

**DAVISON TOWNSHIP  
GENESEE COUNTY, MICHIGAN**

**TOWNSHIP  
ZONING ORDINANCE  
NO. 16  
(Formerly Ord. No. 80)**

Amended Through Ord. No. 16-84  
August 13, 2018

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**Zoning Ordinance No. 16**  
(Formerly Ord. No. 80)

**Davison Township, Genesee County, Michigan**

Amended Through Ord. No. 16-84  
August 13, 2018

THE TOWNSHIP OF DAVISON, GENESEE COUNTY, MICHIGAN ORDAINS:

An Ordinance, in accordance with and under the authority of- Act No. 184 of the Public Acts of Michigan for 1943, as amended, known as the "Township Rural Zoning Act," to provide for the establishment, in the unincorporated portions of Davison Township, Genesee County, Michigan, of zoning districts in such sizes, shapes and areas as are deemed best suited to carry out the provisions of this Ordinance; within which districts the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited; and within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses is encouraged, regulated or prohibited; and within which districts provisions are made designating the location of, height of, number of stories of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in, dwellings, buildings, and structures, including tents and mobile homes that may be hereafter erected or altered; and, to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and mobile homes throughout each district; and to provide for administering of this Ordinance; and, to provide for conflicts in other ordinances or regulations; and, to provide penalties for violations; and, to provide for the collection of fees for building permits; and, to provide for petitions and hearings; and, to provide for appeals; and, to provide for repeal of ordinances in conflict herewith; and, to provide for any other matters authorized by the above mentioned "Township Rural Zoning Act."

## **Article I Title, Purposes and Legal Clauses**

### **Section 100. Title.**

This Ordinance shall be known and may be cited as the Davison Township Zoning Ordinance.

### **Section 101. Repeal of Ordinance.**

The Davison Township Zoning Ordinance, approved November 13, 1972, and all amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

### **Section 102. Purposes.**

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform 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 Davison Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Davison Township Board.

### **Section 103. Validity and Severability Clause.**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

### **Section 104. Interpretation.**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 105. Vested Rights.**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## Article II Construction of Language and Definitions

### Section 200. Construction of Language.

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, (and the plural number shall include the singular) unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.
10. The terms his and her shall be used interchangeably, and shall be considered to have the same meaning.

**Section 201. Definitions.**

**Accessory Building:** A building subordinate to a main building on the same lot occupied by, or devoted exclusively to, an accessory use. (Ordinance No. 16-79)

**Accessory Use, or Accessory:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.
2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, lean-to structure, or similar accessory building or other structure. (Ordinance No. 16-84)
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
9. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
11. Satellite dishes or television or radio antennae for the use of occupants of a residence, or place of business.

**Abattoir:** A place where cattle, sheep, hogs, or other animals, other than poultry, are killed or butchered for market or for sale.

**Acreage:** Any tract or parcel of land which has not been subdivided or plotted.

**Addition:** An extension or increase in floor area or height of a building or structure.

**Adult:** A person having arrived at the legal age of adulthood defined by the laws of the state of Michigan.

**Adult Entertainment Uses:** Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas." Adult entertainment uses shall include, but not be limited to, the following:

1. **An Adult Motion Picture Theater** is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
2. **An Adult Mini-Motion Picture Theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."
3. **An Adult Motion Picture Arcade** is any place to which the public is permitted or invited wherein coin 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 (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
4. **An Adult Book Store** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
5. **An Adult Cabaret** is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict, or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
6. **An Adult Motel** is a motel wherein matter, actions, or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
7. **An Adult Massage Parlor** is any place where for any form of consideration or gratuity, 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."

8. **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.
9. **An Adult Sexual Encounter Center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble, or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."

**Adult Foster Care Facility:** A governmental or nongovernmental establishment 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.

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
2. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided foster care.
3. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

**Alterations:** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**Aquifer:** A geological formation, group of formations, or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs. (Ordinance No. 80-29)

**Arcade:** Arcade shall mean any place of business or establishment whose principal use is amusement devices and which contains six (6) or more mechanical amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

**Architectural Features:** Architectural features of a building or a structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**Area Development Plan:** A plan view rendering illustrating the placement of roadways, buildings, parking lots, landscaping, and other site design elements and recommendations involving, but not necessarily limited to, utilities and storm drainage, floor space density allocations, and building façade and architectural treatment, for a specified geographic area of the community, adopted and incorporated in the Township's Master Plan. (Ordinance No. 80-29)

**Auto Wash (Automatic):** A structure containing facilities for washing several automobiles at one time using a chain conveyor or other method of moving the cars along a predetermined path and with automatic or semi-automatic applications of cleaner, brushes, rinse water, and with air, heat, or towel drying. (Ordinance No. 80-24)

**Auto Wash (Self-Service or Coin Operated):** A structure containing individual washing stalls whereby the customer, through use of a timed mechanical wand, applies cleaner, rinse water, car wax, and similar agents directly to their personal vehicle. (Ordinance No. 80-24)

**Auto Wash (Accessory):** An accessory structure and use containing facilities for washing a single vehicle at one time within an automatic wash lane with the automatic application of cleaner, brushes, rinse water, and with air or heat drying, typically provided in conjunction with a gasoline filling station or gasoline service station. (Ordinance No. 80-24)

**Automobile Repair:** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

**Automobile Trailer:** See definition for Travel Trailer. (Ordinance No. 16-84)

**Average Day:** A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than mid-week. (Ordinance No. 80-29)

**Basement and Cellar:**

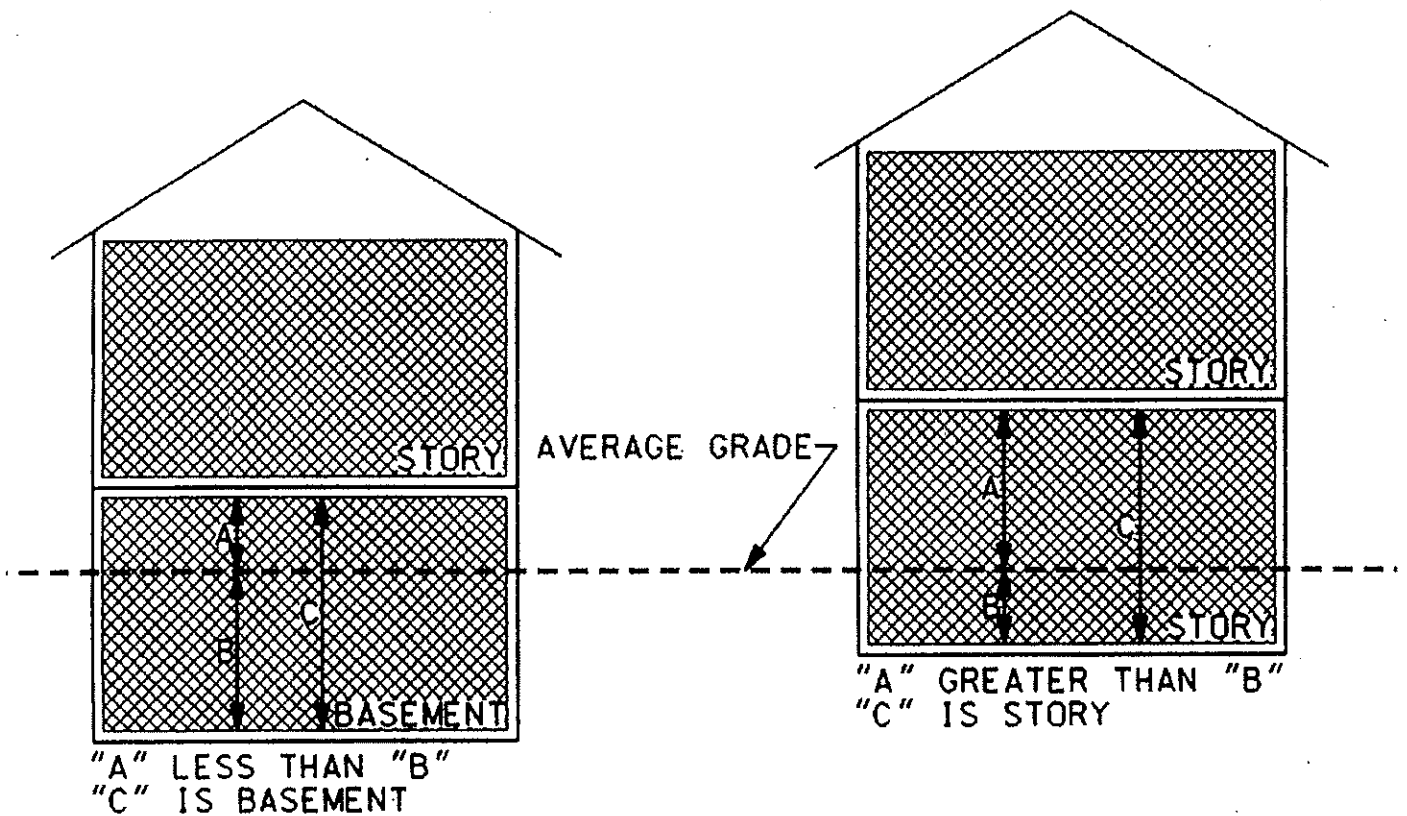
1. A basement is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
2. A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than 6.5 feet.

**Bed and Breakfast Operations:** A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.



# Basement and Story

A BASEMENT SHALL BE CONSIDERED HABITABLE SPACE IF MORE THAN 50 PERCENT OF THE LINEAL FEET OF THE BASEMENT WALLS ARE MORE THAN 50 PERCENT ABOVE GRADE



**Big Box Retail Establishment:** A singular retail or wholesale user who: occupies not less than 50,000 square feet of gross floor space in an industrial-style building having a multi-story mass; typically requires high parking to building area ratios; and, has a regional sales market designed to attract customers with low prices and/or large selection possible with large floor space and high volume sales. For purposes of this definition, regional retail/ wholesale sales includes, but is not necessarily limited to, membership warehouse clubs that emphasize bulk sales, discount stores, and department stores such as Costco Wholesale, Wal-Mart, and Kohl's.

**Block:** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

**Boarding House:** A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one (1) month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

**Building:** A structure erected on site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind. For purposes of this Ordinance, building shall also be defined to include swimming pools.

**Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat or dome roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs.

**Building Inspector (Official):** The administrative official designated by the Township Board with the responsibilities of administering and enforcing this Ordinance.

**Building Line:** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

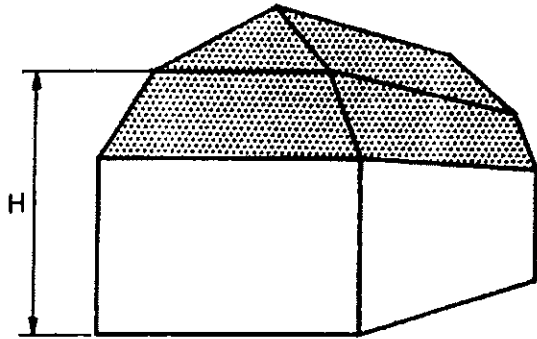
**Building, Principal:** A building in which is conducted the principal use of the lot on which it is located. (Ordinance No. 80-10)

**Cabin:** Any structure or tent which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary dwelling, but not including what are commonly designated as hotels, lodging houses, or tourist homes.

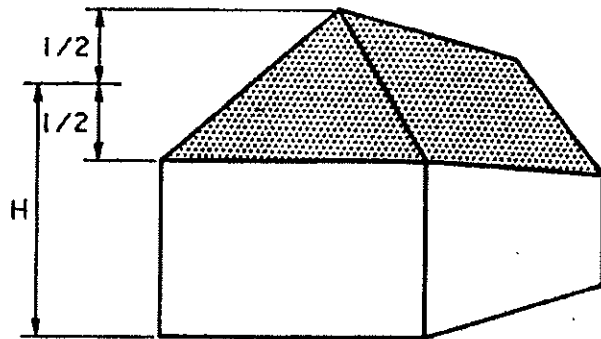
**Captive Cervidae:** Members of the cervidae family including, but not limited to, deer, elk, moose, and caribou living under the husbandry of humans. (Ordinance No. 80-24)

**Certificate of Occupancy:** A document issued by Davison Township allowing the occupancy or use of a building and/or land and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances. For purposes of this ordinance, a Certificate of Occupancy and Zoning Certificate shall be considered as one in the same.

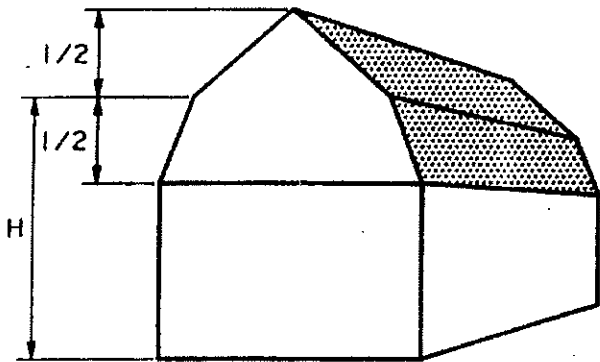
# Building Height



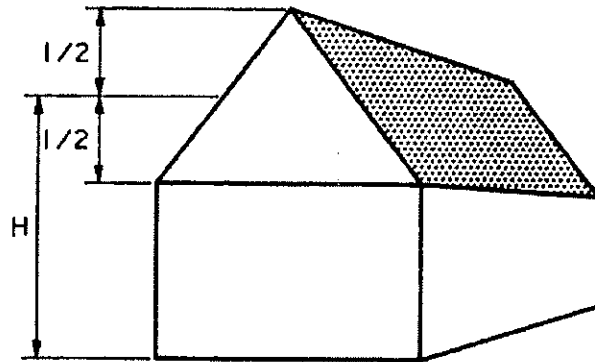
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

H = HEIGHT OF BUILDING

**Child Care Center:** Refer to definition of day care center.

**Cigar Bar:** An establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere. Also refer to definition of smoking lounge. (Ordinance No. 16-84)

**Clinic:** An establishment where human or animal patients are admitted for examinations and treatment by a physician(s), dentist(s), veterinarian(s), or similar professional(s).

**Club:** Any facility established to provide recreational or social activities for the exclusive use of its members, their families, and guests.

**Community Plan:** Refer to definition of master plan.

**Connections:** Linkages accomplished through the construction of paths, trails or sidewalks that form a network enabling non-motorized travelers to get to/from parks, neighborhoods, schools, commercial areas, and other destinations. For purposes of this definition, a non-motorized traveler shall be defined to include a convalescing individual, or person with permanent disabilities, requiring assistance from any mobility aid or device that provides mechanical propulsion capable of moving not more than one individual in any direction.

**Convalescent Homes:** A facility that provides, on a regular basis, personal care, including dressing and eating and health related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing center provides.

**Corral or Barnyard:** A pen or enclosure for confining animals or livestock, but not grazing area.

**Critical (Congested) Corridor:** A corridor for which a Concept Plan was prepared for, and adopted as a part of, the Township Master Plan. (Ordinance No. 80-29)

**Cul-de-sac:** A street terminating at one end, with a turning radius.

**Day Care Center:** A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 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 which provides care for not less than two 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, or drop in center.

**Deck:** A wooden platform extending horizontally from the principal dwelling, designed and intended to be used as an uncovered porch or patio. For purposes of this Ordinance, a deck shall not be defined to include balcony. (Ordinance 80-24)

**Development:** A site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse or expansion of a use or building or the carrying out of any construction, reconstruction, alteration of surface or structure, or change of land use or intensity of land use. (Ordinance No. 80-29)

**Direct Access:** Access not requiring trespass over adjacent property or rights-of-way.

**Display:** As used in connection with Adult Entertainment Use, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes, or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.

**District:** A portion of the unincorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-In:** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons and food carry-out.

**Dwelling:** A structure or portion thereof which is used exclusively for human habitation. A dwelling may consist of any of the following:

1. **Apartments:** A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit. (Ordinance No. 16-84)
2. **Dwelling, Attached:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.
3. **Dwelling, Detached:** A dwelling which is not attached to any other dwelling by any means.
4. **Dwelling, Multiple-Family:** A building containing three (3) or more dwelling units designed for residential use where each unit may have access to common hallways, stairs, and elevators, or in a low-rise building, where each unit may have individual access to a street or common courtyard. (Ordinance No. 80-6)
5. **Dwelling, One-Family or Single-Family:** A building designed exclusively for one (1) family residential use. (Ordinance No. 16-84)
6. **Dwelling, Semi-Detached:** A one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other.
7. **Dwelling, Stacked Flats:** A building containing three (3) or more dwelling units, where dwelling units are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane in an appropriate manner for multiple-family uses. Each dwelling unit is capable of individual use and maintenance without trespassing upon adjoining properties, and utilities and service facilities are independent for each property. (Ordinance No. 16-84)
8. **Dwelling, Townhouse:** A one-family dwelling in a row of two (2) but no more than four (4) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

9. **Dwelling, Two-Family:** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
10. **Live-work unit:** Dwelling units wherein each unit is designed to accommodate a small business and living quarters. (Ordinance No. 16-84)

**Dwelling Unit:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

**Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

**Dwelling Unit, Manufactured:** A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

**Dwelling Unit, Site Built:** A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

**Earth Berm:** A mound of earth of a minimum three (3) feet in height, planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise, dust, and light glare from adjacent uses and passersby. (Ordinance No. 80-16)

**Easement:** A 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.

**Employee Load Factor:** A number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

**Environmental Contamination:** The release of a hazardous substance, or the potential release of a discarded hazardous substance, in a quantity which is or may become injurious to the environment, or to the public health, safety, or welfare. (Ordinance No. 80-29)

**Essential Services:** 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 system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals and hydrants and other similar equipment and accessories in connection with, but not including, buildings. For purposes of this Ordinance, essential services shall also be defined to include cable television facilities. (Refer to Section 2401 for the regulation of essential services. Refer to Section 1502,2 for the regulation of commercial television and radio towers and towers of similar use and character.)

**Excavation:** Premises from which any rock, gravel, sand, topsoil, or earth in excess of fifty (50) cubic yards on any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way

**Facility:** Any building, structure, or installation from which there may be a discharge of hazardous substances. (Ordinance No. 80-29)

**Family:** A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises or a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

**Family Day Care Home:** A private home in which one but less than seven minor children are received for care and supervision for periods of less than twenty-four (24) hours a 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 weeks during a calendar year.

**Farm:** The lands, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. (Ordinance No. 80-75)

**Farm Buildings:** Any structure or building other than a dwelling used or built on a farm.

**Farm, Commercial:** See definition of farm operation. (Ordinance No. 80-3)

**Farm Operation:** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to: marketing produce at roadside stands or farm markets; the generation of noise, odors, dust, fumes, and other associated conditions; the operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws; field preparation and ground and aerial seeding or spraying; the application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides; use of alternative pest management techniques; the fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals; the management, storage, transport, utilization, and application of farm by-products, including manure and agricultural wastes; the conversion from a farm operation activity to other farm operation activities; and, the employment and use of labor. (Ordinance No. 80-75)

**Farm Product:** Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to: forages and sod crops; grains and feed crops; field crops; dairy and dairy products; poultry and poultry products; cervidae; livestock, including breeding and grazing; equine; fish and other aquaculture products; bees and bee products; berries; herbs; fruits; vegetables; flowers; seeds; grasses; nursery stock; trees and tree products; mushrooms; and, other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture. (Ordinance No. 80-75)

**Farm, Specialty:** A farm of five (5) acres or more in size in one (1) ownership producing income from an agricultural, horticultural, or floricultural commodity and rendering services or yielding products customarily associated with agricultural operations. In no instance shall specialty farms be defined to include the keeping of animals and livestock. (Ordinance No. 80-16)

**Feedlot:** 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.

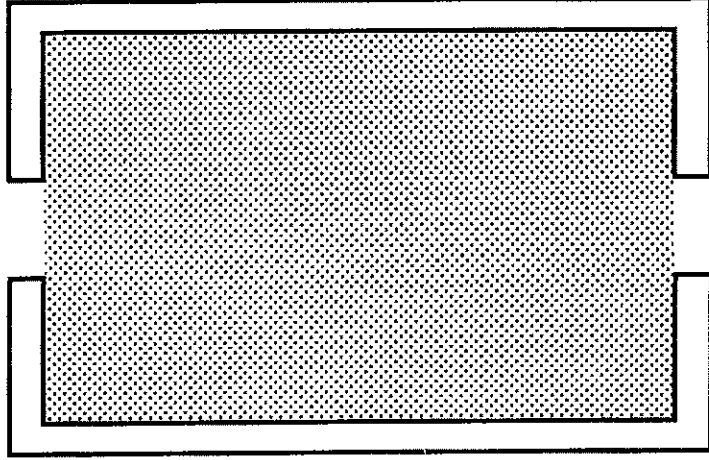
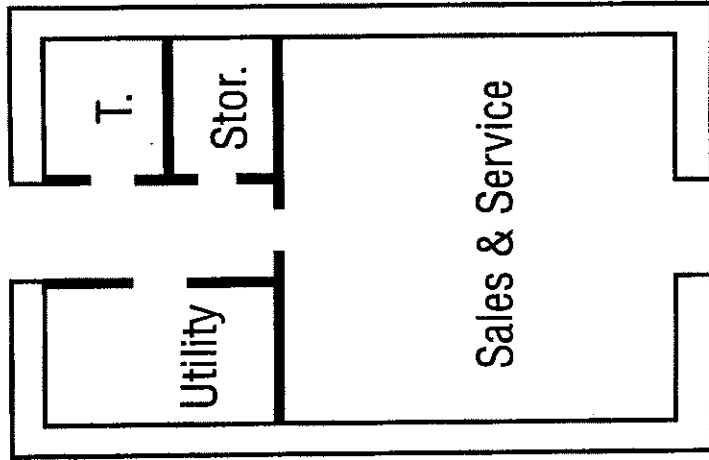
**Fence:** A wall composed of posts carrying boards, rails, pickets, or wire, or to iron structures consisting of a vertical or horizontal bars or of open work.

**Fence, Decorative:** An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Decorative fencing does not include chain link fencing.

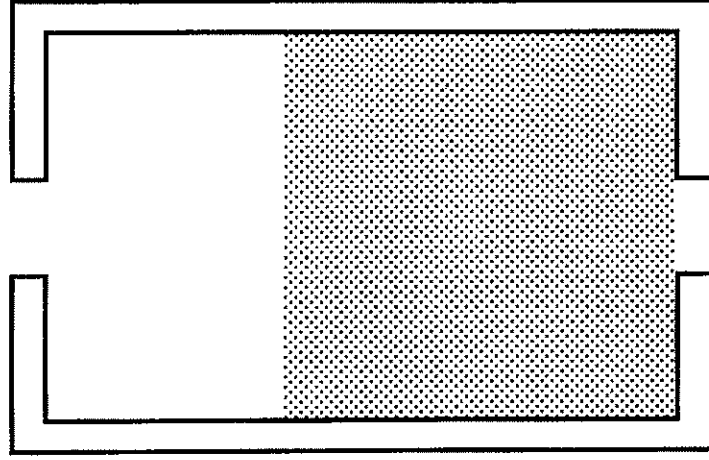
**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half ( $\frac{1}{2}$ ) of the basement height is above grade. "Floor-area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."



# Floor Area



Gross Floor Area



Usable Floor Area  
(For Purposes of Computing Parking)

**Floor Area, Gross Leasable:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings excluding floors outside dock service areas, boiler (HVAC systems) rooms, freight tunnels or corridors, elevator shafts and stairways, public restrooms, public lobbies, common mall areas, atriums and courtyards provided solely for pedestrian access to the building from the exterior and/or primarily intended for aesthetic enhancement or natural lighting purposes. (Ordinance No. 80-10)

**Floor Area, Ground:** The horizontal area of the first floor of a building other than a cellar or basement measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of attached garages, breezeways, and unenclosed porches. (Ordinance No. 80-3)

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor Area, Usable:** That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Footcandle:** Illumination at point "A" on a surface which is one (1) foot from and perpendicular to a uniform point source of one candela.

**Front Building Face Area:** The facade of the building facing the front line calculated as its width multiplied by the building height.

**Frontage:** All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, water-way, end of a dead-end street, or township boundary calculated as the horizontal straight line distance between side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines. (Ordinance No. 80-24)

**Gap:** The median time headway (in seconds) between vehicles in a major traffic stream which will permit side-street vehicles at STOP or YIELD controlled approach to cross through or merge with the major traffic stream under prevailing traffic and roadway conditions. (Ordinance No. 80-29)

**Garage, Private and Public:** Any building for the storage of self-propelled vehicles or trailer coaches where no storage or servicing for hire is conducted, is a private garage. A public garage is one which is not a private garage.

**Gasoline Filling Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories, but not including any automotive service repair.

**Gasoline Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

**General Education:** The knowledge or skills obtained through a program of instruction of a specified kind and level (K-12).

**Governmental Agency:** Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district, or governmental unit.

**Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of four (4) feet from the building.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a 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 weeks during a calendar year.

**Hazardous Substance:** A chemical or other material which is or may become injurious to the public health, safety, or welfare, or to the environment. The term includes, but is not limited to, hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767; "hazardous waste" as defined in the Hazardous Waste Management Act, Act No. 64 of the Public Acts of Michigan of 1979 (MCL 299.501 et seq., MSA 13.30(1) et seq.), as amended; "petroleum" as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of Michigan 1988 (MCL 299.831 et seq., MSA 14.528(261) et seq.), as amended. (Ordinance No. 80-29)

**Health Care Facility:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital.

**Home for the Aged (Congregate Care Facility):** A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to twenty-one (21) or more unrelated, nontransient, individuals sixty (60) years of age or older. Home for the aged includes a supervised personal care facility for twenty (20) or fewer individuals sixty (60) years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

**Home Occupation:** Any activity carried out for gain exclusively by the occupants of the dwelling, whether conducted within the residents dwelling unit and/or accessory structure.

**Hot Tub:** A water-filled receptacle sited out of doors not intended for swimming or bathing designed to provide its occupants with hot water massage therapy through the mechanical circulation or pulsation of the water. Also commonly referred to as a jacuzzi. (Ordinance No. 80-24)

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one (1) or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

**Household:** A household includes all persons who occupy a house, an apartment, a group of rooms, or a single room occupied as separate living quarters.

**Housing for the Elderly:** 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 a foster care home, home for the aged, nursing home, or convalescent home.

**Industrial Park:** A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and adequate utilities, including a sufficient water supply, sanitary and storm sewers, and electric and natural gas lines.

**Junk Yard:** The storage or keeping of junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition, or abandonment of more than one automobile or other vehicle, or machinery or parts thereof, excluding tires.

**Kennel:** The keeping of four (4) or more dogs or cats at least four (4) months old by one (1) family or commercial establishment. For purposes of this Ordinance, a kennel shall not be considered a home occupation. (Ordinance No. 80-3)

**Landscape Surface Ratio:** The area of land devoted to pervious landscaping divided by the area of the site or lot. (Ordinance No. 80-29)

**Level of Service:** A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. (Ordinance No. 80-29)

**Livestock:** Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats. (Refer to state PA 466 of 1988, the state Animal Industry Act of 1987, as amended.) (Ordinance 80-24)

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

**Lot Area:** The total horizontal area within the lot lines of the lot.

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot Coverage:** The part or percent of the lot occupied by buildings including accessory buildings.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot, Double Frontage:** Any lot, excluding a corner lot, which fronts on two (2) streets which do not intersect.

**Lot, Flag:** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. For purposes of this ordinance, each flag lot:

1. Shall maintain a development area maintaining a width not less than the minimum frontage of the district in which it is located, measured at the lot line held in common with the fronting lot.
2. Shall have a development area maintaining a depth equal to not less than two (2) times its minimum required frontage, measured from the lot line held in common with the fronting lot.
3. Shall have its required setback measured from the perimeter of its development area, with the required front yard setback measured from the lot line held in common with the fronting lot.

(Ordinance No. 80-50)

**Lot, Interior:** Any lot other than a corner lot.

**Lot Lines:** The lines bounding a lot as defined herein:

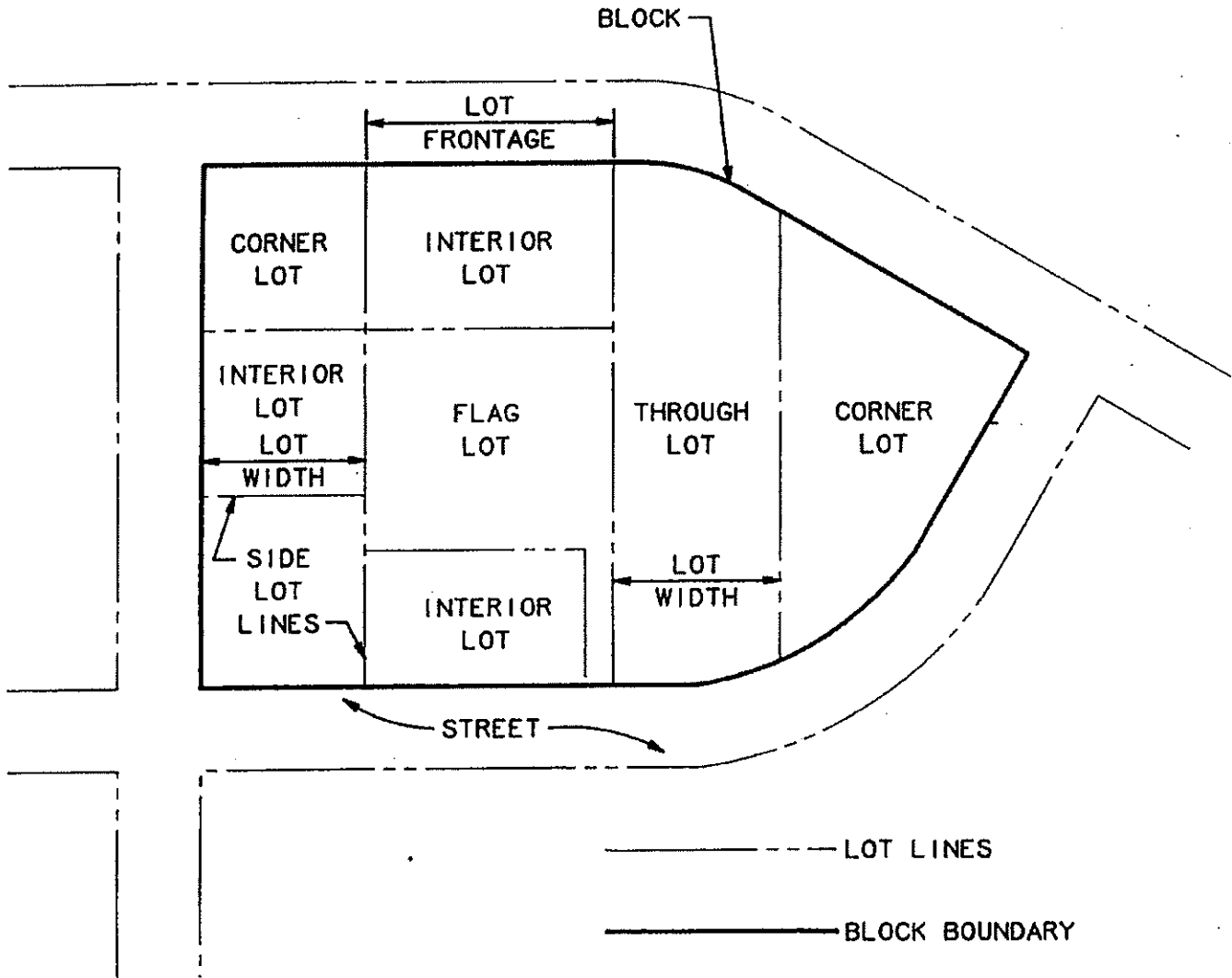
1. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is those lines separating said lot from either street.
2. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Township Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

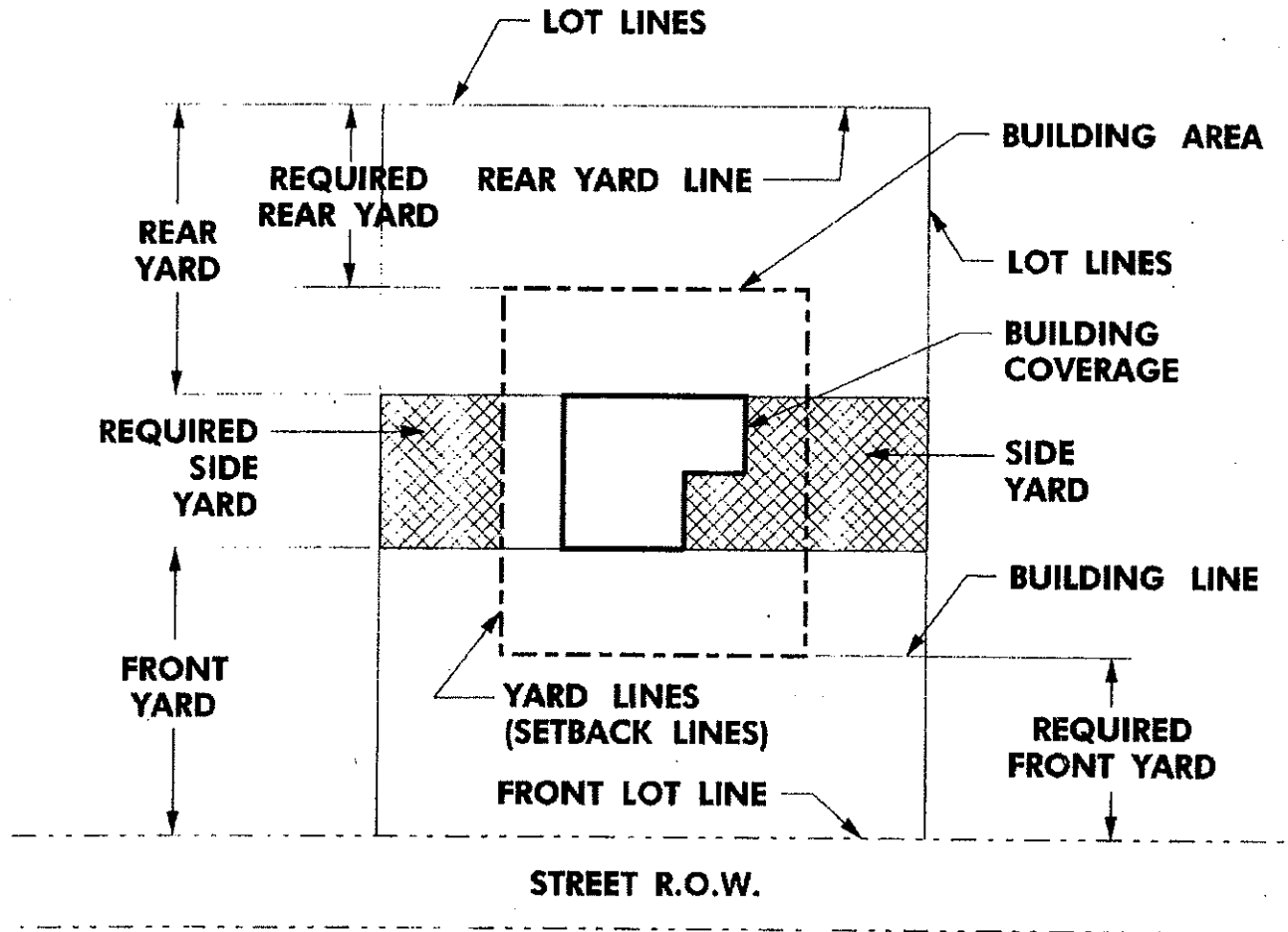
**Lot, Through:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**Lot, Width:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

# Types of Lots



# Lots and Areas



**Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. (Ordinance No. 80-24)

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located and in order to comply shall exclude land area located within public rights-of-way. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, and may include one (1) or more lots of record. (Ordinance No. 80-29)

**Lumen:** Light flux falling on a surface one (1) square foot in area, every part of which is one (1) foot from a point source having an intensity of one candela.

**Main Building:** A building in which is conducted the principal use of the lot upon which it is situated.

**Main Use (Principal Use):** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**Major Thoroughfare:** An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

**Marginal Access Drive:** 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 on 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.

**Master Plan:** The Comprehensive Community Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Legislative Body.

**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**Mini-Warehouse (Self-Storage Facility):** A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

**Mixed Use Development Project:** A land use or facility which is part of an integrated and coordinated development of various residential, office, and retail uses, but excluding any manufacturing or wholesale activity, designed and developed in accordance with an Area Development Plan. (Ordinance No. 80-29)



**Mobile Home:** A detached residential dwelling unit with a body width greater than eight (8) feet, of not less than thirty-five (35) feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes which do not conform to the standards for one-family dwellings, of this Ordinance, shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

**Mobile Home Park:** A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

**Motel:** A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

**Motorized Home:** A self-propelled motor vehicle which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

**Municipality:** Davison Township, Genesee County, Michigan.

**Narrow Parcel Width:** A parcel containing a width measurement that is less than the minimum frontage requirement prescribed for it by the Schedule of Regulations of the Zoning Ordinance.

**Nonconforming Building:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

**Nonconforming Lot:** Any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Nuisance Factors:** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use which can be perceived by or affects a human being off-site, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) flashes, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) objectionable effluent, 13) sound of congregation of people, particularly at night, 14) passenger traffic, 15) invasion of nonabutting street frontage by traffic, 16) junk. (Ordinance No. 80-10)

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**Nursing Home:** A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985 (Employee-Owned Corporation Act), as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

**Occupied:** The word occupied includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**Offensive:** Any work in connection with an adult entertainment use in which the representations appear, taken as a whole, appeals to the prurient interest and patently depicts or portrays the sexually explicit material in a manner which, taken as a whole, lacks serious literary, artistic, political, or scientific value. In other instances, the term offensive shall mean any annoying, unpleasant, or obnoxious thing or practice, cause, or source of annoyance (see also Nuisance Factors).

**Office:** A place, such as a building, room, or suite, in which services, clerical work, professional duties or the like are carried out.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**Open Air Business Use:** An open air business use, as used herein, shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services.
2. Outdoor display and sale of garages, swimming pools, and similar uses.
3. Sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses.

**Open Front Store:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair or gasoline service stations.

**Open Space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

**Paddock:** An enclosed area used especially for exercising animals or as an enclosure where horses are saddled or paraded before a race or event. (Ordinance No. 80-29)

**Parking Space:** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**Pasture:** A grazing area exclusive of required front and side yards and that portion of the rear yard extending fifty (50) feet from the rear of the dwelling unit. (Refer also to Article XVI, Schedule of regulations for required minimum yard setback requirements.)

**Patio (Deck):** An uncovered courtyard or platform extending horizontally out from the main building or structure.

**Peak Hour:** A one-hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator). (Ordinance No. 80-29)

**Pen:** A fenced enclosure for animals.

**Permitted Principal Use (Permitted Use):** Any land use which is or may be allowed by right in a particular zoning district(s) provided it conforms to all of the requirements applicable to the district(s) and use.

**Planned Unit Development:** 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 as prescribed under provisions of this Ordinance.

**Polluting Material:** Any hazardous substance that can cause pollution to groundwater sources and/or become injurious to the public health, safety, or welfare of the general public or to the environment. (Ordinance No. 80-29)

**Pond:** A natural or manmade body of water used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

**Porch:** A covered projection on a building or structure containing a floor, which may be either totally enclosed or open except for columns supporting the porch roof, and projects out from the main wall of said building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Primary Containment:** A tank, pit, container, pipe, or vessel of first containment of a hazardous substance. (Ordinance No. 80-29)

**Private Road:** An area of road used for ingress and egress to serve more than one (1) parcel of property not part of a subdivision created under State Act 288, P.A. 1967, as amended (the State Subdivision Control Act).

**Public Building:** Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

**Public Utility:** A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

**Recreation Area:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**Recreational Vehicle:** A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. This definition of "recreational vehicle" includes, but is not limited to, snowmobiles, camping vehicles, motorcycles, mini-bikes, go-carts, boats, and ice-boats.

**Residential Entranceway Structure:** A building or structure placed at the principle opening(s) that afford entry into a residential development used to identify the project or to regulate access into the development. Such structures shall include, but not limited to, objects of art, gates, guard houses, signs, fencing, and similar barriers and structures.

**Restaurant:**

**1. Standard Restaurant**

A standard restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.

**2. Carry-Out Restaurant**

A carry-out restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
- b. The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is intended primarily to be consumed off the premises.

**3. Fast-Food Restaurant**

A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

- a. Foods, desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

- b. The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

#### 4. Drive-in Restaurant

A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one (1) or both of the following characteristics:

- a. Foods, 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.
- 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 permitted.

**Riding Academy (Riding Stable):** An establishment providing instruction in the care and riding of horses which may also include boarding services and buildings in which horses are sheltered and fed. (Ordinance No. 80-29)

**Roadside Stand:** A structure used solely by the owner, manager, or tenant of the land on which it is located for the sale of produce grown on said land. This does not allow the sale of produce or other commodities on state or county road right-of-way.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least seventy (70) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Secondary Containment Facility:** A second tank, catchment, pit, pipe, or vessel that limits and contains liquid or chemical leaking or leaching from a primary containment area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent the discharge to land, groundwater, or surface waters, of any pollutant which may emanate from such storage containers. (Ordinance No. 80-29)

**Service Area:** An outdoor area used, in connection with a nonresidential use, for loading and unloading operations and for the receipt and temporary storage of goods, materials, and equipment.

**Setback:** The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

**Shallow Parcel Depth:** A parcel containing a depth measurement that is less than or equal to its actual width.

**Shopping Center:** A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

**Sign:** A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

**Significant Portion:** As used in connection with Adult Entertainment Use, the phrase "significant portion" shall mean and include:

1. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or
2. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
3. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.

**Site Condominium:** A condominium development used exclusively for single-family dwelling development in which each co-owner owns exclusive rights to a parcel of land defined as a condominium unit, as described in the master deed, as well as described space in a building located on a condominium unit. These developments, although physically resembling traditional subdivisions, utilize the condominium form of ownership and are regulated and controlled by Act 59 of the Public Acts of 1978, as amended. (Ordinance No. 80-16)

**Smoke or Smoking:** The lighting, inhaling, exhaling, burning, or carrying of any lighted cigar, cigarette, tobacco, plant, or other similar article or combustible substance in any form. (Ordinance No. 16-84)

**Smoking Lounge:** An establishment which, in whole or in part, includes as part of the business, or otherwise, permits the smoking of tobacco or other substances including, but not limited to, establishments commonly known as or referred to Cigar Bars, Hookah Bars/Cafes, Tobacco Bars/Cafes, or Smoking Parlors. (Ordinance No. 16-84)

**Special Condition Use:** Any use of land listed as a Principal Use Permitted Subject to Special Conditions which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval by the Planning Commission according to the standards as provided in this Ordinance.

**Specified Anatomical Areas:**

1. Less than completely and opaquely covered: a) human genitals, pubic region, b) buttock, and c) 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.

**Specified Sexual Activities:**

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Sports Complex:** A parcel of land occupied by athletic fields, rinks, courts, ball diamonds, and similarly organized recreational space principally developed for league play which may also include ancillary retail and/or office space, concession facilities, restrooms, and viewing stands solely necessary to support the participants or their audience. Motorized sports and shooting ranges are specifically excluded from this definition. (Ordinance No. 80-29)

**Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

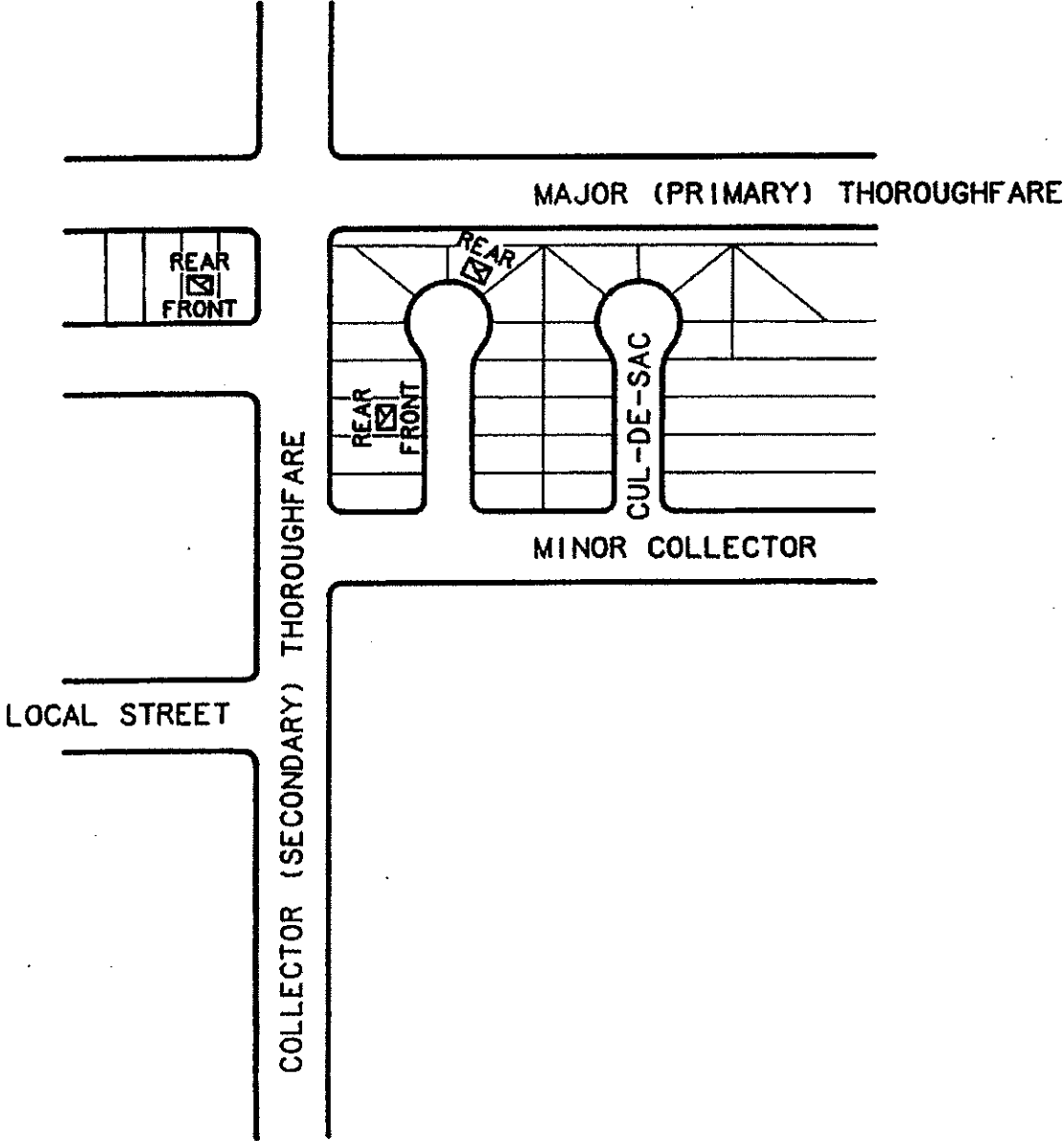
**Study Area:** The geographic area containing those critical arterial intersections (and connecting roadway segments) which are expected to be affected by the site-traffic generated by a development. (Ordinance No. 80-29)

**Streets:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, streets shall be defined to also include the term roads. Streets are further classified by the functions they perform.

1. Local (minor) streets: streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
2. Collector (secondary) streets: streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
3. Major (primary) streets: streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.
4. Freeway (expressway): A limited access divided multi-lane major arterial street intended for through traffic typically designed with grade separation at major intersections. For purposes of this ordinance, freeways shall not be defined to include rights-of-way for entrance ramps, exit ramps or feeder roads supporting the freeway. (Ordinance No. 80-24)

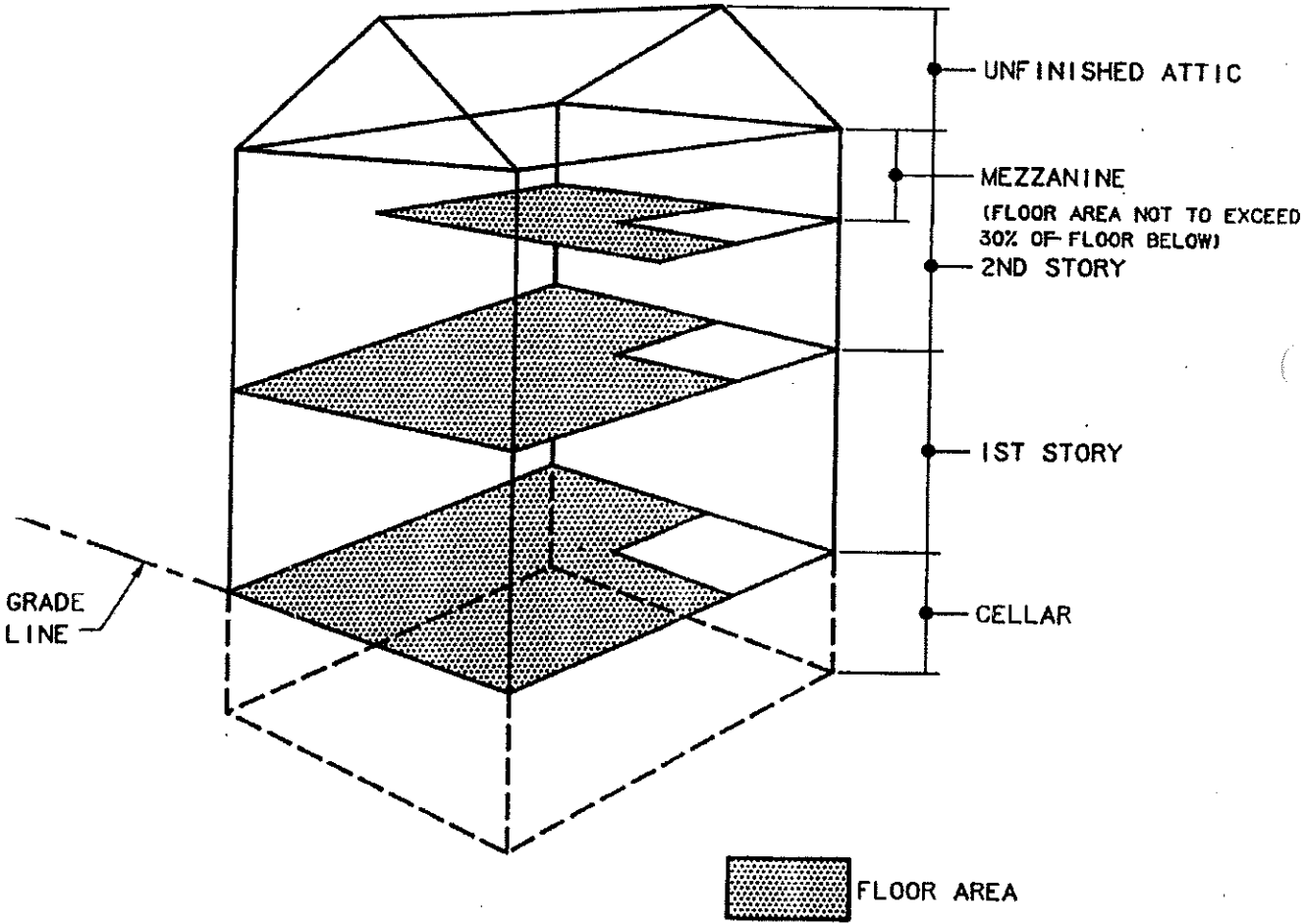
**Structure:** A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

# Street Hierarchy





# Basic Structural Terms



**Swimming Pool:** A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used, and maintained for swimming. For purposes of this ordinance, swimming pools shall be considered an accessory use and structure. Refer also to Section 1730. (Ordinance No. 80-24)

**Temporary Use:** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. (Ordinance No. 80-3)

**Traffic Impact Study:** The analysis of the effect of site-traffic generated by a development on intersection Level of Service and the safety and operation of the public street and highway system. There are four types of traffic impact studies:

1. **Traffic Impact Rezoning Study** – A traffic study which typically contrasts the traffic impact associated with uses permitted under current zoning with uses permitted under the zoning district requested.
2. **Traffic Impact Assessment** – A traffic impact study for relatively low traffic generating uses which focuses on the impacts at proposed site access points.
3. **Traffic Impact Statement** – A traffic impact study which evaluates the impacts on roadways adjacent to the study site and specified nearby intersections.
5. **Regional Traffic Analysis** – A traffic impact study for a very high traffic-generating uses. This type of study typically covers a large geographic area and may include traffic condition projections for up to a twenty (20) year period. (Ordinance No. 80-29)

**Travel Trailer:** Any house trailer, trailer home, trailer coach, or similar vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and duly licensable as such, and so designed, constructed, or added to by means of accessories in such manner, which will permit the occupancy thereof once stationed as a dwelling or sleeping place for one (1) or more persons. (Ordinance No. 16-84)

**Travel Trailer Park:** a licensed park being designed specifically to permit the parking of travel trailers.

**Trip (i.e., Directional Trip):** A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site. (Ordinance No. 80-29)

**Truck Stop:** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include overnight accommodations and restaurant facilities solely for the use of truck crews. (Ordinance No. 80-10)

**Trucking Terminal:** An area and building where cargo is stored and where trucks load and unload cargo on a regular basis. (Ordinance No. 80-10)

**Use:** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**Variance:** Permission to depart from the literal requirements of the Zoning Ordinance.

