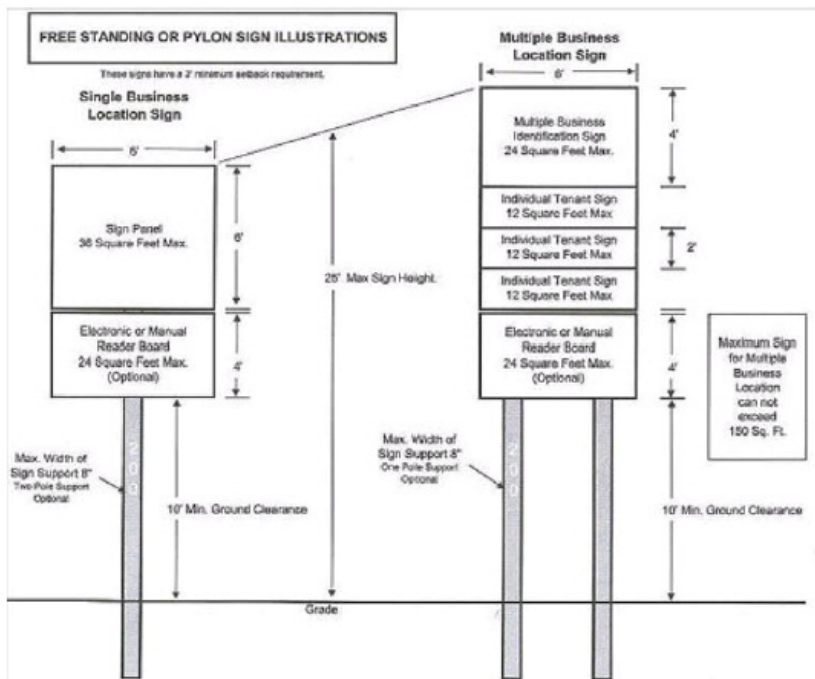


Figure 3

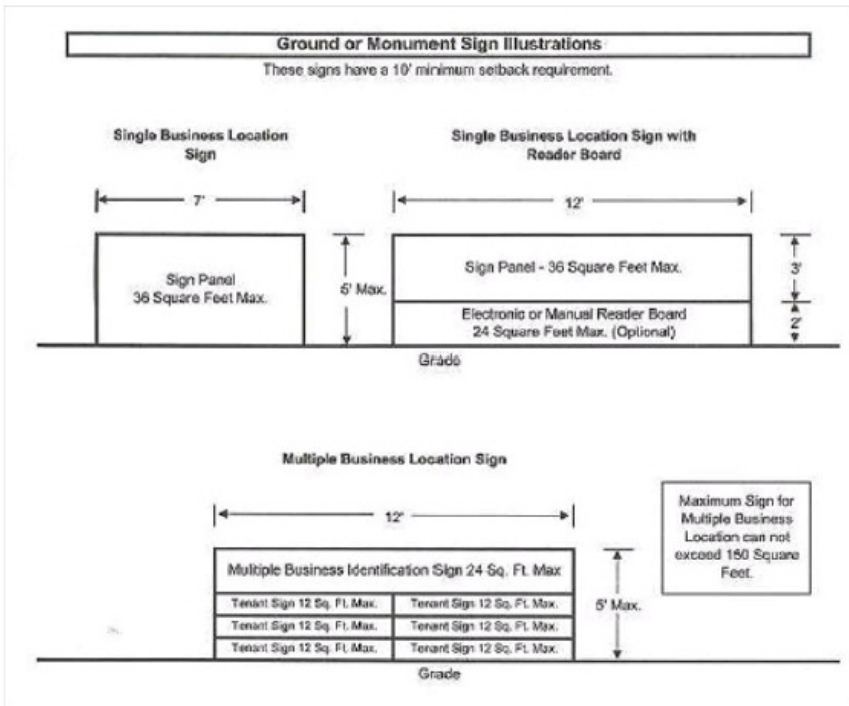


Figure 4