**Wall:** an artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen, or protect areas of land.

**Wall, Obscuring:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Yards:** The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

**1. Front Yard**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, front yard shall be deemed to exist along each street frontage.

**2. Rear Yard**

An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the front lot line used as the street address.

**3. Side Yard**

An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Zoning District:** A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which, are contained, yards, open spaces, lot area, and other requirements are established by this Ordinance.

ARTICLE II

*(Reserved for Future Use)*

## Article III Zoning Districts and Maps

### **Section 300. Districts Established.**

For the purpose of this Ordinance, the Township is hereby divided into the following districts:

RC, Recreation Conservation District (refer to page 32)

RA, Residential Agricultural District (refer to page 34)

RSE, Residential Suburban Estate District (refer to page 40)

RU-1, Residential Urban District (refer to page 46)

RM-1, Residential Multiple-Family (Low Density) District (refer to page 63)

RM-2, Residential Multiple-Family (Medium Density) District (refer to page 67)

RMH, Residential Mobile Home Park District (refer to page 72)

CO, Community Office District (refer to page 73)

LC, Local Commercial District (refer to page 80)

GC, General Commercial District (refer to page 84)

M-1, Limited Manufacturing District (refer to page 96)

M-2, General Industrial District (refer to page 104)

Hazardous Substance Overlay Zone (refer to page 111)

MX, Mixed-Use District (refer to page 116)

### **Section 301. District Boundaries.**

The boundaries of these districts are hereby established as shown on the Zoning Map, Davison Township Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

### **Section 302. District Boundaries Interpreted.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. 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, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. 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 1 through 6 above, the Board of Appeals shall interpret the district boundaries.
8. 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.

**Section 303. Zoning of Vacated Areas.**

Whenever any street, alley or other public way, within Davison Township 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.

**Article IV**  
**RC, Recreation Conservation District**

**Section 400. Purpose.**

The value to the public of certain open areas of the Township is represented in their natural, undeveloped or unbuilt condition. It is recognized by this Ordinance that the principal use of certain open areas is and ought to be the development, management and utilization of the natural resource base possessed by these areas. In order that this value be maintained and this use encouraged, this Ordinance has established, based upon a well considered plan, a zoning district designed to regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare by reducing the hardship and financial burdens imposed upon the Township by the wanton destruction of resource, the improper and wasteful use of open land, wooded areas and the periodic flooding and overflow of creeks and streams.

**Section 401. Uses Permitted.**

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Single-family detached dwellings.
2. Public or private forest preserve, game refuge, park, playground, or other recreation purpose.
3. Public and private conservation area and structure for the development, protection and conservation of open space watersheds, water, soil, forest and wildlife resources.
4. Farms of forty (40) acres or more, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs and nursery stock; vegetables; and similar bona fide agricultural enterprises or use of land and structure.
5. A kennel, or the raising or keeping of fur-bearing animals, horses, ponies, and other animals, whether for profit or pleasure. (Ordinance No. 80-29)
6. A riding academy or stable subject to the following standards:
  - a. The rearing and housing of horses, mules, ponies, and other similar equine animals shall be required to provide a land area of at least five (5) acres, but not less than one (1) acre, per animal on the premises.
  - b. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent property.
  - c. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises. (Ordinance No. 80-29)

**Section 402. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Campgrounds and travel trailer parks developed in accordance with Act 243 of 1959 (Mobile Home Park Act) or Act 368 of 1978 (Public Health Code), as these may be amended, and Administrative Rules and Regulations promulgated subsequent to said Acts, as may be amended, and the following local regulations:
  - a. Minimum parcel size shall be ten (10) acres. The term "parcel" shall mean the entire campground or travel trailer park.
  - b. The parcel shall provide direct vehicular access only to a major thoroughfare.
  - c. Each parcel shall be provided with at least one (1) public telephone.

**Section 403. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.



**Article V**  
**RA, Residential Agricultural District**

**Section 500. Purpose.**

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance and develop farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, buildings and structures detrimental to or incompatible with these activities, and to prohibit uses of parcels, lots, buildings and structures which require streets, drainage and other public facilities and services of a different type and quantity than those normally required by these activities. The district, in preserving areas for agricultural uses, is also designed to prevent proliferation of residential subdivision and urban sprawl.

**Section 501. Uses Permitted.**

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Farm operations meeting Generally Acceptable Agricultural Management Practices (GAAMPs) enacted by the State of Michigan under the Right to Farm Act, PA 93 of 1981, as may be amended. (Ordinance No. 80-75)
2. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
3. Trees and shrub nurseries.
4. Agricultural retail facilities. The retail sale of agricultural products at roadside stands (either temporary or permanent) to the general public shall be part of the operation of the legitimate farming activity and incidental thereto. The primary purpose of the agricultural retail facility shall be for the retail sale of products grown or raised on the premises without prejudice to minor supplemental sales of agricultural products not grown on the property.
5. Veterinary clinics (animal hospitals) and kennels.
6. Facilities used in the research and testing of agricultural products and techniques.
7. Single-family detached dwellings.
8. Home occupations.
9. Bed and breakfast operations.
10. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.

11. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities.
12. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education.
13. Churches, synagogues, and temples.
14. Cemeteries.
15. Specialty Farms. (Ordinance No. 80-16)
16. Any other use which is determined by the Planning Commission, to be of the same general character as, and compatible with, the above permitted uses. (Ordinance No. 80-16)
17. Accessory buildings and uses customarily incidental to any of the above-permitted uses, including farm markets meeting GAAMPs enacted by the State of Michigan, under the Right to Farm Act, PA 93 of 1981, as may be amended. (Ordinance No. 80-75)

**Section 502. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Agricultural Labor Camps
  - a. All provided shelters shall be of single-story construction, and not exceed twenty-five (25) feet in height.
  - b. All provided shelter shall be located in the rear yard, and located at least two hundred (200) feet distant from all property lines.
  - c. The use of trailers, tents, and vehicles as sleeping or living quarters at an agricultural camp is strictly prohibited; however, mobile homes constructed in accordance with the Mobile Home Commission Act, Act 419, PA 1976 (Mobile Home Commission Act), and any and all rules and regulations promulgated pursuant to Act 419, as may be amended, will be permitted.
  - d. Agricultural labor camps shall comply with the minimum requirements and standards as established under the provision of PA 368 of 1978 (Public Health Code), of the state of Michigan, as may be amended, relating to agricultural labor camps, and any and all rules and regulations promulgated pursuant to Part 124 of Act 368, PA 1978, as amended.

2. Agricultural-Related Auction Sales Establishments (Ordinance No. 80-10)
  - a. All parking shall be provided as off-street parking within the boundaries of the development.
  - b. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.
3. Campgrounds and travel trailer parks developed only in accordance with Act 243 of 1959 (Mobile Home Park Act) or Act 368 of 1978 (Public Health Code), as these may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended and the following local regulations:
  - a. Minimum parcel size shall be ten (10) acres. The term "parcel" shall mean the entire campground or travel trailer park.
  - b. The parcel shall provide direct vehicular access only to a major thoroughfare.
  - c. Each parcel shall be provided with at least one (1) public telephone.
4. Golf Courses
  - a. Minimum site size shall be seventy (70) acres for an executive course, eighty-five (85) acres for a nine (9) hole regulation course and one hundred seventy (170) acres for an eighteen (18) hole regulation course.
  - b. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.
  - c. The site shall be so planned as to provide all access directly onto or from a major thoroughfare.
  - d. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
  - e. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
  - f. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

5. Driving Ranges
  - a. All parking shall be provided as off-street parking within the boundaries of the development.
  - b. There must be maintained a minimum open green space of fifty (50) feet between the property line and any adjacent district. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight (8) feet in height or greater, or fencing eight (8) feet in height or greater, sufficient to contain golf balls on the site.
6. Riding Stable
  - a. The rearing and housing of horses, mules, ponies and other similar equine animals, where permitted, shall be required to provide a land area of at least five (5) acres, but not less than one (1) acre per animal on the premises.
  - b. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than one hundred (100) feet to any dwelling on adjacent premises.
  - c. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
7. Small Commercial or Public Aircraft Airport
  - a. Minimum area required for the airport shall not be less than one hundred sixty (160) acres.
  - b. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
  - c. The Planning Commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.
8. Municipal buildings and municipal uses not requiring outdoor storage of materials or vehicles.
9. Sale and service uses of machinery used in agricultural production.
10. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
11. Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production.

**Section 503. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements. (Ordinance No. 80-75)

ARTICLE V

*(Reserved for Future Use)*

**Article VI**  
**RSE, Residential Suburban Estate District**

**Section 600. Purpose.**

The specific intent of the Residential Suburban Estates District is:

1. Provide open land area for orderly residential growth.
2. Permit continued agricultural use and residential activities of a semi-rural character in areas that are presently without public water and sewerage facilities and are likely to remain without such services for an extended period of time.
3. Protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life, and to maintain and preserve the semi-rural character of the Township.

**Section 601. Uses permitted.**

No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used, except for one or more of the following:

1. Single-family detached dwellings.
2. *(Reserved for Future Use)* (Ordinance No. 80-75)
3. Home occupations.
4. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, or gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
5. Bed and breakfast operations.
6. *(Reserved for Future Use)* (Ordinance No. 80-75)
7. Adult foster care family home or family day care home. (Ordinance No. 80-16)
8. Accessory buildings and uses customarily incidental to any of the above permitted uses. (Ordinance No. 80-75)

**Section 602. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Greenhouses (Including Facilities for Sale to the Public)
  - a. The parking area shall be designed so as not to disrupt abutting residential development with noise or headlights.
  - b. There shall be side yard setbacks of at least thirty-five (35) feet on either side of the greenhouse.
  - c. All loading and parking shall be provided off-street.
  - d. The storage or display of any materials shall conform to all building setback requirements of a structure.
2. Nurseries (Plant Material Sales Establishments)
  - a. The storage or display of any materials shall conform to all building setback requirements of a structure.
  - b. All loading and parking shall be provided off-street.
  - c. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
3. Kennels
  - a. The minimum lot size shall be five (5) acres.
  - b. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.



4. Cemeteries
  - a. Cemeteries shall have a minimum lot size of ten (10) acres and a minimum frontage on a major thoroughfare of three hundred (300) feet.
  - b. All ingress and egress shall be from a paved major thoroughfare.
  - c. All buildings and structures shall be located no less than two hundred (200) feet from the property lines.
5. Churches, synagogues, temples and other facilities normally incidental thereto subject to the following:
  - a. The minimum lot width shall be one hundred fifty (150) feet.
  - b. The minimum lot area shall be three (3) acres.
  - c. Off-street parking shall be prohibited from the front yard setback area and within twenty (20) feet of the rear or side property line.
  - d. An obscuring greenbelt buffer shall be provided between the parking area and neighboring property lines.
  - e. The property shall have frontage on and direct access to a major thoroughfare.
  - f. Principal buildings on the site shall be set back from abutting residentially zoned properties not less than twenty-five (25) feet.
  - g. Buildings of greater than the maximum height allowed in Article XVI, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
6. Publicly owned and operated municipal buildings, libraries, parks, parkways, and recreational facilities provided the site is so located as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.
7. Public, parochial, and private elementary, intermediate and/or high schools, and institutions of higher learning, offering courses in general education, provided the site is so located as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.

8. Adult foster care facility receiving more than six (6) adults provided:
  - a. The site is located so as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.
  - b. It maintains the property consistent with the visible characteristics of the neighborhood.
9. A group day care home licensed or registered under Act 116 of the Public Acts of 1973 (Child Care Organizations), as may be amended, subject to the following provisions:
  - a. It is not located closer than one thousand five hundred (1,500) feet to any of the following:
    - (1) Another licensed group day care home.
    - (2) Another adult foster care small group home or large group home licensed under Act 218 of 1979 (Adult Foster Care Facility Licensing Act), being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
    - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978 (Public Health Code), being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
    - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - b. It has appropriate fencing for the safety of the children in the group day care home as determined by the township planning commission.
  - c. It maintains the property consistent with the visible characteristics of the neighborhood. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
  - d. One (1) sign, in addition to the sign indicating the address and/or name of the occupant, may be permitted provided it is nonilluminated, mounted flush to the exterior of the structure, and not exceeding four (4) square feet in area.
  - e. The group day care home operator shall provide off-street parking for his or her employees in accordance with Article VI, in the ratio of one (1) parking space for each employee.
  - f. Adequate vehicular maneuvering area shall be provided off-street for the arrival and departure of children.
10. Municipal buildings and uses not requiring outdoor storage of materials or vehicles.

**Section 603. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE VI

*(Reserved for Future Use)*

**Article VII**  
**RU-1, Residential Urban District**

**Section 700. Purpose.**

The Residential Urban District is established as a district in which the principal use of land is for one-family dwellings. The specific intent is:

1. To encourage the construction of, and the continued use of the land for one-family dwellings.
2. To prohibit business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
6. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

**Section 701. Principal Uses Permitted.**

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-family detached dwellings.
2. Publicly owned and operated parks, parkways, and recreational facilities.
3. Bed and breakfast operations.
4. Home occupations.
5. Adult foster care family home or family day care home.
6. Accessory buildings and uses, customarily incidental to any of the above permitted uses. (Ordinance No. 80-75)

**Section 702. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Conditions," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Churches, synagogues, temples and other facilities normally incidental thereto subject to the following:
  - a. The minimum lot width shall be one hundred fifty (150) feet.
  - b. The minimum lot area shall be three (3) acres.
  - c. Off-street parking shall be prohibited from the front yard setback area and within twenty (20) feet of the rear or side property line.
  - d. An obscuring greenbelt buffer shall be provided between the parking area and neighboring property lines.
  - e. The property shall have frontage on and direct access to a major thoroughfare.
  - f. Principal buildings on the site shall be set back from abutting residentially zoned properties not less than twenty-five (25) feet.
  - g. Buildings of greater than the maximum height allowed in Article XVI, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
2. Public, parochial, and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit. The site shall be so located as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required yard.
4. Day care centers, nursery schools, and day nurseries (not including dormitories) provided that for each person so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of open space. Such space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be fenced and screened from any adjoining lot in any residential district.

5. Home for the aged (congregate care facility) when the following conditions are met:
  - a. The building height shall not exceed a height of two and one-half (2.5) stories, or thirty-five (35) feet.
  - b. No building shall be located closer than fifty (50) feet to any property line.
  - c. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare.
  - d. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be directly from a major thoroughfare.
  - e. There shall be provided on the site, not less than one thousand five hundred (1,500) square feet of land area for each bed in the care facility. The one thousand five hundred (1,500) square feet of land area shall provide for landscape setbacks, yard requirements and space request for accessory uses, but shall not include the area covered by the principal building.
  - f. An obscuring landscaped greenbelt not less than ten (10) feet wide shall be provided in those yards abutting a residential zone, or the Planning Commission may require that a masonry or other permanent wall five (5) feet in height shall be provided and maintained along the entire property line abutting such zone. In those instances where such yard abuts a major thoroughfare, the centerline of which forms the boundary of such zones, no greenbelt or wall is required, except as required by Item g, below. Required yard space may be used for parking.
  - g. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an obscuring landscaped greenbelt of not less than ten (10) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line.
6. Housing for the elderly when the following conditions are met:
  - a. All housing complexes for the elderly shall be constructed on parcels of at least three (3) acres and may provide for the following:
    - (1) Cottage type one-story dwellings and/or low-rise (2.5 stories or less) apartment type dwelling units. (Ordinance No. 80-16)
    - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
  - b. Minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.

- c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
7. Mortuary Establishments
  - a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
  - b. Such assembly area will be in addition to required off-street parking.
  - c. A caretakers residence may be provided within the main building of the mortuary establishment.
  - d. All parking shall be located in the side or rear yard.
8. Clubs and Fraternal Organizations
  - a. Such uses shall front upon and have direct access to a major thoroughfare.
  - b. A minimum site size of three (3) acres shall be required.
  - c. Land not utilized for buildings, parking, etc., shall be landscaped.
  - d. All parking shall be located in the side or rear yard.
9. Adult foster care facility receiving more than six (6) adults, provided:
  - a. The site is located so as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.
  - b. It maintains the property consistent with the visible characteristics of the neighborhood.
10. A group day care home licensed or registered under Act 116 of the Public Acts of 1973 (Child Care Organizations), as may be amended, subject to the following provisions:
  - a. It is not located closer than one thousand five hundred (1,500) feet to any of the following:
    - (1) Another licensed group day care home.
    - (2) Another adult foster care small group home or large group home licensed under Act 218 of 1979 (Adult Foster Care Facility Licensing Act), being Sections 400.701 to 400.737 of the Michigan Compiled Laws



- (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978 (Public Health Code), being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
    - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
  - b. It has appropriate fencing for the safety of the children in the group day care home as determined by the township planning commission.
  - c. It maintains the property consistent with the visible characteristics of the neighborhood. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
  - d. One (1) sign, in addition to the sign indicating the address and/or name of the occupant, may be permitted provided it is nonilluminated, mounted flush to the exterior of the structure, and not exceeding four (4) square feet in area.
  - e. The group day care home operator shall provide off-street parking for his or her employees in accordance with Article VII, in the ratio of one (1) parking space for each employee.
  - f. Adequate vehicular maneuvering area shall be provided off-street for the arrival and departure of children.
- 11. Municipal buildings and uses not requiring outdoor storage of materials or vehicles.
- 12. Townhouse dwellings, provided they are serviced by municipal sewer, subject to the following provisions: (Ordinance No. 80-10)
  - a. Minimum lot area and lot frontage requirements shall be in accordance with the following standards:
    - (1) Each two-unit townhouse building site shall contain a minimum lot frontage of one hundred thirty-five (135) feet and a minimum lot area of twenty thousand (20,000) square feet.
    - (2) Each three-unit townhouse building site shall contain a minimum lot frontage of one hundred fifty-five (155) feet and a minimum lot area of twenty-five thousand (25,000) square feet.
    - (3) Each four-unit townhouse building site shall contain a minimum lot frontage of one hundred eighty (180) feet and a minimum lot area of thirty thousand (30,000) square feet.

- b. Townhouse buildings shall not exceed a height of two and one-half (2.5) stories, or twenty-five (25) feet.
  - c. No townhouse shall be less than twenty-four (24) feet in width and greater than two hundred (200) feet in length. (Ordinance No. 80-29)
  - d. A land area per unit ratio shall be provided in accordance with Section 1601,r.
  - e. Each dwelling unit in a townhouse building shall contain a minimum livable floor area as provided in Section 1600 for the RM-1 District.
  - f. There shall be a setback having a depth of not less than twenty-five (25) feet for the front yard and thirty-five (35) feet for the rear yard, and ten (10) feet for each side yard. In condominium developments, the setback shall be measured from the edge of the nearest travel lane. (Ordinance No. 80-24)
  - g. No townhouse building shall be located closer to an adjacent zoning district than thirty-five (35) feet. (Ordinance No. 80-24)
  - h. The distance between any two (2) structures within a townhouse development shall not be less than thirty (30) feet.
  - i. Any townhouse development of five (5) acres or more adjoining any single-family residential district or any developed nonresidential district shall be provided with a twenty (20) foot greenbelt buffer planted in accordance with Section 1712, 3, b. A greenbelt buffer shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
  - j. All townhouse developments shall have direct access only to paved public streets.
  - k. All dwelling units shall be readily accessible from interior roads constructed in accordance with the surfacing and base requirements of the Genesee County Road Commission for a local minor street.
  - l. All townhouse developments shall connect with, and/or provide for the logical extension of public roads which currently provide or are planned to furnish ingress or egress to their site.
  - m. All main access drives in a townhouse development shall be free of on-street parking and have a minimum back-of-curb to back-of- curb measurement of thirty (30) feet. All pavement shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards of the Genesee County Road Commission. (Ordinance No. 80-24)
13. Two, three, and four family residential structures provided that the following minimum lot area and frontage requirements are provided for each structure and provided that the premises are serviced by municipal sewer:

- a. Two family residential structures - 135 feet frontage - 20,000 square feet minimum lot area.
  - b. Three family residential structures - 155 feet frontage - 25,000 square feet minimum lot area.
  - c. Four family residential structures - 180 feet frontage - 30,000 square feet minimum lot area.
14. A planned unit development may be permitted as a use subject to special conditions within the RU-1 District provided it complies with the following minimum requirements:
- a. General Requirements
    - (1) The minimum required land area for a planned unit development shall be sixty (60) contiguous acres.
    - (2) The developer shall provide within the planned unit development a sanitary sewer 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 Township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, Genesee County Drain Commissioner, and Davison Township.
    - (3) 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 Township collect, carry off and dispose of surface water run-off within and draining into the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
    - (4) Connection to a public water supply system shall be required.
      - (a) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
      - (b) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - b. Permitted Uses
    - (1) Single-family attached or detached dwelling.
    - (2) Apartment building, townhouse, stacked-flats, or live-work units. (Ordinance No. 16-84)

- (3) Accessory private garage.
- (4) Public or private park or recreation areas which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire hazards or other safety hazards, smoke, fumes or other things detrimental to existing or prospective adjacent structures or to existing or prospective development within the neighborhood.
- (5) Municipal building.
- (6) School.
- (7) Church, temple, synagogue, parsonage or parish house, convent.
- (8) Theatre for stage productions or films, but not a drive-in theatre.
- (9) Studio of artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
- (10) Standard restaurant.
- (11) Business activities of a local neighborhood character, conducted within an enclosed building only, providing necessary services for the day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:
  - (a) Bakery shop.
  - (b) Barber and beauty shop.
  - (c) Dairy products, retail sales.
  - (d) Delicatessen.
  - (e) Dressmaker, custom.
  - (f) Drugstore.
  - (g) Florist, retail sales.
  - (h) Laundry collecting shop, self-service laundry, hand laundry or cleaning and dyeing distribution facility (containing no processing).
  - (i) Local store selling, at retail, fish, fruit, food, hardware, meats (no slaughtering) and vegetables, and beer and wine.

## c. Parking

Parking as provided according to Section 1706 shall be required.

## d. Density, Phasing, and Design Standards

(1) 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:

(a) A maximum of eighty (80) percent of the total land area 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 usable open space which is available for use by the general public or by persons who do not live in the residence or groups of residences immediately adjacent to it.

(b) A maximum of twenty (20) percent of the total land area shall be used for nonresidential uses and required parking; provided, however, that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining nonresidential use.

(c) A minimum of twenty (20) percent of the total land area shall be used for open air recreational uses and other usable open space. Usable open space shall be defined as an open area designed and developed for use by the occupants of the development or by others for recreation (whether commercial, private or public), courts, gardens or household services 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, parking, and residential yards.

(d) The construction of planned unit development shall occur in phases. Not less than fifty (50) percent of the total land area planned for residential purposes shall be completed prior to the construction of nonresidential areas and uses.

## (2) Residential Density

The density of residences shall not exceed six (6) units per acre of the land within the development which is devoted to residential use and usable open space.

## (3) Lot Size

There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width for any unit; provided, however, that in 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, such areas 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.

## (4) Height

The height of any structures within a planned unit development shall not exceed fifty (50) feet.

## (5) 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 (20) feet of any other structure or group of structures.

## (6) 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 dedications, as the Planning Commission shall specify.

## (7) Roads and Parking Areas

The dimensions and construction of roads, alleys and parking areas within the development, whether or not dedication of them to the Township is contemplated, shall conform with all applicable state, county, and Township ordinances or regulations.

## e. Processing Procedures and Exhibit Requirements

Fees for the reviews of a concept plan, preliminary planned unit development plan, or final planned unit development plan shall be in accordance with the schedule of fees adopted by resolution of the Township Board.

## (1) Concept Planned Unit Development Plan

An applicant for PUD approval shall submit a concept plan to provide the Planning Commission with general information describing the proposed PUD. A concept plan shall be processed in accordance with the following procedures:

- (a) The concept plan shall be submitted in accordance with the published schedule and processing procedures established by the Township Planning Commission. (Ordinance No. 80-29)
- (b) The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan.
- (c) The Planning Commission shall report the results of this review in writing to the Township Board for informational purposes.
- (d) The following minimum information must be provided by the developer at the time of submitting a concept plan:
  - (i) Discussion of the rationale for employing the PUD procedure rather than developing the project conventionally.
  - (ii) Description of the existing site characteristics.
  - (iii) Description of the proposed character of the development.
  - (iv) Discussion of the proposed means of serving the development with sewer and water.
  - (v) A regional location map showing the relationship of the PUD to its surroundings, including section lines, parcel boundaries, major roads, collector streets, etc.
  - (vi) A generalized graphic depiction of the PUD showing: major access roads serving the site, including right-of-way widths, and existing and proposed surfacing; existing utility lines including, sanitary sewer, storm sewer, water main, and gas and electric service; existing adjacent land uses and structures; proposed interior road pattern; areas to be developed for residential, commercial, recreational, and open space uses; and areas to be preserved in a natural state.
  - (vii) Total project area.
  - (viii) Total project density.
  - (ix) Densities, areas, and setbacks for various residential types.

- (x) Area and percent of developed and undeveloped open spaces.
- (xi) Proposed project phasing boundaries and estimated timing schedule by phase to completion.

The developer may submit any other data or graphics which will serve to further the proposed PUD.

(2) Preliminary Planned Unit Development Plan

Upon completion of Concept Plan review procedures specified in Section 702, 14, (e), (1) above, the preliminary PUD Plan may be reviewed by the Planning Commission. It is presented at a public hearing called by the Planning Commission. It shall be processed in accordance with the following procedures: (Ordinance No. 80-50)

- (a) The applicant shall submit fifteen (15) copies of the preliminary PUD plan, accompanied with any required fees to the Building Official at least fifteen (15) days prior to the meeting at which the preliminary plan is to be presented. The Building Official shall place the preliminary PUD plan on Planning Commission agenda.
- (b) The Planning Commission reviews the preliminary PUD plan and establishes a public hearing. Notice of such public hearing shall be given in accordance with notification procedures provided in ARTICLE XIX, Review and Approval of Special Condition Uses.
- (c) The Planning Commission holds the public hearing, and may approve, deny, or approve with conditions the preliminary PUD plan in accordance with standards and procedures of Section 1903.
- (d) Following approval of the preliminary PUD plan, the Planning Commission authorizes the developer to prepare a PUD agreement. The PUD agreement is a legal document, prepared by land owner and/or his representatives which specifically details the development plans for the PUD, the covenants and restrictions proposed for the PUD, the staging of development, and the improvements to be placed in the development.
- (e) The PUD Agreement is reviewed by the Township Attorney, Planner, and Engineer. Their reports are submitted to the Township Board for their consideration.
- (f) The Township Board and the land owner and/or his representatives review the PUD agreement. Upon its acceptance by the Township Board, the Township Supervisor, Township Clerk, and the land owner and/or his representative shall sign a minimum of three (3) copies. One (1) signed copy shall be retained by the Township Clerk, one (1) signed copy shall be retained in the records of the Planning Commission, and one (1) signed copy shall be provided to the land owner and/or his representatives.



- (g) Following execution of the PUD agreement, the developer proceeds to seek final PUD development plan approval. A final planned unit development plan for some portion of the PUD must be submitted within twenty-four (24) months following approval of the preliminary planned unit development plan. If no final planned unit development plan is accepted within that period, prior approvals are automatically rescinded. However, the Planning Commission, upon written application by the developer, may extend the designation for successive two (2) year periods; except no more than two (2) such two (2) year extensions may be granted.
- (h) The data required by Section 1901 must be provided by the developer at the time of filing a request for preliminary PUD land approval. In addition, the following supporting materials shall also be submitted by the developer:
  - (i) Statement of developer's interest in the land proposed for development.
  - (ii) Statement regarding the manner in which open space is to be maintained.
  - (iii) Statement regarding the developer's intentions regarding sales and/or lease of all or portions of the PUD, including land areas, units, and recreational facilities.
  - (iv) Statement of covenants, grants of easements (including easement for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
  - (v) Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.
  - (vi) Schedule indicating the time within which applications for final approval of each phase of the PUD are intended to be filed.

(3) Final Planned Unit Development Plan

The final PUD development plan for all or a portion of the total PUD is reviewed by the Township to assure substantial compliance with the preliminary planned unit development plan. The final planned unit development plan must be prepared and processed as one or more of the following:

(a) Subdivision Plat

The final planned unit development plan must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the State of Michigan Subdivision Control Act, the Township Subdivision Control Ordinance (Ordinance No. 36), and the conditions established in the preliminary planned unit development plan and PUD agreement.

## (b) Condominium Development Plan

The final planned unit development plan must be prepared in the form of a condominium development plan pursuant to the requirements of Article XIX of this Ordinance and the conditions established in the preliminary planned unit development plan and PUD agreement.

## (c) Site Plan

The final planned unit development must be prepared in the form of a site plan pursuant to the requirements of Article XVIII of this Ordinance and the conditions established in the preliminary planned unit development plan and PUD agreement.

## (4) Variation in Final PUD Plan

The final PUD plan may vary from the design of the preliminary PUD plan approved by the Planning Commission, provided the final PUD plan does not:

- (a) Vary the proposed gross residential density or intensity of use in any portion of the PUD by more than ten (10) percent;
- (b) Involve a reduction of the area set aside for common space;
- (c) Increase by more than ten (10) percent the floor area proposed for nonresidential use; or,
- (d) Increase by more than five (5) percent the total ground area covered by buildings.

## (5) Construction Date

Construction of the initial phase of the PUD shall be completed within two (2) years following final PUD plan approval. This limit may be extended by the Planning Commission upon written application by the developer for successive two (2) year periods; except no more than two (2) such two (2) year extensions may be granted. (Ordinance No. 80-3)

## 15. Health Spas

Health club, spa, athletic training facility, or similar establishment which also provides for over-night stay, subject to the following conditions:

- a. The minimum lot area shall be fifteen (15) acres.
- b. The site shall be so located as to have at least one (1) property line abutting a collector street, major street, or major thoroughfare.
- c. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility shall be directly from a paved collector street, major street, or major thoroughfare.

- d. Buildings of greater than the maximum height allowed in Article XVI, Section 1600, Schedule of Regulations may be allowed provided front, side, and rear yard setbacks are increased above the minimum required yard by one (1) foot for each foot of building height in excess of twenty-five (25) feet. In no instance shall a building exceed a maximum height of thirty-five (35) feet.
  - e. No building shall be located closer than fifty (50) feet to any property line.
  - f. Off-street parking shall be prohibited from within twenty (20) feet of the side and rear property lines. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an obscuring landscaped greenbelt of not less than ten (10) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line. (Amendment No. 80-2)
16. Cemeteries
- a. Cemeteries shall have a minimum lot size ten (10) acres and a minimum frontage on a major thoroughfare of three hundred (300) feet.
  - b. All ingress and egress shall be from a paved major thoroughfare.
  - c. All buildings and structures shall be located no less than two hundred (200) feet from the property lines. (Ordinance No. 80-6)
17. Kennels, subject to the following: (Ordinance No. 80-10)
- a. The minimum lot size shall be five (5) acres.
  - b. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.
18. Sports complex, subject to the following:
- a. The minimum lot area shall be twenty (20) acres.
  - b. The site shall be located as to have at least one (1) property line abutting a major street.
  - c. All ingress and egress to the off-street parking area for guests, employees, and staff, as well as other users of the facility shall be directly from a paved major street.
  - d. Except for signs, structures of greater than the maximum height allowed in Article XVI, Section 1600, Schedule of Regulations, may be allowed provided front, side, and rear setbacks are increased above the minimum required yard by one (1) foot for each of structure height in excess of twenty-five (25) feet. In no instance shall a structure exceed a maximum height of thirty-five (35) feet.

- e. No building, structure, or athletic field or similar use area shall be located closer than two hundred (200) feet to any abutting residential or nonresidential district except that the Planning Commission may reduce this distance to not less than fifty (50) feet and instead accept a landscaped buffer demonstrated to create an effective visual and noise barrier for adjoining property owners.
- f. Off-street parking shall be prohibited from within twenty (20) feet of any side or rear property line. Parking areas located within one hundred (100) feet of an abutting residential district or use shall be screened in accordance with the requirements of Section 1715. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an obscuring landscaped greenbelt of not less than twenty (20) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line.
- g. Hours of operation shall be restricted to 9:00 a.m. to 9:00 p.m. for Sunday – Friday and 8:00 a.m. to 10:00 p.m. for Saturday.
- h. The use of exterior broadcasting devices and air horns is specifically prohibited. (Ordinance No. 80-50)
- i. The Planning Commission may, at its discretion, require that use areas which involve an activity that may injure a viewer or be hazardous to an abutting property owner (such as, but not limited to, archery, javelin toss, hammer throw, etc.) be secured by a fence or other manmade or natural barrier to prevent trespass from or onto adjacent property by persons or equipment used as part of the recreational activity. (Refer to Section 1712 for landscaping requirements, Section 1715 for wall requirements, and Section 1716 for requirements for fencing. (Ordinance No. 80-29)

**Section 703. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

ARTICLE VII

*(Reserved for Future Use)*

**Article VIII**  
**RM-1, Residential Multiple-Family**  
**(Low Density) District**

**Section 800. Purpose.**

The RM-1, Residential Multiple-Family District is intended to provide opportunities for the building of low-density, multiple-family dwelling structures. Generally, these are areas which, due to parcel size and/or configuration, do not lend themselves for normal single-family subdivision designs or those parcels abutting unique natural or manmade features enabling a development scheme designed to maximize those unique features. The intent is further to encourage the development of small multiple-family structures so that the scale of the buildings remain in keeping with a large single-family housing structure.

**Section 801. Principal Uses Permitted.**

In the RM-1 District, no building or land shall be used and no building shall be erected except for one or more of the following specified use unless otherwise provided in this Ordinance:

1. Two-family residential structures with a density not-to-exceed four (4) dwelling units per acre of land, exclusive of land dedicated for public streets.
2. Multiple-family structures, including stacked flats and apartments, subject to the following requirements (Ordinance No. 16-84):
  - a. The maximum number of dwelling units within any multiple-family structure shall not exceed six (6) dwelling units.
  - b. Ground accessible living units shall only be permitted and shall only be attached in the following manner:
    - (i) A common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall; or,
    - (ii) By means of an architectural wall detail which does not form interior room space; or,
    - (iii) Through a common party wall in only the garage portion of adjacent structure, there being no common party wall relationship permitted through any other portion of the residential unit.
  - c. Maximum density shall be six (6) dwelling units per acre, exclusive of any land dedicated for public streets.
3. Townhouse dwellings in accordance with Section 702.12. (Ordinance No. 16-84)
4. Adult foster care large and small group homes. (Ordinance No. 80-3)
5. Accessory buildings and uses customarily incidental to the above permitted uses.

**Section 802. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Multiple-family structures at densities greater than six (6) but not greater than eight (8) dwelling units per acre, exclusive of any land dedicated for public streets. Densities greater than six (6) dwelling units per acre shall be served by a public water supply system.

**Section 803. Required Conditions.**

Multiple-family developments in the RM-1 District shall be subject to the following site design requirements:

1. Maximum structure coverage shall not exceed twenty-five (25) percent of the site area.
2. The distance between any two structures within a multiple-family residential development shall be not less than thirty (30) feet.
3. Maximum height of any structure shall be twenty-five (25) feet.
4. Any multiple-family residential development adjoining any single-family residential district or any developed nonresidential district shall be provided with a twenty (20) foot greenbelt buffer planted in accordance with Section 1712.3.b. A greenbelt buffer shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
5. All residential developments within this district shall be served with public sewer facilities.
6. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any multiple-family residential development which shall be designed to minimize congestion and interference with normal traffic flow.
7. All multiple-family residential developments shall have direct access only to paved public streets.
8. The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate drainage.
9. The minimum lot area required shall be five (5) acres.
10. Parking areas shall be provided as required in Sections 1706 and 1707, except that for a multiple-family residential structure a visitor parking space equal to one (1) space per five (5) dwelling units is required. If on-site storage of recreational vehicles is to be provided, such storage shall be provided in a building or designated area which shall be fenced and screened.

11. All dwelling units shall be readily accessible from interior roads constructed in accordance with the surfacing and base requirements of the Genesee County Road Commission for a local (minor) street. (Ordinance No. 80-16) (Ordinance No. 80-24)
12. All multiple-family residential developments shall connect with, and/or provide for the logical extension of, public roads which currently provide or are planned to furnish ingress or egress to their site. (Ordinance No. 80-24)
13. All main access drives in a multiple-family site shall be free of on-street parking and have a minimum back-of-curb to back-of-curb measurement of 30 feet. All pavement shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards of the Genesee County Road Commission. (Ordinance 80-24)
14. No building shall be located closer than twenty-five (25) feet from internal access road nor shall the longer dimension of a building be located closer than twenty (20) feet from parking access or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located not less than five (5) feet from parking areas or drives. (Ordinance No. 80-29)
15. See also Article XXI, Design Review. (Ordinance No. 16-84)

**Section 804. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.



ARTICLE VIII

*(Reserved for Future Use)*

**Article IX**  
**RM-2, Residential Multiple-Family**  
**(Medium Density) District**

**Section 900. Purpose.**

The RM-2, Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the lower density One-Family District and the nonresidential districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise low density, one-family community.

**Section 901. Principal Uses Permitted.**

In a Multiple-Family Residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Multiple-family dwellings, including stacked flats and apartments. (Ordinance No. 16-84)
2. Two-family residential structure with a density not-to-exceed ten (10) dwelling units per acre of land, exclusive of land dedicated for public streets.
3. Townhouse dwellings in accordance with Section 702.12.
4. Boarding houses, fraternities, sororities, and similar uses.
5. Adult foster care large and small group homes.
6. Single-family detached dwellings when part of a multiple-family, two-family, or townhouse development consisting of 100 total dwelling units or more, provided the single-family detached dwellings represent not more than ten (10) percent of the total dwelling units sited within the development. (Ordinance No. 80-6)
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.

**Section 902. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. All uses subject to special conditions in the RU-1 District, permitted and as regulated under Section 702.
2. Health care facility when the following conditions are met:
  - a. Minimum lot area shall be ten (10) acres.

- b. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
  - c. The building height of hospital, shall be no more than four (4) stories or forty-five (45) feet.
  - d. The minimum setback distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet. For every story above two (2), the minimum yard setback distance shall be increased by at least twenty (20) feet.
  - e. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height.
3. Convalescent or nursing homes when the following conditions are met:
- a. The building shall not exceed a building height of two (2) stories.
  - b. No building shall be closer than forty (40) feet to any property line.
  - c. All access to the site shall be directly from a major thoroughfare or collector street.
  - d. There shall be provided on the site, not less than one thousand five hundred (1,500) square feet of land area for each bed in the home. The one thousand five hundred (1,500) square feet of land area shall provide for landscape setting, yard requirements and accessory uses, but shall not include the area covered by main or accessory buildings.
4. Public, parochial, and private elementary, intermediate and/or secondary schools offering courses in general education. The site shall be so located as to have at least one (1) property line abutting and directly accessible to a major thoroughfare or collector street.

**Section 903. Required Conditions.**

Multiple-family developments in the RM-2 District shall be served by public sanitary sewer and water facilities and shall be subject to the following site design requirements:

- 1. No building shall exceed two hundred (200) feet in length.
- 2. Dual paved access throughout a multiple-family site is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of twenty-five (25) feet in width. A minimum pavement width of twelve (12) feet shall be provided for each travel lane. No dead-end street shall be more than three hundred (300) feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.

3. All main access drives in a multiple-family site shall be free of on-street parking and have a minimum back-of-curb to back-of-curb measurement of 30 feet. The minimum width of pavement on an access drive shall be twenty-four (24) feet. All pavement shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with standards prescribed by the Genesee County Road Commission. (Ordinance No. 80-24)
4. Parking within the required side and rear yards shall be permitted, except that parking lots or access drives adjacent to single-family districts must be located a minimum of twenty (20) feet from the property line. (Ordinance No. 80-10)
5. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
6. All dwelling units shall be readily accessible from interior roads constructed in accordance with the surfacing and base requirements of the Genesee County Road Commission for a local (minor) street. (Ordinance No. 80-16)
7. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
8. Any community building located on a multiple site shall have one (1) parking space per each ten (10) dwelling units.
9. Internal site sidewalk shall be provided and located five (5) feet from and parallel to access drives and also located to provide convenient access to community buildings. Such sidewalk shall be five (5) feet in width. Sidewalks which are adjacent to parking areas shall be seven (7) feet wide or greater, and located immediately adjacent to the parking area. (Ordinance No. 80-3)
10. Street and yard lights, attached to standards approved by the Planning Commission, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.
11. To facilitate fire protection during site preparation and construction of buildings, the following shall be required:
  - a. Water mains and fire hydrants shall be installed prior to construction above the foundation.
  - b. Prior to construction of multiple residential buildings and other large structures, a hard and sufficient roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.

- c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
  - d. The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard, and other debris caused by his construction.
  - e. Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.
12. A minimum of ten (10) percent of the gross site area shall be reserved as usable open space, for all projects containing four (4) acres or more.
13. All multiple-family residential developments shall have direct access only to paved public streets.
14. Any multiple-family residential development adjoining any single-family residential district or any developed nonresidential district shall be provided with a twenty (20) foot greenbelt buffer planted in accordance with Section 1712.3.b. adjacent to the property line. A greenbelt buffer shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
15. All multiple-family residential developments shall connect with, and/or provide for the logical extension of public roads which currently provide or are planned to furnish ingress or egress to their site. (Ordinance No. 80-24)
16. See also Article XXI, Design Review. (Ordinance No. 16-84)

**Section 904. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE IX

*(Reserved for Future Use)*

**Article X**  
**RMH, Residential Mobile Home Park District**

**Section 1000. Purpose.**

The purpose of the Residential Mobile Home Park (RMH) District is to encourage a suitable environment for persons and families, that by preference, choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this article establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreational facilities, churches, schools, and necessary public utility buildings.

**Section 1001. Uses Permitted.**

No building or structure, or part thereof shall be erected, altered or used, and no land shall be used except for one or more of the following:

1. Mobile home parks, subject to the requirements of the Mobile Home Commission Act, Act 419, of 1976, as may be amended.
2. Mobile home subdivisions, subject to the State Subdivision Control Act, Act 96, PA 1987, as amended, the Davison Township Subdivision Control Ordinance, as amended, and all other applicable acts, rules, and regulations. Development of mobile home subdivisions shall be in accordance with the standards of the RU-1 District.

**Section 1002. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

**Article XI**  
**CO, Community Office District**

**Section 1100. Purpose.**

The CO, Community Office District is intended to provide locations of the low-intensity, office-type professional and administrative services necessary for the normal conduct of a community's activities. Such districts have the following characteristics: allowable activities take place in attractive buildings in landscaped settings; they generally operate during normal daytime business hours; they produce a minimum amount of traffic; and their use characteristics make them compatible with adjacent residential uses.

**Section 1101. Uses Permitted.**

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
2. Clinics, except veterinary clinics having outdoor runs.
3. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
4. Banks, credit unions, savings and loan associations, and similar uses.
5. Barber shops, beauty shops, and health salons.
6. Pharmacy or apothecary shop.
7. Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments.
8. Standard restaurants.
9. Mortuary Establishments, provided that:
  - a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
  - b. Such assembly area will be in addition to required off-street parking.
  - c. A caretakers residence may be provided within the main building of the mortuary establishment.

(Ordinance No. 16-84)



10. Churches, synagogues, temples and other facilities normally incidental thereto, provided that:
- a. The minimum lot width shall be one hundred fifty (150) feet.
  - b. The minimum lot area shall be three (3) acres.
  - c. Off-street parking shall be prohibited from the front yard setback area and within twenty (20) feet of the rear or side property line.
  - d. An obscuring greenbelt buffer shall be provided between the parking area and neighboring property lines.
  - e. The property shall have frontage on and direct access to a major thoroughfare.
  - f. Principal buildings on the site shall be set back from abutting residentially zoned properties not less than twenty-five (25) feet.
  - g. Buildings of greater than the maximum height allowed in Article XVI, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

(Ordinance No. 16-84)

11. Nursery schools, day nurseries and day care centers (not including dormitories) provided that:
- a. For each person so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of open space. Such space shall have a total minimum area of not less than one-thousand two hundred (1,200) square feet and shall be fenced and screened from any adjoining lot in any residential district.

(Ordinance No. 16-84)

12. Clubs and Fraternal Organizations, provided that:
- a. A minimum site size of three (3) acres shall be required.
  - b. Only commercial uses ancillary to the club function shall be permitted.
  - c. All parking shall be located in the side or rear yard.

(Ordinance No. 16-84)

13. Other uses similar to the above uses.
14. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 1102. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Gasoline filling and gasoline service stations for sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, and subject to the following:
  - a. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
  - b. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
  - c. Ingress and egress drives shall not exceed 30 feet in width. The Planning Commission may modify this requirement and approve a driveway width of 36 feet provided such driveway contains no median (island divider) and provides for three (3) clearly defined turning lanes consisting of two (2) exit lanes and one (1) entrance lane. (Ordinance No. 80-24)
  - d. Minimum lot area shall be twenty thousand (20,000) square feet for automobile service and filling stations.
  - e. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile service and filling stations.
  - f. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
  - g. No gasoline service stations shall be located or no property used as such nearer than four hundred (400) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater or any place of public assembly where twenty-five (25) or more persons ordinarily, and with some regularity, are gathered for lawful purposes.
  - h. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall not be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

- i. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.
2. Business and Technical Schools
    - a. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition detrimental to the surrounding area.
    - b. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is screened with a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
    - c. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district.
3. Carry-Out Restaurant, Fast-Food Establishment, or Drive-In Restaurant
    - a. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school.
    - b. Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only.
    - c. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
    - d. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
    - e. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
    - f. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
    - g. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified in Section 1707.8 as may be adopted by the Township. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

- h. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.

- i. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.
- j. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
- 1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
  - 2) The ground shall be kept free of rubbish and debris, and the grass, if any shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
  - 3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises may, at the discretion of the Building Official, be closed to vehicular traffic by properly placed and secure precast concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency. (Ordinance No. 80-29)

4. Municipal buildings and uses not requiring outdoor storage of materials or vehicles

**Section 1103. Required Conditions.**

1. No interior display of merchandise available for purchase by the public shall be visible from the exterior of an office establishment.
2. The outdoor storage of goods or material shall be prohibited.
3. The warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

**Section 1104. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE XI

*(Reserved for Future Use)*

**Article XII**  
**LC, Local Commercial District**

**Section 1200. Purpose.**

The LC, Local Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population demonstrates a need for such a facility.

**Section 1201. Uses Permitted.**

No building or structure, or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. All Uses Permitted as a matter of right in the CO District.
2. Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
3. Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners.
4. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
5. Other uses similar to the above uses.
6. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 1202. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. All uses subject to special conditions in the CO District, permitted and as regulated under Section 1102.

2. Automotive service facilities providing: tire (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only, all subject to the following conditions:
  - a. There shall be no outside display of any parts and/or products.
  - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
  - c. All new, used and/or discarded parts shall be stored within a completely enclosed building.
  - d. Any such activity shall be located not less than twenty-five (25) feet from a property line.
  - e. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
  - f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
  - g. In operations such as automobile reconditioning, but not necessarily limited to such activities, there shall be no releasing of toxic gasses, liquids or materials in any form into the atmosphere, the water or sewer systems of the Township, or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
3. Vehicle Wash Establishments (see also Section 1706 for stacking space requirements). (Ordinance No. 80-29)
  - a. Minimum lot size shall be ten thousand (10,000) square feet.
  - b. All washing activities must be carried on within a building.
  - c. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone.
  - d. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
  - e. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
  - f. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.



**Section 1203. General Regulations.**

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The outdoor storage of goods and materials shall be prohibited.
3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.

**Section 1204. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing minimum yard setback requirements.

ARTICLE XII

*(Reserved for Future Use)*

**Article XIII**  
**GC, General Commercial District**

**Section 1300. Purpose.**

The GC, General Commercial District is designed to cater to the needs of a larger consumer population than that is served by the Local Commercial Uses. These use are designed to cater to the needs of "passer-by" traffic and comparison shopping needs. Many of the business types are generally located within an integrated or planned cluster of establishments served by a common parking area.

**Section 1301. Principal Uses Permitted.**

In a General Commercial District, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in this Ordinance:

1. All Uses Permitted as a matter of right in the LC and CO Districts.
2. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
3. Any service establishment of an office, showroom, or workshop nature including an electrician, decorator, dressmaker, tailor, baker, painter, upholster, or an establishment doing radio or home appliance repair, photographic reproduction, and similar establishment requiring a retail adjunct.
4. Clubs, fraternal organizations, and lodge halls.
5. Video sales and video rental establishments.
6. Shopping centers.
7. Health and athletic clubs.
8. Auto wash establishments. (Ordinance No. 80-24)
9. Theaters, auditoriums, concert halls, or similar places of assembly when conducted within a completely enclosed building.
10. Banquet halls.
11. Hotels. (Ordinance No. 16-84)
12. Other uses similar to the above uses.
13. Accessory structures and uses customarily incidental to the above permitted uses.

**Section 1302. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Salesrooms, rental facilities, and/or sales lots for new and/or used automobiles, recreation vehicles, trucks, mobile homes, trailers and modular homes, subject to the following:
  - a. Ingress and egress shall be located a minimum of seventy-five (75) feet from the intersection of any two (2) streets.
  - b. Lighting shall be located and designed to reflect away from residential areas.
  - c. Where a sales lot and/or rental facilities for new and/or used automobiles, recreation vehicles, trucks, mobile homes, trailers, and modular homes abuts a street, a twenty (20) foot greenbelt buffer shall be established. The greenbelt buffer shall consist of a minimum of one (1) deciduous shade tree for every fifty (50) linear feet of frontage and shall be established from the right-of-way line. (Refer also to Section 1712.)
  - d. All service and repair facilities shall be located within an enclosed building. Damaged vehicles and/or vehicles waiting for repair may be stored outside provided such storage area is screened by an obscuring masonry wall six (6) feet in height. The material being stored shall not be stacked higher than the wall.
2. Motels subject to the following (Ordinance No. 16-84):
  - a. Where a detached unit is provided as a residence for the owner or the manager, the minimum floor area requirements shall be in accordance with the requirements for the RU-1 District as provided in Section 1600. (Ordinance No. 16-84)
  - b. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.

3. Gasoline filling and gasoline service stations for sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, and subject to the following:
- a. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
  - b. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street.
  - c. Ingress and egress drives shall not exceed 30 feet in width. The Planning Commission may modify this requirement and approve a driveway width of 36 feet provided such driveway contains no median (island divider) and provides for three (3) clearly defined turning lanes consisting of two (2) exit lanes and one (1) entrance lane. (Ordinance No. 80-24)
  - d. Minimum lot area shall be twenty thousand (20,000) square feet for automobile service and filling stations.
  - e. Minimum lot width shall be not less than one hundred fifty (150) feet for automobile service and filling stations.
  - f. No outside storage of oil drums, trailers, or any other material or equipment for rent, sale, or display shall be permitted.
  - g. No gasoline service stations shall be located or no property used as such nearer than four hundred (400) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater or any place of public assembly where twenty-five (25) or more persons ordinarily, and with some regularity, are gathered for lawful purposes.
  - h. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall not be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
  - i. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.

4. Automotive service facilities providing: tire (but not recapping), battery, muffler, undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor tune-ups only, all subject to the following conditions:
  - a. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application by the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
  - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
  - c. All used and/or discarded parts shall be stored within a completely enclosed building.
  - d. Any such activity shall be located not less than twenty-five (25) feet from a property line.
  - e. The parking of vehicles on site shall be limited to those which may be serviced within a twenty-four (24) hour period.
  - f. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
  - g. No automobile service facility shall release toxic gases, liquids, or material in any form into the atmosphere, on or into the earth, or into public water or sewer systems. In addition, such facilities shall be operated in such a way as to not create a nuisance. (Refer also to definition of Nuisance Factor.) (Ordinance No. 80-24)
5. Arcades, billiard parlors, card rooms, and similar uses, following requirements and conditions:
  - a. The building shall not be located within one hundred (100) feet of a residential dwelling or district, church, or school.
  - b. The site shall be so located as to abut a major thoroughfare right-of-way, and all ingress/egress to the site shall be directly from said major thoroughfare.
  - c. No exterior loudspeaker or public address system shall be used.
  - d. For purposes of this section, a pool room or billiard parlor shall be an establishment in which three (3) or more pool tables and/or billiard tables are operated or maintained.

6. Smoking Lounges subject to the following conditions:
- a. The use must be approved by the State of Michigan Department of Community Health as a Tobacco Specialty Retail Store or cigar bar and possess a valid exemption of the State of Michigan smoking prohibition of Section 12603, Public Act 368 of 1978. Smoking lounges not possessing a valid state exemption as a tobacco specialty retail store or cigar bar are not permitted.
  - b. Hours of operation are limited to 10:00 A.M. to 12:00 A.M.
  - c. The use cannot be located any nearer than one-quarter (1/4) mile to any other smoking lounge.
  - d. The use cannot be located any nearer than five hundred (500) feet to any residential zoning district, school, religious institution, park, childcare facility, firearm dealer or business selling alcohol.
  - e. All smoking lounge business activities shall be conducted wholly indoors.
  - f. Smoking lounges shall provide adequate ventilation for the smoke in accordance with all requirements imposed by the building code. At a minimum, the ventilation system shall also assure that smoke from the smoking lounge is incapable of migrating into any other portion of the building hosting the smoking lounge or into any other building or premises in the vicinity of the smoking lounge.
  - g. Smoking lounges may only be located on premises that are physically separated from any areas of the same or adjacent establishments in which smoking is prohibited by state law and where smoke does not infiltrate into those nonsmoking areas. "Physically separated" shall mean an area that is enclosed on all sides by any combination of solid walls, windows, or doors that extend from the floor to ceiling.
  - h. The interior of the smoking lounge shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernible to persons with normal visual acuity.
  - i. No window coverings shall prevent visibility of the interior of the smoking lounge from outside the premises during operating hours. Any proposed window tint shall be approved in advance by the police department.
  - j. The maximum occupancy level for a smoking lounge shall be established by the building code.
  - k. Smoking lounges shall provide off-street parking per the standard for "establishment for sale and consumption on the premises of beverages, food, or refreshments" found in Section 1706.

(Ordinance No. 16-84)

7. Adult entertainment use subject to the following conditions:
- a. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within six hundred (600) feet of any of the following uses:
    - (1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
    - (2) Pool or billiard halls.
    - (3) Coin-operated amusement centers.
    - (4) Teenage discos or dance halls.
    - (5) Ice or roller skating rinks.
    - (6) Pawn shops.
    - (7) Indoor or drive-in movie theaters.
    - (8) Any public park.
    - (9) Any church.
    - (10) Any school having a curriculum including kindergarten or any one or more of the grades, one (1) through twelve (12).
  - b. No adult entertainment use shall be located within six hundred (600) feet of any area zoned residential.
  - c. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
  - d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.
  - e. The distances specified in Subsections 6.a and 6.b shall be measured as a straight line distance between the nearest point of the structure containing the adult entertainment use to the nearest point of the structure or building unit occupied by uses listed in Subsections 6.a and 6.b, respectively.



8. Carry-Out Restaurant, Fast-Food Establishment, or Drive-In Restaurant
- a. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school.
  - b. Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only.
  - c. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
  - d. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
  - e. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
  - f. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
  - g. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with Township standards. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
  - h. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.  
  
The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.
  - i. All outside trash receptacles, except those intended for use by the customer, shall be enclosed by a six (6) foot masonry wall. The material being stored shall not be stacked higher than the wall.

- j. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations: Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
9. Mini-warehouses (self-storage facilities) subject to the following conditions:
- a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
  - b. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
  - c. A ten (10) foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance with Section 1712.3.b.
  - d. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
  - e. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
  - f. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.
  - g. All ingress and egress from this site shall be onto a collector street or major thoroughfare.
  - h. Building height shall not exceed one (1) story or fifteen (15) feet except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet.
  - i. No single storage building shall exceed seventy-five hundred (7,500) square feet.
  - j. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
  - k. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.

10. Municipal buildings and uses not requiring outdoor storage of materials or vehicles.
11. Open air businesses for the sale of manufactured products, such as similar to garden furniture, earthenware, hardware items, or the rental of manufactured products or equipment, small tools, trailers, and similar products and equipment shall be permitted.  
  
All sides of an open air businesses use abutting any residential zoning district or existing residential development shall maintain an obscuring greenbelt buffer between the residential area and the proposed development.
12. Auction Sales Establishments (Ordinance No. 80-10)
  - a. All parking shall be provided as off-street parking within the boundaries of the development.
  - b. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district. (Refer to Section 502,2.)
13. Emergency medical service/ambulance dispatch facilities subject to the following conditions: (Ordinance No. 80-10)
  - a. The lot area shall be one (1) acre in size or greater, with a minimum lot width of 150 feet.
  - b. The property shall have frontage on, and direct access to, a major thoroughfare.
  - c. The outdoor storage of emergency medical service/ambulance vehicles shall be permitted provided such storage is screened from public view by an obscuring wall or fence six (6) feet in height constructed in accordance with Section 1715.
  - d. Ingress and egress shall be located a minimum of fifteen (15) feet from a side lot line and a minimum of sixty (60) feet from an abutting residential district, the intersection of any two (2) streets, or from an adjoining driveway, as measured along the right-of-way line.
  - e. A driveway shall be not greater than thirty (30) feet in width.

14. Home for the aged (congregate care facility) when the following conditions are met:
- a. The building height shall not exceed a height of two and one-half (2.5) stories, or thirty-five (35) feet.
  - b. No building shall be located closer than fifty (50) feet to any property line.
  - c. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be provided by means of a driveway and/or access easement leading directly to a major thoroughfare.
  - d. An obscuring landscaped greenbelt not less than ten (10) feet wide shall be provided in those yards abutting a residential zone, or the Planning Commission may require that a masonry or other permanent wall five (5) feet in height shall be provided and maintained along the entire property line abutting such zone. In those instances where such yard abuts a major thoroughfare, the centerline of which forms the boundary of such zones, no greenbelt or wall is required, except as required by Item g, below. Required yard space may be used for parking.
  - e. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an obscuring landscaped greenbelt of not less than ten (10) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line. (Ordinance No. 80-14)
15. Housing for the elderly when the following conditions are met:
- a. All housing complexes for the elderly shall be constructed on parcels of at least three (3) acres and may provide for the following:
    - (1) Cottage type one-story dwellings and/or low-rise (three [3] stories or less) apartment type dwelling units.
    - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
  - b. Minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.
  - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way. (Ordinance No. 80-14)

16. Convalescent or nursing homes when the following conditions are met:
  - a. The building shall not exceed a building height of two (2) stories.
  - b. No building shall be closer than fifty (50) feet to any property line. (Ordinance No. 80-29)
  - c. All access to the site shall be provided by means of a driveway and/or access easement leading directly to a major thoroughfare. (Ordinance No. 80-14)
17. Mixed-use development projects subject to the following conditions:
  - a. Projects shall be located within a mixed-use area of the community as identified in the Township's officially adopted Master Plan.
  - b. Uses shall be restricted to those types or classes shown on an Area Development Plan which has been officially adopted and incorporated as a part of the Township's Master Plan.
  - c. Projects shall be designed to comply with Article XVII requirements in general, and Section 1733 requirements in particular.
  - d. The height and bulk of buildings, the minimum size of lot required by land use, maximum density permitted, and required yard setback requirements shall be provided in accordance with Article XVI as follows:
    - (1) Single-family development shall be constructed in accordance with RU-1, Residential Urban District standards.
    - (2) Multiple-family developments shall be constructed in accordance with the RM-1, Multiple-Family Residential (Low Density) District standards.
    - (3) Office and retail developments shall be constructed in accordance with GC, General Commercial District standards. (Ordinance No. 80-29)
18. Residential dwelling units combined with a permitted nonresidential use in the same building. (Ordinance No. 16-84)
19. Live-work units. (Ordinance No. 16-84)
20. Light manufacturing industrial uses, as listed in Section 1401,(11),(a-j), which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, when conducted within a completely enclosed building. (Ordinance No. 16-84)

**Section 1303. General Regulations.**

1. Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.
2. The outdoor storage of goods and materials, except as may otherwise be provided for in this Article, shall be prohibited.
3. The warehousing or indoor storage of goods and materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
4. Commercial parks shall be subject to the following conditions:
  - a. Permitted uses shall include all uses permitted by right within the district.
  - b. The minimum required land area for a commercial park shall be ten (10) contiguous acres.
  - c. The development of a commercial park shall be in accordance to an overall plan for the development of the park, which plan shall be approved by the Township Planning Commission.
  - d. The developer shall provide within the commercial park a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the commercial park, which system shall connect to the Township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, Genesee County Drain Commissioner, and Davison Township.
  - e. The developer shall provide within the commercial park a storm drainage system which will be of sufficient size and design as will in the opinion of the Township collect, carry off, and dispose of surface water runoff within and draining into the commercial park and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - f. Connection to a public water supply system shall be required.
    - i) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
    - ii) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - g. All commercial parks shall have direct access to a paved state of county primary street.

- h. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the commercial park without undue congestion or interference with normal traffic flow.
  - i. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
  - j. No part of any parking access road and/or service area may be located closer than twenty-five (25) feet of any property line.
  - k. Any commercial park adjoining any residential development or zoned residential property shall be provided with a greenbelt buffer of at least twenty (20) feet planted in accordance with Section 1712.3.b adjacent to the property line. A greenbelt buffer shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
  - l. The developer shall provide within the commercial park an internal road system which is designed and constructed in accordance with the standards of the Genesee County Road Commission. (Ordinance No. 80-24)
  - m. The installation of street lights shall be required along the entire length of the internal road system and comply with the requirements of Section 1717. All light poles shall be ornamental in nature. Wood poles are prohibited. All electrical service shall be underground. (Ordinance No. 80-24)
5. In addition to Article XXI requirements, the following guidelines shall apply to control planned shopping center and big-box retail design:
- a. Shopping Center Design Guidelines

The following guidelines on site planning, elements of project design, and architectural design shall apply to all shopping centers.

(1) Site Planning

The existing building context of the commercial area, the location of incompatible uses, the location of major traffic generators, as well as the site's natural and built characteristics shall be considered for their influence on the planning and placement of structures on the site.

- (i) Sites should be developed in accordance to an overall plan, and designed and built as an interrelated project. Structures should be positioned in a manner that will complement adjacent structures by reason of height, bulk, lot coverage, and architectural design.

- (ii) Whenever possible, new structures should be clustered to create plazas or pedestrian malls to prevent long “barracks-like” rows of structures. When clustering is impractical, a visual link between separate structures should be established. This link can be accomplished through the use of an arcade system trellis, or other open structure. (Refer to Figure 1.)

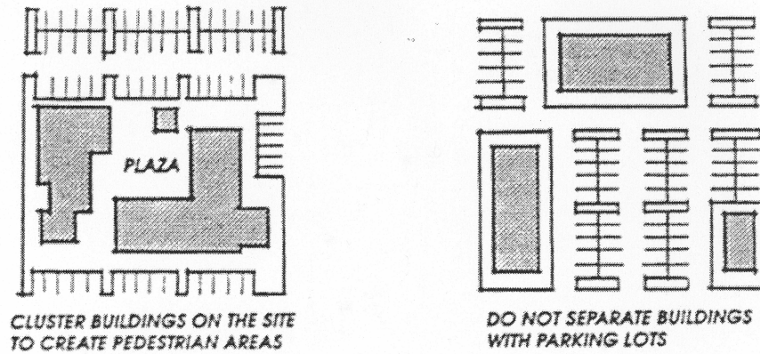


Figure 1

- (iii) Structures and on-site circulation systems should be positioned to minimize pedestrian/vehicular conflicts. Pedestrianways should be easily recognizable by means of textured paving and/or through use of visual cues (i.e., directional signage, bollards, landscaping, etc.).
- (iv) The importance of creating space between structures as “outdoor rooms” on the site should be recognized. Outdoor spaces should have clear, recognizable shapes that reflect careful planning and are not simply “left over” areas between structures. Such spaces should provide pedestrian amenities such as shade, benches, or fountains. (Refer to Figure 2.)

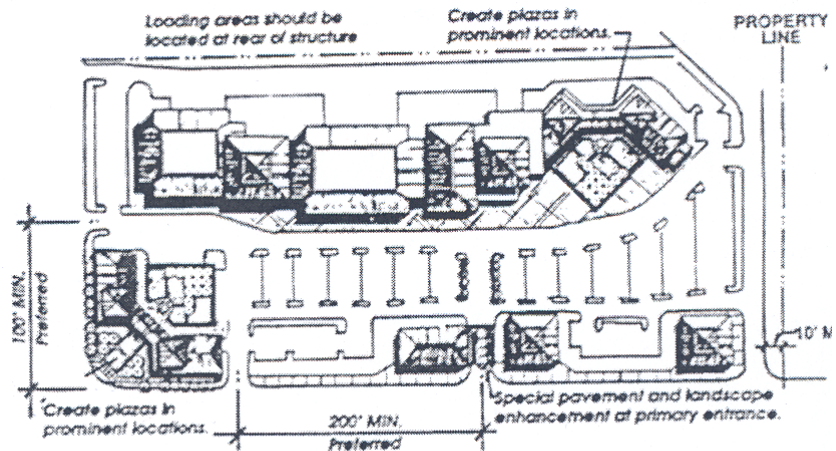


Figure 2



- (v) Freestanding, single commercial structures should be oriented with their major entry toward the street where access is provided, as well as having their major façade parallel to the street.

(2) Desirable Elements of Building Design

Commercial structures should incorporate the following elements of building design. (See also Figure 3.)

- (i) Richness of surface and texture
- (ii) Significant wall articulation (insets, canopies, wing walls, trellises)
- (iii) Multi-planed, pitched roofs
- (iv) Roof overhangs, arcades
- (v) Regular and traditional window rhythm
- (vi) Articulated mass and bulk

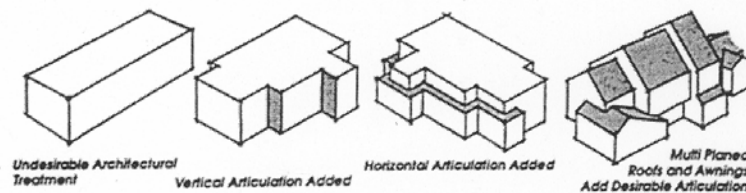


Figure 3

(3) Undesirable Elements of Building Design

The following building design characteristics should be avoided.

- (i) Large blank, unarticulated stucco wall surfaces
- (ii) Unpainted non-decorative concrete block walls, visible to the general public
- (iii) Highly reflective surfaces
- (iv) Metal or plastic siding on the main façade
- (v) Square “boxlike” structures
- (vi) Mix of unrelated construction materials and styles (i.e., rustic wood shingles and polished chrome)

(4) Building Scale

Buildings and their components should harmoniously relate to each other while simultaneously maintaining a human scale (relate to people and their abilities to comprehend their surroundings).

- (i) The height of structures should: relate to adjacent open spaces to allow maximum sun and ventilation; provide protection from prevailing winds; enhance public views of natural features; and, minimize obstruction of views from adjoining structures.
- (ii) The height and scale of new development should be compatible with that of surrounding development. New development height should “transition” from the height of adjacent development to the maximum height of the proposed structure(s).
- (iii) Building architecture should incorporate design elements that respect human scale. Large scale building elements which appear imposing to the individual should be avoided.
- (iv) Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.
- (v) The scale of buildings should be carefully related to adjacent pedestrian area (i.e., plaza, courtyards) and other structures.
- (vi) Large dominating structures should be broken up by: 1) creating horizontal emphasis through the use of trim; 2) adding awnings, eaves, windows, or other architectural ornamentation; 3) use of combinations of complementary colors; and, 4) landscape materials.

b. Regional Shopping Centers

Regional shopping centers having large rectangular single-story structures, a reliance on auto-borne traffic with large areas of parking, without unique community character, mixed-use and pedestrian amenities are discouraged. Regional shopping centers must provide a higher level of design that better relate to the characteristics of the community owing to their scale, contribution to community “place-making” and impact on community identity.

The main goal is to encourage development that contributes to Davison Township as a unique place by reflecting its existing pattern of retail development characterized by smaller stores on independent sites. The presence of smaller retail stores within a regional shopping center gives it a “friendlier” appearance by creating variety, breaking up large expanses, and expanding the range of the site’s activities. The standards presented in this section are directed toward those situations where additional smaller stores, with separate exterior customer entrances, are located in the principal building(s) or separately on the development site.

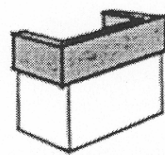
## (1) Facades

Principal buildings which contain additional, separately owned stores and which occupy less than fifty thousand (50,000) square feet of gross floor area with separate, exterior customer entrances shall demonstrate compliance with the following design standards.

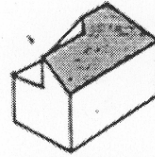
- (i) The street level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade of such additional stores.
- (ii) Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.
- (iii) Building facades should include a repeating pattern that includes no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
  - Color change
  - Texture change
  - Material module change
  - Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

## (2) Roofs

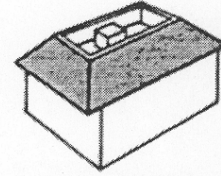
- (i) Variations in roof lines should be used to add interest to and reduce the massive scale of large buildings. Roof features should complement the character of adjoining development. The roofline at the top of the structure should not run in a continuous plane without offsetting or jogging the roof plane.
- (ii) All roof top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building. (Refer to Figure 4.)



*Partial mansard  
roof discouraged*



*Clipped roof to hide  
rooftop equipment*



*Full mansard roof will  
hide rooftop equipment*

**Figure 4**

(iii) The following roof materials should not be used:

- Corrugated metal (standing rib metal roofs are permitted)
- Highly reflective surfaces (copper roofs may be considered)
- Illuminated roofing

(3) Canopies

- (i) The use of canopies along a row of continuous structures should be restricted to awnings of the same form and location. They should be consistent.
- (ii) Notwithstanding Section 1723, 6, b provisions, signs on awnings should be painted on and be limited to the awning's flap (valance) or to the end panels of angled, curved, or box awnings.
- (iii) Plexiglas, metal, and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas matte finish vinyl, and fabric awnings are encouraged.
- (iv) Internally lit awnings are discouraged.

(4) Back and Sides

The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be visibly appealing or screened.

## (5) Color Elements

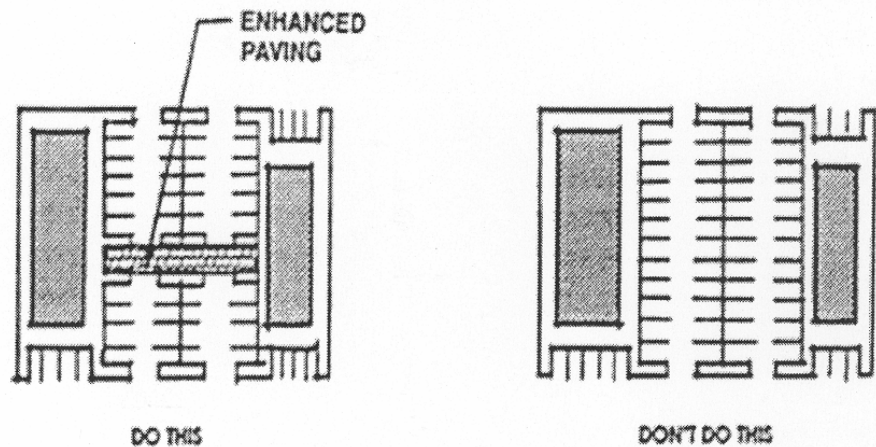
- (i) Large areas of intense white color should be avoided. While subdued colors usually work best as a dominate overall color, a bright trim color can be appropriate.
- (ii) The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design guidelines.
- (iii) Wherever possible, the number of colors appearing on the structure's exterior should be kept to a minimum. Small commercial structures should use no more than three colors.
- (iv) Primary colors should only be used to accent elements, such as door and window frames and architectural details.
- (v) Architectural detailing should be painted to complement the façade and tie in with adjacent structures.

## (6) Maintenance Factors

- (i) 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.
- (ii) 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.
- (iii) Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.
- (iv) Owners of all buildings incorporating painted or stained exteriors shall be required to provide evidence that such buildings will be retained in good condition (no peeling, blistering, or unsightly fading).

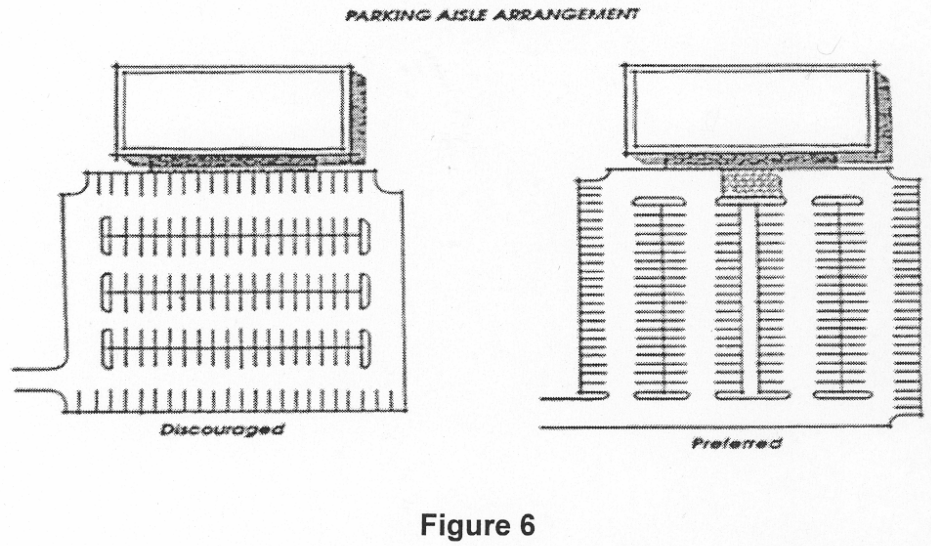
## (7) Parking and Circulation

- (i) Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including direct pedestrian access from parking areas to the individual buildings. (Refer to Figure 5.)



**Figure 5**

- (ii) Parking aisles should be separated from vehicle circulation routes whenever possible.
- (iii) Common driveways which provide vehicular access to more than one site are encouraged.
- (iv) Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Shared parking between adjacent businesses and/or development is highly encouraged, whenever practical. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
- (v) Parking access points, whether located on front or side streets, should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points shall be in accordance with the requirements of Section 1724.
- (vi) Parking areas should be designed so that pedestrians will walk parallel to moving cars. The need for the pedestrian to cross parking aisles and landscape areas should be minimized. (Refer to Figure 6.)



- (vii) Marginal access roads should be provided for large projects on major arterials whenever possible.
  - (viii) Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.
- (8) Landscaping
- (i) Open space areas should be clustered into larger, predominant landscape areas rather than equally distributing them into areas of low impact such as at building peripheries, behind a structure or areas of limited public view, where they are not required as a land use buffer or as a required yard setback.
  - (ii) Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
  - (iii) Landscaping should be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
  - (iv) Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.

(v) Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, depressed walks, or the use of curbs.

(9) Utility Service

Utility service shall be underground, where feasible.

**Section 1304. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of the lot by permitted land use, and providing minimum yard setback requirements.



ARTICLE XIII

*(Reserved for Future Use)*

**Article XIV**  
**M-1, Limited Manufacturing District**

**Section 1400. Purpose.**

This District is composed of those areas of the Township whose principal use is or ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

**Section 1401. Principal Uses Permitted.** (Ordinance No. 80-10)

No building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Wholesale of goods, such as, but not limited to, pharmaceuticals, bakery, and dairy products, clothing, dry goods, hardware, household appliances, office and business machinery, industrial machines.
2. Warehousing and material distribution centers, provided all products are enclosed within a building.
3. Research oriented and light industrial park uses.
4. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
5. Packaging of previously prepared materials, but not including the bailing of discards, old iron or other metal, wood, lumber, glass, paper, rags, cloth or other similar materials.
6. Printing, lithographic, blueprinting and similar uses.
7. Automobile repair garages and body shops.
8. Building materials sales yards, including but not limited to rock, sand, gravel (but excluding concrete mixing).
9. Contractor's equipment storage yards.
10. Retail lumber yards including incidental millwork.

11. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.
  - a. The manufacturing, compounding, processing, and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, sauerkraut, vinegar, and yeast).
  - b. The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.
  - c. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
  - d. The manufacturing of pottery, figurines or similar ceramic products, using previously pulverized clay.
  - e. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
  - f. Blacksmith shop, machine shop or wrought iron shop.
  - g. Central dry cleaning or laundry plants, cleaning, and dyeing works, and carpet or rug cleaning.
  - h. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, transformers, crystal holders, and the like.
  - i. Laboratories, experimental or testing.
  - j. Public utility service yard or electrical receiving transforming station.
12. Municipal uses such as water treatment plants, public works garages, and all other municipal buildings and uses, including outdoor storage.
13. Stadium, athletic arena, or similar sports complex. (Ordinance No. 80-3)
14. Emergency medical service/ambulance dispatch facilities. (Ordinance No. 80-10)
15. Accessory buildings and uses customarily incidental to the above permitted. (Ordinance No. 80-24)

**Section 1402. Uses Permitted Subject to Special Conditions.** (Ordinance No. 80-10)

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Truck terminals, subject to the following:
  - a. The minimum lot area shall be five (5) acres.
  - b. An obscuring greenbelt buffer shall be provided along the property line where the adjacent property is zoned or used for residential purposes.
  - c. The property shall have frontage on and direct access to a major thoroughfare.
  - d. Buildings on the site shall be set back from abutting residentially zoned property not less than one hundred (100) feet.
  - e. Any repair and maintenance activity shall be conducted within a totally enclosed building.
2. Truck Stops
  - a. The minimum lot area shall be three (3) acres.
  - b. An obscuring greenbelt buffer shall be provided along the property line where the adjacent property is zoned or used for residential purposes.
  - c. The property shall have frontage on and direct access to a major thoroughfare.
  - d. Buildings on the site shall be set back from abutting residentially zoned property not less than one hundred (100) feet.
  - e. No outside storage of oil drums, trailers, or equipment for rent, sale, or display, shall be permitted.
  - f. No truck stop shall be located or no property used as such nearer than four hundred (400) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater, or any place of public assembly where twenty-five (25) or more persons ordinarily, and with some regularity, are gathered for lawful purposes.
  - g. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All fuel pumps shall be located not less than fifty (50) feet from any lot line.

- h. All outside storage areas for trash, used tires, truck parts, and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency.

**Section 1403. Required Conditions.** (Ordinance No. 80-10)

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards; however, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

a. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- 1) As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines, or
- 2) Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection (a) of this Section.
- 3) At no time may smoke emissions be darker than Ringelmann No. 1.

b. Open Fires

A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.

c. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

d. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

## e. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

## f. Noise

The measurable noise emanating from the premises shall be in accordance with Section 1718, Noise Standards.

## g. Vibration

Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.

## h. Radio Transmission

For electronic or electric equipment required in an industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.

## i. Storage of Flammable Materials

Any activity involving the use or storage of flammable or explosive materials shall be subject to local fire marshal's standards including protection by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

## j. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

## k. 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, Genesee County Drain Commissioner, and the U.S. Environmental Protection Agency.

## 2. Outdoor Storage

All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a solid wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

## 3. Industrial parks shall be subject to the following conditions:

- a. Permitted uses shall include all uses permitted by right within this district.
- b. The minimum required land area for an industrial park shall be ten (10) contiguous acres.
- c. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
- d. The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
- e. 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 Township collect, carry off, and dispose of surface water runoff within and draining into the industrial park and any adjoining contributory, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
- f. Connection to a public water supply system shall be required.
  - i) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
  - ii) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.

- g. All industrial parks shall have direct access to a paved state or county primary street.
- h. 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 two hundred (200) feet from the intersection of any public street lines with each other.
- i. No part of any parking access road and/or service area may be located closer than twenty-five (25) feet of any property line.
- j. Any industrial park adjoining any residential development or zoned residential property shall be provided with a buffer of at least twenty (20) feet planted in accordance with Section 1712.3.b which buffer adjacent to the property line. A greenbelt buffer shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
- k. The developer shall provide within the industrial park an internal road system which is designed and constructed in accordance with the standards of the Genesee County Road Commission. (Ordinance No. 80-24)
- l. The installation of street lights shall be required along the entire length of the internal road system and comply with the requirements of Section 1717. All light poles shall be ornamental in nature. Wood poles are prohibited. All electrical service shall be underground. (Ordinance No. 80-24)

**Section 1404. Area and Bulk Requirements.** (Ordinance No. 80-10)

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.



ARTICLE XIV

*(Reserved for Future Use)*

**Article XV**  
**M-2, General Industrial District**

**Section 1500. Purpose.**

The M-2, General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The M-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

**Section 1501. Principal Uses Permitted.** (Ordinance No. 80-10)

No building or structure, or park thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

1. Heating and electrical power generating plants.
2. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.
3. Blast furnace, steel furnace, or rolling mill.
4. Manufacture of corrosive acid or alkali, cement, lime, gypsum, or plaster of paris.
5. Petroleum or other inflammable liquids, production, refining, or storage.
6. Smelting of copper, iron, or zinc ore.
7. Establishments containing punch presses over twenty (20) ton rated capacity, drop hammers, and automatic screw machines.
8. Other uses similar to the above uses.
9. Accessory buildings and uses customarily incidental to the above permitted uses.

**Section 1502. Uses Permitted Subject to Special Conditions.**

The following Special Condition Uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Rural Zoning Act, as amended, Article XIX, "Review and Approval of Special Condition Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

## 1. Junk Yards

- a. Minimum lot size shall be ten (10) acres.
- b. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and shall be provided with a minimum twenty (20) foot wide greenbelt buffer.
- c. Junk yards shall be screened from the roadway and from any adjoining property by an obscuring fence eight (8) feet in height. No storage shall be permitted above this height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall at least eight (8) feet in height, shall be required when adjacent to a street or highway.
- d. All activities and materials shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
- e. All structures, off street parking and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
- f. All roads, driveways, and parking lots used by the general public shall be paved. All active areas of operation within the junk yard shall be constructed and maintained in such a manner so as to limit for adjoining lots, parcels, and public roads, the nuisance caused by wind-borne dust and to insure permanent access by emergency vehicles.
- g. The site shall be drained in such a way so as to prohibit the off-site collection of surface fluids (i.e., used oil, etc.) associated with junk yard operations. Such surface drainage shall also be subject to such requirements and regulations as are established by the Michigan Department of Health, the Michigan Water Resources Commission, the Genesee County Health Department, the Genesee County Drain Commissioner, and the U.S. Environmental Protection Agency.
- h. All fluids contained in junk vehicles and equipment shall be drained prior to their storage on site. All fluids shall be drained and disposed of in accordance with such requirements and regulations as are established by the Michigan Department of Health, the Michigan Water Resources Commission, the Genesee County Health Department, the Genesee County Drain Commissioner, and the U.S. Environmental Protection Agency.

2. Commercial television and radio towers, public utility microwave, and public utility television transmitting towers, and towers of similar use or character subject to the following conditions:
  - a. They shall be located centrally on a continuous parcel of not less than the height of the tower measured from the base of said tower to all points on each property line. Notwithstanding this provision, the tower shall be located no closer than one hundred (100) feet to any abutting residential district or public street, as measured from the base of the tower.
  - b. A barrier of a minimum eight (8) foot height shall be installed around all support structures, buildings, parking areas, and the tower and consist of either an ornamental masonry wall, or fence constructed of materials which are determined by the building official to be durable and weather resistant.
  - c. A fifty (50) foot landscaped greenbelt shall be required along all street frontages where the opposite frontage is either zoned or planned for residential purposes. In such cases as the planning commission determines the residential district to be a future nonresidential area, they may temporarily waive the greenbelt requirement for a period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the planning commission shall make a determination as heretofore described for each subsequent waiver prior to the granting of such waiver. A five (5) foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with Section 1712.3.b.
  - d. A minimum of two (2) parking spaces must be provided on site within the screened area. The parking area shall be provided with a permanent durable and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within said parking area.
  - e. All towers constructed shall not be altered in terms of physical improvements or method of operation except, however, that modification may occur upon submittal and approval of an amended application for special condition use approval.

**Section 1503. Required Conditions.**

1. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards; however, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

## a. Smoke

A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- 1) As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines, or
- 2) Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection (a) of this Section.
- 3) At no time may smoke emissions be darker than Ringelmann No. 1.

## b. Open Fires

A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.

## c. Noxious Gases

No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

## d. Air Contaminants

A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

## e. Glare and Heat

Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

## f. Noise

The measurable noise emanating from the premises shall be in accordance with Section 1718, Noise Standards.

## g. Vibration

Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.

## h. Radio Transmission

For electronic or electric equipment required in an industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.

## i. Storage of Flammable Materials

Any activity involving the use or storage of flammable or explosive materials shall be subject to local fire marshal's standards including protection by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

## j. Radioactive Materials

No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

## k. 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, Genesee County Drain Commissioner, and the U.S. Environmental Protection Agency.

## 2. Outdoor Storage

All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets, and on all sides which abut any residential or commercial district, by a wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall.

3. Industrial parks shall be subject to the following conditions:
- a. Permitted uses shall include all uses permitted by right within this district.
  - b. The minimum required land area for an industrial park shall be ten (10) contiguous acres.
  - c. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
  - d. The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - e. 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 Township collect, carry off, and dispose of surface water runoff within and draining into the industrial park, and any adjoining contributory and shall be so constructed as to conform with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - f. Connection to a public water supply system shall be required.
    - i) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
    - ii) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - g. All industrial parks shall have direct access to a paved state or county primary street.
  - h. 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 two hundred (200) feet from the intersection of any public street lines with each other.
  - i. No part of any parking access road and/or service area may be located closer than twenty-five (25) feet of any property line.

- j. Any industrial park adjoining any residential development or zoned residential property shall be provided with a buffer of at least twenty (20) feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
- k. The developer shall provide within the industrial park an internal road system which is designed and constructed in accordance with the standards of the Genesee County Road Commission. (Ordinance No. 80-24)
- l. The installation of street lights shall be required along the entire length of the internal road system and comply with the requirements of Section 1717. All light poles shall be ornamental in nature. Wood poles are prohibited. All electrical service shall be underground. (Ordinance No. 80-24)

**Section 1504. Area and Bulk Requirements.**

See Article XVI, Section 1600, "Schedule of Regulations" limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.



**Article XV-A  
Hazardous Substances Overlay Zone  
(Ordinance No. 80-29)**

**Section 1500A: Purpose.**

The purpose of the hazardous substances overlay zone is to provide supplemental development regulations in designated areas so as to permanently protect the Township's drinking water source from long-term contamination originating from the improper use, storage or generation of hazardous substances or polluting materials. Due to the vulnerability of groundwater aquifers to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, the regulations set out in this section contain protective measures which apply to certain areas of the community.

**Section 1501A: Application.**

Except as specified below under Exemptions and Waivers, the provisions of the hazardous substances overlay zone, as set out in this section, shall apply to all nonresidential uses and facilities, including private and public facilities, which use, store or generate hazardous substances in a quantity greater than 100 kilograms per month (25 gallons), and which shall be subject to site plan review under the provisions of this chapter.

**Section 1502A: Hazardous Substance Protection Standards.**

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, and street slopes.
2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not significantly increase flooding or the potential for environmental contamination of surface waters or groundwaters, on-site or off-site.
3. General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and Township requirements, unless a groundwater discharge permit or permit exclusion has been obtained from the state department of environmental quality.
4. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of hazardous substances to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
5. State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No releases to groundwater, including direct and indirect releases, shall be allowed without an applicable groundwater discharge permit or permit exclusion from the state department of environmental quality.

**Section 1503A: Above-Ground Storage.**

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of five (5) gallons or less packaged for retail use shall be exempt from this subsection.
3. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.
4. Outbuildings, storage rooms, sheds and pole bars which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, nearby drains or natural water bodies unless a surface water or groundwater discharge permit has been obtained according to applicable requirements of Act No. 245 of the Public Acts of Michigan of 1929 (MCL 323.1 et seq., MSA 3.521 et seq.), as amended (Michigan Water Resources Commission act of 1929).
5. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled, used and stored, shall be designed and constructed to prevent unpermitted discharge or runoff to floor drains, rivers, lakes, wetlands, soils, or groundwater.

**Section 1504A: Underground Storage Tanks.**

1. Existing and new underground storage tank systems as defined under the Underground Storage Tank Regulatory Act, Act No. 423 of the Public Acts of Michigan of 1984 (MCL 299.701 et seq., MSA 13.29(71) et seq.), as amended, shall be registered with the authorized state agency in accordance with applicable requirements of the Environmental Protection Agency and the state department of environmental quality.
2. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with applicable requirements of the state department of environmental quality. Applicable leak detection, corrosion protection, spill prevention, and overfill protection requirements shall be met. Records shall be required to be retained and available for review by state or Township officials for a period of five (5) years for tank tightness and for a two (2) year period for retention and all other monitoring or test results.
3. Out-of-service and/or abandoned underground storage tanks shall be emptied and permanently closed in accordance with the requirements of the state department of environmental quality and the Township.

**Section 1505A: Well Abandonment.**

Out-of-service water wells shall be sealed and abandoned in accordance with the applicable requirements of the state and county health departments.

**Section 1506A: Construction Standards.**

1. The general contractor, of if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, hauling hazardous substances in proximity to water bodies or wetlands may be improper.
2. Hazardous substances and polluting materials stored on the construction site during the construction process shall be stored in a location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage of quantities greater than 100 kilograms (25 gallons) shall have secondary containment.
3. If the contractor will be storing or handling hazardous substances or polluting materials that require a manufacturer's material safety data sheet, the contractor shall familiarize himself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
4. Upon completion of construction, all hazardous substances and polluting materials, including containment systems no longer used or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable state and federal regulations.

**Section 1507A: Development Review Requirements.**

The following requirements are in addition to those specified under Article XVIII, Site Plan Review:

1. Specify location and size of interior and exterior areas and structures to be used for on-site storage, loading/unloading, recycling and use or disposal of hazardous substances or polluting materials.
2. Specify location of all underground and above-ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated storm water or wash water, and all similar uses.
3. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, pumps, and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
4. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.
5. Submit a list of the types and quantities of hazardous substances and polluting materials which will be used, stored, or generated on-site, including chemicals, hazardous substances/materials, petroleum products, hazardous wastes and other polluting materials. The list shall include common name (trade name) of materials, chemical name (components), form (liquid, pressurized liquid, solid, gas, pressurized gas, etc.), maximum quantity on hand at any one time, and type of storage containers (above-ground tank, underground tank, drums, cylinders, metal container, wooden or composition container, portable tank). Material safety data supplied to the fire department and to employees by an employer must also be submitted for site plan review purposes.

6. Submit any state/county environmental permits necessary for the storage of and/or discharge of hazardous substances or polluting materials.

**Section 1508A: Exemptions and Waivers.**

The transportation of any hazardous substance or polluting material shall be exempt from the provisions of this section provided the transporting motor vehicle or railcar is in continuous transit, or that it is transporting substances to or from a properly licensed solid or hazardous waste treatment, storage, or disposal facility.

ARTICLE XV-A

*(Reserved for Future Use)*

**Article XV-B**  
**MX – Mixed Use District**  
**(Ordinance No. 80-49)**

**Section 1500B: Purpose.**

The purpose of the mixed use zoning district is to:

1. Allow a mixture of complementary land uses that may include housing, retail, offices, commercial services, light industrial uses, and civic uses, to create economic and social vitality and to encourage the linking of vehicle trips;
2. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians in campus-like settings;
3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
4. Reinforce streets as public places that encourage pedestrian and bicycle travel;
5. Provide roadway and pedestrian connections to residential areas;
6. Provide transitions between high traffic streets and neighborhoods;
7. Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking;
8. Facilitate development (land use mix, density, and design) that supports public transit, when available;
9. Provide appropriate locations and design standards for automobile- and truck-dependent uses;
10. Maintain mobility along traffic corridors and state highways.

**Section 1501B: Principal Use Permitted.**

In the MX District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Commercial, office and service uses:
  - a. Neighborhood convenience business uses such as, but not limited to, the following: grocery stores, dry cleaning, drugstores, hardware, shoe repair and other similar uses.
  - b. Flower and gift shops.

- c. Business uses such as art galleries, furniture stores, boutiques, jewelry stores, clothing stores, interior design shops, specialty home furnishing shops, leather and luggage goods shops, photography studios, bakeries, specialty food stores, tailors, tobacconists, and other similar uses.
  - d. General office.
  - e. Professional office.
  - f. Architect's office, engineer's office, contractor's office.
  - g. Medical/dental offices and health care facilities.
  - h. Barber, beauty salons.
  - i. Veterinary clinic, animal hospital, or pet grooming facility, not having outdoor runs.
  - j. Standard restaurants.
  - k. Dance and exercise studios.
  - l. Banks, credit unions, savings and loan associations, and similar uses.
  - m. Health spas.
2. Residential:
- a. Single family attached and detached residential dwelling units.
  - b. Low-rise multiple-family residential dwelling units, including apartments and stacked flats. (Ordinance No. 16-84)
  - c. Live-work units.
  - d. Residential dwelling units combined with a permitted nonresidential use in the same building, provided that no residential dwelling unit shall be on the first floor or below a story occupied by a nonresidential use.
  - e. Home for the aged, convalescent or nursing homes, and continuum of care facilities.
  - f. Townhouse dwellings.
3. Public/semi-public uses:
- a. Publicly owned buildings, public and private utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, and other similar uses.
  - b. Municipal uses and buildings housing governmental functions.
  - c. Museums and libraries.

- d. Publicly owned parks, parkways, and recreational facilities.

**Section 1502B: Permitted Accessory Uses.**

The following are permitted accessory uses in the MX District:

1. Off-street parking and loading facilities.
2. Automobile parking structures accessory to a permitted principal use.
3. Outdoor cafes accessory to a standard restaurant.
4. Signs in accordance with Section 1723.

**Section 1503B: Uses Permitted Subject to Special Conditions.**

The following Special Condition uses shall be permitted subject to review and approval by the Planning Commission and further subject to any and all reasonable conditions which may be imposed in accordance with Section 16(b) of the Township Zoning Act, as amended, Article XIX, "Review and Approval of Special Conditions Uses," and Article XVIII, "Site Plan Review" of this Zoning Ordinance.

1. Public or private parking structures not accessory to a principal use.
2. Churches, synagogues, temples and other facilities normally incidental thereto subject to the standards of Section 602, 5.
3. Clubs and fraternal organizations subject to the standards of Section 702, 8.
4. Business and technical schools in accordance with Section 1102, 2.
5. Carry-out restaurant, fast-food restaurant, or drive-in restaurant in accordance with Section 1102, 3.
6. Hotels and motels in accordance with Section 1302, 2.
7. Light industrial uses:
  - a. Artisan uses.
  - b. Wholesale storage, warehousing, freezer and food locker establishments, and wholesale distributing.
  - c. Manufacture of electrical equipment, tools and fixtures, injection molding processes, design and manufacturing of small automation equipment, conversion of strip steel into finished products, and newspaper and commercial printing.
  - d. Laboratories, including research, experimental, and testing facilities.



**Section 1504B: Prohibited Uses and Conditions.**

1. Permitted principal uses and uses permitted subject to special conditions identified in Article XV, M-2 General Industrial District are expressly prohibited.
2. The outdoor storage of goods or material shall be prohibited.
3. The warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
4. Above-ground utilities (telephone lines, cable lines, etc.) shall be prohibited.
5. “Big-box” retail facilities shall not exceed a total floor area of 50,000 square feet.

**Section 1505B: General Requirements.**

1. The minimum land area for a mixed-use development project shall be ten (10) acres.
2. The developer shall meet the following utility requirements:
  - a. The developer shall provide a sanitary sewer system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the development, shall connect with the Township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, Genesee County Drain Commissioner, and Davison Township.
  - b. The developer shall provide a storm drainage system which shall be of sufficient size and design as will in the opinion of the Township collect, carry off, and dispose of surface water run-off within and draining into the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
  - c. Connection to a public water supply system shall be required.
    - (i) The developer shall provide a usable fire hydrant within five hundred (500) feet of each structure.
    - (ii) Water systems shall conform to the statutes, ordinances, and regulations of the state of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and Davison Township.
3. All mixed-use development projects shall have direct access to a paved state or county owned primary street as defined by the Davison Township Zoning Ordinance.
4. Residential development shall not occupy more than 30 percent of the gross site area of any mixed-use development project, exclusive of land area occupied by buildings having more than 50 percent of its gross floor area devoted to nonresidential uses.

5. A minimum landscaped surface ratio of 30 percent shall be provided on site.

**Section 1506B. Area and Bulk Requirements.**

Except as provided below, the height and bulk of buildings, the minimum size of lot required by land use, maximum density permitted, and required yard setback requirements shall be provided in accordance with Article XVI as follows:

1. Single-family, townhouse, and public/semi-public use developments shall be constructed in accordance with RU-1, Residential Urban District standards.
2. Multiple-family developments shall be constructed in accordance with the RM-1, Multiple-Family Residential (Low Density) District standards.
3. Office, retail, and service use developments shall be constructed in accordance with GC, General Commercial District standards.
4. Light industrial developments shall be constructed in accordance with the M-1, Limited Manufacturing District.

The Planning Commission may reduce any of the preceding minimum yard setback requirements on those sides directly abutting wetlands, drainage easements, rights-of-way and similar non-buildable areas which, in its judgment, sufficiently provides compensating distance or, by means of landscaping and/or screenwall installation, adequately buffers neighboring development.

**Section 1507B: Required Conditions.**

Mixed-use development projects shall meet the requirements of Ordinance No. 80 (Township Zoning Ordinance) as may be amended, except as may be supplemented or modified by the following conditions:

1. The maximum building height in the mixed use district shall be 50 feet. However, up to an additional fifteen (15) feet in height may be allowed for architectural amenities (such as, but not necessarily limited to, cupolas, clocktowers, or steeples) which are cosmetic in nature and, in the judgment of the Building Official, contribute to the aesthetic composition of the building and/or development site.
2. The following standards shall apply in addition to those specified in Section 1724, Access Management Standards:
  - a. All principal buildings shall have a frontage line on a public ROW, dedicated public open space, or permanently preserved open space.
  - b. The planning commission may require shared access or connections between adjacent developments as a means to limit conflict points along public roads.
  - c. Street connections to adjacent parcels and the existing road network shall be provided where there is the possibility to create future street connections as determined by the planning commission. Road stubs for future connections shall be improved to the parcel or lot line.

- d. The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Considerations shall be given to the following:
    - (i) Relationship between the proposed development and existing and proposed streets;
    - (ii) Estimated traffic generated by the proposed use;
    - (iii) Location and access to off-street parking; and
    - (iv) Provisions for vehicular traffic
3. The following standard shall apply in addition to those specified in Sections 1706 and 1707 pertaining to Off-Street Parking and Section 1709, Off-Street Loading and Unloading:
- a. Loading docks and service areas shall be permitted only within rear open space. Doors for access to interior loading docks and service areas shall not face a public or private street, but may face a public or private alley.
  - b. The placement of two abutting off-street parking facilities with continuous street frontages shall not be permitted.

**Section 1508B: Site Plan Review and Approval Procedure.**

Mixed-use development projects shall be reviewed by the Planning Commission in accordance with Article XVIII.

Applications for site plan approval shall contain the information described in Section 1801 and an overall General Development Plan (GDP) for the entire site. For purposes of this Section, a GDP is a generalized graphic depiction of the mixed-use development project showing: major access roads serving the site; existing adjacent land uses and structures; the proposed interior road pattern; areas to be developed for residential (by type of structure), commercial, industrial, recreational and open space uses; and, areas to be preserved in a natural state.