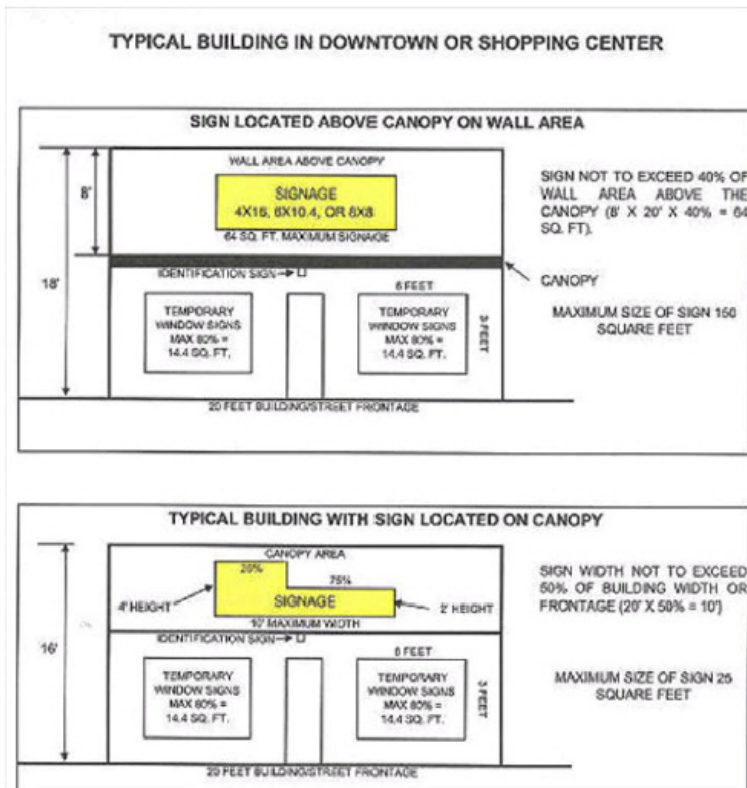
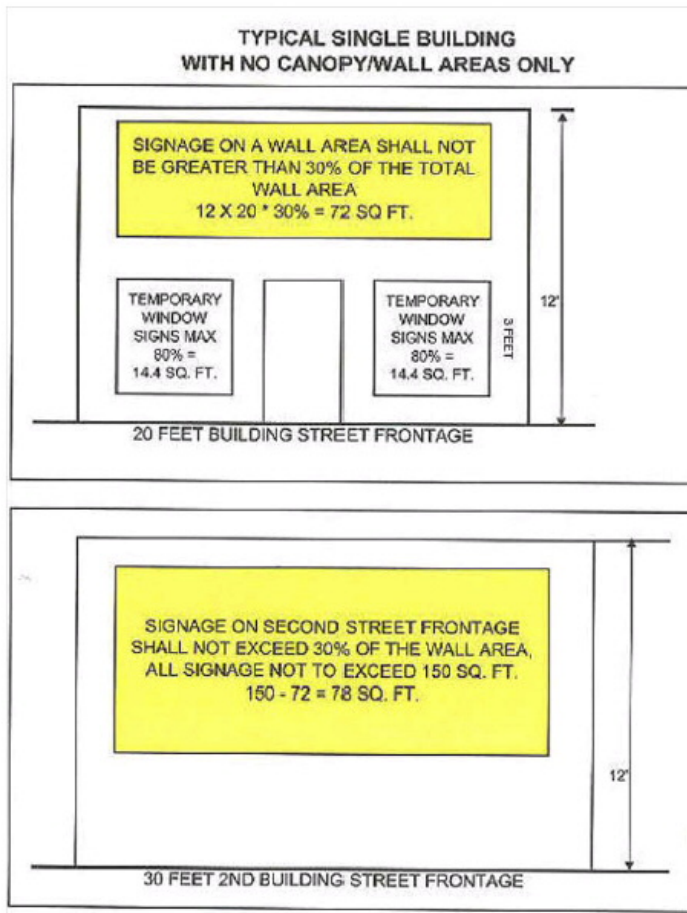


Figure 5



(Ord. 2007-04. Passed 10-8-07.)