The Planning Commission shall hold at least one (1) public hearing on the request in accordance with Section 16, (c), (5) of state PA 184 of 1943, as amended. Notification of the public hearing shall be given in the same manner as required by Section 1902. If an amended zoning districts map is required in conjunction with the petition, the ordinance amendment procedures of Article XXV shall be followed, except that the hearing required by this subsection shall be regarded as fulfilling the public hearing requirement of Section 2500.

At the public hearing, the applicant must demonstrate how his/her proposal complies with the standards of Section 1804, Basis for Approval and also submit in writing his/her intention to comply with all of the guidelines numbered 1-8 below.

- 1. Compact Development
  - a. The site layout is compact, and enables future intensification of development and changes in land use over time;

- b. Opportunities for shared parking are utilized in the proposal; and
  - c. If the site contains more than one use, the site layout clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian need not walk across more than 64 lineal feet of parking and driveway area (refer to Section 1707,2), or one double-loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between building entrances.
2. Mixed Land Uses
- a. The proposal is a “mixed-use” development or contributes to a mixed-use district. For the purposes of this ordinance, “mixed-use” means a combination of residential and commercial/industrial/civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another); or
  - b. The proposal is designed in such a way that it is well integrated with adjacent land uses. “Integrated” means that users are within a comfortable walking distance (1/4 mile) and are connected to each other with direct, convenient, and attractive sidewalks and/or pathways.
3. Pedestrian Access, Safety and Comfort
- a. All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment;
  - b. The building(s) shall have at least one primary entrance facing a street, or is directly accessed by a sidewalk or plaza within 20 feet of the primary entrance;
  - c. Building entrances open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible;
  - d. Pedestrian facilities (including paths, krier walks, mews, passages, gallerias, and sidewalks), connect the development to adjacent land uses and provide connections through the development to the public street right-of-way;
  - e. A street furnishing zone is provided on both sides of every public and private street. Appropriate pedestrian amenities (e.g., street tree well cut-outs, space for outdoor seating, bus waiting areas, trash cans, newspaper vending machines, mail boxes, sidewalk displays, public art, etc.), are provided in the street furnishing zone;
  - f. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance; and
  - g. Surface parking is oriented behind or to the side of a building when possible and parking shall not be located on street corners.

#### 4. Street Connections

- a. The development is part of a connected street system that serves vehicles, pedestrian, and bicycles; and
- b. When street connections are not practicable, pedestrian facilities are made to and through the development in lieu of planned street connections. Pedestrian facilities should equal what would be available if they were on a street [(i.e., distinct from vehicle lane, minimum clear space, Americans With Disabilities Act accessible, direct route with minimum interruption, shade by day and light by night, connects to a destination that attracts pedestrian activity (front door of commercial use, public plaza/park, residence, transit stop, true street, etc.)].

#### 5. Crime Prevention and Security

- a. All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. (Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design;
- b. The proposed site layout, building, and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized;
- c. The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- d. By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime.

#### 6. Parking and Land Use Efficiency

Any of the following methods are used whenever possible to minimize the amount of land developed as surface parking.

- a. Shared Parking. "Shared parking" means that multiple uses share one or more parking facilities. Parking demands must "peak" during different times of the day;

- b. Credit for on-street parking. The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to County standards, except that angled parking may be allowed for some streets as approved by the County. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The Township shall maintain a written record of credits granted per each use;
- c. Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility, availability of transit service, and likelihood of car pool use, and adjacent on-street parking. The parking study is subject to review and approval or modification by the Township;
- d. Maximum parking ratio. Surface parking shall not exceed 100% of the minimum parking requirements for the subject land uses. Exemptions to the standard can be approved through site plan review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;
- e. Structured parking incentive. A density or floor area bonus of one building story shall be granted for every story of structured parking provided in a building, subject to building height limitations; or
- f. Valet parking. Valet parking is permitted where a valet parking plan is approved by the Township with the site plan review application. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.

## 7. Public Spaces

Public spaces are “public” when they are within view of a street or other public space, accessible by pedestrians, and can be occupied by people. All developments shall meet or exceed the following guidelines:

- a. The development provides at least 20 square feet of public space, in addition to required sidewalk(s), for every ten off-street surface parking spaces or 1,000 square feet of floor space, whichever is greater.
- b. The development does not diminish the safety, function, comfort or attraction of an existing public space, as described in i – iv, below. A superior design may enhance an existing public space and/or create a superior public space(s).
  - (i) “Safety” means both pedestrian safety near vehicles, and safety related to crime prevention; and
  - (ii) The “function” of a public space may include transportation, in the case of sidewalk; recreation and socialization, in the case of a plaza or park; and

- (iii) “Comfort” means the ability of a public space to reasonably accommodate expected uses; and
- (iv) “Attraction” relates to the reason people use the public space.

8. Human Scaled Building Design

- a. Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood. The elements to consider in this regard are:
  - (i) Existing architectural character of the neighborhood/district, which may or may not be an appropriate guide for new development or redevelopment;
  - (ii) The continuity of the building sizes;
  - (iii) How the street-level and upper-level architectural detailing is treated;
  - (iv) Roof forms;
  - (v) Rhythm of windows and doors; and
  - (vi) General relationship of buildings to public spaces such as streets, plazas, and other open space, and public parking.

**ARTICLE XV-C  
P-L, PUBLIC LANDS DISTRICT**

**Section 1500C: Purpose.**

The P-L, Public Lands Districts are intended to achieve the following purposes:

1. To provide a district zoning classification for governmental, civic, welfare, and recreational facilities in proper locations and extent so as to promote the general safety, convenience, comfort, and welfare of the Township residents;
2. To protect such public, semi-public facilities and institutions from the encroachment of incompatible land uses or conversion to certain uses that makes them incompatible to adjoining residential areas;
3. To provide an environment for the proper functioning of public facilities in relation to Township-wide plans for recreation or land use; and,
4. To establish a zoning district which encourages the preservation of properties having unique natural characteristics, such as woodlands or wetlands.

**Section 1501C: Principal Uses Permitted.**

In the P-L Districts, no building or structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following uses:

1. Municipal buildings and uses.
2. Outdoor publicly owned or leased recreational uses, such as parks, playgrounds, playfields, golf courses, and pools.
3. Natural open space such as conservation lands, wildlife sanctuaries, and woodland preserves.
4. Developed open space such as arboreta, botanical gardens and similar passive park and recreation areas.
5. Cultural services such as libraries, museums, and memorials.
6. Essential services.
7. Accessory buildings or uses, customarily incidental to any of the above permitted uses.



**Section 1502C: Prohibited Primary Uses:**

The following uses are expressly prohibited from all P-L Districts:

1. Buildings or land uses for the housing or confining of persons on a permanent or temporary basis having the character of, or similar to, penal institutions, half-way houses, or emergency shelters except those emergency shelters provided for civil defense or in times of natural disaster.
2. Residential dwellings.
3. Parking structures.

**Section 1503C: Required Conditions.**

1. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than fifty (50) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
2. Buildings shall be set back a distance equal to its height from all property lines, and shall not exceed a height of three (3) stories or forty (40) feet. Buildings of greater height may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
3. Off-street parking may be permitted in any required yard, provided there is maintained an unobstructed landscaped greenbelt of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the applicable lot line.
4. The permanent outdoor storage of goods and materials shall be prohibited.
5. Signs shall be permitted in accordance with Section 1723, pertaining to residential districts.
6. The maximum percentage of lot coverage permitted by all buildings shall not exceed fifty (50) percent.
7. Off-street parking shall be permitted in accordance with Section 1708.
8. All permitted uses shall undergo site plan review in accordance with Article XVIII. (Ordinance No. 80-55)

**ARTICLE XVI  
SCHEDULE OF REGULATIONS**

**SECTION 1600. SCHEDULE LIMITING HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT.**

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 1601, Footnotes. No principal building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time. No lot shall be created which does not meet or exceed both the lot area and width standards established for the district in which such lot is to be located. (Ordinance No. 80-10) (Ordinance No. 80-16) (Ordinance No. 80-25) (Ordinance No. 16-77)

Zoning District	Min. Size Per Zoning Lot (a)		Max. Building Height	Max. Building Lot Coverage (%)	Min. Yard Setback Requirements Per Zoning Lot in Ft. (b)(c)(d)(e)			Min. Liveable Floor Area In Square Feet (f)	Max. Gross Density in Units Per Acre
	Area	Width in Ft.	In Feet		Front (g)(h)	Each Side	Rear		
RC, Recreation Conservation	10 ac	660	50	10	60	30	50	1,600	0.1
RA, Residential Agricultural	10 ac (a)	330	50	10	60	50	50	1,400	0.1
RSE, Residential Suburban Estate	1.5 ac	150	50	20	50	25	50	1,800	0.7
RU-1, Residential Urban	(j)	(j)	50	30	25(k)	10	35	900	1 - 3.2
RM-1 Residential Multiple-Family (Low Density)(L)	5 ac	200(u)	50	25	(m)(n)(o)	(m)(n)(o)	(m)(n)(o)	(p)	4 - 8(q)
RM-2 Residential Multiple-Family (Medium Density)(L)	(r)	200(u)	50	25	(m)(n)(o)	(m)(n)(o)	(m)(n)(o)	(p)	(t)
RMH, Residential Mobile Home Park	(v)	(v)	50	(v)	(v)	(v)	(v)	-	-
MX, Mixed Use	See Article XV-B								
CO, Community Office	-	-	50	(w)	100(x)	15 (x)(aa)(cc)	20(x)(y)(aa)(cc)	-	-
LC, Local Commercial	-	-	50	(w)	100(x)	10(x)(z)(aa)(cc)	35(x)(y)(aa)(cc)	-	-
GC, General Commercial	-	-	50	(w)	100(x)	10(x)(z)(aa)(cc)	35(x)(y)(aa)(cc)	-	-
M-1, Limited Manufacturing	1 ac	150	45	(w)	100(bb)	20 (aa)(cc)	35(y)(aa)(dd)	-	-
M-2, General Industrial	2 ac	150	60	(w)	100(bb)	20(aa)(cc)	50(y)(aa)(dd)	-	-

Ord. No. 80-10; Ord. No. 80-50; Ord. No. 16-84

**Section 1601. Notes to Schedule of Regulations.**

- (a) See Section 1602, Averaged Lot Size, Section 1603, Cross District Averaging, Section 1604, Single-Family Cluster Option, and Section 702.14, Planned Unit Developments, for flexibility allowances.

Nonfarm lots of two (2) acres may be created in the RA, Residential Agricultural District, in accordance with the following Sliding Scale Density table:

<b>Sliding Scale Density Table</b>	
<b>Area of Lot of Record</b>	<b>Maximum Additional Lots Permitted</b>
12.1 to 14 acres	1
14.1 to 20 acres	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
Over 320.1 acres	7

The maximum number of additional lots permitted shall be based upon the parent parcel size at the time the initial nonfarm lot(s) is approved. Subsequent division of the parent parcel shall not permit the title holder of the newly created property to establish additional nonfarm lots. The following standards shall also apply:

<b><u>Lot Area</u></b>	<b><u>Min. Lot Width</u></b>	<b><u>Minimum Yard Setback Requirements</u></b>		
		<b><u>Front</u></b>	<b><u>Side</u></b>	<b><u>Rear</u></b>
2 acres	150	50 ft.	25 ft.	35 ft.

In addition, such lots shall generally meet the following standards:

- (i) In no instance shall the creation of such two (2) acre lot(s) cause the remainder of the parent parcel to be nonconforming by reason of required lot area, required lot width, or both;
- (ii) Nonfarm lots shall directly abut similarly created lots, where possible;
- (iii) The width of nonfarm lots shall not exceed its depth;
- (iv) In no instance shall the depth of a nonfarm lot be less than its frontage;
- (v) The creation of nonfarm lots shall: be restricted to areas less suitable to farming; have a proper orientation and direct access to an abutting road for proper access management; provide private yard space, light and ventilation for the full use, health, safety and enjoyment of its inhabitants; ensure that there will be no foreseeable difficulties by reason

of topography or other natural conditions in securing permits to build in compliance with Zoning Ordinance and health regulations; allow for harmonious relationships with the pre-established pattern of development within its vicinity; and, allow the opening of future streets where they would most logically serve potential future lots or parcels.

- (vi) Contiguous nonfarm lots shall be of uniform depth.
- (b) Minimum front yard setback is measured from the edge of the abutting right-of-way, based upon information and standards set forth by the Genesee County Road Commission.
- (c) For all nonresidential uses allowed in residential districts, the setbacks shall equal the height of the main building, or the setbacks required in Articles VI and VII, or the Schedule of Regulations, whichever is greater.
- (d) All side yards abutting upon a public street shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance. The Planning Commission may reduce the required setback distance between the building line of a principal building or structure located on property zoned either CO, LC, GC, M-1, or M-2 District and the right-of-way line of an abutting interstate freeway. In no instance shall a reduction in this required setback distance result in a setback of less than twenty-five (25) feet. (Ordinance No. 16-77)
- (e) Where the side yard of a corner parcel abuts a side yard of an interior parcel or when said side yard abuts on frontages across a common street, the setback from said side or common street shall not be less than the required front yard setback of the district in which the corner parcel is located.
- (f) The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages. Every one-family detached dwelling unit shall have a minimum of 800 square feet of floor space on the ground floor. (Refer to Section 1721 for other one-family dwelling standards.) (Ordinance No. 80-3)
- (g) In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. (Refer also to Section 1706,1, Section 1709, Section 1710, and Section 1711.) (Ordinance No. 80-24)
- (h) Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than fifty (50) percent of the lots of record on one side of the street in any one block in a Single-Family Residential District, the depth of front yard for any building thereafter erected or placed on any lot in such block need not be greater than the average depth of front yards of such existing building.
- (i) The maximum height permitted for general and specialized farm buildings and structures shall not exceed one hundred (100) feet.
- (j) Land areas where a building is to be erected, altered, or used, shall be developed in accordance with the following schedule:

<b>Minimum Lot Area Required</b>	<b>Minimum Lot Width Required</b>	<b>Utility Service Available</b>
1 acre	150	None
15,750 square feet	100	Public Sewer
13,500 square feet	85	Public Sewer and Water

- (k) The front yard setback requirement shall be increased to fifty (50) feet if the lot or parcel abuts a quarter section line road or a section line road.
- (l) Two-family residential structures in the district shall be serviced by municipal sewer and developed in accordance with the following standards:

Minimum Size per Zoning Lot:	Area	20,000 square feet
	Width	135 feet
Maximum Building Height:	Stories	2.5
	Feet	25
Maximum Lot Coverage:		25 percent
Minimum Yard Setbacks:	Side	10 feet
	Rear	35 feet
	Front	25 feet; however, the front yard setback requirement shall be increased to 50 feet if the lot or parcel abuts a quarter section line, or section line road.

(Refer also to Section 702.13)

- (m) The distance between any two (2) structures within a multiple-family residential development shall not be less than thirty (30) feet. (Refer also to Section 803 and Section 903 for additional requirements.) (Ordinance No. 16-84)
- (n) In the district, the minimum yard setbacks for multiple-family developments shall be equal to the height of the structure, but in no instance shall any yard setback be less than one hundred (100) feet when abutting a Single-Family Residential District or section line road, or fifty (50) feet from a quarter section line road. (Setbacks for townhouse developments shall be in accordance with Section 702,12 requirements.)
- (o) Within any yard setback or area between buildings, an area equivalent to seventy (70) percent of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.
- (p) The minimum livable floor area for two (2), three (3), or four (4) family residential structures shall be one thousand two hundred (1,200) square feet per unit.

The minimum livable floor area for all other multiple-family units shall be as follows:

Efficiency	Four hundred fifty (450) square feet
One (1) Bedroom	Seven hundred fifty (750) square feet
Two (2) Bedroom	One thousand (1,000) square feet
Three (3) Bedroom	Eleven hundred (1,100) square feet
Four (4) Bedroom	One thousand two hundred (1,200) square feet

- (q) Two-family residential structures shall not exceed four (4) dwelling units per acre of land, exclusive of land dedicated for public streets. Multiple-family developments shall not exceed a density of six (6) dwelling units per acre, exclusive of land dedicated for public streets, except that a density of up to eight (8) dwelling units per acre may be permitted subject to the provisions of Section 802.
- (r) The minimum land area required for each dwelling unit in the district (not including public or private roads) shall be in accordance with the following schedule:

Dwelling Unit Type	Land Area Required (Square Feet)	
	Multiple Dwellings	Townhouses
1 and 2 bedroom unit	4,200	5,100
3 bedroom unit	5,100	5,700
4 or more bedroom unit	5,700	6,000

- (s) *(Reserved for future use)*
- (t) Two-family residential structures shall not exceed ten (10) dwelling units per acre of land; exclusive of land dedicated to public streets.

For multiple-family developments, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not be more than the net area of the parcel, in square feet, divided by one thousand two hundred (1,200).

For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency equals two (2) rooms
One (1) Bedroom equals three (3) rooms
Two (2) Bedroom equals four (4) rooms
Three (3) Bedroom equals five (5) rooms
Four (4) Bedroom equals six (6) rooms

Plans presented showing a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

- (u) The future subdividing of an existing multiple-family development shall be permitted provided that for each parcel created there shall be maintained direct access to a paved public street with a minimum frontage on said street of two hundred (200) feet.
- (v) Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 96, PA 1987, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
- (w) A minimum landscape surface ratio of thirty (30) percent shall be provided on site. The Planning Commission may reduce the required landscape surface ratio to not less than ten (10) percent upon a finding that the development will provide compensating community benefit through alternative means such as, but not necessarily limited to: using plant materials which exceed the plant material specifications of Section 1713.2; incorporating a public amenity into the site design such as a plaza, fountain, or public art; utilizing pervious pavement materials; or, adhering to the criteria of the LEED<sup>®</sup> Green Building Rating System for New Commercial Construction and Major Renovation<sup>™</sup> also known as LEED-NC.
- (x) The Planning Commission may reduce certain setback distances for properties located within or which are a part of a commercial or industrial park, for properties which are located within the Township's Downtown Development Authority (DDA) District, or for commercial or industrial developments which occupy less than ten (10) acres of land, subject to the following terms and conditions:
  - i. In no instance shall a reduction in the required front yard setback distance result in a setback of less than thirty-five (35) feet.
  - ii. A minimum setback distance of thirty-five (35) feet shall be maintained between a commercial or industrial principal or accessory building and their outer perimeter property line when said property line abuts any residential district.
  - iii. A reduction in the required front yard setback distance by the Planning Commission shall be predicated upon not less than fifty (50) percent of the required off-street parking spaces being located in the rear yard. Off-street parking shall not be permitted to occupy a portion of the required front yard setback unless a landscaped greenbelt of not less than twenty (20) feet in width is provided between the nearest point of the off-street parking area, exclusive of driveways, and the front lot line.
  - iv. The extent of any setback reduction granted by the Planning Commission shall be commensurate with the compensating technique(s) intended to achieve the same buffering effect as the originally required setback distance. Such techniques may include, but are not necessarily limited to, an area of land, landscaping, walls, berms, or any combination thereof used to physically and visually separate one use of property from another and/or to mitigate negative impacts on the subject site from adjacent lands or rights-of-way. The Planning Commission, in its evaluation of a proposed setback reduction, may request the applicant to submit supplementary information as part of the site plan data required under Section 1801 including, but not necessarily limited to, a visual sight line analysis to discern the orientation of living and sleeping quarters found in multi-story homes neighboring nonresidential property and the extent of residential privacy.

(Ordinance No. 16-77)

- (y) Loading space shall be provided in the rear yard in accordance with Section 1709.
- (z) The Planning Commission may modify the required side yard setback distance by accepting all or portion of a recorded easement located on an adjoining parcel or lot along the common side property line. In no instance, however, shall the resulting building separation distance be less than would otherwise be achieved by the application of the required side yard setback distance for each parcel or lot.
- (aa) No side yards are required along the interior side lot lines of the district provided the walls of structures facing such interior side lot lines contain no windows, doors, or other openings; however, except as may otherwise be provided in Section 1600 (x), no principal or accessory building shall be located closer than one hundred (100) feet or the height of building, whichever is greater, to their outer perimeter property line when said property line abuts any residential district. (Ordinance No. 16-77)
- (bb) Off-street parking for visitors, over and above the number of spaces required by Section 1706 may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and provided further that there shall be maintained a minimum unobstructed landscaped setback of ten (10) feet between the nearest point of the visitor parking area, exclusive of access driveways, and the front lot line.
- The front yard setback may be reduced to eight-five (85) feet if the property is located within an industrial park.
- (cc) Off-street parking shall be permitted in a required side or rear yard setback when said yard abuts a nonresidential district, provided there shall be maintained a minimum unobstructed greenbelt setback of ten (10) feet between the nearest point of the off-street parking area and the side or rear lot line. Upon review of a site plan, the Planning Commission may permit off-street parking in a required side or rear yard setback when said yard abuts a residential district provided there shall be maintained a minimum unobstructed greenbelt setback of ten (10) feet between the nearest point of the off-street parking area and the side or rear lot line. (Refer to Section 1712,3,b for greenbelt buffer requirements and Section 1715 for screenwall requirements.) (Ordinance No. 80-24) (Ordinance No. 16-84)
- (dd) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential or business district or from a public street.



**Section 1602. Lot Size Averaging.**

Lot size averaging may be permitted by the Planning Commission, upon application from the Proprietor, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for a change in lot area, width and depth in a development, but with the average lot area meeting the minimum area as required in Article XVI for that particular One-Family Residential District. (Ordinance No. 50-80)

In the case where lot size averaging is permitted, the following conditions shall be met:

1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.
2. Reduction of lot area or width below the minimum required for the zoning district shall not be permitted for more than one-third (1/3) of the total number of lots in the development.
3. No lot shall have an area or width more than ten (10) percent below that area or width required in the Schedule of Regulations.
4. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
5. The submittal shall be reviewed and approved in accordance with terms, conditions, and standards of PA 288 of 1967, as amended (the State Land Division Act) and the Township's local subdivision regulation ordinance. (Ordinance No. 80-50)
6. The lot depth to width standard of 4:1 established in Section 1714 may be increased to a maximum of 5:1 for not more than ten (10) percent of the total number of lots in the development. (Ordinance No. 80-50)

**Section 1603. Cross-District Averaging.**

When two or more zoning districts are involved within the boundaries of one parcel of land which is under consideration for development of one-family residential use pursuant to Act 288 of 1967, as amended, known as the State Subdivision Control Act of 1967, the Planning Commission, upon application from the proprietor, may grant a change from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such parcel of land.

In the case where cross district averaging is permitted, the following conditions shall be met:

1. The relocation of lot lines shall generally conform with the existing topography, vegetation, and other natural or manmade features.
2. The total number of lots in any cross district development project shall not exceed the sum of the total number of lots permitted in each separate zoning district.
3. That no single lot in any individual zoning district shall have an area or width which is less than the minimum required for the higher density zoning district part of the cross district development project.
4. All computations showing the total number of lots permitted and average lot size allowed resulting from this technique shall be indicated on the print of the preliminary plat.
5. The submittal shall be reviewed and approved in accordance with the terms, conditions, and standards of PA 288 of 1967, as amended (the State Subdivision Control Act) and the Township's local subdivision regulation ordinance.

**Section 1604. Single-Family Cluster Housing Option.**

1. The intent of this Section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site, or the configuration of the site.
2. The Planning Commission may approve the clustering and/or attaching of single-family dwelling units on parcels of land ten (10) acres or more in size, under single ownership and control. In approving an area for the cluster housing option, the Planning Commission shall find at least one of the following to exist:
  - a. The parcel to be developed has frontage on a major or collector street and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
  - b. The parcel has frontage on a major or collector street and is of a narrow width as measured along the thoroughfare which makes platting difficult.
  - c. The parcel is shaped in such a way that it contains acute angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.

- d. A substantial part of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
- e. The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development under this subsection.
- f. The parcel contains natural assets which could be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option and will be preserved.
- g. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
- h. The topography is such that achieving road grades of less than six (6) percent would be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.

The Planning Commission may, at its discretion, convene a public hearing held in accordance with Section 16(b) of PA 184 of 1943 (Township Rural Zoning Act), as amended, as part of its review, study, and approval of an area for the cluster housing option.

- 3. In areas meeting one or more of the above criteria, the minimum yard setbacks, heights, and minimum lot sizes per unit as required by the Schedule of Regulations may be waived and the attaching of dwelling units may be accomplished subject to the following:
  - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the Single-Family Residential District in which the cluster is to be constructed.
  - b. The attaching of single-family dwelling units, one to another, may be permitted when said homes are attached by means of one or more of the following:
    - (1) Through a common party wall which does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit wall.
    - (2) By means of an architectural wall detail which does not form interior room space.



7. In submitting a proposed layout under this Section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, all computation relative to acreage and density, details relative to the proposed berm or greenbelt and any other details which will assist in reviewing the proposed plan.
8. Site plans submitted under this option shall be accompanied by information regarding the following:
  - a. The proposed manner of holding title to open land.
  - b. The proposed method of regulating the use of open land.
  - c. The proposed method of maintenance of property and financing thereof.
9. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the Township Attorney to assure the following:
  - a. That title to the open space is held in common by the owners of all dwelling units in the detached single family cluster development.
  - b. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.

#### **Section 1605. Open Space Preservation Provisions**

##### **1. Purpose.**

The purpose of this section is to provide an alternative means of development to the landowner on land which is residentially zoned that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Section 506 of state Public Act 110 of 2006, as may be amended (the Michigan Zoning Enabling Act).

These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space which might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre, are eligible for application of the provisions of this Section.

##### **2. Definitions.**

For purposes of this Section, the following terms shall apply:

- a. *Adjusted parcel acreage*: net parcel area after the acreage of all lakes, ponds, streams, 50 percent of regulated wetlands, property within a 100 year flood plain, public rights-of-way, and utility easements are deducted.

- b. *Density*: Equals the number of dwelling units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and accepted by the township showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located. (Please refer to Article XVI, Schedule of Regulations.) Actual density shall also be determined by compliance with all setbacks, parking, open space, and other site design requirements. The resulting development yield, determined through such computation, shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to Section 1605, 3, a below.
- c. *Open Space Preservation Area*: Any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designed and intended to conserve on a permanent basis, environmental features for the common use or enjoyment of the residence of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways or lineal parks. The following are not to be considered open space by this definition:
- Golf courses
  - The area of any street right-of-way proposed to be dedicated to the public
  - Access easements for private roads or underground or overhead utilities
  - The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site
  - Parking and loading areas

3. Eligibility Criteria.

In selecting the open space overlay option, the applicant must present a proposal for residential development that meets each of the following:

- a. *Open Space*. To be eligible for open space overlay option, the proposed development shall contain at least 50 percent of the land area which will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.
- b. *Unified Control*. The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- c. *Protection From Development in Perpetuity*. The applicant shall guarantee to the satisfaction of the township that all open space preservation areas will remain perpetually in their undeveloped state as required. Further, subdivision open space lands or their use for other than recreation, conservation, or agricultural shall be prohibited.

- d. *Density Impact.* The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
  - e. *Community Master Plan.* The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.
4. Flexibility Allowances.
- a. The Zoning Board of Appeals may grant specific departure from their requirements of the zoning ordinance for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public rights-of-way or further preservation of natural features.
  - b. The owner of an individual lot or dwelling unit owner may seek a variance following final approval of an open space community, provided such variance does not involve alterations to open space areas as shown on the approved open space plan.
  - c. A plan submitted in connection with the Section shall be subject to the following limitations:
    - (1) The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the project is to be constructed.
    - (2) The maximum number of units attached shall not exceed four (4) units per building. The maximum number of buildings allowed in any one (1) cluster shall not exceed four (4) buildings.
    - (3) The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details which do not appear to be continuous or repetitious. An exterior design pattern which is repetitious throughout the project shall not be permitted.
    - (4) Yard requirements shall be provided under this option as follows:
      - (a) Minimum spacing between buildings shall be determined by the number of living units that are arranged in any group as shown on the following table.

<u>No. of Living Units per Building</u>	<u>Minimum Distance (Feet Between Buildings)</u>
1 unit and 1 unit	10
1 unit and 2 units	10
1 unit and 3 units	20
1 unit and 4 units	20
2 units and 2 units	10
2 units and 3 units	20
2 units and 4 units	20
3 units and 3 units	20
3 units and 4 units	20
4 units and 4 units	20

- (b) All such grouping shall be so situated as to have one (1) side of the building abutting onto open space not less than thirty (30) feet in width.
- (c) Any side of a building adjacent to an interior road shall not be nearer to such road than thirty (30) feet, measured from the edge of the nearest travel lane.
- (d) Any side of a building adjacent to a public right-of-way shall not be nearer to such public right-of-way than fifty (50) feet.
- (e) This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and shall treat such side of the groupings as front yards.
- (f) No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.
- (5) The maximum height of buildings under this option shall be thirty-five (35) feet.
- (6) The location of open space preservation areas shall meet the following standards to the greatest extent feasible:
- (a) The open space is provided along a public street right-of-way to provide additional buffering from the traffic and enhance views from the roadway provided the open space along such right-of-way shall generally have a depth of at least 50 feet.
- (b) The open space provides an ecological link to permanent open space in the surrounding lands and is located to connect open spaces, public parks or bicycle/pedestrian paths throughout the community.
- (c) The open space is designed and located to be contiguous to all or most of the dwelling units.



- (d) All sensitive environmental feature areas, natural features, and animal and plant habitats of significant value are included in the open space preservation areas and are adequately protected.
- (7) Where the proposed development abuts an existing conventional single-family use, or a major thoroughfare, an orderly transition shall occur using one or more of the following techniques:
  - (a) Detached single-family dwellings;
  - (b) Open or recreation space;
  - (c) Buffer plantings of sufficient size, character, density and quantity, or
  - (d) Mounding or berming of sufficient size, height, and slope to ensure property maintenance of the area.
- (8) Open space areas shall represent at least 50 percent of the subject site's adjusted parcel acreage.

#### 5. Plan Review Procedures

- A. Review by the Planning Commission shall follow the standards, procedures, and submittal requirements adopted by the township for approval of site plans, condominiums, platted subdivisions or land divisions, as may be applicable, and the criteria of Section 1605, 6 below.
- B. In reviewing the plans and approving the application of this section at a particular site, the Township may require a landscaped berm along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The berm shall be designed and planted according to the standards of Section 1712.
- C. In submitting a proposed layout under this section, the sponsor of the development shall include, along with the project plan, master deed documents, floor plans, topography drawn at two (2) foot intervals, main floor grade elevations, relative to the existing topography, all computations relative to acreage and density, details relative to any proposed berm, and any other details which will assist in reviewing the proposed plan.
- D. All land not intended to be conveyed to individual dwelling unit owners under this option shall be protected by conservation easements, plat dedications, restrictive covenants, or other legal means which runs with the land and which prohibits their development in perpetuity. Such legal means must be approved by the Township Attorney to assure such unused land remains perpetually in an undeveloped site. The Township may require the inclusion of open space restrictions that prohibit the following:
  - (1) Dumping or storing of any materials or refuse.
  - (2) Activity that may cause a risk of soil erosion or threaten any living plant material.

- (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation.
- (4) The use of motorized off-road vehicles.
- (5) Cutting, filling, or removal of vegetation from wetland areas.
- (6) Use of pesticide, herbicides, or fertilizers within or adjacent to wetlands.

6. Approval Criteria

Approval of a proposed development shall be predicated upon a positive finding that all of the following criteria have been met:

- A. The design shall promote the goals, objectives, and policies of the Township Master Plan;
- B. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
- C. Natural assets, wildlife habitat areas, or sites having historic archaeological or cultural value shall be protected;
- D. Individual lots, buildings, and roadways, and open space areas shall be designed to minimize the alteration of environmental site features;
- E. The design of structures shall be compatible with existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height and neighboring building orientation. Any determination of compatibility shall be based upon the standards of Section 1721.
- F. Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas.

(Ordinance No. 80-43)

ARTICLE XVI

*(Reserved for Future Use)*

ARTICLE XVI

*(Reserved for Future Use)*

ARTICLE XVI

*(Reserved for Future Use)*

## **Article XVII General Provisions**

### **Section 1700. Conflicting Regulations.**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

### **Section 1701. Scope.**

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed or altered in a manner, and no building, structure, land premises or part thereof, shall be used for a purpose, and no open space surrounding any building or structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance or in the district in which such building, structure, land or premises is located. (Ordinance No. 80-50)

### **Section 1702. Building Regulations.**

#### **1. Unlawful Building**

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

#### **2. Temporary Building**

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy.

#### **3. Building Occupancy**

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager for uses found by the Planning Commission to customarily require 24-hour site management.

4. Frontage on a Public Street

Except as provided below, no lot shall be created, and no building shall be erected on a lot, unless said lot fronts its full width, as required by Section 1600 (page 126) upon a street or road that has been dedicated to the public, or as otherwise provided by this Ordinance. Mobile home parks, multi-family developments, commercial shopping centers or office parks need not front each such structure within the development upon publicly dedicated streets or roads provided that adequate interior vehicular circulation and access can be assured in a site plan approved by the Township, in accordance with the requirements of Section 1702.5. No building shall be erected on a flag lot unless a lot width equal to 100 feet, or 50 percent of its lot width as required by Section 1600, whichever is greater, fronts upon a public street or road. In no instance shall more than two (2) flag lots be created from a parent parcel lawfully in existence as of March 31, 1997. (Ordinance No. 80-3) (Ordinance No. 80-50)

5. *Reserved for Future Use*

6. One Lot, One Building

In all districts, only one (1) principal building shall be placed on a single lot of record, except as provided by Section 1702.4 of this Ordinance, or in the case of a farm of forty (40) acres or more, where there may be a tenant dwelling on the same recorded lot as the principal dwelling, provided that a minimum one (1) acre area, with a minimum frontage of 150 feet, be designated for the tenant dwelling in the application of a building permit and approved by the Building Official.

7. Lot Grades

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.

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 as will prevent the accumulation of surface water on the lot and not increase the natural runoff of surface water onto adjacent properties. All grading plans shall be submitted to the township building department, and such other authorities having jurisdiction, for their review and approval.

8. On-Site Sewage Disposal Systems

Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the Genesee County Health Department and the Township Building Inspector approving his plan for any on-site sewage disposal system in accordance with state law, county regulations, or Township ordinance, whichever is the most restrictive and in accordance with the applicable regulations of the Genesee County Sewage Disposal District No. 1.

9. Water Supply

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, sanitary, and independent water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's office.

Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the state of Michigan, the Genesee County Health Department and the Michigan State Department of Health.

**Section 1703. Building Appearance, Structure Completion, and Personal Construction Authority.**

1. In residential zones, after twenty-five (25) percent of the lots and frontage on the side of the street on any block where the proposed improvement is contemplated have been improved by the erection of the residences thereon, if one-half or more of the residences built in any such block are of a certain type and style, the remainder of the residences built in any such block and to be constructed, altered, relocated, or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance, which is greater than the minimum herein required, or by constructing in such block a residence having floor area greater than the average area of residences in such block provided, however, such type and style shall be such as not to impair or destroy property values in the block.
2. In any case where a building or accessory building in a nonresidential district is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, face brick, EFIS, stucco, or other decorative materials approved by the Planning Commission. No occupant of such premises shall be permitted to place open stock, scrap, or junk piles within said two hundred (200) feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth berm, or evergreen screen sufficient to properly obscure the same from view from the street. (Ordinance No. 16-84)
3. All structures shall be completed within one (1) year of the issue date of the building permit for such structure, unless an extension for not more than one (1) additional year is granted for good cause by the Building Official. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.
4. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the Mechanical, Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

**Section 1704. Nonconforming Uses, Buildings, and Lots.**

1. Intent

It is the intent of this Section to provide for the regulation of legally nonconforming structures, lots of record, and uses, and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities which adversely affect orderly development and the value of nearby property not be permitted to continue without restriction.



The zoning regulations established by this Ordinance are designed to guide the future use of land by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of which such regulations are established, and thus the gradual elimination of such nonconformities is generally desirable. The regulations of this Section permit such nonconformities to continue without specific limitation of time but are intended to restrict further investments which would make them more permanent.

2. Authority to Continue

Except as otherwise provided in this Section, any nonconforming lot, use, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. There may be a change of tenancy, ownership, or management of any existing nonconforming use of land, structure and land in combination.

The approval by the Planning Commission of any site plan for any use and/or structure made prior to the effective date of this Ordinance may be continued in accordance with the plan(s) and application(s) on which site plan approval was granted, for a period of not longer than one (1) year after the effective date of this Ordinance, provided actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. (Ordinance No. 80-6)

3. Minor Nonconforming Uses or Structures

A minor nonconforming use or structure is considered to be any commercial or industrial use or structure located within a nonresidential district, or any residential use or structure located within a residential district, (i.e., multiple-family dwellings in the residential urban district, etc.).

a. Termination by Damage or Destruction

In the event that any minor nonconforming structure or use is destroyed by any means to the extent of more than fifty-one (51) percent of the cost of replacement of such structure or use, as determined by the Building Official, said structure or use shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance. When such a nonconforming structure or use is damaged or destroyed to the extent of fifty-one (51) percent or less of the replacement cost, repairs or rebuilding shall be permitted. (Ordinance No. 80-3)

b. Changing Nonconforming Uses

If no structural alterations are made, any minor nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification.

c. Discontinuance of Use

When a minor nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

d. Any structure, or structure and land in combination, in or on which a nonconforming use is later replaced 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. Enlarging a Minor Nonconforming Use

A minor nonconforming use may be expanded or enlarged as follows:

- (1) A minor nonconforming structure may be enlarged by a maximum of twenty (20) percent of the total existing structure size at the time of adopting this Ordinance. Such expansion shall meet all other requirements of the Ordinance. Expansion shall be permitted only when the structure is located on a lot or parcel not sharing an exterior district boundary.
- (2) Nothing in this Section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in conformance with other applicable provisions and involving no structural alteration or enlargement of such structure.
- (3) Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.
- (4) No nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
- (5) Notwithstanding any other provision of this Section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
- (6) Notwithstanding the above-stated restrictions to the contrary on the expansion of a nonconforming structure, the floor area of a legally established nonconforming accessory structure located on residentially zoned property may be increased in a manner which increases its nonconformity, provided the lot coverage requirements of Section 1600, Schedule of Regulations, are met. (Ordinance No. 16-79)

#### 4. Major Nonconforming Uses or Structures

A major nonconforming use or structure is considered to be any nonresidential use or structure in a residential district, industrial use in a business district, or any residential use in a nonresidential district.

##### a. Termination by Damage or Destruction

In the event that any major nonconforming structure or use is destroyed by any means to the extent of more than fifty-one (51) percent of the cost of replacement of such structure or use, as determined by the Building Official, said structure or use shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Ordinance. When such a nonconforming structure or use is damaged or destroyed to the extent of fifty-one (51) percent or less of the replacement cost, repairs or rebuilding shall be permitted. (Ordinance No. 80-3)

##### b. Changing Nonconforming Uses

No structure or use shall be changed unless the new structure or use conforms to the regulations for the district in which such structure or use is located.

##### c. Discontinuance of Use

When a major nonconforming use of a structure or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months, or for eighteen (18) months during any three year period, the structure, or structures and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

##### d. Enlarging a Major Nonconforming Use

- (1) No major nonconforming use or structure shall be enlarged upon, expanded, or extended, including extension of hours of operation. Normal maintenance and incidental repair of a major nonconforming use shall be permitted, provided that this does not violate any other section of this Ordinance.
- (2) A major nonconforming residence may construct an accessory building in accordance with Section 1705, Accessory Buildings.
- (3) Nothing in this Section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in accordance with other applicable provisions, and involving no structural alteration or enlargement of such structure.
- (4) No major nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

- (5) Notwithstanding any other provision of this Section to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of the Ordinance.

#### 5. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. 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, or the following provisions:

- a. The required combined width of side yards on lots with a width less than required by Section 1600 for the district in which it is located and recorded as such prior to the date of the adoption of this Ordinance, and located in a residential district, may be reduced six (6) inches for each foot or fraction thereof by which the width of such lot is less than what is required, provided the minimum side yard is not less than five (5) feet and the combined width of both side yards is not less than fifteen (15) feet.
- b. The least width of a required side yard may be measured to the centerline of any adjoining alley, but no structure shall be erected within five (5) feet of the alley line.

#### 6. Nonconforming Site Requirements

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on lot 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. Expansion

No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.

##### b. Termination

Should such structure be destroyed by any means to an extent of more than fifty-one (51) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance and with the requirements of the prevailing structural building codes.

c. Relocation

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

7. Special Condition Use Interpretation

Any conditional use as provided for in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. Preferred Class of Nonconforming Use

a. Notwithstanding the above enumerated provisions of Section 1704 of this Ordinance, a single-family dwelling within an office or business district may be entitled to the status of "Preferred Class of Nonconforming Use," pursuant to the following conditions:

- (1) The single-family dwelling shall be an integral part of a freestanding office or business structure.
- (2) The dwelling unit shall occupy not more than forty-nine (49) percent of the total ground floor area of the principal structure.
- (3) The dwelling unit shall be occupied only by the proprietor of the office or business located within the principal structure and his or her family.

b. The structure housing a preferred nonconforming use may be enlarged or altered provided such alteration is approved by the Board of Zoning Appeals. The property owner shall seek approval of the "preferred" status of the use of the structure from the Board of Zoning Appeals. The property owner, upon approval of preferred status, shall then submit a site plan pursuant to requirements in Article XVIII for review and approval by the Planning Commission. (Ordinance No. 80-3) (Ordinance 80-24)

**Section 1705. Accessory Buildings.**

Accessory buildings, except for farms or other uses otherwise permitted in this Ordinance, shall be subject to the regulations of this Section. (Refer also to Sections 503 and 1727.) (Ordinance No. 80-24)

1. The number of accessory buildings permitted on a given parcel of land shall be computed based upon the size of the parcel, in accordance with the following table. (Ordinance No. 16-79)

<u>PARCEL SIZE</u>	<u>MAXIMUM NUMBER OF ACCESSORY BUILDINGS PERMITTED</u>
2 acres or less	1
2.01 acres to 5 acres	2
5.01 to 10 acres	3
10.01 to 15 acres	4
Over 15 acres	5

In addition to this limitation, accessory buildings shall be subject to the lot coverage requirements of Section 1600.

2. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to main building. (Refer to Section 1600, page 116.)
3. Detached accessory building(s) shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard, provided that in no instance shall the accessory building(s)
  - a. Exceed (4) times the total square feet of the primary residence in a Single Family residential district on residential parcels in excess of (10) acres.
  - b. Exceed (3) times the total square feet of the primary residence in a Single Family residential district on residential parcels in excess of (5) acres, but less than (10) acres.
  - c. Exceed (2) times the total square feet of the primary residence in a Single Family residential district on residential parcels in excess of (3) acres, but less than (5) acres.
  - d. Exceed (1.5) times the total square feet of the primary residence in a Single Family residential district on residential parcels in excess of (1) acre but less than (3) acres.
  - e. Exceed 864 square feet in a Single Family residential district on residential parcels of one (1) acre or less.

(Ordinance No. 16-79) (Ordinance No. 16-84)

4. Unless otherwise specified, detached accessory buildings may be located no closer than ten (10) feet to any side or rear lot line and must be located in the rear yard. (Ordinance No. 16-79)

No detached accessory building shall be located closer than ten (10) feet to any main building except for garages meeting the following conditions:  
(Ordinance No. 80-10)

- a. The foundation shall not be less than the minimum required by the local building code for frost protection.
  - b. On those portions of garages located ten (10) feet or less from the main building, a fire partition shall be provided of not less than one (1) hour fire resistance rating on the garage building side. (Ordinance No. 16-84)
- (Refer also to Section 1704,5,a.)
5. In no instance shall an accessory building be located within a dedicated easement right-of-way.
  6. Unless otherwise provided by this Ordinance, no detached accessory building in the RU-1 or RSE Districts located within a platted subdivision, single-family detached condominium development, or on individual lots or parcels having less than three (3) acres, shall exceed one (1) story or fifteen (15) feet in mean roof height. In all other districts, the height limitations of Section 1600 shall apply. (Ordinance No. 80-29) (Ordinance No. 16-84)
  7. No accessory structure shall be constructed prior to the issuance of a building permit for its principal structure.

8. No attached garage shall have a gross floor area which exceeds the main floor area (building footprint) of the principal residence, exclusive of any breezeways, porches, sunrooms, decks and similar attachments. (Ordinance No. 80-55) (Ordinance No. 16-84)
9. Shipping containers of metal construction and flat roof or similar containers of any kind shall not be used as accessory buildings. (Ordinance No. 16-84)
10. Portable carports are prohibited. If used, permanent carports shall be constructed out of durable materials, match the architecture of the primary structure, and be built on a permanent foundation. (Ordinance No. 16-84)

#### **Section 1706. Off-Street Parking Requirements.**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking spaces may be located within a nonrequired side or rear yard unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance. (Refer to Sections 1601, g, 1601, bb and 1601, cc.) (Ordinance No. 80-24)
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 1705, Accessory Buildings of this Ordinance.
4. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance where off-street parking spaces are shared by two (2) or more establishments where operating hours of buildings do not overlap, the Planning Commission may grant an exception. (Refer also to Section 1708.)
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within off-street parking areas.

9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
11. The definition of usable floor area shall govern for the purpose of computing the number of parking spaces required, unless otherwise specified.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:
  - a. Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule:
    - (1) Residential Uses
 

(a) Detached or Attached One- and Two-Family Structures	Two (2) spaces per each dwelling unit
(b) Multiple-Family Structures	Two (2) per each dwelling unit plus one (1) for each five (5) dwelling units for visitor parking
(c) Hotels/Motels	One (1) space per rooming unit plus one (1) for each employee
(d) Rooming Houses, Fraternity Houses, Dormitories, etc.	One (1) space per bed or each one hundred (100) square feet of gross floor area, whichever will require the larger number of parking spaces
(e) Lodging House, Bed and Breakfast House	One (1) space per each rooming unit
(f) Mobile Home Parks	Two (2) spaces per site, plus one (1) for each four (4) sites for visitor parking
(g) Travel Trailer Park	One (1) space per site
(h) Housing for the Elderly	One (1) space per each efficiency unit, 1.25 spaces for each one (1) bedroom unit, and 1.5 spaces for each two (2) or more bedroom unit.



- (2) Institutional and Public Assembly Uses
- (a) Nursery, Elementary And Junior High Schools  
One (1) space per classroom plus five (5) spaces, or one (1) space per three (3) permanent seats or per twenty-one (21) square feet of assembly hall, whichever will require the largest number of parking spaces
  - (b) High schools and colleges with dormitory facilities  
4.5 spaces per classroom, or one (1) space per three (3) permanent seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces
  - (c) Colleges without dormitory facilities  
Ten (10) spaces per classroom, plus one (1) space per every three (3) permanent seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces
  - (d) Stadium and sport arena  
One (1) space per four (4) seats
  - (e) Swimming pools  
One (1) space per three (3) seats, or per forty (40) square feet of pool surface area, whichever will require the largest number of parking spaces
  - (f) Assembly halls, churches or theaters  
One (1) space per two (2) seats, or per fourteen (14) square feet of assembly space, whichever will require the largest number of parking spaces (Ordinance No. 80-50)
  - (g) Hospitals  
2.25 spaces per bed
  - (h) Convalescent homes, homes for the aged  
1.0 space for each four (4) beds
  - (i) Outdoor recreation areas or fairgrounds  
One (1) space per two hundred (200) square feet of gross floor area within enclosed buildings, plus one (1) space for every (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity

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|---------------------|--|---|
| (j)                 | Golf Course  | Six (6) spaces per hole, plus as required for incidental uses (i.e., proshop, bar, banquet room, etc.)  |
| (3) Commercial Uses |  |   |
| (a)                 | Business offices, except as otherwise specified herein   | Four (4) spaces per 1,250 square feet of gross floor area (Ordinance No. 80-24)   |
| (b)                 | Professional offices of architects, attorneys, accountants, engineers, real estate brokers, etc.   | Four (4) spaces per 1,250 square feet of gross floor area, but not less than three (3) spaces (Ordinance No. 16-84)   |
| (c)                 | Medical and Dental Clinics   | Five (5) spaces for the first two thousand (2,000) square feet of gross floor area, plus one (1) space for each additional five hundred (500) square feet of gross floor area over two thousand (2,000) square feet (Ordinance No. 80-10) (Ordinance No. 16-84) |
| (d)                 | Retail stores, except as otherwise specified herein  | One (1) space per one hundred fifty (150) square feet of usable floor area, with a minimum of five (5) spaces (Ordinance No. 16-84)   |
| (e)                 | Planned Shopping Center (having a gross floor area of 25,000 square feet or less, exclusive of eating, drinking, and entertainment establishments) | 4 spaces/1,000 square feet of gross <u>leasable</u> area (Ordinance No. 80-10)  |
|                     | (having a gross floor area more than 25,000 square feet)   | 5 spaces/1,000 square feet of gross <u>leasable</u> area  |
| (f)                 | Auto wash (automatic)  | Fifteen (15) stacking spaces for each automatic wash lane   |
| (g)                 | Auto wash (self-service or coin operated)  | Two (2) spaces for each washing stall, not counting the vehicle work area or vacuum area  |
| (h)                 | Auto wash (accessory) facilities as part of a gasoline station   | Five (5) stacking spaces for each automatic wash lane (Ordinance No. 80-24)   |

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| (i) Beauty parlor or barber shop  | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one half (1-1/2) spaces for each additional chair  |
| (j) Bowling alleys  | Five (5) for each one (1) bowling lane in addition to the requirements for each accessory use, such as a restaurant or bar   |
| (k) Dance halls, roller skating rinks, exhibition halls, and assembly halls without fixed seats   | One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, without fixed seats or state fire, building, or health codes   |
| (l) Establishment for sale and consumption on the premises, of beverages, food, or refreshments   | One (1) space for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, or one (1) space for each thirty (30) square feet of usable floor area, whichever is greater  |
| (m) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator electrician, or similar trade, shoe repair, and other similar uses | One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein)  |
| (n) Gasoline service stations, or filling stations rack, or pit   | Two (2) for each lubrication stall, in addition, one (1) space for each vehicle capable of being fueled plus stacking space for vehicles awaiting fuel based on one-half (1/2) space for each fuel nozzle. In addition, one (1) parking space for each fifty (50) square feet of usable floor area in the cashier and office area and one (1) for each one hundred fifty (150) square feet of usable floor area devoted to retail sales area. In no instance shall such a facility provide less than three (3) parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel. |

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| (o) | Laundromats and coin operated dry cleaners     | One (1) for each two (2) washing and dry-cleaning machines  |
| (p) | Miniature or "Par-3" golf courses              | Three (3) for each one (1) hole plus one (1) for each one (1) employee  |
| (q) | Mortuary establishments                        | One (1) for each fifty (50) square feet of usable floor area, plus one (1) space for each vehicle maintained on the premises, plus one (1) space for each employee.   |
| (r) | Motor vehicle sales and service establishments | One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room  |
| (s) | Carry-out restaurant                           | One (1) for each 30 square feet of usable floor area devoted to customer assembly and/or waiting areas (Ordinance No. 80-24)  |
| (t) | Drive-in/Fast food restaurant                  | One (1) for each employee in the largest working shift; one (1) for each two (2) seats provided; and one (1) for each thirty (30) square feet of usable floor area devoted to customer waiting area. The number of stacking spaces provided for each drive-up window lane shall be as documented by current professional traffic engineering studies for that particular use. (Ordinance No. 80-50) |
| (u) | Automobile Repair Garages and Body Shops       | One (1) for each 150 square feet of usable floor area and five (5) for each auto service stall (Ordinance No. 80-24)  |

(4) Industrial Uses

Parking space requirements for all industrial uses shall equal the employee load factor, as proposed in the application for site plan review at a rate of three (3) spaces plus one (1) space for each employee for single-shift operations, or three (3) spaces plus 0.75 spaces per each employee of the combined employment of the two (2) largest successive shifts, for multiple-shift operations.



**ADA**  
 Design Guide

**1**

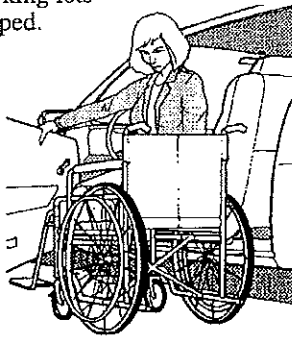
**Restriping Parking Lots**

**Accessible Parking Spaces**

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



**Accessible Parking Spaces for Cars**

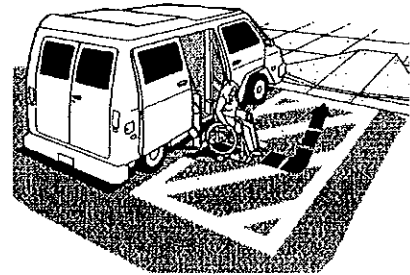
Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

**Van-Accessible Parking Spaces**

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle; and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



**Minimum Number of Accessible Parking Spaces**

ADA Standards for Accessible Design 4.1.2 (5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces

\*\* 7 out of every 8 accessible parking spaces

## Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

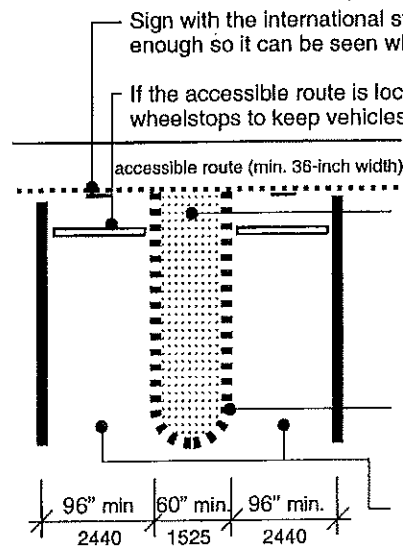
## Free Technical Assistance

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

Department of Justice  
**ADA Information Line**

800-514-0301 (voice)  
800-514-0383 (tty)

## Features of Accessible Parking Spaces for Cars

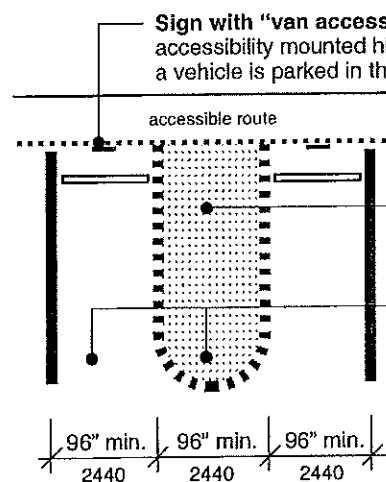


Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.

Boundary of the access aisle must be marked. The end may be a squared or curved shape.

Two parking spaces may share an access aisle.

## Three Additional Features for Van-Accessible Parking Spaces



Sign with "van accessible" and the international symbol of accessibility mounted high enough so the sign can be seen when a vehicle is parked in the space

96" min. width access aisle, level (max. slope 1:50 in all directions), located beside the van parking space

Min. 98-inch-high clearance at van parking space, access aisle, and on vehicular route to and from van space

## Internet

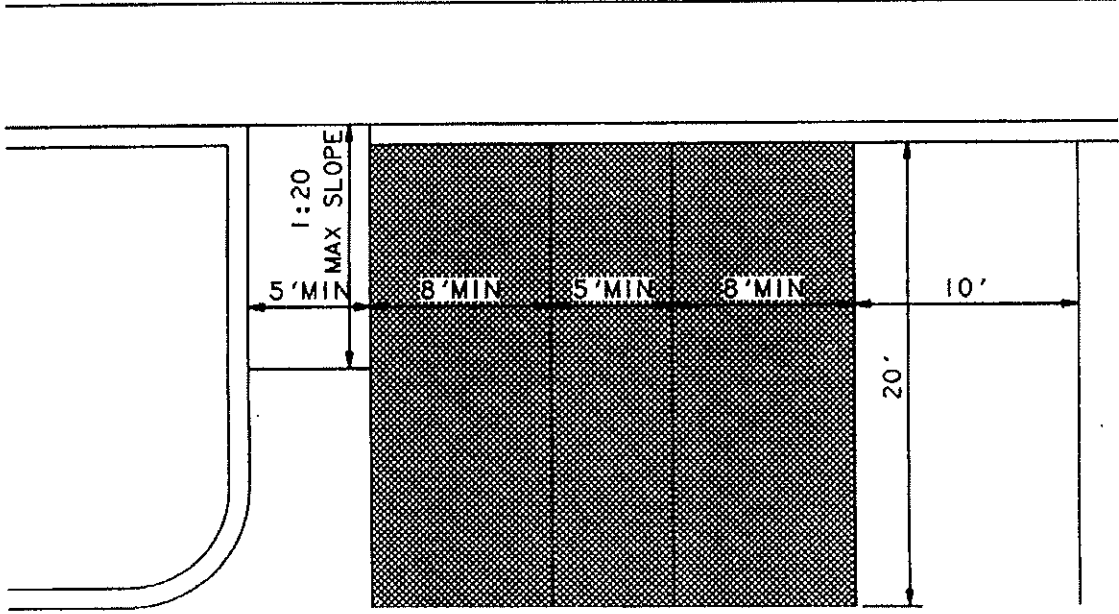
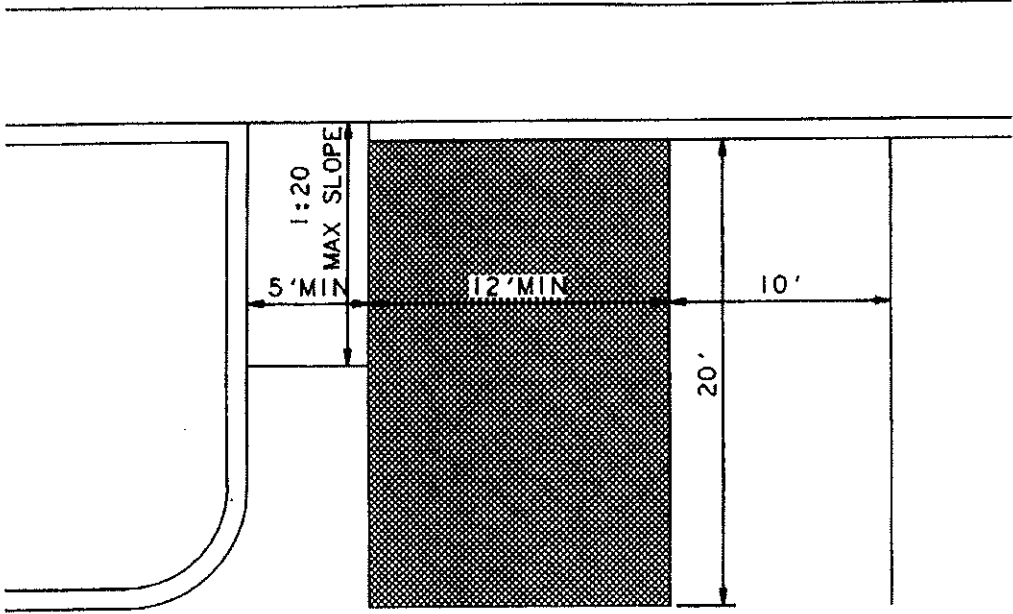
You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address:  
[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

## Reference:

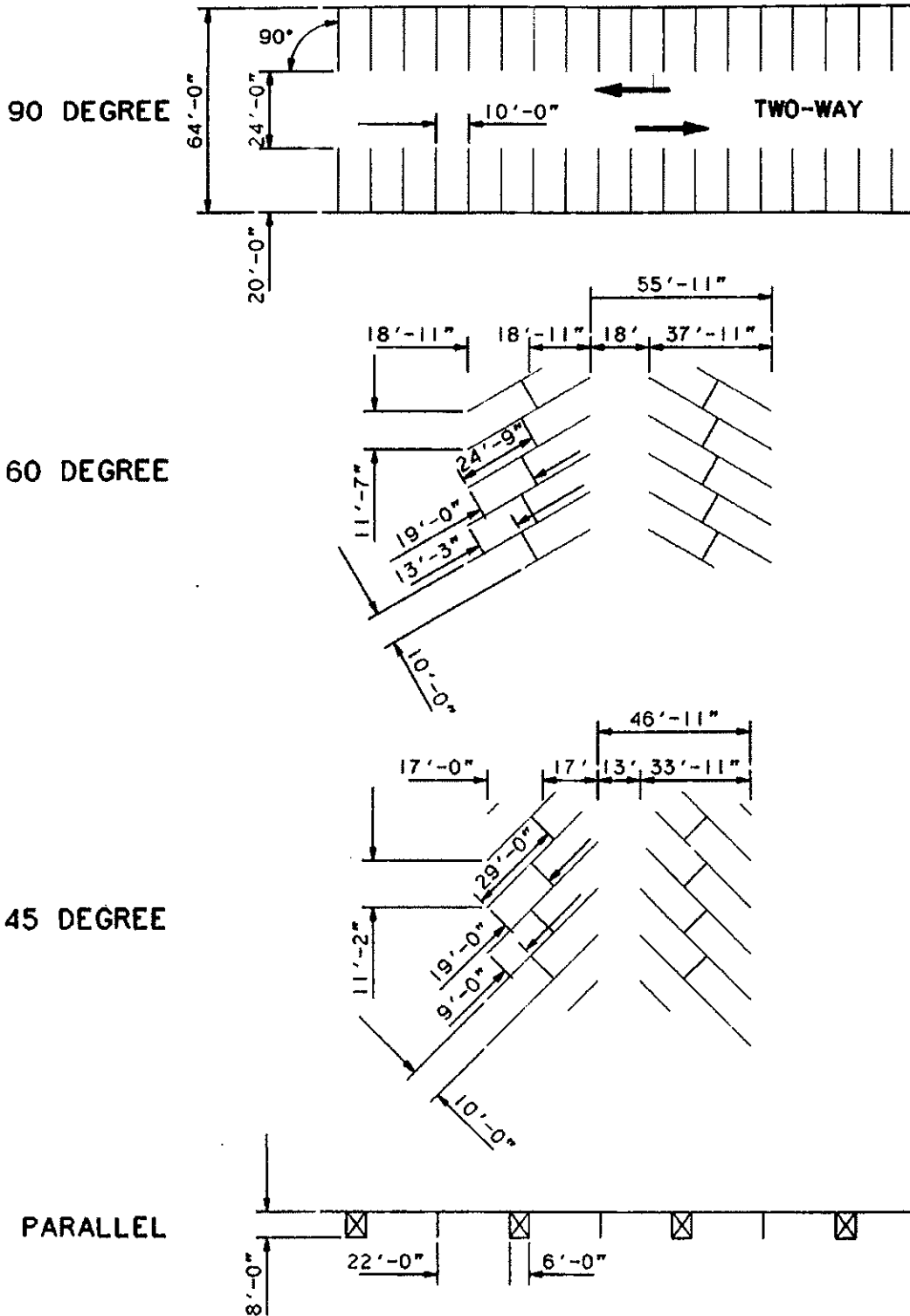
ADA Standards for Accessible Design (28 CFR Part 36):

- § 4.1.6 Alterations;
- § 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- § 4.1.6 Parking and Passenger Loading Zones.

# Handicapped Parking Design



# Parking Layouts





13. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs and painted pavement as reserved for physically handicapped persons.

<u>TOTAL SPACES IN PARKING LOT</u>	<u>REQUIRED NUMBER OF ACCESSIBLE SPACES</u>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	7
201 to 300	8
301 to 400	9
401 to 500	14
501 to 1,000	2% of total
1,001 and over	Twenty (20) plus one (1) per one hundred (100) exceeding one thousand (1,000)

Parking spaces for the physically handicapped shall be provided in accordance with the State of Michigan Barrier Free Design Code. (Ordinance No. 80-10)

14. The maximum amount of off-street parking permitted for any use shall not exceed 120% of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, or to spaces reserved for off-site parking facilities permitted under Section 1708.
15. The Planning Commission may approve the construction of a lesser amount of off-street parking spaces than required under Section 1706, 12 when an applicant demonstrates to the satisfaction of the Planning Commission that the minimum required number of off-street parking spaces may be excessive. Such modification shall be justified by proprietary studies of parking lot usage, independent professional traffic engineering analysis, or national research studies. In such instances, the construction of off-street parking spaces deemed as excess shall be deferred, provided that the deferred parking is shown on a site plan and set aside (land banked) as open space. Deferred off-street parking spaces shall be constructed in accordance with the approved site plan when the Building Official has documented evidence of three (3) occurrences of problem parking on the site within two (2) years from the date of issuance of the occupancy permit. Deferred parking shall also be constructed upon a finding of necessity issued by the Building Official resulting from a proposed change in use or a proposed change in the operational characteristics of the existing use. The extent of such parking construction shall be determined by the Building Official based upon the type of change proposed. The property owner, or his designee, shall install some or all of the land banked parking spaces prior to any change in use or operational change occurring.

16. The Planning Commission may modify or waive an off-street parking standard for a particular land use as presented in Section 1706, 12 under any of the following circumstances:
- a. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.
  - a. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale, or intensity of the proposed use and should be applied under authority of Section 1706, 9.

**Section 1707. Off-Street Parking Space Layout, Standards, Construction, and Maintenance.**

Whenever the off-street parking requirements in Section 1706, above require the building of an off-street parking facility such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit for the parking lot is issued by the Building Official. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Official and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accordance with the **Parking Layouts Diagram**, shown on the following page.
3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. 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 for other than single-family residential use shall not be across land zoned for single family residential use.
5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern shall permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn.

All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

The Planning Commission, upon application by the property owner of the off-street parking area, may modify the wall requirements where, natural or manmade barriers exist that would accomplish the same obscuring effect and, due to these in circumstances, find that no good purpose would be served by compliance with the requirements of this Section.

- 8. Off-street parking areas and maneuvering lanes shall be constructed of permeable pavement materials to the maximum extent practicable. Areas ill-suited to such pavement by reason of soil condition, slope, proximity to water, expected use, or similar conditions shall be provided with an asphaltic or concrete surface in accordance with the following minimum standards.

Concrete surfacing shall consist of four (4) inches of stone aggregate base (MDOT, 21AA), six (6) inches of nonreinforced concrete, six (6) sacks, air entrained, twenty-eight (28) day compressive strength of 3,500 psi.

Asphalt surfacing shall consist of six (6) inches of aggregate base (MDOT, 21A or 22A), two (2) inches of bituminous base (MDOT, 700-20C), and one and one-half (1-1/2) inches of wearing course (MDOT, 110T 20AA).

Off-street parking areas shall be drained so as to dispose of surface water in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

- 9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed only onto the parking area. Lighting levels shall not exceed those specified in the following schedule (refer also to Section 1717): (Ordinance No. 80-16)

Level of Activity	Active Vehicular Use Areas Only		General Parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low Activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

High Activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

Medium Activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, automobile dealerships, and residential complex parking.

Low Activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. Parking aisles shall not exceed three hundred (300) feet without a break in circulation. For purposes of this provision, a break in circulation shall be defined as alternative traffic lane(s) affording a vehicle the opportunity to change their direction of forward motion. (Ordinance No. 80-3)
12. Except for those serving single and two-family dwellings, all parking lots shall be provided with concrete curbing, wheel stops, or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrianways. (Ordinance No. 80-50)
13. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

**Section 1708. 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:

1. Residential Uses

Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. 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 at a distance in excess of three hundred (300) feet from such use.

2. Nonresidential Uses

Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within three hundred (300) 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 (Ordinance No. 16-84)

3. Agreement Required

A written agreement shall be drawn to the satisfaction of the Township Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

**Section 1709. Off-Street Loading and Unloading.**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

USE CATEGORY	TOTAL FLOOR AREA OF THE BUILDING	OFF-STREET LOADING SPACE REQUIREMENTS
Office Use	0 - 10,000 sq. ft.	0
	10,001 - 50,000 sq. ft.	One (1) Usable Loading Space
	Over 50,000	Two (2) Usable Loading Spaces
Commercial and Industrial Uses	0 - 1,400 sq. ft.	0
	1,401 - 20,000 sq. ft.	One (1) Usable Loading Space
	20,001 - 50,000 sq. ft.	Two (2) Usable Loading Spaces
	Over 50,000 sq. ft.	Three (3) Usable Loading Spaces plus one (1) space for each 50,000 square feet in excess of 50,000 square feet

1. All loading spaces and all access drives, shall be in addition to the off-street parking area requirements
2. Off-street loading space requirements as set forth herein may be reduced as applied to any building abutting a paved public alley eighteen (18) feet or more in width by one (1) loading space for each forty (40) feet of alley that abuts the lot upon which the building is located.
3. Off-street loading space, shall have the following minimum dimensions: fifty (50) feet long, ten (10) feet wide, with a fourteen (14) foot high clearance.
4. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with Section 1715, Walls.
5. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

**Section 1710. Open Parking and Storage.**

## 1. Intent

The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials, etc., that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township.

## 2. General Requirements

a. Licensed and operating vehicles may be kept, parked and stored in any district zoned for residential use, provided they are located on driveways and/or similarly prepared and designated space for such purposes, or within an enclosed building. Unlicensed and/or inoperable vehicles must be kept inside a building. (Ordinance No. 80-24)

## b. Machinery, Building Materials, and Agricultural Equipment Storage

Unusable, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials and other materials either discarded, unsightly, or showing evidence of a need for repair shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

## c. Enforcement

The use of land contrary to the provisions above under Section 1710 shall be declared to be a nuisance.

If such nuisance is not abated within three (3) days after the owner of such land is notified by the Building Inspector, the Township may: 1) perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property; 2) cite owner and or occupant to appear in court; and, 3) both of the above. (Ordinance No. 80-50)

**Section 1711. Recreational Vehicle Storage.**

1. The open parking or storage of recreational trailers, boats, campers, snowmobiles, jet skis, motor homes, or similar vehicles not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a camper, motor home, or travel trailer owned by a nonresident may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks provided a permit has first been secured from the Building Official.

2. Residents of the Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within the front yard. Such vehicles may be stored within any side yard, or rear yard, provided such vehicles are no closer than ten (10) feet to the rear property line and not less than fifteen (15) feet distant from any adjoining residence. (Refer to Lots and Area illustration.) (Ordinance No. 80-24)
3. A travel trailer, camper, or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

### **Section 1712. Landscaping.**

#### 1. 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 Township. 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.

#### 2. 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 Ordinance. 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 1806.

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 Township from agreeing to more extensive landscaping.

#### 3. Landscaping Design Standards

Except as otherwise specified in the general requirements for each Zoning District, all landscaping shall conform to the following standards:

## a. 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:

- 1) 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.
- 2) A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each 3,000 square feet or portion thereof of landscaped open-space area. The plant materials shall be varied in type to provide seasonal visual interest. Not less than 15 percent of the required trees as specified herein shall be ornamental deciduous trees. (Refer also to Section 1713.) (Ordinance No. 80-50)
- 3) Trees and shrubs may be planted at uniform intervals, at random, or in groupings
- 4) 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 the Ordinance, and more specifically, with the intent of Section 1712.1, and upon a finding the existing vegetation to be maintained on the site generally accomplishes the same effect in accordance with Section 1713.4.
- 5) 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.

## b. Greenbelt Buffer

Greenbelts and greenbelt buffers shall conform to the following standards:

- 1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
- 2) 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.
- 3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each twenty-five (25) lineal feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings. (Ordinance No. 80-55)



- 4) For the purpose of determining required plant material, required greenbelt length shall be defined as the horizontal straight line measurement of the greenbelt, scaled at its midpoint, along a line parallel to its longest side. (Ordinance No. 80-3)

c. Berms

Earth berms or landscaped berms shall conform to the following standards:

- 1) 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
- 2) 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.
- 3) A minimum of one (1) deciduous or evergreen tree shall be planted for each twenty-five (25) lineal feet or portion thereof of required berm. (Ordinance No. 80-3) (Ordinance No. 80-50)
- 4) Eight (8) shrubs per tree may be planted as substitute for trees required in items 3 above.
- 5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- 6) For the purpose of determining required plant material, required berm length shall be defined as the horizontal straight line measurement of the berm, scaled at its midpoint, along a line parallel to its longest side. (Ordinance No. 80-3)

d. Parking Lot Landscaping

Off-street parking areas shall be landscaped as follows:

- 1) In off-street parking areas containing greater than twenty (20) spaces, at least ten (10) percent of the area of the total parking lot shall be used for interior landscaping consisting of landscaped islands and/or bioretention facilities. 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.
- 2) Landscape islands 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 concrete curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas. Bioretention facilities shall not be less than five (5) feet wide and planted with low maintenance plant

materials that are salt tolerant. Plant materials shall be planted in a porous substrate that will allow a natural infiltration into the ground water. It must be demonstrated that there will be sufficient infiltration to accommodate a 10-year storm event, or instead, provide a pipe under drain for relief to the stormwater collection system or a natural drainage course. The bioretention system shall also be designed to accommodate overflow conditions without creating a public nuisance or hazard.

- 3) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
- 4) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- 5) A minimum of one (1) deciduous tree shall be planted in each landscaped area.

(Refer also to Section 2104,1,c) (Ordinance No. 80-10)

e. 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 grade level within five (5) years of planting.

f. 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.

g. Regulations Pertaining to Landscaping Areas Used for Sight Distance

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 thirty (30) inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) 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 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:

- 1) 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 sides.
- 2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

**(See attached diagram.)**

**Section 1713. Plant Materials.**

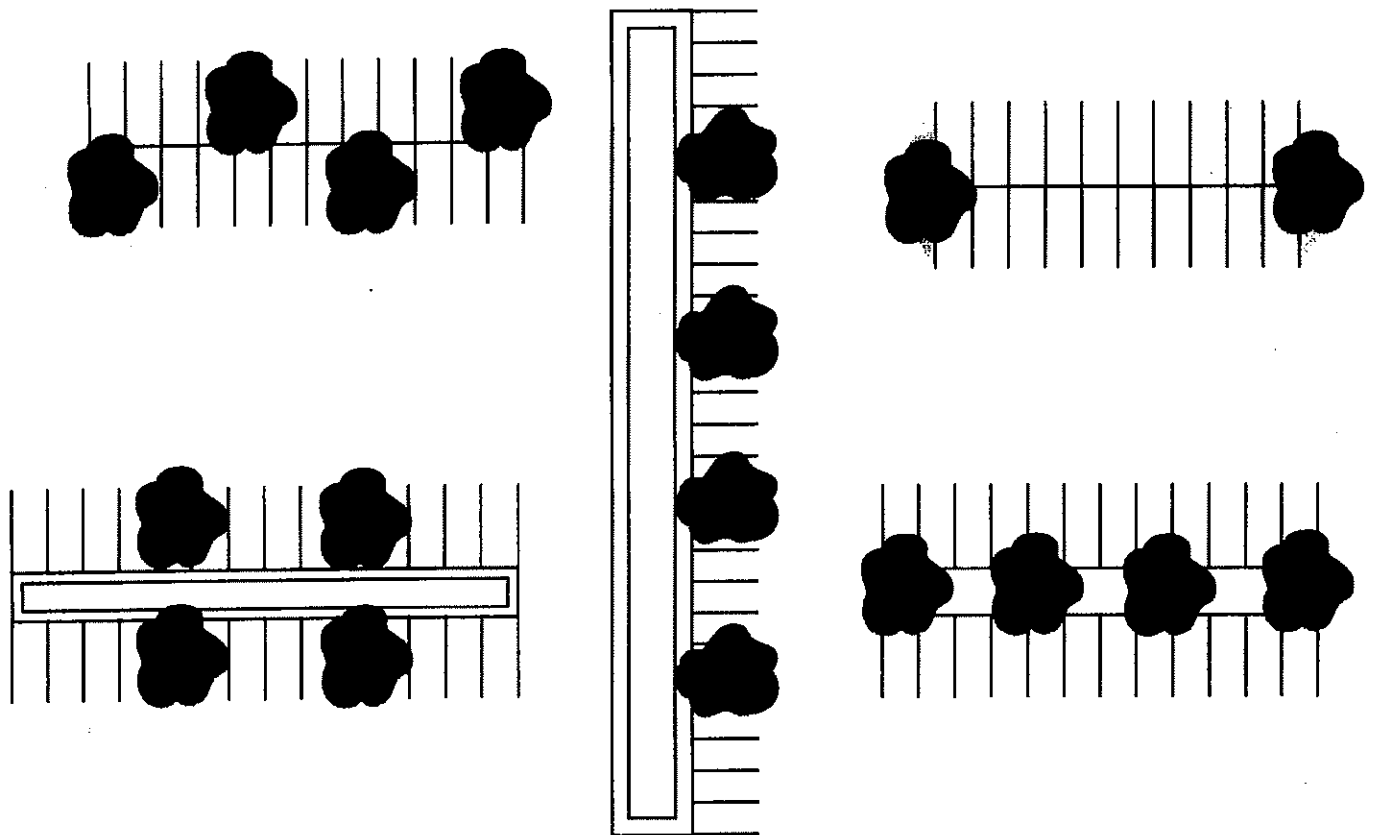
Whenever in this Ordinance planting is required, it shall be completed prior to the issuance of an occupancy permit, except that the Planning Commission may allow an extension of not more than one (1) year, if for reason of weather such planting is not able to be done at the time of occupancy. Thereafter, all landscaping shall be reasonably maintained with permanent plant materials. The Planning Commission may also require a performance guarantee in accordance with Section 1806 to ensure the installation of plant materials.

1. Design Objectives

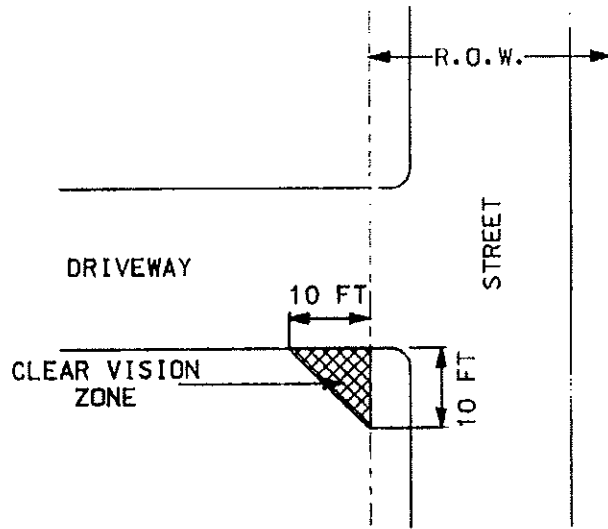
The following general site design objectives shall be achieved through the use of plant materials:

- a. Ample variety and quantity of ornamental plants, trees and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Repeating some types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
- b. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances.
- c. Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
- d. Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site. Refer to the standards of Section 1713, 4 below.
- e. Visual variety should be the aim of landscaping treatment. Landscaping should be used to break up large expanses of pavement.

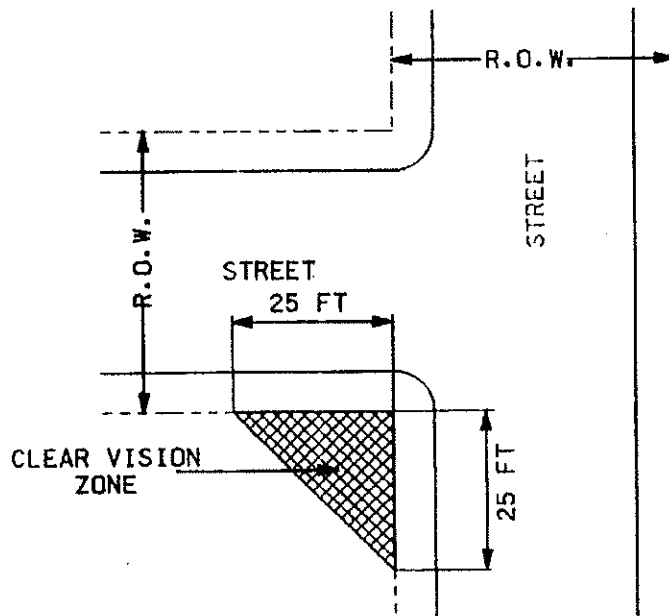
# Typical Parking Lot Planting Islands



# Clear Vision Zones



INTERSECTION OF  
DRIVEWAY AND PUBLIC RIGHT-OF-WAY



INTERSECTION OF  
TWO (2) PUBLIC RIGHTS-OF-WAY

- f. Local soil, water, and other climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival and to ensure that they will thrive with a minimum amount of maintenance.
- g. Landscaping should be protected from vehicular and pedestrian encroachment. Raised planting surfaces and the use of curbs may be used to achieve this objective.
- h. Species that are a public nuisance or that cause litter should be avoided. When landscaping is to be installed in areas that children will frequent, trees and bushes with sharp needles shall be prohibited.
- i. The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the Planning Commission.

## 2. Plant Material Specifications

Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided. All such landscape materials shall be depicted upon the site plan.

Representative Major Plant Types <sup>(4)</sup>			
Type	Minimum Size Allowable <sup>(1)</sup>	Minimum On-Center Spacing <sup>(3)</sup>	Maximum On-Center Spacing <sup>(5)</sup>
<b>1. <u>Deciduous Trees</u></b>			
<b><u>(shade/canopy)</u></b>			
Maple	1½" caliper <sup>(2)</sup>	15 ft.	30 ft.
Oak	1½" caliper	15 ft.	30 ft.
Sycamore	2" caliper	20 ft.	40 ft.
Locust	2" caliper	15 ft.	30 ft.
Linden	1½" caliper	15 ft.	25 ft.
Ginko	1½" caliper	15 ft.	25 ft.
<b>2. <u>Evergreen Trees</u></b>			
Pine	7' hgt.	10 ft.	20 ft.
Fir	6' hgt.	9 ft.	18 ft.
Spruce	6' hgt.	9 ft.	18 ft.
Hemlock	5' hgt.	10 ft.	20 ft.
Juniper	6' hgt.	8 ft.	16 ft.
<b>3. <u>Ornamental Trees</u></b>			
Flowering Crabapples	1" caliper	10 ft.	20 ft.
Dogwoods	1" caliper	10 ft.	20 ft.
Birch	1" caliper	8 ft.	16 ft.
Magnolia	1" caliper	10 ft.	20 ft.
Fruit (Pear Plum Cherry, Peach)	1" caliper	9 ft.	18 ft.

Representative Major Plant Types <sup>(4)</sup>			
Type	Minimum Size Allowable <sup>(1)</sup>	Minimum On-Center Spacing <sup>(3)</sup>	Maximum On-Center Spacing <sup>(5)</sup>
<b>4. <u>Shrublike Trees</u></b>			
Russian Olives	6' hgt.	10 ft.	20 ft.
Redbud	8' hgt.	15 ft.	30 ft.
Hawthorn	6' hgt.	10 ft.	20 ft.
Amur Maple	5' hgt.	8 ft.	16 ft.
Amelanchier	7' hgt.	10 ft.	20 ft.
Dogwood	6' hgt.	9 ft.	18 ft.
Goldenrain Tree	6' hgt.	9 ft.	18 ft.
Osage Orange	6' hgt.	10 ft.	20 ft.
<b>5. <u>Evergreen Shrubs</u></b>			
Upright Yews	3' hgt.	3 ft.	6 ft.
Arborvitae	4' hgt.	3 ft.	6 ft.
Upright Junipers	3' hgt.	4 ft.	8 ft.
<b>6. <u>Deciduous Shrubs</u></b>			
Lilac	4' hgt.	4 ft.	6 ft.
Forsythia	3' hgt.	4 ft.	8 ft.
Euonymus (selected varieties)	3' hgt.	3 ft.	6 ft.
Smoketree	4' hgt.	4 ft.	8 ft.
Cotoneaster (selected)	3' hgt.	3 ft.	6 ft.
Dogwood			
Hydrangea	4' hgt.	3 ft.	6 ft.
Beauty Bush	3' hgt.	3 ft.	6 ft.
Privet	4' hgt.	4 ft.	6 ft.
Mock-Orange	3' hgt.	3 ft.	6 ft.
	4' hgt.	4 ft.	8 ft.

Footnotes to above major plant types list:

- (1) Plantings elevated on earth berms may be reduced in size by one-half inch caliper (1/2") or one foot height (1 ft.) for every two feet of berm elevation above natural grade.
- (2) Caliper readings shall be on the main stem twelve inches (12") above ground level.
- (3) In order to promote design creativity, plant spacing may be varied only upon approval by the Planning Commission.

- (4) Under certain conditions, soft wooded trees will be permitted (i.e., willows, poplars, aspen, soft maples, etc.) only upon approval of the Building Official. Under no circumstances will these trees be permitted where damage to persons or property might occur.
- (5) Maximum on-center spacing may be used when plant sizes exceed "Minimum Size Allowable" by one-half (1/2) foot increments in height or one (1) inch increase in caliper reading.

(Ordinance No. 80-50)

3. Trees not permitted

- |                             |                                 |
|-----------------------------|---------------------------------|
| a. Box elder                | f. Horse chestnut (nut bearing) |
| b. Soft maples (red-silver) | g. Tree of heaven               |
| c. Slippery elms            | h. Catalpa                      |
| d. Poplars                  | i. Ginkgo (female)              |
| e. Willows                  | j. Cottonwoods                  |
|                             | k. Ash                          |

(Ordinance No. 80-55)

4. 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 Building Official 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 Building Official, the owner, developer, or contractor shall replace said trees with trees of comparable type.

5. Maintenance of Landscape Materials

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. A healthy, neat and orderly appearance includes: proper pruning, regular mowing of lawns, removal of all litter, and the replacement of dead and unhealthy plant material.

- a. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.



- b. All landscaped planting areas shall be provided with a readily available and acceptable supply of water in the form of an underground irrigation system. However, alternate systems may be considered. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.
- c. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

**Section 1714. Lot Depth to Lot Width Ratio.**

Except as provided in Section 1602, a lot depth to lot width ratio of 4:1 shall be the maximum permitted in all districts. (Ordinance No. 80-50)

**Section 1715. Walls.**

1. 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 ordinance 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 manmade barriers exist that would accomplish the same obscuring effect and, due to these circumstances, find that no good purpose would be served by compliance with the requirements of this section.
2. 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>
a. RM-1 and RM-2 Districts (on those sides adjacent to one-family residential districts)	4'-6" to 6'-0" high
b. CO, LC, GC Districts	4'-6" to 6'-0" high
c. M-1, M-2 Districts, Storage Areas, Loading and Unloading Areas, and Service Areas	5'-0" to 8'-0" high (height shall provide the most complete obscuring possible)

- |    |   |   |
|----|---|---|
| d. | Off-Street Parking Area<br>(other than the above districts) | 4'-6" high<br>A 3-foot tall ornamental screenwall meeting Township design specifications for materials and color shall be required along the front lot line to screen off-street parking areas located in the front yard setback of properties sited along Irish Road, Lapeer Road, and Court Street. (See also Section 1733) (Ordinance No. 80-50) |
| e. | Hospital-Ambulance and<br>Delivery Areas                    | 6'-0" high  |
| f. | Public Utility Buildings,<br>Stations, and/or Substations   | 6'-0" high  |
3. In the case of variable wall height requirements such as in (a), (b), and (c) above, the extent of obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum height.
  4. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance 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.
  5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than two hundred (200) feet distant from abutting residential district(s).

### **Section 1716. Fences.**

1. General Provisions
  - a. All fences installed shall be constructed solely of new materials proven to be durable, weather resistant, and easily maintained.
  - b. The attaching of one fence to another back-to-back to form a single barrier is prohibited.
  - c. Painted fences, in hues other than white, earth, or wood tones shall be subject to the review and approval of the Planning Commission using the standards of Section 2105.
  - d. Fences not used for farm operations shall not contain barbed wire, electric current or charge of electricity. The prohibition of electrical charge or current shall not apply to electrical barriers, provided below grade, used to contain household pets.

- e. 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 Township 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 to be removed and shall provide a time limiting such repairs, modifications, or removal.
- f. 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 Township Building Department may cause the separation between fences, or a fence and structure, or such other remedy, to ensure adequate access for cutting of grass and weeds and/or the collection of litter and debris. (Ordinance No. 80-24)

## 2. Residential Fences

- a. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater, except:
  - (1) On corner lots with a rear yard to rear yard relationship, a fence no greater than six (6) feet in height may be placed on the common rear property line and extended to and along the side street lot line provided it does not obstruct the vision of a drive which a vehicle may be using for purposes of parking or access to and from the property. In such cases, a 25-foot site clearance will be required or a fence installed which would allow vision through it.
  - (2) On corner lots with a rear yard to front/side yard relationship, a fence no greater than six (6) feet in height may be placed on the common property line and extended to the site street lot line only after approval by the Board of Appeals; which approval shall be proceeded by notification of the affected property owner(s) by mail and after holding a public hearing, and following a determination that the erection of such a fence will not adversely affect the established character of the immediate surroundings. (Ordinance No. 80-50)
- b. No fence shall be located within a public right-of-way or occupy a clear vision zone established by Section 1712, 3, g. No obscuring fence or wall shall be located within the front yard. Decorative fencing which does not materially impede vision shall be permitted in a front yard provided it does not exceed a height of four (4) feet, is placed no closer than two (2) feet to the front lot line or to either edge of a driveway serving the site. Nonobscuring decorative fencing does not include chain-link fencing (Ordinance No. 80-10) (Ordinance No. 80-50)

- c. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) 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 their total area. (Ordinance No. 80-10) (Ordinance No. 80-24)
3. Business and Industrial Fences
- a. Fences shall not exceed six (6) feet in height, measured from grade, except that industrial fences may reach a maximum height of eight (8) feet.
  - b. Fences shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
  - c. Fences shall not be constructed nearer the street than the front building line of the principal building on the site or the building setback line of vacant business and industrial lots. On corner lots, fencing may be erected along the side street property line no further than front building line of the principal building. (Ordinance No. 80-24)

**Section 1717. Exterior Lighting.**

- 1. All general parking lot areas shall be illuminated with fixtures and/or poles which are designed to enhance the aesthetic character of the development site. Wood poles and swivel-mounted luminaries are expressly prohibited. In no instance shall a light pole exceed a height of twenty-five (25) feet. Luminaries having a cutoff (the point of which all light rays are completely shielded) greater than 45 degrees measured from vertical are expressly prohibited to prevent the trespass of glare and the direct view of the light source (lamp) contained within the light pole fixture from any adjacent property or roadway. Exterior building facades shall be illuminated only by soffit lighting or from a light source which directs its output toward the building; which is shielded to reduce glare; and, is so arranged to reflect light away from adjacent properties and roadways. (Ordinance No. 80-50)
- 2. Lighting levels shall not exceed those specified below for street illumination, parking illumination, building exteriors and signs. (Ordinance No. 80-16) (Ordinance No. 80-24)
  - a. Street Illumination

Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

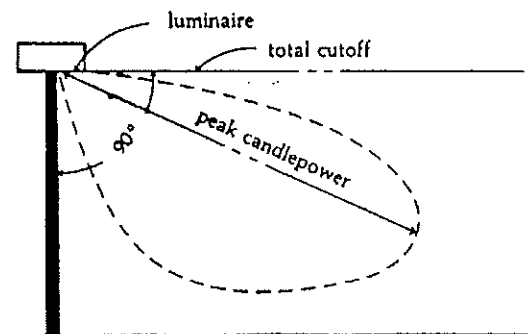
1. When light source or luminaire has no cutoff.<sup>1</sup>

Use/Density Category	Maximum Permitted Illumination <sup>2</sup>	Maximum Permitted Height of Luminaire
Residential	.2	10 ft.
Low-density nonresidential	.2	15 ft.
Medium- and high-density nonresidential	.3	20 ft.

2. When a luminaire has total cutoff of light at an angle of 90 degrees or greater.

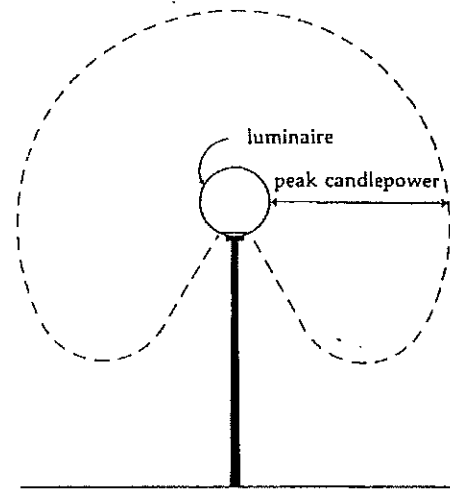
Use/Density Category	Maximum Permitted Illumination <sup>2</sup>	Maximum Permitted Height of Luminaire
Residential	.3	15 ft.
Low- and moderate-density nonresidential	.5	20 ft.
	.75	25 ft.
	1.0	30 ft.
High-density nonresidential	1.5	35 ft.
	2.0	40 ft.

2. CUTOFF LUMINAIRE



1. The cutoff is the point at which all light rays are completely shielded.
2. The maximum permitted illumination is measured in footcandles at the interior buffer yard line at ground level. Lighting levels must be measured in footcandles with a direct-reading, portable light meter. The equipment used must allow accurate measurements, and all measurements must be made after dark with the lights on and then again with the lights off. The difference between the two readings must be compared to the standard for maximum permitted illumination.

1. NO CUTOFF LUMINAIRE



3. When a luminaire has total cutoff of light at an angle of less than 90 degrees and is located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five feet above the ground at the point at which the cutoff angle intersects the ground.

Use/Density Category	Maximum Permitted Illumination <sup>2</sup>	Maximum Permitted Height of Luminaire
Residential	.5	20 ft.
Low- and moderate-density nonresidential	1.0	25 ft.
	2.0	30 ft.
	3.0	40 ft.
High-density nonresidential	4.0	50 ft.
	5.0	60 ft.

3. LUMINAIRE WITH LESS THAN 90 CUTOFF

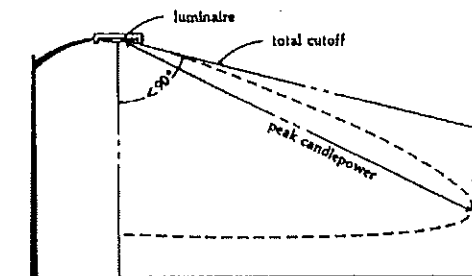


Figure 4.14  
Examples of Parking Lot Lighting

Source: Lighting for Parking Facilities, Illuminating Engineering Society of America, August 1984.

less heat at night. The extent to which plants moderate temperatures depends on the type of vegetation. For example, a mixture of large and small trees moderates summer temperatures more effectively than a planting of small ornamentals because of the canopy provided by the diverse planting.

Because plants absorb and disperse some sound, landscaping can also reduce noise levels slightly. The amount of landscaping needed to decrease noise levels significantly, however, may interfere with security and impede traffic circulation as well as being too expensive to justify. Using plants to reduce noise is difficult because their ability to lessen its intensity depends on so many different factors.

The landscaping of parking facilities requires balance. Little or no landscaping, while cost effective, produces a parking area devoid of character, an open expanse of concrete and asphalt that is neither inviting nor particularly safe. Likewise, in overly landscaped areas, or in facilities with poorly maintained landscaping, increased vandalism of vehicles is likely. Therefore, balance is everything: Clear sight lines from doors and windows must be protected while the overall landscaping pattern should be maintained in an attractive manner. The objective? To integrate both the parking facility and the user into the physical fabric of the downtown commercial district.

### Parking Lot Lighting

Parking lot lighting is used to illuminate the lot for traffic safety and personal security. Most lots use high (30-to-50-foot) overhead lamps because they distribute the light over a large area and because they minimize the cost of installation. Fewer lampposts are needed when tall posts are combined with strong illumination. In a downtown with two- or three-story buildings and a "pedestrian scale," tall lighting fixtures are less desirable than smaller fixtures, which "scatter" less light into adjacent residential areas and are more compatible with the built environment.

Requirements for illumination vary by parking lot, based on the amount of activity during evening hours. The Illuminating Engineering Society of America has established recommended light standards based upon extensive research on vehicle/pedestrian conflicts, security and lighting needs for bikeways and other facilities. Table 4.6 presents the recommended standards, which are expressed in footcandles, a standard measure of illumination over a surface area of one square foot. High activity areas have many vehicular/pedestrian conflicts or a great deal of pedestrian activity, as occurs at a major athletic event, for example; residential neighborhoods, on the other hand, are considered low activity areas.

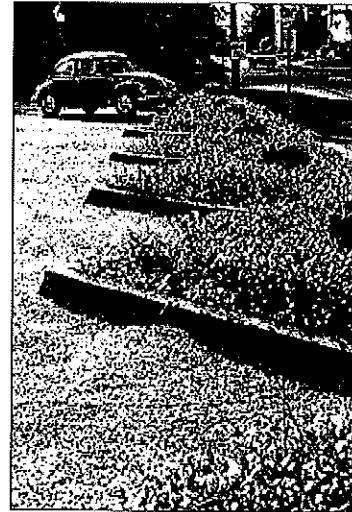
**Table 4.6—Recommended Illuminance Levels—IES**

Type of Area, Activity	Footcandles/Sq.Ft.
Downtown, high activity pedestrian/vehicular areas	2.0
Sidewalks, bikeways	1.0
Pedestrian tunnels	4.0
Residential areas	0.5

Source: Lighting for Parking Facilities, Illuminating Engineering Society of America, August 1984.

Most zoning codes regulate parking lot lighting by simply requiring that the light be shielded or aimed away from homes and apartments. A few zoning codes go further and regulate the height of lampposts, the intensity of the lighting and the hours it may operate. The Agoura Hills and Poway, Calif., zoning codes, for example, require the use of small (16-to-18-foot) lampposts and low-level illumination.<sup>5</sup> These controls were applied because the parking lots of many of the commercial and industrial enterprises in these communities are adjacent to residential areas. In historic districts, it is common for lighting standards to be a part of the local design guidelines for the district. In such cases, one should use these standards when developing parking facilities within these districts.

<sup>5</sup> City of Agoura, Calif., Zoning Ordinance



**Figure 4.13**  
"Edge Treatment" of  
Landscaped Surface Lot

Source: NMSC

Major (primary) streets: streets primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high capacity controls at intersections, or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

Collector (secondary) streets: streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.

Local (minor) streets: streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.

b. Parking Illumination

Level of Activity	Active Vehicular Use Areas Only		General Parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low Activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

High Activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

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.

Low Activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

## c. Building Exteriors

Component	Outdoor Areas	
	Lux	Footcandles
Entry/Active Use Area	50	5.0
Vital Locations	50	5.0
Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

## d. Signs

See Section 1723. (Ordinance No. 16-84)

3. All illumination shall not be of a flashing, moving, or intermittent type. (Ordinance No. 16-84)
4. All illumination shall be constant in intensity and color at all times when in use.
5. With the exception of signs, the level of illumination shall be measured at the furthest point to be illuminated on that site.
6. The light intensity at ground level shall not exceed 0.1 footcandles at the property line adjacent to residentially zoned or used property and 1.0 footcandles measured at the property line adjacent to all other uses. (Ordinance No. 16-84)
7. As a measure to prevent light pollution and preserve the night sky, all parking lot lighting for commercial, industrial, and any other non-residential activities shall be extinguished between 10:00 p.m. or the close of business, whichever is later and 6:00 a.m. or the opening of business, whichever is earlier. Security lighting for these establishments shall be designated on the lighting plan and conform to the regulations of this Section. (Ordinance No. 16-84)

**Section 1718. Noise Standards.**

1. 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	Time	"A" Weighted Sound Level Limit, dBA
RC, RA RSE, RU-1 RM, RMH	10:00 p.m. to 7:00 a.m.	70 dBA
	7:00 a.m. to 10:00 p.m.	75
CO, LC, GC	10:00 p.m. to 7:00 a.m.	72
	7:00 a.m. to 10:00 p.m.	77
M-1, M-2	10:00 p.m. to 7:00 a.m.	76
	7:00 a.m. to 10:00 p.m.	81

2. The following uses and/or activities shall be exempt from noise level regulations:
- a. Noise for safety signals and warning devices.
  - b. Noise resulting from any authorized vehicle, when responding to an emergency.
  - c. Noises resulting from the provision of municipal services.
  - d. Parades and other authorized public gatherings.
  - e. Noise emanating from vehicles and equipment temporarily used for the development, construction and maintenance of sites, buildings, and infrastructure.
  - f. Bells, chimes, carillons, while being used for religious purposes or for special civic celebrations.
  - g. Nonamplified crowd noises resulting from the activities of schools, governmental, or community groups.

**Section 1719. Residential Entranceway Structures.**

In all Residential Districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple-housing projects may be permitted and may be located in required yard, except as provided in Section 1712.3.g, provided that such entranceway structures shall comply to all codes of the Township, and shall be approved by the Building Official and a permit issued.

**Section 1720. Bed and Breakfast Operations.**

Any dwelling unit used for bed and breakfast operation shall comply with following requirements:

1. Not more than twenty-five (25) percent of the total floor area 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. Occupancy by guests shall be restricted to overnight or weekly stays.
4. One (1) additional parking space shall be provided for each guest room, on-site; further, said parking shall not be permitted within a required front yard.

**Section 1721. One-Family Detached Dwelling Standards.**

1. In addition to the requirements specified in Section 1600, (page 115) every dwelling unit hereafter erected shall have a minimum of 800 square feet of floor space on the ground floor. For the purpose of this paragraph, a basement or cellar shall not count as a story, and a breezeway or garage shall not be included in the computation of ground floor area.
2. The dwelling shall have a minimum width across any section of twenty-four (24) feet and comply in all respects with the local Building 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 Building Code, then, and in that event, the less stringent federal or state standard or regulation shall apply. (Ordinance No. 80-29)
3. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the local Building 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. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the county health department.
6. The dwelling shall contain 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. In no case, however, shall more than 200 square feet of storage area be required by this provision.
7. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, and shall have a roof overhang of not less than one (1) foot on all sides not including gable ends or dormers; and shall not have less than one (1) exterior door being in the front of the dwelling; and shall contain permanently attached steps connected to said exterior door area where a difference in elevation requires the same. (Ordinance No. 80-55)

The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved applicant to the Zoning Board of Appeals within a period of thirty (30) 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 be subject to the following:
    - (1) Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
    - (2) 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.
    - (3) Materials shall be of durable quality.
    - (4) 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.
  - d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
  - e. 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.
  - f. 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 foot of rise for each four feet of horizontal run. (Ordinance No. 80-50)
  - g. 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 2,000 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 Township.
8. The dwelling shall 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.
  9. 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 the Ordinance of the Township pertaining to such parks.

10. All construction required herein shall be commenced only after a Building Permit has been obtained in accordance with the applicable local Building Code provisions and requirements.

**Section 1722. Preservation of Environmental Quality.**

1. Intent

It is the intent of this section to specify certain materials which must be prepared and submitted by land developers to assist the Township in determining if the proposed development is in compliance with local ordinance and state and federal statutes, which are enacted to protect wildlife, preserve ecologically important features, and retain natural resources.

2. Definitions of Natural Resources

"Natural resources" shall include:

- a. Archaeological finds.
- b. Endangered species habitat.
- c. Floodplain, 100-year. An area which has a one (1) percent chance of flood occurrence in any given year.
- d. Hedgerow. A row of eight (8) or more trees having a four (4) inch or more diameter at four (4) feet above grade. (The drip-line of the trees defines the land area of a hedgerow.)
- e. Ponds and Lakes. A natural or artificial impoundment that retains water year-round.
- f. Steep Slopes. Slopes equal to or exceeding a grade of thirty-three (33) percent or a 3:1 ratio of run over rise, with a change of elevation of three (3) feet or more.
- g. "Wetland" means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:
  - (1) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
  - (2) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five (5) acres in size.
  - (3) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the Michigan Department of Environmental Quality has so notified the owner. (Ordinance No. 80-55)

- h. Woodlot. An area of 1/4 acre or more containing eight (8) or more trees per 1/4 acre having a four (4) inch or more diameter at a four (4) foot height.

### 3. Applicability

In any Zoning District, no natural resource shall be altered, changed, transformed, or otherwise varied by any person except as provided by this Ordinance, and such person having submitted to the Township Planning Commission the required data, exhibits, and information as hereafter required. The applicant may be relieved from the requirements of this Section by clearly showing the Planning Commission through the use of reports, exhibits, and/or expert testimony prior to the time of site plan review that the proposed development will not alter, change, transform, or otherwise vary any natural resource contained on the subject parcel.

### 4. Information and Data Required

A Natural Resources Analysis, shall be submitted by and at the expense of the petitioner prior to Planning Commission review of the site plan. 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:

- a. 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.
- b. 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.
- c. The petitioner shall provide 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 resource(s) in terms 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 vs. short-term affects.
- d. The applicant shall identify measures to mitigate or eliminate negative affects to natural resources identified in step 4(c) above.

### 5. 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.

### **Section 1723. Signs.**

#### **1. Intent**

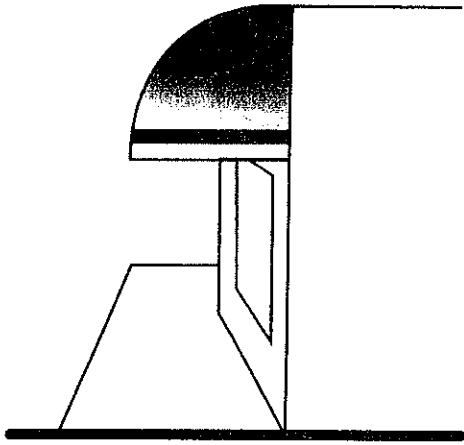
The Township finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and/or general welfare of the residents of the community, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The Township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the Township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the Township and may cause deterioration of business and residential areas of the community. Therefore, the purpose of this section and the subsections thereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products; to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential, and public land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the Township.

#### **2. Definitions**

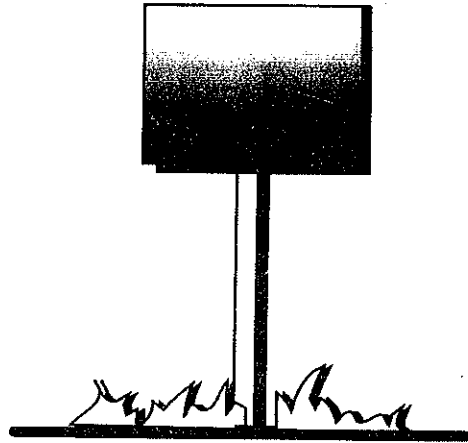
The following definitions shall apply to the specific types signs (see also Sign Types diagram):

- a. **Abandoned:** A sign that has not advertised or identified a business, lessor, owner, or activity conducted upon or product available on or off the premises where such sign is displayed for six (6) consecutive months.
- b. **Accessory:** A sign which is accessory to the principal use of the premises.
- c. **Nonaccessory:** Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign.
- d. **Canopy (Awning) Sign:** A sign that is painted on, attached to, and made an integral component of an awning or canopy that is otherwise permitted by Ordinance. (Ordinance No. 80-3)

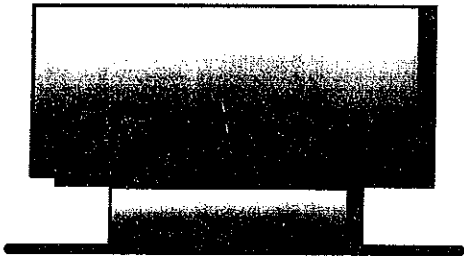
# Sign Types



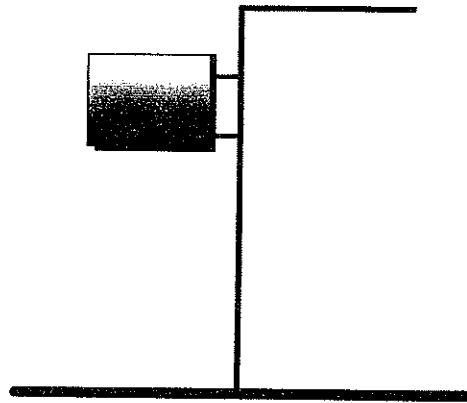
Canopy



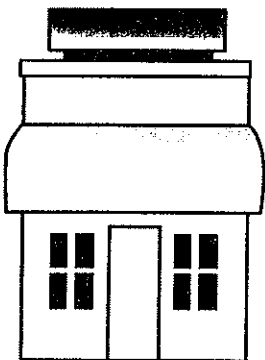
Freestanding



Monument



Projecting

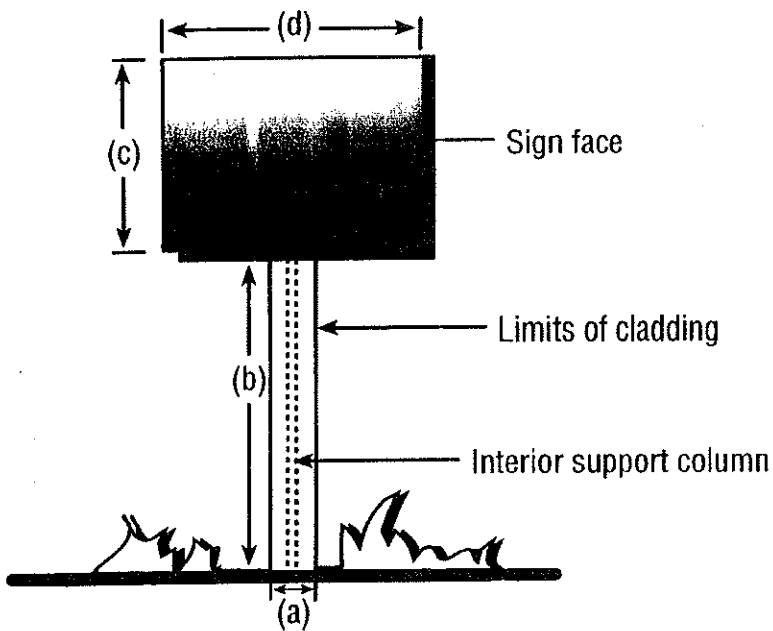


Roof



Wall

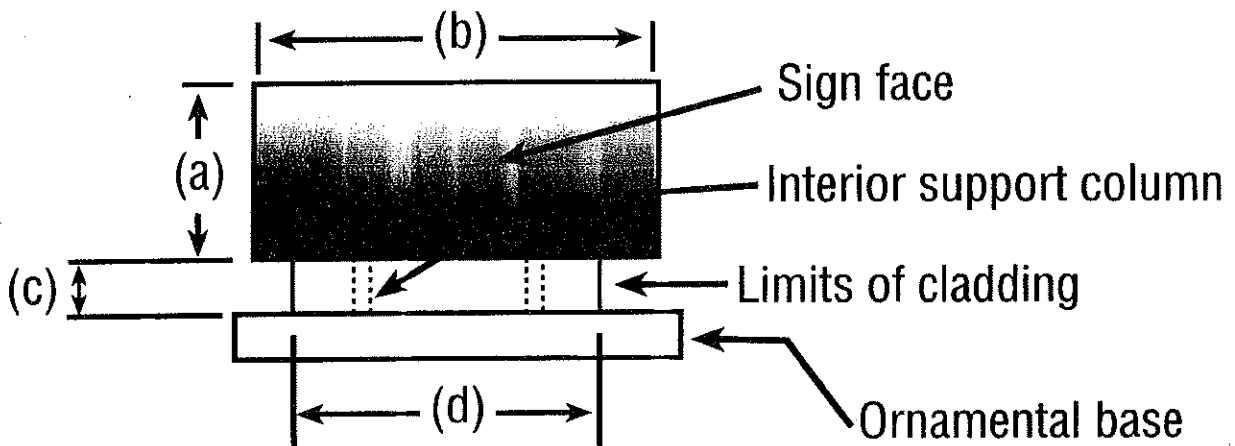
# Sign Types



## Freestanding

$$\text{area} = (a \times b) + (c \times d)$$

Note: All faces shall be included in calculating sign area except where two (2) faces are back-to-back and less than 24 inches apart.



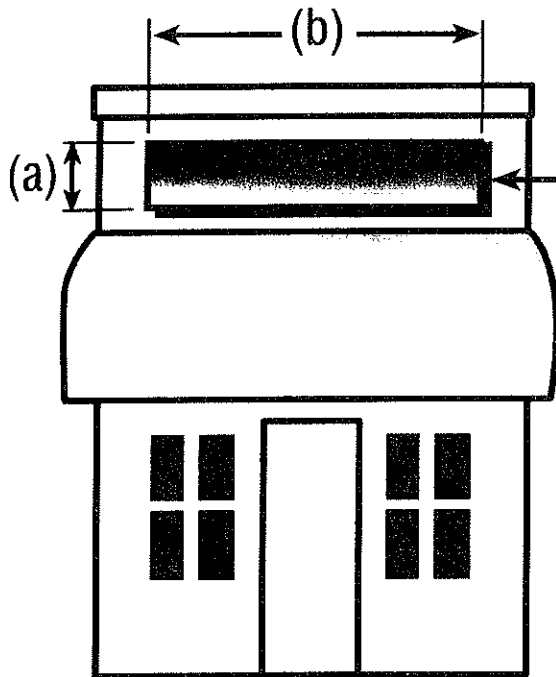
## Monument Sign

$$\text{area} = (a \times b) + (c \times d)$$

Note: All faces shall be included in calculating sign area except where two (2) faces are back-to-back and less than 24 inches apart.



# Sign Types



Limits of fabricated sign or copy area (individual letters, etc.)

## Wall Sign

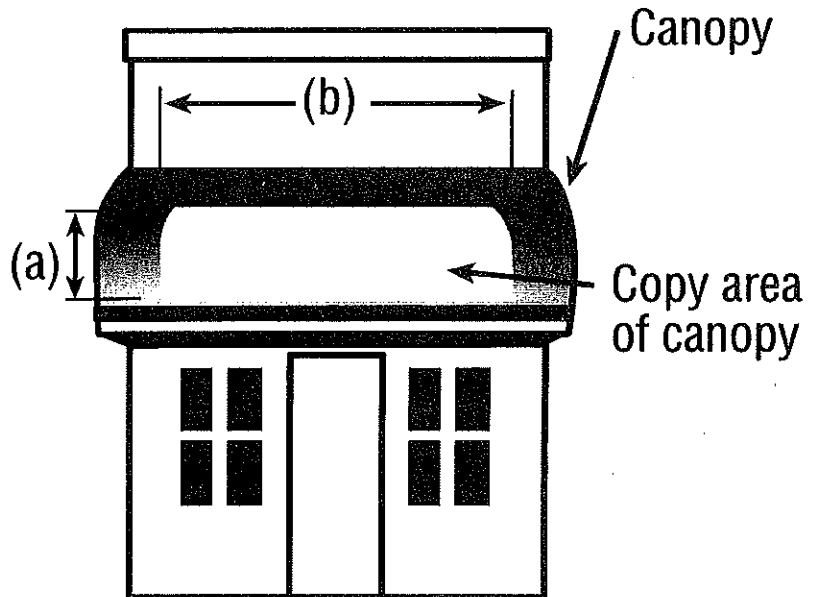
$$\text{area} = a \times b$$

Note: Only one (1) sign allowed on each wall having an individual means of customer access.

## Canopy Sign

$$\text{area} = a \times b$$

Note: Only the copy area of the canopy should be counted on the sign area for calculation purposes.



- e. Construction Sign: Temporary signs identifying active or pending development projects constructed or installed in accordance with Section 1723, 9, d requirements. (Ordinance No. 80-24)
- f. Decorative Display: A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.
- g. Directory Sign: An off-premises ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
- h. Freestanding Sign: A sign attached to a permanent foundation, supported above the ground not less than five (5) feet, as measured from grade to the bottom of the sign by one or more poles, posts, or similar uprights with or without braces, upon which announcements, declarations, displays, etc., may be placed. (Ordinance No. 80-10)
- i. Inflatable Sign: A sign consisting of a balloon or other gas filled figure.
- j. Monument Sign: A sign extending upward from grade which is attached to a permanent foundation for a distance not less than fifty (50) percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure. (Ordinance No. 80-10)
- k. Marquee Sign: A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.
- l. Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used for advertising. (Ordinance No. 80-50)
- m. Projecting Sign: A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
- n. Residential Development Sign: A sign identifying the name of a subdivision, condominium complex, or other residential development. (Ordinance No. 80-29)
- o. Roof Sign: A sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure.
- p. Temporary Construction Sign: A sign identifying the names of the project developers, contractors, engineers, architects, and financial institutions, along with the project name and its features, which is located on a site being developed or improved. (Ordinance No. 80-29)
- q. Temporary Sign: A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.

- r. Wall Sign: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
- s. Window Sign: A sign painted on or affixed to glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein, or the products or services offered on site. (Ordinance No. 80-24)
- t. Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. (Ordinance No. 80-70)
- u. Electronic Changeable Copy Sign: A sign where the information is routinely changed by an electronic or electrical signal. A sign on which the only copy which changes is an indication of the date, time, temperature, or stock market averages shall be considered an informational sign, and not an electronic changeable copy sign, for purposes of regulation under this chapter. (Ordinance No. 80-70)
- v. Public Informational Sign: A changeable copy sign on which the only copy which changes is an indication of the date, time, temperature or stock market averages. (Ordinance No. 80-70)

### 3. General Conditions

Except as otherwise provided, the following conditions shall apply in all districts:

- a. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Official. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the Building Official so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding or monument signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Official.
- b. Illumination of signs shall be in accordance with Section 1717.d.
- c. No sign, except those maintained by the Township, County, State, or Federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
- d. All site plans submitted in accordance with Article XVIII shall identify the location(s), height, type, and size of all existing and proposed signs.
- e. Signs shall contain no wording, symbol, figure, or similar form expressing obscene, immoral, pornographic, or otherwise offensive and objectionable reference.
- f. Any sign, which is placed in a manner to attract the attention of the general public outside of the building, whether the sign is located inside of the building or installed on the exterior of the building is to be considered a wall sign/window sign and shall comply to all applicable Sections of the Zoning Ordinance. (Ordinance No. 80-29)

#### 4. Measurement of Sign Area and Sign Height

##### a. Sign Area

The area of sign shall be computed as including the entire area within a regular geometric form or combination of such forms suitable as the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces including cladding, as well as all openings. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back-to-back, parallel to one another, and less than twenty-four (24) inches apart, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. (Refer also to Section 1723.10, Prohibited Signs.) (Ordinance No. 80-29)

##### b. Sign Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

#### 5. Permitted Signs in the Residential Districts

- a. One (1) sign advertising the sale or lease of the lot or building not exceeding six (6) square feet in area on any one (1) lot. Such sign not to be placed in the public right-of-way, and shall be removed within twenty-four (24) hours of closing.
- b. One (1) unlighted sign announcing a home occupation, or professional service, not-to-exceed two (2) square feet in area. The sign shall be attached flat against the front wall of the building, or placed immediately adjacent to the main driveway serving the site. (Ordinance No. 80-3)
- c. Residential development signs indicating only the name of the development and the management/developer thereof, subject to the following:
  - (1) The residential development signs shall be monument signs.
  - (2) There shall not be more than two (2) residential development signs for each major point of vehicular access to a development.
  - (3) Residential development signs shall not exceed fifty (50) square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of one hundred (100) square feet.

- (4) Residential development signs may be located in any required yard but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access from a zoning lot to a public roadway. The location and arrangement of all residential development signs shall be subject to the review and approval of the Building Official.
  - (5) Residential development signs shall not project higher than five (5) feet. (Ordinance No. 80-24)
  - (6) Residential development signs may be located within a public right-of-way of a local or collector residential street provided it is sited within a landscaped entryway island and located no closer than five (5) feet to the right-of-way of the intersecting street. (Ordinance No. 80-24)
- d. Two (2) signs consisting of a combination of wall, freestanding, and/or monument signs identifying a park, school, commercial farms, church, public building, and any other authorized use subject to the following:
- (1) Each sign shall not exceed twenty-four (24) square feet in area, except that on sites of forty (40) acres or more, signs up to fifty (50) square feet shall be allowed.
  - (2) Freestanding or monument signs shall not exceed five (5) feet in height, and placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth. (Ordinance No. 80-3)
  - (3) Wall signs shall not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the building wall. Wall signs shall be attached to, and be parallel to, the wall of the building.
- e. One (1) unlighted sign announcing a bed and breakfast establishment or similar use not-to-exceed two (2) square feet in area. The sign shall be attached flat against the front wall of the building.
- f. One (1) unlighted nameplate, identifying the name of the occupant, not-to-exceed two (2) square feet in area. The nameplate shall be attached flat against the front wall of the building.
- g. Scoreboard(s) or nonaccessory signs made an integral part of a recreational building or stadium, provided that such signs do not exceed a maximum area of one hundred (100) square feet for each such sign so provided. (Ordinance No. 80-3)
6. Permitted Signs in the Nonresidential Districts
- Signs shall be limited to one (1) flat wall sign or canopy sign, and one (1) monument sign on the premises of a single business establishment or for three (3) or more businesses to be developed in accordance with an overall plan and intended to be built as an interrelated project, subject to the following conditions and/or exceptions. (Ordinance No. 80-50)
- a. Wall Signs
- (1) Flat wall signs may not project above the roof or parapet line and may not project more than one (1) foot beyond the face of the wall of the building. Wall signs shall be attached to, and be parallel to, the wall of the building.

- (2) Except as provided below, wall signs shall be limited in number to one (1) wall sign per business on each wall having an individual means of customer access or which fronts a public road. The maximum size of any such sign shall not exceed ten (10) percent of the front building face area where so provided, however, no such sign shall exceed one hundred (100) square feet. (Ordinance No. 16-84)

Big box retail establishments shall be permitted to have primary identification wall signs in excess of one hundred (100) square feet in area subject to the following limitations.

- (i) Buildings with building face areas of 5,000 square feet to 7,000 square feet shall be allowed a sign area equal to 2.25 percent of the building face to which it is attached.
- (ii) Buildings with building face areas of 7,001 square feet to 10,000 square feet shall be allowed a sign area equal to 2.50 percent of the building face to which it is attached.
- (iii) Buildings with building face areas in excess of 10,000 square feet shall be allowed a sign area equal to 2.75 percent of the building face to which it is attached.

In addition, big box retail establishments shall be permitted one (1) additional directional or product informational wall sign not exceeding twenty-five (25) square feet each for each 1,000 square feet of building face, excluding the portico or similarly defined area intended to delimit the primary entrance. The additional directional or product informational wall signs shall be evenly distributed along the building face as an integral architectural detail.

- (3) In the instance of several tenants utilizing a common public entranceway, such as in the case of a shopping mall or multi-story office building, a common wall sign shall be permitted provided any such sign shall not exceed two (2) square feet in area for each tenant listed, or one hundred (100) square feet in area for all tenants listed, whichever is more restrictive. One (1) such sign per side of building having an individual means of customer access or which fronts a public road shall be permitted. This section shall not be interpreted to apply to businesses initially providing individual customer access points to the exterior subsequently enclosed by means of enclosed sidewalks or similar enclosure designed to provide climatic control. (Ordinance No. 16-84)
- (4) Nonresidential use structures containing a gross floor area of 10,000 square feet or more and having multiple tenants, may have one (1) wall sign identifying only the name and/or business for each tenant, provided no single sign is greater than one hundred (100) square feet and, provided further, that the total sign area on any wall does not exceed ten (10) percent of the building face area to which it is attached. (Ordinance No. 80-10)

b. Canopy Signs

- (1) Canopy signs may be installed in lieu of wall signs provided the canopy structure, to which they are a part, do not extend into a public right-of-way or encroach over abutting property lines.

- (2) The maximum size of any canopy sign shall not exceed ten (10) percent of the building facade where so provided, however, that no such sign shall exceed one hundred (100) square feet.
- (3) Any such canopy structure shall not be less than two (2) feet from any vehicular parking space or maneuvering lane.
- (4) A minimum underclearance of seven (7) feet shall be maintained above the sidewalk by all canopy structures.
- (5) Canopies hereafter erected shall, whenever practicable, match the established underclearance height and projection of canopies which exist on abutting parcels and/or businesses.
- (6) Where a building has a canopy constructed as an integral part of such building, one (1) additional sign may be permitted per customer access under the canopy and perpendicular to the building provided it is not more than two (2) square feet in area and further provided that a minimum underclearance of seven (7) feet shall be maintained above the sidewalk.
- (7) Only the copy area of the canopy should be identified as sign area used for calculation purposes.

c. Monument Signs

- (1) Except as authorized by this subsection, no development may have more than one monument sign; however, a freestanding sign may be approved in its place by the Planning Commission only when consistent with the intended use of the property and upon an affirmative finding of facts that monuments sign(s) will not provide adequate identification of the premises owing to restricted sign visibility caused by area topographic conditions, the desire to preserve plant materials on site, the juxtaposition of existing signs and/or buildings in the vicinity, or roadway geometrics.
- (2) If a development is located on a corner lot that has at least one hundred (100) feet of frontage on each of the two intersecting public streets and/or dedicated easements, then the development may have not more than one monument sign or freestanding sign if approved under Section 6, c, (1) above, along each side of the development bordered by such streets or easements.
- (3) If a development is located on a lot that is bordered by two public streets and/or dedicated easements that do not intersect at the lot's boundaries (double frontage lot), then the development may have not more than one (1) monument sign or freestanding sign if approved under Section 6, c, (1) above, on each side of the development bordered by such streets or easements.

- (4) Monument signs shall not: exceed a height of five (5) feet; exceed a sign area of sixty (60) square feet; and, be closer than five (5) feet to the front lot line. Notwithstanding the above, monument signs providing identification to a development in excess of ten (10) acres and/or a planned shopping center containing a gross floor area of not less than 50,000 square feet may be erected to a height of ten (10) feet and contain a maximum sign area of up to one hundred (100) square feet.
- (5) Freestanding signs, if approved under Section 6, c, (1) shall not exceed a height of twenty (20) feet; not exceed a sign area of fifty (50) square feet, except that a maximum sign area of eighty (80) square feet shall be allowed for properties fronting M-15, between I-69 and the corporate limit of the City of Davison; and, not have more than two (2) sides. Freestanding signs may be ground supported anywhere back of the property line provided, however, that such signs shall not be placed closer than fifty (50) feet to any adjacent residential district, or another freestanding sign, or closer than a distance equal to its height to a public right-of-way, or adjacent nonresidential properties. Notwithstanding the above, freestanding signs which abut a freeway may be erected to a height of forty (40) feet and contain a maximum sign area of up to one hundred (100) square feet, provided it is located along the front lot line bordering the freeway.
- (6) Notwithstanding the above limitations, the Planning Commission may permit additional monument signs or freestanding signs when approved under Section 6, c, (1) above, and may also modify area, placement and height restrictions provided all the following conditions are met:
  - (i) The sign(s) shall be related and deemed reasonably necessary for the convenient, satisfactory, and efficient operation of the development.
  - (ii) The sign(s) shall be of such size, character and location as to not adversely affect vehicular traffic or pedestrian traffic or contribute to visual blight.
  - (iii) The sign(s) shall be of such design character as to uphold and enhance the character of the district in which it is located and its peculiar suitability for particular uses which it promotes. (Ordinance No. 80-50)
  - (iv) The sign(s) shall be reasonably proportional in terms of area and height to the property they are intended to serve.
  - (v) Approval of additional signs shall be based upon the submittal of a comprehensive site signage plan (wayfinding study) for the property or composite of three (3) or more businesses to be developed in accordance with an overall plan and intended to be built as an interrelated project. Such signage plan shall identify the proposed height, area and location for each sign, and be submitted to the Planning Commission for its review and approval. Approval by the Planning Commission shall be predicated upon a finding that the height, area and location of additional monument or freestanding signs shall be the minimal number and size necessary to achieve their design objectives.



- d. Except as may otherwise be provided below, an electronic changeable copy sign shall only be permitted as part of an approved monument sign, subject to the following conditions:
- (1) An electronic changeable copy sign which advertises only commodity pricing (i.e. fuel prices) shall be permitted as part of either an approved monument sign or a pre-existing freestanding sign. Such changeable copy area shall not exceed 50 percent of the total permitted sign area to which it is a part.
  - (2) Sign displays shall contain static messages only, changed through dissolve or fade transitions, or the use of other suitable transitions and frame effects that do not otherwise have the appearance of moving text and images caused by flashing, scrolling, or varying light intensity levels. Full animation or video broadcasting is expressly prohibited.
  - (3) Each message on the sign must be displayed for a minimum of eight seconds.
  - (4) Any sign shall be equipped with, and shall use, photosensitive or similar mechanisms to automatically adjust brightness and contrast based upon ambient light conditions.
  - (5) Illumination levels shall not exceed 7,000 nits when measured from the sign's face at its maximum brightness, from dawn to dusk. The illumination levels shall not exceed 2,450 nits when measured from the sign's face at its' maximum brightness, from dusk to dawn, In no instance shall lighting levels achieved from all on-sight sources of illumination exceed the standards of Section 1717.
  - (6) Any sign permit application shall include a certification from the owner, operator, and/or manufacturer of the sign stating that the sign shall at all times be operated in accordance with the requirements of Section 1723,6.d. The owner, operator, and/or manufacturer shall annually provide proof of such conformance to the township.
  - (7) Any electronic changeable copy sign found to be in violation of Section 1723,6.d shall be turned off until such time as the Building Official determines the sign is in full compliance with the requirements herein. All electronic changeable copy signs shall be designed to achieve a default status during periods of sign malfunction that will freeze the sign messages as one static display with a maximum illumination level of 500 nits.
  - (8) No electronic changeable copy sign shall be located closer than 200 feet to any residentially zoned property.
  - (9) No electronic changeable copy sign shall be located in demanding driver environments. For purposes of this section, a demanding driver environment shall be defined as meaning a public right-of way available for travel by motorized vehicles operating a Level of Service (LOS) D or worse or which, in the opinion of the Planning Commission, exhibits complex driving conditions such as, but not limited to; visual obstructions or distractions; a high proportion of commercial or non-motorized traffic; the presence of on-street parking; inadequate street off-sets; or, a high concentration of curb-cuts or driveways.

(Ordinance No. 80-70)

- e. Notwithstanding the above limitations, additional window signs shall be permitted provided they do not exceed 10 percent of the building face area to which they are a part and do not exceed 50 percent of the window surface area to which they are attached. In addition, windows providing interior views to passersby shall maintain such views equal to not less than 50 percent of horizontal straight line measurements of the total window width. (Ordinance No. 80-24)

7. Other Permitted Signs

- a. Highway signs erected by the U.S. Government, State of Michigan, Genesee County, or Davison Township.
- b. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- c. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision. Advertising copy or logos may be permitted, provided they are subordinate to the directional characteristics of the sign.
- d. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historical Landmarks.
- e. Placards posted to control or prohibit hunting and/or trespassing within the Township.
- f. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- g. Memorial signs or tablets which are either: (1) cut into the face of masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
- h. Menu boards and drive-through signs used in connection with fast-food restaurants.
- i. A public informational sign as part of an approved freestanding sign or monument sign. (Ordinance No. 80-70)

8. Temporary Signs

- a. Nonilluminated temporary signs promoting political parties, candidates, or proposals so long as such signs are not installed more than thirty (30) days before the election/voting event and are removed within three (3) days after the completion of such activities. Such signs in all zoning districts shall not exceed thirty-two (32) square feet.
- b. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Building Official. In considering such authorization, the Township shall consider the following standards:
  - (1) The size, character, and nature of the display or sign shall consider the proposed site of display for proper scale and relationship with the site and adjoining properties.

- (2) The duration of the time period during which the display or sign will be utilized shall coincide with the purposes for which it was approved.
  - (3) The arrangements made for the removal of the sign or display after the termination of the event.
  - (4) The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
  - (5) Whether or not the sign or display will constitute a traffic hazard.
- c. Temporary signs for up to four (4) special events per year such as grand openings, fairs and festivals, and announcements of new products, service, or management, subject to the following:
- (1) Nonilluminated portable signs shall be permitted subject to the following:
    - (i) They do not exceed forty (40) square feet in area on any side.
    - (ii) They are not located closer than ten (10) feet to a public right-of-way.
    - (iii) No portable sign shall exceed ten (10) feet in height.
    - (iv) No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
    - (v) Portable signs shall be limited to fourteen (14) days per event period. (Ordinance No. 80-3)
    - (vi) Only one (1) portable sign per lot shall be permitted. (Ordinance No. 80-3)
  - (2) Search lights, twirling signs, sandwich board signs, sidewalk or curb signs, or inflatable signs are permitted, provided they are located only in an office, business or industrial district, or residential areas containing more than twenty (20) acres.
  - (3) Banners, pennants, spinners, or streamers are permitted provided they are located only in an office, business, or industrial district.
- d. Temporary construction signs identifying construction projects to occur or occurring, subject to the following:
- (1) There shall not be more than one (1) temporary on-site construction sign for each project or development, except that where a project or development abuts two (2) or more streets, additional such signs, one (1) oriented to each abutting street, shall be permitted.

- (2) Not more than two (2) temporary off-site construction signs for each project or development shall be permitted on commercial or industrial zoned property. (Ordinance No. 80-50)
- (3) On-site temporary construction signs shall not exceed sixty-four (64) square feet. Off-site temporary construction signs shall not exceed twenty-four (24) square feet.
- (4) Temporary construction signs may be located in any required yard but shall not extend over any lot line or within fifteen (15) feet of any point of vehicular access or public roadway.
- (5) Temporary construction signs shall not project higher than fifteen (15) feet.
- (7) Temporary on-site construction signs shall be permitted only as accessory to an approved project or development. Temporary on-site construction signs may be erected and maintained for not more than a twelve (12) month period and shall be removed within fourteen (14) days of the termination of construction of the project or development, except that the Planning/Zoning Administrator may at its discretion, upon application by the owner and for cause shown, provide extensions, each no longer than twelve (12) months in duration. (Ordinance No. 80-36)
- (8) The site where off-site construction signs are installed shall not contain such signs in excess of one (1) off-site construction sign per acre of land. In addition, such signs shall be located no less than one hundred (100) feet apart from each other or from any other sign on the same premises or adjoining property. (Ordinance No. 80-24)

#### 9. Prohibited Signs

- a. Marquee and roof signs, unless otherwise permitted by this Ordinance (refer to Section 1723,6,b,6). (Ordinance No. 80-3)
- b. Permanent exterior banners, pennants, spinners, and streamers.
- c. Exterior string lights used in the connection with commercial premise, other than holiday decorations.
- d. Any sign which is structurally or electrically unsafe.
- e. Signs painted directly on structures, or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter.
- f. No person shall park any vehicle or trailer on public property, or on private property so as to be visible from a public right-of-way, which vehicle has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisements of products located on the same or nearby property or directing people to a business or activity located on the same or nearby property. This subsection is not intended to apply

to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a business or commercial vehicle used in the normal day-to-day operations of the business. (Ordinance No. 80-50)

- g. Abandoned signs. (Ordinance No. 80-50)

#### 10. Nonconforming Signs

Nonconforming signs shall not:

- a. Be re-established after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign. This shall not preclude the general maintenance and repair of nonconforming signs to keep them in a safe condition and in good repair.
- c. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Official. If a nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that site for a period of fourteen (14) days, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign. In case of a violation of this section, the sign owner, owner of the property, or other party having control over such sign may be prosecuted.
- d. Be allowed to remain as part of development site where a change of use will occur or where the estimated expense of site renovation, redevelopment, or remodeling exceeds fifty (50) percent of the existing state equalized value (SEV) for the development site as determined by the Building Official. In such instances, the nonconforming sign shall, within thirty (30) days after receiving such determination of value by the Building Official, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign. Replacement signs shall be in accordance with Section 1723, 6. (Ordinance No. 80-50)

#### 11. Nonaccessory Signs

- a. Nonaccessory signs, except as otherwise permitted by Section 1723, 5, g and Section 1723, 9, d, are only permitted in the commercial and industrial districts. (Ordinance No. 80-24)
- b. Nonaccessory signs in the Commercial Districts shall consist solely of directory signs. For purposes of this Section, a directory sign shall be defined as an off-premises ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location. Nonaccessory signs in the Commercial Districts shall be regulated as follows:

- (1) Directory signs shall not exceed a height of five (5) feet and a width of four (4) feet.
  - (2) The directory sign shall consist of individual sign panels, each of which is no greater than eight (8) inches in height and forty (40) inches in width.
  - (3) The design of directory signs shall be in accordance with Township specifications for such signs, as may be adopted by resolution of the Township Board.
  - (4) Directory signs shall not count toward the total number of signs permitted per business or maximum sign surface area permitted per business as specified in Section 1723,6. (Ordinance No. 80-3)
- c. Nonaccessory signs in the Industrial Districts shall be regulated as follows:
- (1) They shall be located a minimum of one thousand (1,000) feet from adjacent residentially zoned property;
  - (2) They shall be located a minimum of one thousand (1,000) feet from other freestanding signs or billboards on the same side of the right-of-way;
  - (3) They shall have the same setbacks as other principal structures in the zone in which they are situated, except that they shall be located no closer than two hundred (200) feet from any abutting public right-of-way;
  - (4) They shall not exceed three hundred (300) square feet in area;
  - (5) They shall not exceed forty (40) feet in height; and
  - (6) They shall be freestanding ground signs. No sign shall project over the roof of any building, nor have any (1) sign above another. (Ordinance No. 80-3)

## 12. Sign Permits

- a. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Department.
- b. Application for initial sign permits shall be made upon forms provided by the Building Department and shall contain or have attached thereto the following information:
  - (1) Name, address, and telephone number of the applicant.
  - (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.

- (4) Blueprints or ink drawings, in a number specified by the Building Department, of the plans and specifications and method of construction and attachment to the building or in the ground.
  - (5) Name of person, firm, corporation or association erecting the structure.
  - (6) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
  - (7) Any electrical permit required and issued for said sign. Application requesting the electrical permit for the proposed sign must accompany the sign application.
  - (8) Such information as the Building Department shall require to show full compliance with the Township Ordinance.
- c. Every applicant, before being granted a permit hereunder, shall pay to the Building Department a permit fee for each sign or other advertising structure regulated by this chapter as may be established, by resolution, by the Township Board of Trustees.
  - d. It shall be the duty of the Building Department, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other laws and ordinances of the Township, it shall then issue the erection permit. If the construction authorized under an erection permit has not been initiated within ninety (90) days after date of issuance, the permit shall become null and void.
13. Residential Address Signs (Ordinance No. 80-10)
- a. Prior to the occupancy of any residential dwelling unit, there shall be posted a residential address sign.
  - b. The residential address sign shall consist of numbers which are clearly visible from the adjoining street or road. In no instance shall the numbers be less than five (5) inches in height.
  - c. The color of the numbers shall sufficiently contrast with the color of the building or plate to which they are attached to make them readily distinguishable by passersby.
  - d. Only block numbers shall be used.
14. Maintenance of Signs
- a. All signs and sign 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.

- b. If the Building Department shall find that any sign is unsafe or insecure, or is a menace to the public, written notice shall be given 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 condition which caused the Building Department to give such notice shall be effected within ten (10) days after receipt of the notice. If such condition is not corrected after the conclusion of such ten (10) day period, the Building Department 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/she determines that such sign is an immediate peril to persons or property.
- c. 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, without fourteen (14) days of the removal of the message portion of the sign, either the entire message portion of the sign, install a blank insert, or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Section 1723, 11 which prohibits the replacement of a nonconforming sign, nor shall this subsection be construed to prevent the changing of the message of a sign.

**Section 1724. Access Management Standards.** (Ordinance No. 80-29)

Vehicular access and ingress from all zoning lots, except residential developments involving five (5) or less dwelling units, shall adhere to the following standards and requirements.

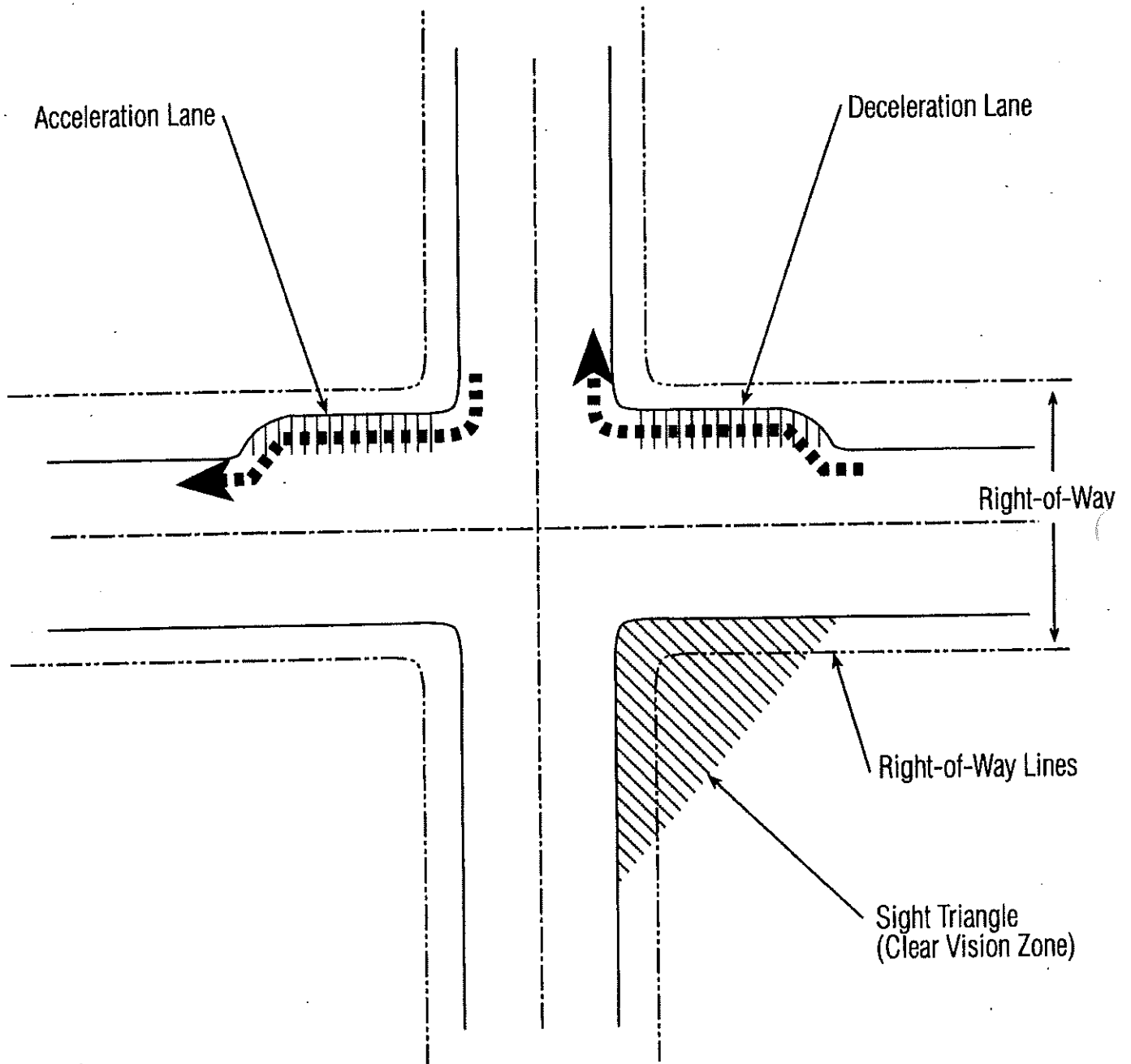
1. General Performance Standards

It shall be unlawful to construct or use any direct access driveway which does not meet the following criteria:

- a. Any driveway design must allow an entering vehicle turning speed of 15 mph to help reduce interference with through street traffic.
- b. 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.
- c. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to enter or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.
- d. Provisions for circulation between adjacent parcels should be provided through coordinated or joint parking systems, or other methods as specified in the Master Plan.
- e. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.



# Acceleration/ Deceleration Lanes



- f. Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- g. Direct-access driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

<u>Roadway Design Speed</u>	<u>Sight Distance (Feet)</u>
35 mph	225
40 mph	275
45 mph	325
50 mph and above	350

- h. 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 will be able to use only the first through traffic lane available without encroaching into the adjacent through lane.

2. Standards for Acceleration, Deceleration, and Passing Lanes

Acceleration, deceleration, and passing lanes shall be provided as follows:

- a. Driveways and/or streets providing ingress and egress to all two-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes. The requirement for the installation of a passing lane may be waived by the Planning Commission provided such waiver is obtained by the applicant from the Genesee County Road Commission or Michigan Department of Transportation by the time the application for site plan approval has been submitted.
- b. Driveways and/or streets providing ingress and egress to all three-lane, paved major or secondary thoroughfares shall be provided with paved acceleration and deceleration lanes.
- c. Driveways and/or streets providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers or turning lanes for traffic safety as required by the Genesee County Road Commission or the Michigan Department of Transportation.
- d. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the governing public agency.

3. Driveway Spacing

Unsignalized access spacing shall be determined as a function of the arterial roadway operating speeds. Spacing for adjacent access shall be determined according to the following schedule:

<u>Roadway Speed Limit</u>	<u>Minimum Spacing (Feet)</u>
30 mph	185
35 mph	245
40 mph	300
45 mph	350
50 mph and above	455

In the event that a particular parcel or parcels lacks sufficient arterial frontage to maintain adequate spacing, the Planning Commission may impose the next appropriate and available remedy from the following hierarchy of options:

- a. Require a shared driveway with the adjacent owner(s). In such case, the driveway midpoint may be located at the property line between two (2) parcels. However, all parties must agree to the joint driveway in writing in the form of an easement recorded for such purposes.
  - b. Require the construction of a marginal access drive. For a narrow frontage, which will require a single outlet, the Planning Commission may instead accept money placed in escrow in the Township so as to provide for a marginal access drive equal in amount to the then current cost of installing such a drive along the length of the frontage of the property involved.
  - c. Provide an access point to the side street when it is possible.
  - d. Choose the next lowest spacing from the table above. For example, on a 45 mph roadway requiring 350 feet spacing, the distance may be reduced to no less than 300 feet which is the spacing for 40 mph.
4. Bonus for Shared Access Points

When two (2) adjacent property owners agree to combine access points via a shared driveway or constructed marginal access drive, the Township may grant an incentive bonus. The total lot size and lot width will be reduced by ten (10) percent for both parties. In addition, the required number of parking spaces will be reduced by ten (10) percent for each development.

5. Offset Distance Spacing

Driveways on opposite sides of an undivided roadway shall generally be aligned to be directly opposite each other. Where such alignment is not possible, such offset distances between access points on opposite sides of an undivided highway shall be in accordance with the following table:

<u>Roadway Speed Limit</u>	<u>Minimum Spacing (Feet)</u>
30 mph	325
35 mph	425
40 mph	525
45 mph	630
50 mph and above	750

6. Number of Driveways Per Parcel
  - a. A maximum of one (1) driveway opening shall be permitted to a particular site from each of any one (1) or two (2) abutting streets.
  - b. When in the opinion of the Planning Commission, and in the view of the permittee, it is in the interests of good traffic operation, the Planning Commission may permit one (1) additional driveway entrance along a continuous site with frontage in excess of 300 feet, or two (2) additional driveway entrances along a continuous site with frontage in excess of 600 feet.
  - c. Where a dual-service driveway is used it will be considered, for purposes of this section, to be only one (1) direct-access driveway.
  - d. In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one (1) pair of one-way drives may be used per street frontage.

**Section 1725. Soil Removal; Excavation; Filling.**

1. Prohibition, Permits Required:
  - a. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct any soil removal or excavation within the unincorporated areas of the Township without first procuring a Special Condition Use Permit, from the Township Board as specified below. This provision shall not apply to excavations for building construction purposes, pursuant to a Building Permit issued under the Township Building Code, or for ponds regulated by Section 1726.
  - b. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except that, pursuant to the terms and conditions of a Special Condition Use Permit that may be granted in a proper case by the Township Board and Planning Commission in areas designated as RA, Residential Agricultural. Composting activities shall be regulated in accordance with Township Ordinance No. 78.
2. Application for Special Condition Use Permit
  - a. Application for a Special Condition Use Permit hereunder shall be made in accordance with Article XIX, Review and Approval of Special Condition Uses. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of 1" to 100' with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that

the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding and excavation and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk.

- b. The original of each application shall be signed by the applicant and sworn to before a notary public. Two conformed copies shall be filed with said original.

3. Reference of Application to Building Official, Investigation and Report, Standards:

One copy of the application shall be referred to the Building Official, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and within a reasonable time make recommendations to the Planning Commission as to whether the Special Condition Use Permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Section 1903, shall serve as the standards to be used by the Building Official in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the Special Condition Use Application:

- a. The qualifications of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare.

No Special Condition Use Permit shall be granted to an applicant deemed unfit by the Township Board on the basis of the clear and substantial weight of the facts presented.

- b. The full and complete affect on the public health, safety, and general welfare of granting the Special Condition Use Permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- c. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefor. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
- d. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare of the residents of the Township shall be considered. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Building Official, or his duly authorized agent, shall include on his report to the Planning Commission and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the

permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special condition approval to the Township Board.

In recommending approval of a special condition use permit to the Township Board, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval or approval with conditions, a request for special condition use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

Upon holding a public hearing and completing the review of the special condition use request, the Planning Commission shall within thirty (30) days forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special condition use approval. 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 Township Board and the landowner, and the Township Board 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 special condition use permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he has received a copy of the special condition use permit approved by the Township Board.

4. Rules and Conditions:

Each party granted a special condition use permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the special condition use permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

- a. No top soil, earth or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.
- b. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item (d), below.
- c. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item (d) immediately below). Slopes at a ratio of four (4) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface, to a depth of six (6) feet.

- d. Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence and complete with all due dispatch the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
- e. In the case of a permit for filling:
  - 1) Evidence of compliance with PA 641 of 1978, as may be amended (the Solid Waste Management Act) must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
  - 2) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the Special Condition Use Permit holder to keep the area in a reasonably clean and neat condition;

- 3) All rubbish and garbage fill when deposited must be thoroughly compacted;
  - 4) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the special condition use permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick and of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.
  - 5) Conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed and covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the conveyer of such rubbish or garbage and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.
- f. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any special condition use permit, for the purposes of making inspections, and for causing compliance with the terms of this Ordinance in the event the permit holder shall fail to do so. It shall be the duty of the Building Official or his duly authorized agents to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.
5. Permits; Suspensions; Revocation:

In the event a special condition use permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Building Official shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the special condition use permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a special condition use permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.



6. Dangerous Excavations or Holes Prohibited:

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This section shall not apply to excavations operated under a special condition use permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Building Official, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Genesee County, Davison Township, or other governmental agencies.

7. Restoration

All areas within any landfill or excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a special condition use permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Township Building Official shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Board shall set a new date which shall be final.

**Section 1726. Ponds.**

1. Intent

The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the Township.

2. General provisions

- a. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a construction permit from the building official.
- b. A pond shall not be constructed on a lot or parcel of land which is less than 1.5 acres in size.
- c. Water shall be maintained in all pond excavations.

- d. All soil and similar materials excavated during the construction of the pond shall remain on the property.
3. Application and review procedures
    - a. Application shall be made to the Township Building Official. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, and a site plan submitted in accordance with Article XVIII, site plan review procedures.
    - b. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and Michigan Department of Natural Resources have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
    - c. The applicant shall also, at the discretion of the Building Official at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed.
    - d. The Building Official may, at his discretion, administratively review and approve applications for a pond construction permit, in lieu of a more formal review and consideration by the Township Planning Commission, provided all of the following conditions exist:
      - 1) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less;
      - 2) The subject site and/or adjoining properties do not contain natural assets including trees, woodlots, endangered species habitats, wetlands, 100-year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond. (Ordinance No. 80-3)
      - 3) The outside edge of the pond is not within fifty (50) feet of an existing County Drain;
      - 4) The proposed pond is not located within two hundred (200) feet of a public right-of-way, private easement, or school site; and
      - 5) The proposed pond is not within fifty (50) feet of an existing wetland.
  4. Design requirements

Private ponds shall be permitted as an accessory use provided they meet the following requirements:

    - a. The minimum setback distance for the pond shall be a minimum of twenty-five (25) feet from any property line. A pond may cross a property line only upon submittal of an easement reviewed and accepted by the Planning Commission allowing such occupation.

- b. There shall be a distance of not less than twenty-five (25) feet between the outside edge of the pond and any building.
  - c. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
  - d. Slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
  - e. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
  - f. The Township Building Official or Planning Commission may, at its discretion, require the installation of a barrier such as, but not limited to, a guardrail, or a fence no less than four (4) feet in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and Township residents owing to the size, depth, or location of the pond in relation to abutting uses, or public rights-of-way. (Ordinance No. 80-24)
5. Limitations
- a. Except as provided by Section 1726, 4, a, no pond shall be located upon, cross, or extend beyond an existing property line. (Ordinance No. 80-29)
  - b. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extensions may be granted by the Planning Commission for cause shown.
  - c. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the township or by other public agencies having jurisdiction.
6. Fees Required
- a. Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board.
  - b. Bonding or insurance shall be required in accordance with Section 1806.

**Section 1727. Keeping of Pets.** (Ordinance No. 80-75)

1. Except as provided in Sections 401, 501, 602, and 702 for kennels, not more than three (3) dogs or three (3) cats or three (3) such animals in any combination per household may be kept as pets. (Ordinance No. 80-75)
2. Any litter of dogs or cats which causes the number of cats and/or dogs kept on the property to reach or exceed four (4) shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to remain on said premises within any consecutive 12-month period. (Ordinance No. 80-10)

**Section 1728. Screening of Trash Storage Areas.**

Any new or altered use which requires site plan review under Article XVIII and has 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. In no instance shall a grease container be kept or maintained on a site except within a screened trash storage area as provided herein. (Ordinance No. 16-84)
4. A wall, sufficient in height to screen any trash container and its contents, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Building Official to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements. (Ordinance No. 16-84)
5. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

**Section 1729. Home Occupations.**

1. No article or service shall be sold or offered for sale on the premises, except as such is produced on the premises by such occupation.
2. 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. Not more than twenty-five (25) percent of the area of the dwelling unit, (exclusive of areas of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches) shall be used for purposes of the home occupation, whether conducted within the dwelling unit and/or an accessory structure.
3. 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 signs pursuant to Section 1723.
4. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
5. No more than one (1) home occupation per dwelling unit shall be permitted.
6. No traffic shall be generated by such home occupation in greater volumes or type than would normally be expected in a residential neighborhood.
7. 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 receivers off the premises, or causes fluctuations in the line voltage off the premises.
8. A permit must be obtained from the Building Official prior to the establishment of any home occupation. Fees for such permits shall be established by resolution of the Township Board.

**Section 1730. Swimming Pools.**

1. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection, and construction. Before a permit is issued an application shall be approved by the enforcing official (Building Official or authorized representative). An application is not required for a wading pool. An application for a permit shall provide the following information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.
2. Rear and side lot line setbacks shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, and not less than ten (10) feet between the pool wall and any building on the lot. (Refer also to standards for accessory buildings in Section 1705.) (Ordinance No. 80-24)
3. Overhead electrical or telephone wires shall be not less than ten (10) feet horizontally from the waters edge. Under no circumstances shall wire of any kind cross over the water surface.

4. A swimming pool shall not be nearer than twenty-five (25) feet horizontally to any semi-public water well, unless a shorter distance is approved by the county health department.
5. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sewer. There shall be maintained no less than ten (10) feet horizontally to a septic tank and tile field or other treatment facility.
6. A distance of three (3) feet shall be provided from any portion of the pool to any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.
7. Security in the form of fences, gates and/or other enclosures shall be provided for all swimming pools in accordance with applicable Building Code requirements.
8. A private swimming pool shall be located only in the rear yard.
9. The provisions contained herein are not intended to cover farm ponds or water storage areas constructed for consumption purposes.

**Section 1731. Solar Collectors.**

In any zoning district, solar collector panels, each not exceeding 4' x 8' in size, may be permitted, subject to the following criteria:

1. All installations shall be located only in the rear yard, and must comply with all accessory use, height, bulk, and setback requirements of the district; except that flush-mounted wall solar collectors are permitted.
2. All installation shall be located to prevent the obstruction of sunlight on adjoining property.
3. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.
4. Signs, lettering, numbers, logos, symbols, or other illustrative markings attached to or painted on a solar collector are prohibited.
5. Ground installation shall provide landscaping and fencing insofar as possible to screen the installation from adjacent properties.
6. All solar collectors placed on the roof, shall be totally enclosed to prevent wind damage to the solar collector by wind and to reduce heat loss.

7. No solar energy system shall be made operational until the Township Building Official shall certify, in writing, that both construction plans and final construction of said solar collector meet the requirements of this Ordinance and the Building Code and afford safety to the public at time of high winds. Solar collectors shall be designed and constructed to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For solar collectors mounted on roofs, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof. Solar collector manufacturers' standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings. Where deemed necessary by the Township Building Official, a permit for installation shall be submitted with a certification by a Registered Professional Engineer that the installation complies with these standards. (Ordinance No. 16-84)

**Section 1732. Dish Type Satellite Signal Receiving Stations.**

Dish type satellite signal receiving stations, greater than twenty-four (24) inches across, hereafter referred to as stations, may be located in the township subject to the following provisions:

1. Stations shall not be linked to receivers which are not located on the same lot as the station.
2. Stations shall be located in the "yard, rear" as defined in the Davison Township Zoning Code, and behind the principal dwelling or structure located on the parcel or lot; shall be located so that however turned or otherwise used all parts of the station will be set back at least five (5) feet from the side yard lines; and shall be set back from the rear lot line no less than twenty (20) feet.
3. The height of the station, should the dish antenna be turned perpendicular to the ground, shall not extend above fifteen (15) feet; and the maximum diameter of any dish antenna shall not exceed twelve (12) feet.
4. No installation or erection of a station shall commence before a permit is obtained from the Building Official. Fees for such permits shall be established by resolution of the Township Board.

**Section 1733. Compliance With Area Development Plans.**

Where the Township 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 Township plan.

**Section 1734. Residential Occupancy By Unrelated Individuals.**

The collective number of unrelated individuals domiciled together in one-family dwelling unit in the RA, RSE, and RU-1 Districts, whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit shall not exceed five (5) persons. This requirement is intended to avoid the occupation of one-family dwelling units in single-family neighborhoods by any society, coterie, club, fraternity, sorority, association, or other assembly of persons that may appreciably effect the low density and residential character of such zoning districts.

**Section 1735. Sidewalk and Street Lighting Requirements**

1. Sidewalks and street lights shall be required for all developments which have internal access roads and/or drives and shall be installed in accordance with the following requirements:
  - a. Sidewalks shall run parallel to and be installed on both sides of all internal access roads and/or drives.
  - b. Sidewalks shall be a minimum of five (5) feet in width; however, sidewalks which are adjacent to parking areas shall be seven (7) feet wide or greater and located immediately to the parking area.
  - c. Sidewalks shall consist of four (4) inches of nonreinforced concrete, except that sidewalks which traverse driveways or similar travel lanes shall consist of six (6) inches of nonreinforced concrete.
  - d. Street lights shall be installed on both sides of all internal access roads and/or drives in sufficient number and brightness to meet lighting levels specified in Section 1717.
2. A concrete sidewalk five (5) feet in width and built in accordance with Section 1735, 1, c requirements shall be provided within the public right-of-way for the full length of the property frontage. Unless a sidewalk built in accordance with this Section already exists, the installation of such sidewalk shall occur at the time of construction of the principal building. The installation of such sidewalk shall also occur at the time that the property frontage of an established use is expanded as a result of an approved lot combination or reconfiguration. The Planning Commission may waive this requirement in instances where such sidewalk installation cannot be physically accommodated due to the juxtaposition of adjacent storm water drainage ditches, or to preserve natural resources (see Section 1722). (Ordinance No. 80-50) (Ordinance No. 16-84)
3. Non-motorized connections shall be provided between older, pre-existing neighborhoods and new developments. These long-term connections shall be provided wherever possible and feasible in accordance with the recommendations contained within the Davison Township Connectivity Study. (See also Section 1733.) Any applicant so affected may make application to the Township Clerk for the option of paying a dollar amount established by resolution of the Township Board in lieu of providing such long-term connections as set forth above. These monies shall be escrowed into a special non-motorized connections construction account established by the Township Board specifically for the purposes of constructing long-term connections between developments. The timing of such construction and their location shall be at the sole discretion of the Township Board.



**Section 1736. Decks**

A deck which is associated with a residential structure shall maintain a distance of at least twenty-five (25) feet from the rear lot line and shall not occupy any yard except the rear yard and the nonrequired side yard, and shall be subject to the following restrictions:

1. The deck shall not be above the elevation of the first floor of the residence.
2. Not more than twenty-five (25) percent of any deck shall be covered with structures such as a gazebo or a screened porch, and such structures shall not be used as living quarters.
3. A deck shall be subject to lot coverage limitations, as specified in Article XVI, Schedule of Regulations.
4. Decks shall be constructed in accordance with requirements of the Davison Township Building Code. (Ordinance No. 80-24)

**Section 1737. Hot Tubs**

All hot tubs erected in Davison Township shall comply with the following provisions:

1. A building permit shall be obtained for the alteration, erection, and construction of permanent hot tubs. The application for such permit shall include the name of the owner and a site plan showing the dimensions and location of the hot tub and nearby buildings, fences, gates, septic tanks, tile fields, public utilities, and easements.
2. No portion of the hot tub or associated structures shall encroach upon any easement or right-of-way which has been granted for public use.
3. A hot tub and associated structures shall not be built within the front yard. No hot tub or associated structures shall be located closer than ten (10) feet to the rear lot line nor closer than ten (10) feet to the side lot line, unless fully enclosed in a lockable structure.
4. A hot tub and associated structures shall not be located closer than four (4) feet to any building on the lot. However, a hot tub and associated structures may be adjoined to the main building.
5. Hot tub designs may include a solid enclosure around the base of the hot tub, but such enclosure may not extend above the top of the hot tub. Any permanent hot tub not enclosed by a fence or lockable structure shall include a locking lid. (Ordinance No. 80-24)

**Section 1738. Natural Feature Setback Regulations.**

1. Intent and purpose. It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment, and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment, and/or destruction of natural features contrary to the public health, safety, and general welfare. This regulation is based on the police power, for the protection of the public health, safety, and welfare, including the authority granted in the Zoning Enabling Act.

It is the purpose of this section to establish and preserve minimum setback from natural features, in order to recognize and make provision for the special relationship, interrelationship, and interdependency between the natural feature and the setback area in terms of: spatial relationship; interdependency in terms of physical location, plant species, animal species, and encouragement of diversity and richness of plant and animal species; over land and subsurface hydrology; water table; water quality; and erosion of sediment deposition.

If a greater setback or prohibition is required by other ordinance, or other provision of this ordinance, such greater setback or prohibition shall apply.

2. Regulation. A natural feature setback shall be maintained in relation to all areas defined in this Ordinance as being a "natural feature," unless, and to the extent, it is determined to be in the public interest not to maintain such setback.
3. Definition of "natural feature." A natural feature shall mean a wetland, as defined in Section 1722, and shall mean watercourse, including a lake, pond, river, stream, or creek.
4. Authorization and prohibition.
  - a. The natural feature setback shall be an area or feature with boundaries and limitations determined in accordance with the standards and provisions in this section in relation to respective types of natural features.
  - b. In conjunction with the review of plans submitted for authorization to develop property or otherwise undertake an operation in or on, or adjacent to, a natural feature, applicable natural feature setbacks shall be determined, and authorizations and prohibitions established, by the Planning Commission. In the event an activity is proposed within a setback area as designated below, but such activity is not proposed in conjunction with an activity within the natural feature itself, review under this section shall be conducted by the Davison Township body or official reviewing the proposed activity, or, if no other review is required, review shall be undertaken by the Building Official. The body or official undertaking the review shall, if determined necessary or appropriate by such body or official, utilize the services of a wetland consultant, and, in such case, the applicant shall establish an escrow and shall be responsible for the fees of such consultant.

- c. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking plan review, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing. This prohibition shall not apply with regard to those activities exempted from this prohibition, below.
- d. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or operation, taking into consideration the local, state, and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
  - (4) The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health.
  - (6) The size and quantity of the natural feature setback being considered.
  - (7) The amount and quantity of the remaining natural feature setback.
  - (8) Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature to be protected.
  - (9) Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
  - (10) The necessity for the proposed construction and/or operation.

5. Exemptions. If and to the extent Davison Township is prohibited by its ordinances and/or law from regulating the proposed activity in or on the respective natural feature, regulation under this section shall be exempted. In addition, the following activities shall be exempted, provided, it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
  - a. Installation of a fence within a setback area.
  - b. Maintenance of previously established lawn areas.
  - c. Grading and filling necessary in order to conform with express requirements imposed by the Township Engineer.
  - d. Installation of seasonal recreational structures for watercourse use.
  - e. Planting of trees and other vegetation, but not the use of fertilization.
  - f. Installation of pathways, boardwalks, look-outs, and similar recreational features. (Ordinance No. 16-84)
  - g. The crossing of a natural feature and its regulated setback by a road or connection permitted by the Michigan Department of Environmental Quality.
6. Application form. Application shall be made under this section on the form approved by the Davison Township Board and provided by the Building Department.
7. Setback standards. Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:
  - a. A 75-foot setback from the boundary or edge of a regulated wetland.
  - b. A 75-foot setback from the ordinary high water mark of a watercourse. (Ordinance No. 80-55)
8. Appeals.
  - a. An interested person who is aggrieved by the determination under this section may request an appeal to the Davison Township Board.
  - b. A request for appeal must be filed within ten (10) days. If an appeal is requested during such ten-day period, the effectiveness of the permit shall be suspended pending the outcome of the appeal.
  - c. The Davison Township Board shall determine whether to consider the appeal based upon the minutes of the body making the initial decision (if minutes are kept), or based upon an entirely new hearing. If a new hearing shall be conducted, notice of the time, date, and place of the hearing shall be mailed to the owners of property, based upon Davison Township records, within three hundred (300) feet of the property, and also mailed to all persons, subdivision associations, and lake associations registered with the Township to receive such notices.

- d. If the Davison Township Board determines to consider the appeal based upon the minutes of the person or body being reviewed, the applicant and other interested parties, as allowed by the Davison Township Board, shall be entitled to be heard by way of argument and citation of authorities prior to the Board's determination.
- e. The Davison Township Board, based upon its appellate review, may reverse, affirm, or modify the determination and/or permit issued. (Ordinance No. 80-50)

**Section 1739. Wireless Communication Facilities.** (Ordinance No. 80-74)

1. Purpose and Intent. The general purpose and intent of these regulations is to regulate the establishment of Wireless Communications Equipment Compounds (WCEC) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is the further purpose and intent of these regulations to:
  - a. Provide for the appropriate location and development criteria for Wireless Communications Support Structures (WCSS) and Wireless Communications Equipment (WCE) within the Township;
  - b. Allow and encourage the location of WCEC in non-residential zoning districts, where possible;
  - c. Minimize the adverse effects of such facilities through careful design, siting and screening criteria;
  - d. Maximize the use of existing and future WCEC and encouraging multiple uses on such facilities;
  - e. Protect the character of residential areas throughout the Township from the effects of WCEC; and
  - f. Promote the public health, safety, and welfare.
2. Definitions. As used in this section:
  - a. Collocate - means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. Collocation has a corresponding meaning.
  - b. Wireless Communications Equipment Compounds (WCEC) - means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
  - c. Wireless Communications Equipment (WCE) - means the set of equipment and network components used in the providing of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

- d. Wireless communications Support Structure (WCSS) - means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
3. Collocation of Wireless Communications Equipment (WCE).
- a. To encourage collocation and to minimize the number of WCEC within the Township, WCE shall be considered a permitted use and not subject to local zoning approval by the Township when all of the following criteria are met:
    - (1) The WCE will be collocated on an existing WCSS or an existing equipment compound.
    - (2) The existing WCSS or existing equipment compound is in compliance with local zoning requirements or received prior approval by the Township.
    - (3) The proposed collocation will not:
      - a. Increase the overall height of the WCSS by more than 20 feet or 10% of its original height, whichever is greater.
      - b. Increase the width of the WCSS by more than the minimum necessary to permit co-location.
      - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
    - (4) The proposed collocation complies with the terms and conditions of any previous final approval of the WCSS or equipment compound by the Township.
4. The installation of a Wireless Communication Equipment (WCE) not part of a proposed collocation activity.
- a. The installation of a new WCE not part of a proposed collocation activity shall comply with the following provisions:
    - (1) WCE shall require no personnel on the premises except as is necessary for maintenance and repair of the WCE and/or supporting, WCSS.
    - (2) Equipment shelters, cabinets and similar structures which are part of a WCEC shall not be greater than 15 feet in height and shall meet all requirements for accessory buildings specified under Article XVII, Section 1705 of the Davison Township Zoning Ordinance.
    - (3) A WCE shall not be permitted on any site occupied by a single family dwelling unit except in agricultural areas.
    - (4) All WCE shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical, taking into consideration the location of the WCE and its visibility and distance from the right-of-way and neighboring uses.

- (5) WCE proposed to be located on a historic landmark or in a designated historic district may be denied if the WCE would visually detract from the historic character of the historic landmark site or district.
  - (6) This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).
5. Wireless Communications Equipment (WCE) approval process.
  - a. WCE installations that are part of a proposed collocation activity that meet the requirements of subsection 3a1 and subsection 3a2 above, but do not meet the requirements of subsection 3a3 or subsection 3a4 above, shall be subject to special condition use permit approval procedures outlined in Article XIX; however, the Township Building Official shall determine that the special condition use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall also approve or deny the application not more than 60 days after the application is considered to be administratively complete.
  - b. WCE installations that are part of a proposed collocation activity and which also fully meet the requirements of subsection 3a shall be considered a permitted use of property and not subject to special condition use procedures or any other zoning approval by the Township. Plans for such installation shall be administratively reviewed by the Township Building Official to verify compliance with such requirements. The Township Building Official shall complete his or her administrative review of the proposed installation plans within 14 business days of his or her receipt of such plans.
  - c. The installation of a new WCE not part of a proposed collocation activity meeting the requirements of subsection 4a above shall be considered to be a permitted use of property not subject to special condition use permit approval. The Township Building Official shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Building Official shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. Such review by the Township Building Official shall be without notice.
6. Establishment of a New Wireless Communication Equipment Compound (WCEC).
  - a. A newly established WCEC shall meet the following criteria and submittal requirements:
    - (1) All WCEC shall be constructed in compliance with all applicable construction codes, which include the Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
    - (2) The WCEC shall comply with all applicable Federal Aviation Administration (FAA) requirements.
    - (3) The WCEC shall not be used for commercial advertising purposes and shall not contain any signage except signage which shall show the identity of the service provider, emergency telephone numbers, and/or FAA or FCC signage requirements.

- (4) The WCEC may be located on a zoning lot containing other principal uses. The WCEC may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCEC is located shall be the area subject to the requirements of this subsection, rather than the entire zoning lot, unless otherwise provided herein.
- (5) The WCEC shall meet all requirements of the zoning district in which it is located which are not inconsistent with this subsection. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of the WCEC.
- (6) The WCEC shall have a landscaped buffer so that the base of the WCSS and WCE shall be screened from any right-of-way, neighboring residential use, or neighboring residential zoning district. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six feet at maturity and conifer trees planted on 15-foot centers along the approved buffer of a species approved by the Township Building Official unless safety requirements of the principal use requires otherwise (i.e., utility substations).
- (7) The application shall contain information showing the geographic search area within which the proposed WCEC must be located and shall also provide locations of all structures of similar height to the WCSS (proposed to be located within the WCEC) within the search area.
- (8) If collocation is not part of the application, then the applicant must demonstrate in the application as to why collocation is not a practical alternative.
- (9) A site plan prepared in accordance with Article XVIII (Site Plan Review Procedures) shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (10) The site plan shall also include a detailed landscaping plan. The purpose of landscaping is to provide screening for the WCSS base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required to safeguard the WCE and WCSS from trespass by children and other unauthorized persons. Fences shall not exceed a height of eight feet and not contain barbed wire, razor wire, electric current, or charge of electricity.



- (11) The application shall include a certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure would fall, which certification will be utilized, along with other criteria such as applicable regulation for the district in question, in determining the appropriate fall zone setback to be required for the WCSS. In no instance shall a fall zone setback be less than a distance equal to 50 percent of the tower height, measured from the boundary of the zoning lot to the closest portion of the WCSS.
- (12) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 9 below. In this regard, the security shall be in the form of cash, surety bond, irrevocable letter of credit, or an agreement in a form approved by the Township's Supervisor, creating a first security interest on the site as security for removal.
- (13) The application shall include a map showing existing and known proposed WCECs within the Township, and further showing existing and known WCECs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.
- (14) The application shall contain the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the WCEC is on the premises.
- (15) The applicant must include a statement in the application of its good faith intent to allow the collocation of the WCE of other entities, provided that the cost of modifying the WCEC to accommodate the collocation WCE is borne by the collocating entity.
- (16) The applicant shall send a written notice to all potential users of the new WCEC offering an opportunity for collocation. The list of potential users shall be provided by the applicant based on known entities who have requested approval of a WCEC in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or user's request, in writing, to collocate on the new WCEC, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- (17) Not less than one off-street parking space shall be provided on-site for use by service and public safety vehicles, designed in accordance with the requirements of Article XVII, Section 1706 and Section 1707.
- (18) Adequate ingress and egress to the WCEC by means of clearly limited and defined drives not less than 12 feet wide and of asphalt or concrete construction shall be provided.

- (19) No WCEC shall be placed within a public right-of-way or within a public or private easement.
  - (20) New WCECs shall meet the following additional criteria:
    - i. The WCSS shall not exceed 180 feet in height.
    - ii. All WCSSs over 100 feet in height shall be designed for co-location.
    - iii. The construction of the WCSS within an equipment compound shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the co-location needs of future wireless communication providers.
    - iv. WCSSs shall not have a shiny or metallic finish.
7. Wireless Communication Equipment Compound (WCEC) approval process.
- a. All WCECs which are located in a zoning district allowing residential development, or which is located within a distance equal to the height of the WCSS as measured from its base from residentially zoned or used property, shall be subject to special condition use permit approval procedures outlined in Article XIX and the additional criteria of subsection 6. The Township Building Official shall determine the special condition use permit application is administratively complete within 14 business days of its receipt. The Township Board, upon receipt of the findings and recommendation of the Township Planning Commission, shall approve or deny the application not more than 90 days after the application is considered administratively complete.
  - b. The installation of a new WCEC not subject to the requirements of subsection 7a shall be subject to administrative site plan approval by the Township Building Official. The Township Building Official shall determine that the permit application is administratively complete within 14 business days of its receipt. The Township Building Official shall also approve or deny the application not more than 90 days after the application is considered to be administratively complete.
8. Review and approval criteria for a new WCEC.
- a. New WCEC shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCEC which cannot be met by placing WCE on an existing WCSS or on other structures or through the replacement of an existing WCSS. Information concerning the following factors shall be considered in determining that such need exists:
    - (1) Insufficient structural capacity of existing WCSSs or other suitable structures, and the infeasibility of reinforcing or replacing an existing WCSS.
    - (2) Unavailability of suitable locations to accommodate system design or engineering on an existing WCSS or other structures.
    - (3) Radio frequency interference or other signal interference problems at existing WCECs or others structures.

- (4) The refusal of owners or parties who control WCECs or other structures to permit WCE to be attached to such WCECs or structures.
  - (5) Other factors which demonstrate the reasonable need for the new WCEC.
- b. Additional criteria for special condition use permit review and approval. The installation of a new WCEC as a special condition use as specified in subsection 7a shall also be subject to the following:
- (1) WCECs shall meet all of the criteria and submittal requirements of subsection 6.
  - (2) WCECs shall be located on lots or parcels of not less than two acres.
  - (3) Site selection shall be prioritized on the ownership of site as set forth below. Sites shall be selected in descending order based upon their availability and ability to meet the transmission needs of the applicant. In the event a particular parcel is demonstrated to be unavailable and/or functionally inappropriate for transmission purposes, the applicant shall select the next available and appropriate site from the site options listed below.
    - i. Davison Township
    - ii. Federal, state, or county governmental entities
    - iii. Schools, colleges, and universities
    - iv. Utility companies
    - v. Cemeteries
    - vi. Golf courses and associated facilities (public and private)
    - vii. Publicly owned parks and recreational areas
    - viii. Vacant residentially zoned property not less than ten acres in size
  - (4) If the WCEC is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable.
  - (5) WCECs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCEC visually detracts from the historic character of the historic district.
  - (6) The Planning Commission may require a visual/line of site analysis to enable the Township to assess visual impacts. Such analysis may require the applicant to provide visualization of the WCEC on-site which may include graphic representations or other acceptable methods to demonstrate the visual character of the proposed WCEC.
9. Application and approval requirements for replacement WCECs.
- a. The installation of a replacement WCEC shall be considered to be a permitted use of property, not subject to special condition use permit approval. The Township Building Official shall determine that the application for approval is administratively complete within 14 business days of its receipt. The Township Building Official shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the Township Building Official shall be without notice.

## 10. Removal of abandoned WCECs.

- a. Any WCEC which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCE or other commercial antenna has been operational and located on the WCSS for 180 days or more. Where the removal or demolition of an abandoned WCEC has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from a cash bond or irrevocable bank letter of credit posted at the time application was made for establishing the WCEC or the Township may place a lien on the property to cover costs for the removal of the WCEC. A lien on the property shall be superior to all other liens except taxes.

## 11. Replacement of existing WCSS.

- a. An existing WCSS which was lawful at the time of its construction may be replaced for purposes of accommodating collocation of additional WCE, or otherwise, provided that:
  - (1) The replacement WCSS shall not exceed a total height of 180 feet or, if the existing WCSS has an approved height greater than 180 feet, the replacement WCSS shall not exceed the approved height.
  - (2) The replacement WCSS shall be located within the same zoning lot as the existing WCSS and shall be located so as to maximize compliance with existing minimum yard requirements.
  - (3) The applicant shall cause the existing WCSS to be removed within 90 days of completion of the replacement WCSS and the relocation or installation of the WCE. In any event, the existing WCSS shall be removed within 180 days of the Township's final construction inspection of the replacement WCSS.
  - (4) If the location of the replacement WCSS is such that the existing WCSS must be moved before the replacement WCSS is constructed, temporary portable equipment support facilities may be used, but must be removed within 30 days of the completion of the replacement WCSS and the relocation or installation of the WCE. In any event, the temporary portable equipment facilities must be removed within 60 days of the Township's final construction inspection of the replacement WCSS.

## 12. Variances and appeals.

- a. Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSS may be granted by the Building Official to provide for co-location of additional WCE so long as such additional height does not exceed 20 feet.

**Section 1740. Outdoor Dining.** (Ordinance No. 16-77)

Outdoor seating and dining areas shall be allowed at restaurants, bars, taverns, coffee shops, cafes, bistros, bakeries, delicatessens, specialty food stores, and other similar establishments, subject to the following requirements:

1. The outdoor dining area shall be accessory to a fully operational principal use located on the same parcel or lot within the front or side yard.
2. The outdoor seating capacity shall be less than 50 percent of the indoor seating capacity.
3. Only the indoor seating capacity shall be used for calculating the number of required off-street parking spaces.
4. The occupation of a sidewalk for outdoor dining is permitted provided a minimum unobstructed pedestrian right-of-way of five (5) feet is maintained.
5. The proposed number, size, location of tables, chairs, trash receptacles, portable heaters, and similar equipment shall not extend into or overhang any pedestrian right-of-way, obstruct pedestrian or vehicular visibility, materially impede access to fire lanes, fire safety equipment, or emergency exits, or occupy areas of landscaping required under Section 1712.
6. Barriers shall be provided around the dining area which distinguish such space from any pedestrian right-of-way, off-street parking area, loading zone, or other outdoor use.
7. Outdoor food storage or food preparation areas are expressly prohibited.
8. Music, speakers, intercoms, or similar devices shall be permitted provided they do not create a public nuisance.
9. Outdoor dining areas shall be subject to the approval of the Zoning Administrator; however, Planning Commission approval shall be required pursuant to the procedures of Article XVIII when on-site structural changes are also proposed to occur on site or when, in the judgment of the Zoning Administrator, such designated dining space and associated tables, chairs, trash receptacles, portable heaters, and similar equipment will materially impede traffic circulation or interfere with the operation of adjoining businesses.

**Article XVIII**  
**Site Plan Review Procedures**

**Section 1800. Application.**

1. 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 and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this Article.
  - a. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for the single-family detached and two-family dwellings and their accessory uses) and all Special Condition Uses in all zoning districts.
  - 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 Building Official, to provide for an administrative review and approval by the Building Official in lieu of a more formal review by the Planning Commission. The Building Official may conduct an administrative review provided all of the following are true:
    - 1) No variances to the Ordinance are required.
    - 2) The proposed total new construction would not increase the total building area in square feet by more than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less, of the original building mass.
    - 3) No administrative reviews had previously occurred on the site in the preceding thirty-six (36) months. (Ordinance No. 80-3)
    - 4) Reoccupancy does not substantially alter the character of the site.
  - c. For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review and approval by the Building Official in lieu of a more formal review by the Planning Commission. The Building Official may conduct an administrative review provided all of the following are true:
    - 1) No variances to the ordinance 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. Every site plan submitted for review shall be in accordance with the requirements of this ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. In no instance shall administrative site plan review and approval be allowed for a special condition use. (Ordinance No. 80-24)
2. A site plan submitted for approval of a permitted principal use shall be processed in accordance with the following requirements:
    - a. Pre-Application Meeting. In order to facilitate the processing of a site plan in a timely manner, the Township provides opportunities for potential applicants to voluntarily meet with and discuss development and redevelopment projects with Township officials, staff, and consultants for the purpose of obtaining information and guidance in the preparation of the required site plan and application materials. The applicant may request a pre-application meeting by notifying the Building Official in writing of his/her intent and by depositing a fee to cover the cost of consultant participation, if any. The applicant need not present drawings or site plans at the pre-application meeting; however, even if drawings or site plans are submitted, no formal action shall be taken by the Township officials, Township staff, or consultants.
    - b. Conceptual Plan Review. The applicant shall next file a request for Conceptual Plan review by the Planning Commission. The request shall be made in writing to the Building Official and by the applicant depositing a fee in an amount established by the Township Board. The Conceptual Plan shall contain such information as may be required by the administrative rules of the Planning Commission. It shall, however, show site development features in sufficient detail to permit the Planning Commission to evaluate: the relationship of the site to nearby properties; density; adequacy of landscaping, open space, pedestrian and vehicular traffic circulation, and proposed utilities; and, conformance with Township development policies and design standards. The Planning Commission shall comment on the adequacy of the Conceptual Plan and, upon a determination that the Conceptual Plan substantially complies with Township development policies and standards, direct the applicant to seek Final Site Plan review and approval by the Building Official.
    - c. Request for Final Site Plan Approval. The applicant shall next file a request for Final Site Plan review and approval by the Building Official. The request shall be made in writing to the Building Official by the applicant depositing a fee in an amount established by the Township Board. The Final Site Plan shall contain the information required by Section 1801. The Building Official shall determine that the Final Site Plan is in general compliance with the Conceptual Plan, the specific requirements and standards of the Zoning Ordinance, and sound planning principles. The Building Official may seek the advice and recommendation from other Township staff, any public agency, or any consultant deemed necessary to reach such a determination.
    - d. Authorization. The Building Official is authorized to approve, approve with conditions, deny, or postpone action on the site plan as follows:

- 1) Approval. Approval shall be granted upon a determination that the Final Site Plan is in compliance with the standards and requirements of the Zoning Ordinance and other applicable ordinances and laws, and/or that the necessary waivers or variances from such law and ordinances have been obtained.
  - 2) Approval Subject to Conditions. Upon a determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and provided to the applicant in writing. The applicant shall be given an opportunity to correct the Final Site Plan. The Building Official may, as a condition of approval, seek the imposition of modifications to the site plan authorized by Section 1804. Such modifications shall only be imposed upon the advice and consent of the Planning Commission. In such instances, the applicant shall submit two (2) copies of a revised Final Site Plan to the Building Official demonstrating compliance with the conditions for approval.
  - 3) Denial. The Final Site Plan shall be denied upon a determination that a site plan does not comply with the standards and regulations set forth by the Zoning Ordinance, or requires extensive revision in order to comply with said standards and regulations. Such reasons for denial shall be identified and provided to the applicant in writing.
  - 4) Postponement. The Building Official may postpone action to a date certain upon a determination that the Final Site Plan submittal is incomplete or otherwise not ready for approval or denial.
- e. Building Official Report to the Planning Commission. The Building Official shall place the Final Site Plan on the next available agenda of the Planning Commission for informational purposes only. All required revisions to the site plan must be made, and all necessary variance petitions sought, prior to the site plan being placed on the Planning Commission agenda for its review. The Final Site Plan shall be accompanied by the Building Official's findings of fact and basis for decision and any report from other Township staff, any public agency, or any consultant used to reach his/her determination.
  - f. Recording of Approval Action. Two (2) copies of the approved Final Site Plan shall be marked "approved" by the Building Official and also carry the date of approval action and the date of Planning Commission review. One (1) marked copy will be kept on file with the Building Department. One (1) marked copies shall be returned to the applicant.
3. A site plan submitted for approval of a use permitted subject to special conditions (special condition use) shall be processed in accordance with the following procedures:
    - a. Concurrent Review Required. A special condition use review and site plan review shall occur concurrently. [See Section 1903, 5.]
    - b. Pre-Application Meeting. In order to facilitate the processing of a site plan in a timely manner, the Township provides opportunities for potential applicants to voluntarily meet with and discuss development and redevelopment projects with Township officials, staff, and consultants for the purpose of obtaining information and guidance in the preparation of the required site plan and application materials. The applicant may request a pre-



application meeting by notifying the Building Official in writing of his/her intent and by depositing a fee to cover the cost of consultant participation, if any. The applicant need not present drawings or site plans at the pre-application meeting; however, even if drawings or site plans are submitted, no formal action shall be taken by the Township officials, Township staff, or consultants.

- c. **Conceptual Plan Review.** The applicant shall next file a request for Conceptual Plan review by the Planning Commission. The request shall be made in writing to the Building Official and by the applicant depositing a fee in an amount established by the Township Board. The Conceptual Plan shall contain such information as may be required by the administrative rules of the Planning Commission. It shall, however, show site development features in sufficient detail to permit the Planning Commission to evaluate: the relationship of the site to nearby properties; density; adequacy of landscaping, open space, pedestrian and vehicular traffic circulation, and proposed utilities; and, conformance with Township development policies and design standards. The Planning Commission shall comment on the adequacy of the Conceptual Plan and, upon a determination that the Conceptual Plan substantially complies with Township development policies and standards, direct the applicant to seek Preliminary Site Plan review by the Building Official.
- d. **Preliminary Site Plan Review.** The applicant shall next file a request for Preliminary Site Plan review by the Building Official. The request shall be made in writing to the Building Official and by the applicant depositing a fee in an amount established by the Township Board. The Preliminary Site Plan shall contain the information required by Section 1801. The Building Official shall determine that the Preliminary Site Plan is in general compliance with the Conceptual Plan, the specific requirements and standards of the Zoning Ordinance, and sound planning principles. The Building Official may seek the advice and recommendation from other Township staff, any public agency, or any consultant deemed necessary to reach such a determination. The Building Official shall prepare a project report for the Planning Commission which: describes his/her findings of fact; recommendations for approval, conditional approval, denial, or postponement; and, any suggested modifications to be imposed by the Planning Commission under authority of Section 1804.
- e. **Public Hearing.** Upon completion of his/her project report, the Building Official shall convene a public hearing to be held before the Planning Commission. Notification of the public hearing shall occur in accordance with Section 1902.
- f. **Authorization.** The Planning Commission shall review the site plan together with any public hearing findings, the Building Official's project report, and reports from other staff, any public agency, or any consultant, as may be applicable. The Planning Commission is authorized to approve, approve with conditions, deny, or postpone action on the site plan as follows:
  - 1) **Approval.** Approval shall be granted upon a determination that the site plan is in compliance with the standards and requirements of the Zoning Ordinance and other applicable ordinances and laws, and/or that the necessary waivers or variances from such law and ordinances have been obtained. All approvals for

site plans reviewed in companion with a special condition use application shall be conditioned upon the approval of the special condition use by the Planning Commission. [See Section 1805.]

- 2) Approval Subject to Conditions. Upon a determination that a site plan is in compliance except for minor modifications, the conditions for approval shall be identified and provided to the applicant in writing. The applicant shall be given an opportunity to correct the site plan. The Planning Commission may, as a condition of approval, impose modifications to the site plan authorized by Section 1804. The Planning Commission may also impose other reasonable conditions of use it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of the Zoning Ordinance, and to assure that the general health, safety and welfare will not be infringed upon. [See Section 1903, 2.] In such instances, the applicant shall submit two (2) copies of a revised site plan to the Building Official demonstrating compliance with the conditions for approval.
  - 3) Denial. The site plan shall be denied upon a determination that a site plan does not comply with the standards and regulations set forth by the Zoning Ordinance, or requires extensive revision in order to comply with said standards and regulations. Such reasons for denial shall be identified and provided to the applicant in writing.
  - 4) Postponement. The Planning Commission may postpone action to a date certain upon a determination that the site plan submittal is incomplete or otherwise not ready for approval or denial.
- g. Recording of Approval Action. Two (2) copies of the approved Final Site Plan shall be marked "approved" by the Building Official and also carry the date of approval action and the date of Planning Commission review. One (1) marked copy will be kept on file with the Building Department. One (1) marked copies shall be returned to the applicant.

**Section 1801. Data Required.**

1. Every site plan shall be submitted in accordance with the processing procedures established by the Township Planning Commission. The following information shall be included on the site plan: (Ordinance No. 80-3)
  - a. Statistical data including: number of dwelling units, size of dwelling units (e.g., 1-bedroom, 2-bedrooms, and 3-bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimension, and other data of all machinery to be used on the proposed site.
  - b. The location of principal and accessory buildings on the lot and the relationship of each structure to another.
  - c. Vehicular traffic and pedestrian circulation features with all dimensions shown on and off site.

- d. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development.
  - e. The location, dimensions, and proposed use of all on-site recreation areas, if any.
  - f. The location of all proposed landscaping, fences and walls shown on a color rendered landscape plan. (Ordinance No. 80-50)
  - g. The height and dimensions of all structures.
  - h. Front, rear, and side elevation color renderings of any typical structure proposed for development. (Ordinance No. 16-84)
  - i. The location, size, and capacity of private or public water supply, and sanitary sewers.
  - j. A complete storm drainage plan, including the location, size, and capacity of any underground system.
  - k. The locations, dimensions, and lighting of all signs.
  - l. The location, type, intensity, and orientation of all lighting showing the overall height and/or size of fixtures, and maximum footcandles provided at the lot lines.
  - m. A location map at a larger scale, indicating the relationship of the site to the surrounding land use.
  - n. Storage and display areas.
  - o. Method of solid waste disposal.
  - p. Existing and finished grade elevations using two (2) foot contours.
  - q. A legal description of the parcel, the dimensions of all lot and property lines, and the location of all parcel corners described by longitude and latitude referenced to the state plane coordinate system. (Ordinance No. 80-24)
  - r. Digital "as-built" drawings showing the development site as constructed. (Ordinance No. 80-50)
2. 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, provided a site plan is currently on file in the records of the Township.
- a. An accurate description of the subject property.
  - b. 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.

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

One (1) copy of all materials provided shall be maintained in a project file for the subject site, within the records of the Building Department.

**Section 1802. Revocation.**

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 feels 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 Ordinance 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 regulations specified by this Ordinance, 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.

**Section 1803. Fees Required.**

Fees for the review of site plans shall be established by resolution of the Township Board.

**Section 1804. Basis for Approval.**

1. In the process of reviewing the site plan, the Planning Commission shall consider:
  - a. Single-family development on the basis of a subdivision.
  - b. 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.
  - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
    - 1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
    - 2) Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - d. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

- e. 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 in escrow be placed with the Township 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 completed or a cash bond or irrevocable letter of credit is posted with the Township Clerk.
  - f. The installation, erection, and construction of transmission systems for essential services.
  - g. The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares or primary roads as defined by the Genesee County Road Commission. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
  - h. Where the Township 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 Township plan.
2. Nothing herein shall prevent the Planning Commission from reconsidering a submitted site plan upon a subsequent finding that the original submittal by the applicant was incomplete, in error, or falsely portrayed as to existing or proposed conditions.
  3. The approval by the Planning Commission of any site plan for any use and/or structure made prior to the effective date of this Ordinance may be continued in accordance with the plan(s) and application (s) on which site plan approval was granted, for a period of not longer than one (1) year after the effective date of this Ordinance, provided actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. (Ordinance No. 80-24)
  4. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to this activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance received the mutual agreement of the landowner and the Planning Commission. The execution of a site maintenance agreement by the petitioner having such form and content as may be established by resolution of the township Board, as may be amended, shall be a requirement of site plan approval to provide for the continued care and maintenance of the property and improvement thereto. (Ordinance No. 80-50)

**Section 1805. Site Plan Approval for Special Condition Uses.**

All approvals for site plans reviewed in companion with a special condition use application shall be conditioned upon the approval of the special condition use by the Township Planning Commission or by the Township Board as required under Section 1725 for soil removal, excavation, or filling operations.

**Section 1806. Performance Guarantees.**

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township Supervisor covering the estimated cost of improvements identified in Section 1806.1.c below associated with a project for which site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements and also be subject to the following:
  - a. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
  - b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (the State Subdivision Control Act).
  - c. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.

**Article XIX**  
**Review and Approval of Special Condition Uses**

**Section 1900. Application.**

1. The uses identified as special condition uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitate individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
2. The Township Planning Commission, as provided herein, shall have the authority to approve special condition use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any special condition use included in the various provisions of this Zoning Ordinance. However, the Township Board shall have final approval for soil removal excavation, or filling operations under the terms of Section 1725.

**Section 1901. Data Required.**

1. Every application for a special condition use permit shall be made in accordance with the processing procedures established by the Township Planning Commission. Each application shall be accompanied by a processing fee in an amount established by resolution of the Township Board, and may be amended from time to time. No portion of such fee shall be reimbursable to the applicant. (Ordinance No. 80-3)
2. An application for a special condition use permit shall contain the following:
  - a. Applicant's name, address and telephone number.
  - b. 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. A complete site plan containing all of the applicable data outlined in Article XVIII, Site Plan Review.
  - f. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Section 1903, following.

**Section 1902. Public Hearing Requirements.**

1. Upon receipt of an application for a use requiring special condition approval one (1) notice that a request for special condition approval has been received shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval.

Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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 notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

The notice shall:

- a. Describe the nature of the special land use request.
- b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
- c. State the date, time, and place of the public hearing.
- d. Indicate when and where written comments concerning the request will be received.

**Section 1903. Standards for Approval.**

1. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special condition 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:
  - a. Will be harmonious with and in accordance with the general objectives of the Future Land Use Plan.



- b. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
  - c. Will not be hazardous or disturbing to existing or future neighboring uses.
  - d. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  - e. Will be served adequately by necessary public services and utilities, such as highways, streets, drainage structures, sanitary sewers, water, 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.
  - f. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
  - h. Will be consistent with the intent and purposes of this Ordinance in general, and Section 1804, basis for approval (for site plans) in particular.
2. If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not grant special condition use approval.

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

The Planning Commission may deny, approve, or approve with conditions, a request for special condition use approval. The action on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions imposed.

3. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Planning Commission and the landowner. The Township 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 special condition use permit shall be issued by the Township Planning Commission upon approval. The Township Planning Commission shall forward a copy of the permit to the owner/applicant, Clerk, and Building Official. The Building Official shall not issue a building permit until he has received a copy of the special condition use permit approved by the Township Planning Commission.

4. Any special condition use permit granted under this Zoning Ordinance 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 special condition use permit, except that the Township 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 Ordinance and constitute grounds for termination of a previously granted special condition use permit.

5. A special condition use review and site plan review shall occur concurrently. In no instance shall administrative site plan review and approval be allowed for a special condition use. (Ordinance No. 80-24)

**Article XX**  
**Regulation of Condominium Developments**

**Section 2000. Application.**

The following regulations shall apply to all condominium developments within Davison Township.

**Section 2001. Initial Information.**

Concurrently with notice required to be given Davison Township, pursuant to Section 71 of PA 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development in the Township shall provide the following information:

1. The name, address, and telephone number of:
  - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  - b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
  - c. The developer or proprietor of the condominium development.
2. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
3. The acreage content of the land on which the condominium development will be developed.
4. The purpose of the development (for example, residential, commercial, industrial, etc.).
5. Approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a public water system is contemplated.
7. Whether or not a public sewer system is contemplated.

**Section 2002. Information to be Kept Current.**

The information shall be furnished to the Township Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued.

**Section 2003. Site Plans for New Projects.**

Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article XVIII of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

**Section 2004. Site Plans for Expandable or Convertible Projects.**

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article XVIII of this Ordinance.

**Section 2005. Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished.**

The condominium development developer or proprietor shall furnish the Township Building Official with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Township Building Official for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

**Section 2006. Monuments Required.**

All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.

1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
3. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
5. All required monuments shall be placed flush with the ground where practicable.
6. All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Davison Township, whichever the proprietor selects in an amount to be established by the Township Board. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

**Section 2007. Compliance with Federal, State, and Local Law.**

All condominium developments shall comply with federal and state statutes, county standards, and local ordinances. (Ordinance No. 80-24)

**Section 2008. Assurance for Completion and Maintenance of Improvements**

Prior to the issuance of any building permits, all applicants shall be required to certify to the satisfaction of the Building Official that all streets, sanitary sewers, storm sewers, water systems and other infrastructure improvements have been constructed in accordance with requirements of Genesee County. Such certification shall be made in writing by the appropriate public agency, such as the Genesee County Drain Commissioner, the Genesee County Health Department, and/or the Genesee County Road Commission.

No final occupancy of the condominium development shall be permitted before all improvements required by this Ordinance are installed. The Building Official may allow the temporary occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter or credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township. (Ordinance No. 80-24)

**Section 2009. Single-Family Detached Condominiums.**

1. Single-family detached condominium developments shall be subject to all requirements and standards of the applicable One-Family Residential Zoning District in which it is located.
2. The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance:

- a. Location Arrangement and Design of Streets
- (1) The street layout shall provide for the continuation of collector streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
  - (2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
  - (3) Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
  - (4) Should a proposed development border on or contain a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks, in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
  - (5) The minimum street grade shall not be less than 0.5 percent. The maximum street grade shall be 5.0 percent, except that the Planning Commission may modify this standard on the recommendation of the Township Engineer.
  - (6) Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
  - (7) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
  - (8) Sight distances at the corner of intersecting streets and at the intersection of a driveway and street shall be maintained in accordance with the standards of Section 1712,3,g. (Ordinance No. 80-3)
  - (9) The maximum lengths of residential cul-de-sac streets shall be one thousand (1,000) feet. A greater length will be considered under certain severe topographic or otherwise similar unusual conditions, or for low density residential developments. In no instance, however, shall a dead-end residential street handle more than 200 vehicle trips per weekday. For purposes of this section, the following residential trip generation rates shall be used. (Ordinance No. 80-55)

## RESIDENTIAL TRIP GENERATION RATES

	Vehicle Trips per Dwelling Unit	
	Weekday	Peak Hour
Detached Single-Family Units	9.6	1.00
Apartments Units		
• All Apartments	6.6	0.67
• Low-Rise Apartments	6.6	0.62
• High-Rise Apartments	4.2	0.40
Townhouse and Condominium Units	5.9	0.54

(10) All pavements shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards prescribed by the Genesee County Road Commission pertaining, but not limited to, materials, right-of-way width and pavement width. (Ordinance No. 80-3)

(11) All driveways and driveway approaches shall be asphalt or concrete pavement. (Ordinance No. 16-84)

b. Blocks

(1) Maximum length for blocks shall not exceed one thousand three hundred (1,300) feet in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.

(2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

c. Natural Features

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

d. Walkways and Street Lighting

Walkways and street lighting shall be installed in accordance with Section 1735 requirements. Upon review of the site plan, the Planning Commission may approve alternate locations for walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. (Ordinance No. 80-24)

e. Street Trees and Landscaping

(1) Street trees shall be provided in the ratio of at least one (1) per dwelling unit, shall be placed along the right-of-way, and shall not be less than eight (8) feet in height.

(2) The following trees are prohibited: (Ordinance No. 80-16)

- (a) Box Elder
- (b) Soft maples (Red, Silver)
- (c) Elms
- (d) Poplars
- (e) Willows
- (f) Horse Chestnut (nut bearing)
- (g) Tree of Heaven
- (h) Catalpa
- (i) Ginkgo (female)
- (j) Cotton Woods

- (3) All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery, or other suitable landscape materials, except that patios, terraces, decks, and similar site features may be allowed.

f. Utilities

- (1) An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.
- (2) A sanitary sewer system shall be required as regulated by Township Ordinance Nos. 31 and 38.
- (3) A water supply system shall be required as regulated by Township Ordinance Nos. 35 and 39.
- (4) The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cable shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Building Official and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

- 3. Single-family detached condominium projects shall undergo preliminary site plan review and final site plan review as described below. Every application for review shall be submitted in accordance with the processing procedures established by the Township Planning Commission and accompanied by a processing fee in an amount established by resolution of the Township Board, as may be amended (refer to Sections 1802, 1803, and 2003). No portion of the fee shall be refundable.



a. Preliminary Site Plan Data Requirements

For purposes of this ordinance, the preliminary site plan shall be considered the functional equivalent of a pre-preliminary plat submitted in accordance with state PA 288 of 1967, as amended (the Land Division Act).

The following information must be provided by the applicant at the time of submitting a preliminary site plan:

- (1) A Natural Resources Analysis in accordance with Section 1722.
- (2) A description of the proposed character of the development, including a legal description of the subject site, the project name, the total project area, total project density, and area and percent of developed and undeveloped open space.
- (3) A narrative describing the proposed means of serving the development with water, sanitary sewer, and a storm water collection system.
- (4) A regional location map showing the relationship of the development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, etc.
- (5) A generalized graphic description of the project at a scale of 1:200 or larger showing: major access roads serving the site including right-of-way widths and existing and proposed method of surfacing; existing and proposed utility lines; existing and adjacent land uses within one hundred (100) feet of the subject property; areas to be developed for residential purposes, usable open space areas, or areas to be preserved in a natural state; individual building sites showing all dimensions; proposed walkways and landscaping; and, all condominium units, limited common elements, and general common elements contained within the project area.
- (6) The proposed project phasing boundaries and estimated timing schedule by phase to completion.

b. Preliminary Site Plan Review Procedures

- (1) The Township Building Official shall transmit a copy of the preliminary site plan to the Township Planner and the Township Engineer and other persons or agencies deemed necessary to evaluate the submittal for compliance with applicable Township, county, or state requirements for their technical review and recommendations.
- (2) The Planning Commission shall review all details of the proposed development in consideration of the standards of Sections 1804 and 2009,1 and 2 of this ordinance and the various elements of the Township Master Plan.

- (3) After reviewing comments of the Township Planner, Engineer and any other persons or agencies who have been provided copies of the preliminary site plan, the Planning Commission shall make appropriate comments and suggestions concerning the proposed development. The Planning Commission shall retain one (1) copy of the preliminary site plan which shall become a matter of permanent record in the Planning Commission's files and the proprietor shall receive a marked-up copy of the preliminary site plan with any suggested changes.
- (4) The Planning Commission shall inform the Township Board of the results of the review of the preliminary site plan.
- (5) The proprietor shall receive the comments of the Planning Commission, Township Planner, Township Engineer, and other persons or agencies at the next regular meeting of the Planning Commission following submittal of the preliminary site plan.

c. Final Site Plan Data Requirements

For purposes of this ordinance, the final site plan shall be considered the functional equivalent of a final preliminary plat submitted in accordance with state PA 288 of 1967, as amended (the Land Division Act). The following information must be provided by the applicant at the time of submitting a final site plan. This information is in addition to the other applicable submittal requirements for site plans specified in Section 1801. A final site plan shall conform substantially with the reviewed and accepted preliminary site plan.

- (1) Proposed name of the development.
- (2) Location by Section, Town and Range, or by other legal description.
- (3) Names and addresses of the proprietor, owner proprietor, and the planner, designer, engineer or surveyor who designed the development. The proprietor shall also indicate his interest in the land.
- (4) Scale of plat, 1:100 as a minimum acceptable scale.
- (5) Date.
- (6) Northpoint.
- (7) An over-all area map at a scale of not less than 1:2,000 showing the relationship of the development to its surroundings such as section lines and/or major streets or collector streets shall be provided.
- (8) Boundary line of proposed development, section or corporation lines within or adjacent to the tract and overall property dimensions.

- (9) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for development including those areas across abutting roads.
  - (10) Location, widths, and names of existing or prior platted streets and public easements within or adjacent to the tract being proposed for development, including those located across abutting roads.
  - (11) Preliminary engineering plan showing the storm drains and other underground facilities within or adjacent to the tract proposed for development.
  - (12) Contours at five (5) foot intervals where the slope is greater than ten (10) percent and two (2) foot intervals where the slope is ten (10) percent or less. Topography is to be based upon U.S.G.S. datum.
  - (13) Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the width, location and design standards of alleys, easements and public walkways.
  - (14) Layout, numbers and dimensions of building sites.
  - (15) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the development as general common elements.
  - (16) An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the plan. If the proprietor has an interest or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed plan.
  - (17) A landscaping plan meeting the requirements of Section 1801, f showing all existing and proposed plant materials and other proposed site amenities including, but not limited to, lighting, fencing, signage, and recreational facilities and/or equipment.
- d. Final Site Plan Review Procedures
- (1) The Township Building Official shall transmit a copy of the final site plan to the Township Planner, Township Engineer, and other persons or agencies deemed necessary to evaluate the submittal for compliance with applicable Township, county or state requirements.
  - (2) The Planning Commission shall review all details of the proposed development in consideration of the standards of Sections 1804 and 2009, 1 and 2 of this ordinance and the Township Master Plan.

- (3) After reviewing comments of the Township Planner, Engineer, and any other persons or agencies who have been provided with the final site plan, the Planning Commission shall approve conditionally, disapprove, or approve the final site plan.

Should approval be conditional, the final site plan shall not be considered complete until a revised site plan which incorporates all of the necessary changes, revisions, modifications or corrections has been submitted and reviewed by the Planning Commission.

If the facts regarding the final site plan being reviewed do not establish by a preponderance of the evidence that the standards and requirements as set forth by this zoning ordinance have been met, the Planning Commission shall deny approval.

Should the Commission find that all requirements and/or conditions have been satisfactorily met, it shall give approval to the final site plan. The Chairman shall make a notation to that effect on copies of the final site plan and distribute copies of same as follows:

- (a) return one (1) copy to the applicant;
  - (b) retain one (1) copy which shall become a matter of permanent record in the Commission files; and,
  - (c) forward one (1) copy to the School Board or School Superintendent of the School District having jurisdiction in the area concerned.
- (4) Nothing herein shall prevent the Planning Commission to attach a performance guarantee to the approval of final site plan in accordance with Section 1806 to ensure the faithful completion of all improvements. (Ordinance No. 80-24)

**Section 2010. Final Documents to be Provided.**

After submittal of the condominium plan and by-laws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least 13" x 16" with an image not to exceed 10-12" x 14".

## **Article XXI Design Review**

### **Section 2100. Intent.**

The exterior appearance of any building located within a multiple-family, business, or industrial zoning district of the Township 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 will prevent attendant deterioration of conditions affecting the general welfare of the citizens of the Township.

### **Section 2101. Scope of Application.**

Except for those items listed below, all plans submitted under Article XVIII, Site Plan Review, shall be subject to design review requirements of this section. Those items exempt from these provisions are:

1. Single-family residential buildings and structures. (Refer to Section 1721, One-Family Dwelling Standards.)
2. Items such as gutters, downspouts, door and window replacement, antennas, roof vents, small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.

### **Section 2102. 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.

### **Section 2103. Information Required.**

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

1. An application form, indicating:
  - a. The name, address, and telephone number of the petitioner, property owner, and site designer.
  - b. The general location of the subject parcel.
  - c. A project description.

2. A site plan, providing data as required by Section 1801.
3. Elevation drawings of all sides of buildings visible to the public, showing general design treatment including color and materials of all walls, screens, towers, openings, and signs and the treatment to be utilized in concealing any exposed mechanical or electrical equipment.
4. Description information, including samples or swatches, indicating the color and texture of the buildings as they will appear following construction or renovation.
5. Any other material, drawings, and documents which may be helpful to, or requested by the Planning Commission.

**Section 2104. Design Criteria.**

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

1. Relationship of Buildings to Site
  - a. 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.
  - b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged, where feasible, to provide an interesting relationship between buildings.
  - c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to visually enhance parking areas along public ways. (Ordinance No. 80-10)
  - d. 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.
  - e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground, where feasible.
2. Relationship of Buildings and Site to Adjoining Area
  - a. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
  - b. Attractive landscape transition to adjoining properties shall be provided.
  - c. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

### 3. Building Design

- a. Architectural style is not restricted but shall incorporate elements representative of, or compatible with, the historical theme of the community. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- c.
  - (i) Materials shall have good architectural character and shall be selected for harmony of the buildings with adjoining buildings.
  - (ii) 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.
  - (iii) Materials shall be of durable quality.
  - (iv) 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.
- d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- e. Colors shall be harmonious and shall use only compatible accents.
- f. 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.
- g. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- h. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- i. Gutters and downspouts are to be painted to match the surface to which they are attached, unless used as a major design element, in which case the color is to be consistent with the color scheme of the building.

- j. The design should be compatible with future construction both on and off the site.
4. Maintenance Factors
- a. 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.
  - b. 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.
  - c. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.
  - d. Owners of all buildings incorporating painted or stained exteriors shall be required to provide evidence that such buildings will be retained in good condition (no peeling, blistering or unsightly fading).

**Section 2105. Multiple-Family Design Guidelines.** (Ordinance No. 16-84)

In addition to the specific requirements of Section 2104, all multiple-family dwellings and multiple-family developments within Davison Township shall be designed in harmony with the guidelines outlined below. Not established as rigid requirements, the guidelines convey the Township's intended character of development.

- 1. The multiple-family design guidelines seek to accomplish the following primary objectives:
  - a. Promote the livability and neighborhood compatibility of multiple-family residential housing in the Township.
  - b. Establish a vision for the design of high-quality multiple-family residential housing while also allowing for creativity in terms of architectural style and details.
  - c. Enhance the relationship between multiple-family residential development and adjacent residential neighborhoods, business districts, community facilities, open spaces and public streets.
  - d. Encourage multiple-family residential developments which are integrated with existing neighborhoods through automobile, transit, bicycle and pedestrian connections.
  - e. Maintain an appropriate scale and pattern of development that is compatible with existing neighborhoods and which fosters social interaction.
  - f. Encourage a variety of public and private open spaces in multiple-family residential developments.



- g. Preserve the existing topography and natural features within new multiple-family residential development.
  - h. Create attractive, walkable streetscapes for the pedestrian.
2. As used in this Section, the following terms shall apply:
- a. *Articulation* describes the degree or manner in which a building wall or roof line is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.
  - b. *Façade* means the face or elevation of a building.
  - c. *Buffer* means a method or materials used to visually conceal one element of a development from other elements or from adjacent development.
  - d. *Mass* describes three dimensional forms, the simplest of which are cubes, boxes (or “rectangular solids”), cylinders, pyramids and cones. Buildings are rarely one of these simple forms, but generally are composites of varying types. This composition is generally described as the “massing” of forms in a building.
  - e. *Monolithic* means a single large flat surface (face or façade) without relief.
  - f. *Proportion* means the ratio of dimension between elements. Proportion can describe height to height ratios, width to width ratios, width to height ratios, as well as ratios of massing.
  - g. *Rhythm (Horizontal, Vertical)* means the regular or harmonious recurrence of lines, shapes, forms, elements or colors, usually within a proportional system.
  - h. *Scale (Human Scale)* means the measurement of the relationship of one object to another object. The scale of a building can be described in terms of its relationship to a human being.
  - i. *Texture* refers to variations in the exterior façade and may be described in terms of roughness of the surface material, the patterns inherent in the material or the pattern in which the material is placed. Texture and lack of texture influence the mass, scale and rhythm of a building. Texture can add intimate scale to large buildings by the use of small detailed patterns.
3. Site Design Guidelines.
- a. Context and Compatibility.
    - (i) Developments are encouraged to provide a range of housing types to promote a diverse community of mixed-ages, family-types, and incomes.

- (ii) Complementary building arrangements, buffers, and avoidance of incompatible building scale should be considered to ensure that new multiple-family residential development is compatible with lower-density residential development and other uses in the immediate area. Adjacent to lower-density residential development, multiple-family residential buildings should be sited with either fewer units or structures with one-story end units. Accessory structures, including garages and recreational facilities, should be set back and screened from lower-density residential development.
  - (iii) Streets should be extended from neighboring developments into the development site.
  - (iv) Neighboring developments should be connected through pedestrian and/or bicycle facilities, especially where street connections are infeasible due to site constraints.
  - (v) Pedestrian and bicycle connections should be provided to adjacent existing or planned open space areas and trails.
  - (vi) Buildings should be set back in a similar manner to the surrounding context.
  - (vii) The privacy of neighboring structures should be respected, with windows and upper floor balconies positioned so they minimize views into neighboring properties.
- b. Building Placement and Orientation.
- (i) Buildings should be oriented toward, and respond to, adjacent public streets, courtyards and other public spaces.
  - (ii) Buildings should be placed parallel to the street edges when possible, or perpendicular to the street if arranged around a courtyard or other open space.
  - (iii) If buildings are substantially set back from the street, decorative fences, walls and/or landscape elements should be used to reinforce the street edge, enhance the pedestrian experience and maintain the privacy of residential units.
  - (iv) Spacing between buildings should be provided in accordance with zoning district requirements; wider spacing should generally be provided between taller buildings.
  - (v) Energy efficiency and energy conservation should be considered in building siting. Buildings should be oriented to take advantage of prevailing breezes for cross ventilation of individual dwelling units and to reduce the need for air conditioning.
  - (vi) Primary building entries should be clearly identifiable and visible from the street, with well-defined walkways from pedestrian routes.
  - (vii) Street facing garage doors are discouraged; however, they may be used on a limited basis for access to under building parking or where site conditions make access from the rear or side impractical. Street facing garage doors should be placed behind the front building façade.

- c. Vehicular and Pedestrian Circulation
- (i) Residential and collector drives should be designed to encourage building clusters that define identifiable neighborhoods within the development.
  - (ii) The internal drive network should respond to topography, intended traffic speed, pedestrian usage and safety, and views. Excessively straight and wide drives, which encourage high traffic speed and do not have a residential scale, are discouraged.
  - (iii) Streets should include sidewalks, pedestrian-scale lights, pedestrian amenities (benches) and a regular pattern of tightly-spaced street trees to help create a pedestrian-friendly environment.
  - (iv) A system of pedestrian walkways should link all site entrances, building entries, parking areas and common outdoor spaces with the public sidewalk.
  - (v) Where internal sidewalks cross a vehicular circulation area or parking aisle, they should be clearly marked with contrasting paving materials, elevation changes, speed bumps, striping, neckdowns (also called bump outs or knuckles), or visual pedestrian cues.
  - (vi) Where the internal sidewalks abut a vehicular circulation area, the sidewalks should be raised or separated from the vehicular circulation area by a raised curb, bollards, landscaping or other physical barrier.
- d. Parking Location and Layout
- (i) Garage entries, carports, parking areas, and parking structures should be internalized in building groupings or oriented away from public street frontages.
  - (ii) Parking areas and freestanding parking structures (detached garages or carports) should generally not occupy more than thirty percent of each perimeter public street frontage.
  - (iii) Freestanding parking structures (detached garages or carports) that are visible from perimeter public streets should be sited perpendicular to the perimeter street in order to reduce visual impacts on the streetscape.
  - (iv) Required parking should be broken up into smaller "blocks" of parking, separated from each other by landscape strips.
  - (v) Visitor parking should be clearly identified and distributed throughout the development to provide convenient access to groups of dwellings. Required barrier-free parking should be located adjacent to community facilities and designated disabled-accessible units.

- e. Site Amenities and Common Open Spaces
  - (i) For all developments, common open spaces should be incorporated as amenities to the residents. Where feasible, common open spaces should be connected to a broader network of open spaces serving the general public.
  - (ii) Mid- to Large-sized sites should provide one central open space as a community focal point and gathering space, as well as other smaller diverse open spaces such as courtyards, squares, greens, or commons.
  - (iii) Outdoor spaces should provide on-site amenities to accommodate the activity interests of all age groups expected to reside in the development. Both active (playgrounds, ball fields, swimming pool, athletic courts, etc.) and passive recreational amenities (arboretum, public art promenade, nature preserve, etc.) should be considered.
  - (iv) Large-sized developments should incorporate facilities which contribute to meeting the social, civic, or public safety needs of the residents and community.
  - (v) The number of on-site amenities that are provided should be determined as follows:
    - (1) Developments less than 25 units – 1 amenity
    - (2) Developments between 25 and 150 units – 2 amenities
    - (3) Developments with more than 150 dwelling units – 3 amenities
  - (vi) Common open space areas should be designed, landscaped, and furnished as a logical extension of the existing development pattern, and be designed to be compatible with the existing and planned character of the district in which they are located. Well defined edges should be provided through the use of walkways, buildings, or landscaping.
- f. Private Open Spaces
  - (i) Adequate private open space (generally at least 80 square feet in area) should be provided for each unit, such as a yard, patio or balcony, which can be entered from the inside of the dwelling unit. Yards used as private open space should feature both landscaped and hardscaped areas with defined edges formed by low walls and landscaping.
  - (ii) Opportunities for residents to personalize private open spaces and entryways should be provided through ground level space or a wide ledge for plants and other features.

- g. Site Furnishings and Utilities
- (i) Common open space areas should include site furnishings such as gazebos, fountains, water features, public art, game tables, tables and chairs, benches, and bike racks to add uniqueness to the site and a sense of place and livability.
  - (ii) Fencing and wall materials should use similar or identical materials as used on buildings, and should use the same or complementary color palette.
  - (iii) Courtyard entry gates should be designed as an important architectural feature of the building or development.
  - (iv) Accents such as trellises, arched gates or arbors may be used to provide visual interest and demarcation to entrances.
  - (v) Retaining walls should be natural stone or faced with stone or earth-colored materials, or a material compatible with the primary building materials.
  - (vi) Service and utility areas should be inside the building or integrated into the architecture of the building.
  - (vii) When service and utility areas are located externally to the building, they should be enclosed or screened from the public view with decorative fences, walls and/or landscaping.
  - (viii) Dumpsters should be completely screened from view by decorative fencing, walls and/or landscaping.
  - (ix) Utilities should be buried and located at the rear or side lot lines. Meters and transformers should be placed at the side or rear of lots and screened from public view with decorative fencing, walls and/or landscaping.
  - (x) Roof mounted mechanical equipment, other than vents or ventilators, should be screened from ground level view. The screening shall be as high as the height of the equipment and shall be integrated with the exterior building design.
- g. Safety
- (i) Multiple-family residential site design should integrate the principles of Crime Prevention through Environmental Design (CPTED) to the maximum extent practicable.
  - (ii) Space within the development and along the edges should be well defined and delineated to create a sense of ownership, such that intruders and strangers stand out. This may be accomplished through the use of pavement treatments, landscaping, art, signage, screening, fencing, and similar techniques.

- (iii) Entries and windows should face onto common open space, walkways and play areas to provide informal surveillance and safety.
- (vi) Walls, shrubs and other visual obstructions between the public realm (streets, sidewalks, common open space, parking areas) and dwellings should be limited to a maximum of three feet in height to allow easy surveillance.
- (v) Lighting should be installed in a manner that illuminates all exterior dwelling unit entrances, walkways and parking areas within the project site.

#### 4. Building Design Guidelines.

##### a. Context and Compatibility

- (i) Where a neighborhood has a recognizable architectural context, those building features should be used as visual cues for incorporation into the development's design.
- (ii) Complementary building materials should be used to ensure that new multi-family residential development is compatible with residential development in the immediate area.
- (iii) An appropriate transition between the development and abutting sites is encouraged through building setbacks and strong edges of landscaping and decorative fences/walls.

##### b. Mass and Scale

- (i) Building facades should display rhythm through the recurrence of certain building elements. However, diversity and uniqueness is encouraged for developments which consist of many multiple-family dwelling units.
- (ii) Buildings should be comprised of a series of residential masses and forms to reflect the individual units and give the building scale and visual appeal. Recess/projections, distinct building components, and varying heights and roof forms are encouraged.
- (iii) Building massing and components should demonstrate proportional consistency (in height to width) to provide a balanced appearance.
- (iv) Building facades should be articulated in ways that give the appearance of multiple façade layers which add depth and avoid the appearance of flat residential facades. Wall plane projections, porches, balconies, bay windows, roof projections and extending roof eaves are techniques that can be used to achieve this effect.
- (v) Building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.

- (vi) For buildings greater than two stories, buildings should be comprised of a visually distinct base, middle and top. The design of the base should convey its loadbearing function and should relate to the pedestrian experience.

c. Building Materials and Architectural Details

- (i) An amount generally equal to forty percent, or as determined by the Planning Commission, of the total net exterior wall area of each façade, excluding gables, windows, doors, and related trim, should consist of brick or native stone materials. Other acceptable façade materials may include lap siding, cement board siding, wood siding, and board and batten wood. Unacceptable façade materials include smooth-faced or gray concrete block, tilt-up concrete panels, field painted or pre-finished standard corrugated metal siding, and vinyl siding.
- (ii) Side and rear facades, which face the street or are visible to the public, should be designed with the same standards as the front façade, including attractive materials, doors and decks.
- (iii) Each individual unit's entry should be emphasized and differentiated through architectural elements such as porches, stoops, or roof canopies, and detailing such as paint color, trim, materials or awnings.
- (iv) Corner buildings should define the intersection with distinctive architectural character. Features could include towers, rounded walls, recessed entries or other unique features.
- (v) Architectural treatments, such as recessed windows, moldings, decorative trim, and wood frames should be used to add three-dimensional quality and shadow lines to the facade.
- (vi) Windows of varied shape, size, and placement are encouraged.
- (vii) Acceptable roofing materials include wood shingles, clay or concrete tiles, slate, composition shingles, asphalt shingles, and metal tiles.
- (viii) The monotonous appearance of a single color application on buildings should be avoided.
- (ix) Although differentiation of units is desired, using dramatically different architectural styles within the same development is discouraged.
- (x) The design and construction of garages and carports should be compatible with the structure design and materials of the principal buildings. The incorporation of the roof pitch and materials of principal buildings into garage or carport roofs is encouraged.
- (xi) Architectural detailing consistent with the development's overall design should be incorporated into garage doors, such as patterned garage doors, painted trim, or varied colors.

5. Landscape Design Guidelines.

a. Natural Features

- (i) Where significant natural features or cultural resources exist on a property, an applicant should give priority to their preservation through public open space dedication or as common open space. Priority should be given to: wetlands; floodplains; bodies of water; prominent ridges, bluffs or valleys; existing, mature trees and vegetation; steep slope areas; and, historic, cultural, or archeological sites or areas recognized by the Township as significant.

b. Land Disturbance

- (i) The use of extensive grading or unusual site improvements (e.g., large retaining walls) to force a preconceived design onto a particular piece of property is discouraged.
- (ii) The layout of the development should follow and respect the natural topography of the site. Grading to create a large level lot or site is discouraged. Berms, channels, swales, and similar man-made changes to the landscape should be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes of slope.
- (iii) The use of retaining walls is encouraged to reduce the steepness of manmade slopes and to provide planting pockets or terraces for vegetation and landscaping. Retaining walls may be permitted to support steep slopes but should not exceed five feet in height from the finished grade.

c. Landscaping Materials and Standards

- (i) Site landscaping should be organized to accent architecture, enhance outdoor spaces and the street, buffer between uses and screen less desirable features such as utilities, parking areas, dumpsters, and loading areas.
- (ii) A wide range of plant materials, including perennials, lowering shrubs and native shrubs and groundcovers should be planted in the front yard. Plant material providing seasonal interest is encouraged.
- (iii) Each landscaped area, including parking islands, should be covered in live material. Live material includes trees, shrubs, ground cover, and sod. Woody mulch or other natural materials other than exposed gravel and aggregate rock may cover areas not covered in live material.
- (iv) Plant materials should be selected for energy efficiency and drought tolerance.
- (v) Tall deciduous trees should be provided for summer shade and winter solar access.
- (vi) Different landscape design and plant materials should be used in the various courtyards and common open space areas of the development to create an individual identity for each space.



- (vii) Landscape plantings should be used to help define property lines and distinguish private space from public space through a change in plant material, form or height.
- d. Parking Lot Landscaping
- (i) Landscape islands or areas should separate detached garages or carport structures sited in a row (end-to-end).
  - (ii) Parking lots, parking structures, garages and carports should be screened from adjacent streets, public spaces, and adjacent properties through strong edges of landscaping and decorative fences/walls.
- e. Lighting
- (i) Pedestrian-level, bollard lighting, ground-mounted lighting, or other low, glare-controlled fixtures mounted on buildings or landscape walls should be used to light pedestrian walkways.
  - (ii) Light pole, building-mounted, or tree-mounted lighting structures should generally be no more than twenty feet high. Bollard-type lighting should be no more than four feet high.
  - (iii) Light fixtures should use full cut-off lenses or hoods to prevent glare and light spill off the project site onto adjacent properties, buildings, and roadways.
  - (iv) Lighting fixtures should be color-correct types such as halogen or metal halide to ensure true color at night and ensure visual comfort for pedestrians.
- f. Storm Water Management
- (i) Best management practices for storm water runoff should be incorporated into all multiple-family residential developments to filter contaminants out of storm water runoff before it reaches Township drains and waterways. The use of techniques and practices such as green roofs, permeable pavement, rain barrels, rain gardens and vegetated swales are encouraged.
  - (ii) Site drainage patterns should be designed to prevent concentrated surface drainage from collecting on, and flowing across pedestrian paths, walks, and sidewalks.
  - (iii) Storm water treatment devices should not be located in common open spaces when they would limit use, but may be adjacent to create a more open atmosphere.

**Section 2106. 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:

1. The appearance, color, texture and materials being used will preserve property values in the immediate vicinity and will not adversely affect any property values.
2. 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.
3. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
4. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

**Article XXI-A  
Traffic Impact Study Requirements  
(Ordinance No. 80-29)**

**Section 2100A Purpose.**

Davison Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this Article is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This ordinance is further intended to help achieve the following objectives:

- Provide a standard set of analytic tools and format for preparing traffic impact studies.
- Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
- Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed use.
- Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments by helping to ensure the transportation system can accommodate the expected traffic safely and efficiently.
- For rezonings, the traffic impact study is intended to evaluate if the rezoning is timely or, if inconsistent with the Master Plan, if the rezoning would be a logical alternative to the Master Plan.
- Realize a comprehensive approach to the overall impacts of various developments along a corridor or within a part of a community rather than a piecemeal approach.
- Provide direction to community decision-makers , road agencies, and developers of expected impacts of a project.
- Alert the community, transportation agencies, and developers of improvements or modifications needed to the roadway, access, or site design.
- Protect the substantial public investment in the existing street system.

**Section 2101A Applicability.**

Except as provided below under Waiver of Study Requirements, a traffic impact study shall be required and shall be submitted by a petitioner for a rezoning, site plan, or subdivision plan under any of the following situations. The type of study required shall be dependent upon the type and scale of the proposed use and existing traffic patterns.

1. A “Rezoning Traffic Impact Study” for the following Rezonings and Master Plan Amendment requests:

- a. A proposed rezoning consistent with the community's long range land use plan, but when the timing of the change may not be appropriate due to traffic issues. This threshold applies when a rezoning would permit uses that could generate 100 or more directional trips during the peak hour, or at least 1,000 more trips per day, than the majority of the uses that could be developed under current zoning.
  - b. A proposed rezoning which is inconsistent with the community master plan when permitted uses could generate at least 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets or over 750 trips in an average day.
  - c. A site along any corridor identified as a critical/congested/safety management corridor in the Master Plan.
  - d. Proposed amendments to the Master Plan which would recommend uses which would generate higher traffic volumes.
2. Development Proposals: Site Plans, Plats, Mobile Home Parks, and Condominium Projects
- a. A Traffic Impact Statement shall be required for any proposed development which would be expected to generate over 100 directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over 750 trips in an average day.
  - b. A Traffic Impact Assessment shall be required for projects which could generate 50-99 directional trips during a peak hour.
  - c. A Traffic Impact Statement shall be required for any proposed development along a corridor identified in the Master Plan as a critical congested safety management corridor (segments which currently experience, or are project to experience, significant congestion or relatively high crash rates) which would be expected to generate over 50 directional trips during the peak hour of the traffic generator or the adjacent streets, or over 500 trips in an average day.
  - d. A Traffic Impact Statement or Assessment, based on the thresholds in a. and b. above, shall be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two (2) percent annually).
  - e. A Traffic Impact Assessment shall be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least 50 directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project. A Traffic Impact Statement shall be required if the traffic is expected to increase by over 100 directional trips in the peak-hour.

**Section 2102A Traffic Impact Study Contents.**

1. Description of the site, surroundings, and study area: Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
2. Description of the Requested Zoning or Use
  - a. Traffic study for a rezoning or Master Plan amendment request: a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the community's Master Plan, an explanation of the difference should be provided.
  - b. Traffic study for a site plan review, mobile home park, condominium project or subdivision tentative preliminary plat: a description of factors such as the number and types of dwellings units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
3. Description of Existing Traffic Conditions
  - a. Traffic counts: existing conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted should be provided for projects requiring a Traffic Impact Statement or Regional Traffic Analysis. Traffic count data shall not be over two (2) years old, except the Township may permit 24-hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years.

Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of non-holiday weeks. Additional counts (i.e., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions (i.e., regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.
  - b. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
  - c. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.

- d. The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way identified by the Township or state or county agency having jurisdiction.
- e. Traffic crash data and analysis covering the most recent three (3) years for the study area or proximity to site access points may be required by the community for sites along roadways identified as critical congested corridors.

#### 4. Background Traffic Growth

- a. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- b. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Building Inspector (Official). For Traffic Impact Assessments, Statements, or Regional Traffic Analyses, the rates for the specific uses(s) proposed shall be used.
- c. Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- d. For projects intended to be developed in phases, the trip generation by phase shall be described.

#### 6. Trip Distribution

The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, etc.). For project requiring a Regional Traffic Analysis, use of network traffic assignment model projection (if available) may be required to help evaluate impacts.

## 7. Impact Analysis

- a. Level of service “capacity” analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five (5) percent of the existing intersection capacity, and/or roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency.
- b. Gap studies for unsignalized intersection, where applicable.
- c. The community may require a Regional Traffic Analysis which evaluates the impact on the street network over a wide area and/or for up to 20 years for a project of regional significance, if a network model is available.

## 8. Access Design/Access Management Standards

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including: any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary, support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of Davison Township under Section 1724 of this ordinance.

## 9. Other Study Items

The traffic impact study shall include:

- a. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- b. Changes which should be considered to the plat or site plan layout.
- c. Description of any needed non-motorized vehicles.
- d. If the use involves a drive-through facility, the adequacy of the (queuing stacking) area should be evaluated.
- e. If a median crossover is desired, separate analysis should be provided.
- f. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- g. Description of site circulation and available sight distances at site driveways.

#### 10. Mitigation/Alternatives

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. The responsibility and timing of roadway improvements shall be described. Nothing in this section shall relieve the petitioner from complying with Section 1724 of this ordinance.

#### 11. Qualifications

Preparer. The preparation of a thorough traffic impact study requires extensive background and experience in traffic-related analysis. Therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. Recommended preparer requirements are outlined below.

- a. The person responsible for the preparation of the study shall meet the following requirements:
  - (1) Three (3) or more years of recent experience in the preparation of traffic impact studies.
  - (2) The development of impact studies (and similar intersection and/or corridor analyses) comprise a major component of the preparer's recent professional experience. This requires ongoing experience and familiarity with the Highway Capacity Manual techniques, as well as the computer software (Highway Capacity software and others) that provide level of service results and other analysis findings needed to fully assess potential impacts.
  - (3) Specific education, training, and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organization (i.e., National Highway Institute, Northwestern University Traffic Institute, etc.).
  - (4) The study preparer shall be an associate (or higher) member of one or more professional transportation-related organizations, particularly the Institute of Transportation Engineers (ITE) or the Transportation Research Board (TRB). This helps ensure that the preparer is maintaining their knowledge as new research is published and analysis techniques are changed or refined.
- b. In addition, the preparer should have one (1) of the following professional qualifications:
  - (1) A registered engineer (PE).
  - (2) A Community Planner with AICP or PCP certification.
- c. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.



- d. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer with full recognition of potential liability for the results and recommendations outlined in the report.

**Section 2103A Waiver of Study Requirements.**

The requirement for a traffic impact study, or the study elements listed in Section 2102A "Traffic Impact Study Contents" may be waived/modified following consultation with a representative of the applicable governing agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:

- Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.
- The existing level of service along the roadway is not expected to drop below a C level of service due to the proposed project.
- The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
- A similar traffic study was previously prepared for the site and is still considered applicable.

## **Article XXII Board of Appeals**

### **Section 2200. Purpose.**

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done, there is hereby established a Zoning Board of Appeals (ZBA).

### **Section 2201. Creation and Membership.**

The ZBA shall perform its duties and exercise its powers as provided in Article VI Section 603 of Act 110 of the Public Acts of 2006, as amended (the Zoning Enabling Act). The ZBA shall consist of seven (7) members, selected from the electorate, appointed by the Supervisor, with the consent of the Township Board.

1. The first member of the ZBA shall be a member of the Planning Commission.
2. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within the Township. The members shall be representative of the population distribution and of the various interests present in the Township.
3. Members of the Zoning Board of Appeals shall be appointed by majority vote of the members of the Township Board.
4. An employee or contractor of the Township Board may not serve as a member of the ZBA. One regular member or alternate member may be a member of the Township Board. Such member shall not serve as Chair.
5. Term of appointments shall be as follows: three (3) members appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years, respectively. Thereafter, each member is to hold office for a full three (3) year term. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
6. Any appointive vacancies in the ZBA shall be filled by the Township Supervisor with the consent of the Township Board for the remainder of the unexpired term.
7. The Township Board may also appoint not more than two (2) alternate members for the same term as regular members. Any vacancies in the alternative membership of the ZBA shall be filled by appointment made by the Supervisor with the consent of the Township Board for the remainder of the unexpired term. The alternate members shall:

- a. Sit as regular members of the ZBA in the absence of a regular member if a regular member is absent from, or unable to, attend one (1) or more consecutive meeting of the ZBA.
- b. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest.

The alternate member having been appointed shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the ZBA. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the ZBA.

8. A member of the zoning board of appeals who is also a member of the planning commission, or the Township Board 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 Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

**Section 2202. Compensation.**

Each member and alternate member may receive a reasonable sum as determined by the Township Board for his services in attending each regular or special meeting of the ZBA. (Ordinance No. 80-3)

**Section 2203. Removal.**

Appointed members may be removed for misfeasance, malfeasance, or nonfeasance in office by the Township Board only upon consideration of written charges and after a public hearing. Failure of a member to disqualify himself from a vote in which he has a conflict of interest constitutes malfeasance in office.

**Section 2204. Meetings.**

1. The Board of Appeals shall annually elect its own chairman, vice chairman, and secretary.
2. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such times as such Board may determine. The Chair or, in his or her absence, the acting Chair, may administer oaths and compel the attendance of witnesses.
3. All hearings conducted by the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions in the office of the Township Clerk, and shall be a public record.
4. The ZBA shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the members of the ZBA 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 they are required to pass under an ordinance, or to grant a variance in the Zoning Ordinance.

**Section 2205. Appeal and Notice Requirements.**

1. An appeal may be taken to the ZBA by any person aggrieved, or by any officer, department, board, or bureau of this state or Township. In addition, a variation in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided under this Act. The ZBA shall state the grounds of any determination made by it. An appeal shall be made in accordance with the processing procedures established by the Zoning Board of Appeals. Each appeal shall be accompanied by a processing fee in an amount established by resolution of the Township Board, and may be amended from time to time. No portion of such fee shall be reimbursable to the applicant. The Building Official shall forthwith transmit to the Board, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed. However, if the Building Official certifies to the ZBA after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the ZBA or circuit court. (Ordinance No. 80-3)
2. The ZBA shall make no recommendations except in a specific case.

Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time of the hearing. The hearing shall be noticed in accordance with the following terms and conditions:

- a. Notice of the public hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
- b. Not less than 15 days notice shall be given to the owner of the property that is subject to the appeal.
- c. Not less than 15 days notice shall be given to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Township. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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.
- d. The notice requirements of this section shall be considered given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- e. A notice under this section shall do all the following:

- i) Describe the nature of the request.
  - ii) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
  - iii) State when and where the request will be considered.
  - iv) Indicate when and where written comments will be received concerning the request.
- f. If the Zoning Board of Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required under Section 2205, 2, a-e, above. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 2205, 2, a, above and given to the person making the request as provided in Section 2205, 2, d, above.
3. No appeal shall be taken to the ZBA from a decision of the Planning Commission or Township Board in connection with a use permitted subject to special conditions.
  4. Appeal(s) required in connection with site plan approval for principal uses permitted shall be presented before the ZBA prior to the consideration of the site plan by the Township Planning Commission.
  5. The ZBA may only act on those matters brought before it through the procedures of Section 2207. In no instance may they conduct business on matters outside the scope of the appeal.
  6. No appeal shall be made from a decision of the Township Building Official or Planning Commission unless such appeal is filed within thirty (30) days from the date of such decision. (Ordinance No. 80-10)
  7. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the power of the body or officer from whom the appeal was taken and may issue or direct the issuance of a permit.

### **Section 2206. Jurisdiction.**

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the ZBA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the authority to make changes in the Zoning Ordinance or the Zoning Map, such power and authority being reserved to the Township Board in the manner herein provided by law.

**Section 2207. Powers and Duties.**

The ZBA shall have the following specified powers and duties:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.

2. Interpretation

To hear and decide in accordance with the provisions of this Ordinance:

- a. Appeals for the interpretation of the provisions of the Ordinance.
- b. 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.

3. Variances

The ZBA shall have the power to authorize use variances and dimensional (non-use) variances, from such requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must submit an affidavit indicating that the standards for either a "practical difficulty" or "unnecessary hardship" exists, as described below:

a. Dimensional or Non-Use Variances

To authorize, upon an appeal, a variance from the strict application of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional 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 Ordinance. In granting a dimensional variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in furtherance of the purpose of this Ordinance. A dimensional variance shall not be granted unless all of the following standards are met:

- (i) Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district.
- (ii) The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.

- (iii) Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
- (iv) Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.
- (v) The existence of non-conforming uses of neighboring lands, structures, or buildings in the same district; permitted or non-conforming uses of land, structures, or buildings in other districts; and non-conforming structures, shall not be considered grounds for the issuance of a variance.
- (vi) A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure.
- (vii) The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

b. Use Variances

To authorize, upon an appeal, a variance for a specific use of land that is not otherwise permitted in the district in which the property is located where the strict application of the regulations enacted would result in an unnecessary hardship upon the owner of such property. In granting a use variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in the furtherance of the purpose of this Ordinance. A use variance shall not be granted unless all the following standards have been met:

- (i) The property cannot reasonably be put to a conforming use (i.e., that the property cannot yield a reasonable economic return if it is used in strict compliance with the Ordinance).
- (ii) The plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions which may reflect the unreasonableness of the zoning itself.
- (iii) The use to be authorized will not alter the essential character of the locality.
- (iv) The problem is not self-created.
- (v) A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure.

c. The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty or unnecessary hardship exists under the preceding criteria. (Ordinance No. 80-36)

#### 4. Approval of Temporary Uses

The ZBA shall have the power to grant permits authorizing temporary land uses intended for:

- a. Tent sales; sidewalk sales; firewood or Christmas trees, and similar uses; under the following conditions:

(1) Zoning Districts Where Permitted

Such uses shall be restricted to nonresidential zoning districts except that temporary uses may be permitted in residential districts provided they will be located on a parcel no less than three (3) acres in size. (Refer to Section 701,6.)

(2) Application and Submittal Requirement

The application for a temporary use permit shall be accompanied by plans and specifications including the required copies of the plot plan drawn to scale. The plot plan shall show the shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes. The submittal shall include 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, including all tents, tables, stands, or display racks. The applicant shall also provide data on the anticipated automobile 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.

(3) Time Limitations

A temporary use permit for a tent or sidewalk sale shall by its terms be effective for no longer than ten (10) calendar days. No more than four (4) temporary use permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary use permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods.

A temporary use permit for the sale of Christmas trees shall by its terms be effective for no longer than thirty (30) days. No more than one (1) temporary use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three (3) months. No more than one (1) temporary use permit for such uses shall be issued for any given location within a single calendar year.



## (4) Standards for Approval

A temporary use permit shall only be granted if the ZBA determines that the proposed use, including the erection of any temporary building or structure, will: provide adequate light and ventilation between buildings and structures; provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking; provide adequate lot access for fire protection purposes; not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare; and, will 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 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.

- b. The temporary location of a premanufactured building in new subdivisions in any residential district for periods not-to-exceed ninety (90) days, provided: the use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision; all applicable building height, bulk, and area requirements of the district are met; and, 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 remanufactured dwelling remain beyond the time limitation specified above.
- c. Permit in any residential district the temporary location of a sales and/or contractor's office within a permanent structure on site provided such office is vacated at the completion of active construction which occurred on the site.
- d. Permit the location of temporary building and uses for periods not-to-exceed ninety (90) days in undeveloped sections of the Township, with the granting of not more than three (3) ninety (90) day extensions being permissible, provided the conditions set forth in Section 2207,4,g below, are met. In no instance shall a permit be extended when the property surrounding the temporary use has developed during the life of the temporary permit. Notwithstanding these provisions, the Township Building Official may, for a period not to exceed thirty (30) days, permit the establishment of emergency housing facilities upon a finding that such housing shall be provided in a safe and sanitary condition.
- e. Permit uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not-to-exceed twelve (12) months, provided the conditions set forth in Section 2207,4,g below, are met.

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 range and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

- f. Permit the installation of small removable homes, to be known as ECHO (an acronym for Elder Cottage Housing Opportunity) houses, on the same lots with single-family houses, subject to the following purposes and requirements.

(1) Purposes

- (i) To permit adult children to provide small temporary residences for their aging parents who are in need of support, while maintaining as much of the independence of the two generations as possible.
- (ii) To permit families to provide security and support for nonelderly relatives with serious health problems or physical disabilities.
- (iii) To reduce the degree to which frail elderly homeowners have to choose between increasing isolation in their own homes and institutionalization in nursing homes.
- (iv) To develop housing types in single-family neighborhoods that are appropriate for households at a variety of stages in the life cycle.
- (v) To permit ECHO housing in a manner that protects the property values and single-family character of neighborhoods by ensuring that the units are compatible with the neighborhood and are easily removed.

(2) Requirements

- (i) The minimum unit size for one (1) person shall be two hundred eight (280) square feet and four hundred (400) square feet for two (2) occupants. The maximum unit size shall be limited to nine hundred (900) square feet and a maximum building height of sixteen (16) feet.
- (ii) The ECHO unit shall be located in the rear yard. Coverage of the rear lot by the unit shall not exceed thirty (30) percent. Coverage of the entire lot by the ECHO unit and the principal residence shall not exceed thirty (30) percent.
- (iii) The ECHO unit shall be placed so that yard space remains as usable as possible. Access must be provided to the ECHO unit without going through the principal residence. Walls of the ECHO unit containing large windows shall not be placed near lot lines or overlooking abutting property.

- (iv) The unit's foundation shall be of easily removable materials such as timber pilings or cement block piers, so that the lot may be restored to its original use after removal, with as little expense as possible.
- (v) No permanent fencing, walls, or other structures shall be installed that will hinder removal of the ECHO unit from the lot. No permanent structure shall be built around or over the ECHO unit that will prohibit its removal from the lot.
- (vi) The owner(s) of the principal residence and lot must live in one of the dwelling units on the lot. At least one (1) occupant of the principal residence and at least one (1) occupant of the ECHO unit must be related by blood, marriage, or adoption. In no case shall there be more than two (2) occupants of an ECHO unit. At least one occupant of the ECHO unit must be over sixty-two (62) years of age, or unable to live independently because of mental or physical illness or disability.
- (vii) Adequate parking must be provided for any vehicles owned by occupants of the ECHO unit. The number of spaces required will be determined on a case-by-case basis by the ZBA taking into account existing parking availability.
- (viii) All walkways from parking areas and principal residence to the ECHO unit shall be suitable for wheelchair and stretcher access, in accordance with the Americans with Disabilities Act.
- (ix) The exterior of the ECHO unit shall be compatible with principal residence in terms of color, siding, roof pitch, window detailing, roofing materials, and foundation or skirting appearance, as determined by the ZBA.

(3) Application Requirements

Property owner(s) who want to install an ECHO unit on the same lot with their principal residence must submit a written application which includes the names and addresses of all owners of record and proposed occupants of the ECHO unit; the parcel number of lot, the relationship of occupant(s) to owner(s) and agreement that occupants(s) will meet the eligibility standards of Section 2207,4,f,(2),(vi) above, and, a list of all motor vehicles of owner(s) and occupants(s). A description of the public or private water and/or sewage systems to be used must also be included as part of the written application. The application materials should be signed by the owner(s) of record and submitted along with the required application fee. The required application fee shall be established by resolution of the Township Board. (Ordinance No. 80-10)

The property owner(s) must submit a plan of the lot, along with the written application, consisting of a standard size drawing, drawn to scale, showing dimensions and locations of all structures on the lot, the location of parking for motor vehicles of owner(s) and occupant(s), and the square footage of the ECHO unit and principal residence.

A floor plan for the unit must also be submitted along with architectural drawing(s) showing compatibility of ECHO unit design and landscaping with that of main house, as well as other features such as attachment of the two dwellings, the appearance of the foundation for the ECHO unit, the location of major ECHO unit windows in relation to abutting properties, and adaptations for access by physically handicapped or disabled persons where the ECHO house is to be attached in any way to the principal residence. A plan showing how the ECHO unit can be removed without permanently defacing the exterior of the principal residence must also be provided.

(4) Agreement to Special Conditions

Also included with the application must be the property owner(s) agreement to any conditions the local jurisdiction sets for ECHO housing. This may be in the form of a letter in which the owner(s) will:

- (i) Verify that the installation, use, and occupancy of the ECHO unit meet the conditions set by the Township. The owner shall also annually certify, in writing, to the Township Building Department that these conditions are still being met.
- (ii) Recognize that if the permit expires, is revoked or invalidated, application for renewal or for a new permit must be made.
- (iii) Acknowledge that when the ECHO unit is no longer a legally permitted use, the owner(s) will be responsible for its removal from the lot and for restoration of the property to its original condition within ninety (90) days.
- (iv) Agree that if the owner(s) should not remove the ECHO unit within ninety (90) days after it is no longer a permitted use, the jurisdiction may remove the unit and salvage it to defray any costs incurred.

g. The ZBA, in granting permits for temporary uses described in Sections 2207,4,c,d, and f, shall do so under the following conditions: (Ordinance No. 80-10)

- (1) 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.
- (2) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (3) 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 Township shall be made at the discretion of the Board of Appeals.
- (4) The use shall be in harmony with the general character of the area.

- h. No temporary use permit shall be granted without first giving notice to owners of property of the time and place of a public hearing to be held as provided for in Section 2205. Further, the ZBA may seek the review and recommendation of the Planning Commission prior to the taking of any action, due to the unique operational characteristics of the proposed use. (Ordinance No. 80-3)

**Section 2208. Prohibited Variances.**

1. No variance shall be made in connection with a condition attached to a special conditional use approved by the Planning Commission and/or Township Board. (Ordinance No. 80-36)

**Section 2209. Attachment of Conditions.**

The ZBA 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 police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. 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.

**Section 2210. Approval Period.**

The approval of a variance by the Zoning Board of Appeals shall expire and be automatically revoked unless acted upon within twelve (12) months of the date of granting said variance, except that such variance shall be deemed to have been extended coincidentally with the extension period of a site plan and/or special condition use permit to which it is attached, for a concurrent period not to exceed two (2) successive twelve (12) month cycles. (Refer also to Sections 1802, and 1903, 4.) (Ordinance No. 80-24) (Ordinance 80-29)

No order of the ZBA permitting a temporary use of a building or premises shall be valid for a period longer than one (1) year unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if 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.

**Section 2211. Fees.**

The Township Board 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 Township Clerk.

**Section 2212. Rehearing.**

1. The decision of the ZBA shall be final. However, a person having an interest affected by the ZBA decision may appeal the decision to Circuit Court. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
  - a. Complies with the constitution and laws of the state.
  - b. Is based upon proper procedure.
  - c. Is supported by competent, material, and substantial evidence of the record.
  - d. Represents the reasonable exercise of discretion granted by law to the ZBA.
2. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
3. An appeal from a decision of a Zoning Board of Appeals shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the Chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is not chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.
4. The ZBA 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.

## **Article XXIII Administration and Enforcement**

### **Section 2300. Enforcement.**

The provisions of this Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the Building Official may delegate to enforce the provisions of this Ordinance.

### **Section 2301. Duties of Building Official.**

The Building Official shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he/she has inspected such plans in detail and found them to conform with this Ordinance.

The Building Official shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Section 1704.

Under no circumstances is the Building Official permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Building Official.

The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

### **Section 2302. Plot Plan.**

The Building Official shall require that all applications for building permits shall be accompanied by plans and specifications including the required number of plot plans drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

**Section 2303. Permits.**

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued

No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

2. Permits for New Use of Land

No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

3. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

4. Permits Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

5. Permits for Wrecking Buildings

Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.



Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Building Official for examination of the premises to determine whether or not rodent extermination procedures are necessary.

After obtaining permit from the Building Official, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Building Official and shall notify the same before proceeding with wrecking operations.

The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject. He will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the building official. Suitable provision shall be made for the disposal of materials which are accumulated during the wrecking operations. No part of the structure shall be overloaded by excessive storage of materials or debris. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Materials, which in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

6. Permits for Roadside Stands

Before any roadside stand shall be erected, a permit for such use shall first be obtained. Approval of such permits shall be subject to the requirements of the Township Board of Appeals, for temporary uses, under Section 2207, 4.

7. Expiration of Building Permit

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing work, said permit shall expire; it shall be canceled by the Building Official and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.

**Section 2304. Certificates.**

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

1. Certificates Not to be Issued

No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.

2. Certificates Required

No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

3. Certificates Including Zoning

Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of, use of existing buildings or structures, shall also constitute certificates of zoning as required by this Ordinance.

4. Certificates for Existing Buildings

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

5. Record of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

6. Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan, and when completed at the same time as such dwellings.

7. Application for Certificates

Application for certificates of occupancy shall be made, in writing, to the Building Official on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

**Section 2305. Final Inspection.**

The holder of every building 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.

**Section 2306. Fees.**

Fees for inspection and the issuance or permits or certificates of copies thereof, required or issued under the provisions of this Ordinance, shall be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

## **Article XXIV General Exceptions**

### **Section 2400. Application.**

The regulations in this Ordinance shall be subject to the interpretations and exceptions, specified in Sections 2401 through 2406.

### **Section 2401. Essential Services.**

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other Ordinance of Davison Township.

### **Section 2402. Voting Place.**

The provisions of this Ordinance 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.

### **Section 2403. Height Limit.**

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or television and amateur radio operator antennae for personal use of normal or customary height; provided that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special condition use.

### **Section 2404. 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 Appeals.

### **Section 2405. 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.

### **Section 2406. Access Through Yards.**

For the purpose of this Ordinance, 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 Ordinance not be considered to be a structure, and shall be permitted in any required yard.

## Article XXV Amendments

### Section 2500. Amendment Procedure.

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as may be amended (the Michigan Zoning Enabling Act). Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk; however, there shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change.

Zoning Ordinance text and map amendments shall only be approved by the Township Board after receipt of a recommendation by the Township Planning Commission. Before submitting its recommendation, the Township Planning Commission shall hold not less than one (1) public hearing.

Notices of the public hearing shall be given not less than fifteen (15) days before the proposed text or map amendment will be considered.

Notices under this section shall: describe the nature of the amendment; indicate the property that may be subject of the request; state when and where the public hearing will be held; include the places and times at which the proposed text and/or map amendment(s) may be examined; and indicate when and where written comments will be received concerning the request. In addition, if an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the notice shall include a listing of all street addresses within the 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.

Notice of the public hearing shall be published in a newspaper or general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the Township. If the name of the occupant is now known, the term "occupant" may be used in making notification.

Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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 notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

Following the hearing, the Township Planning Commission shall submit the proposed Zoning Ordinance amendments, including any zoning maps, to the County Planning Commission for review and recommendation. If the recommendation of the County Planning Commission has not been received by the Township within thirty (30) days after receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review and recommendation of the Ordinance amendments.

The Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed text and/or map amendment(s) to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary. The Township board, however, shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of a public hearing held by the Township Board shall be given in the same manner required for the original notification

At a regular meeting or at a special meeting called for that purpose, the Township Board may adopt, by majority vote of its membership, a text amendment or Zoning Districts map change for the portions of the Township outside the limits of cities and villages, with or without amendments that have been previously considered by the Planning Commission. Except as otherwise provided under Section 402 of PA 110 of 2006 pertaining to protest petitions, a Zoning Ordinance shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as may be specified by the Township Board.

The Zoning Ordinance amendments shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment, the effective date of the Ordinance, and the place and time where a copy of the Ordinance may be purchased or inspected.

**Article XXVI**  
**Enforcement, Penalties, and Other Remedies**

**Section 2600. Violations.**

Any person, firm, or corporation violating any provision of this Ordinance shall be responsible for a municipal civil infraction. (Ordinance No. 16-81)

**Section 2601. 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 Ordinance 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.

**Section 2602. *(Reserved for Future Use)***

(Ordinance No. 16-81)

**Section 2603. Each Day a Separate Offense.**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**Section 2604. Rights and Remedies are Cumulative.**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Article XXVII**  
**Effective Date**

**Section 2700. Application.**

This Ordinance shall take effect after its adoption and upon publication.

This Ordinance was adopted by the Township Board of Davison Township by authority of Act 184, of the Public Acts of Michigan, 1943 (the Township Rural Zoning Act), at a Regular Meeting thereof duly called and held on the 11th day of July, 1994, A.D.

Janet Johnston  
Clerk  
Davison Township

I, Janet Johnston, Clerk of Davison Township, do hereby certify that the foregoing is a copy of Ordinance No. 80, adopted by the Township Board of Davison Township and published as required by law.

Janet Johnston  
Clerk  
Davison Township