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**RESOLUTION OF THE SENECA TOWNSHIP ZONING BOARD**

Pursuant to the direction of the Seneca Township Board, the Seneca Township Zoning Board after extensive research and discussion does hereby,

Resolve, to adopt, recommend and present to the Seneca Township Board the Attached Ordinance to be known as "The Seneca Township Zoning Ordinance".

Adopted by a unanimous vote of the Seneca Township Zoning Board the 10th day of October, 1977.

Clark Powers, Chairman

The attached Ordinance was delivered to the Lenawee County Planning Commission this 10th day of October, 1977.

Dan Bruggeman, Attorney

Resolution of the Seneca Township Board. The following Ordinance was adopted by unanimous vote at a meeting of the Seneca Township Board November 14, 1977.

Octa Green, Clerk  
Jay Gould, Supervisor

**SENECA TOWNSHIP ZONING ORDINANCE  
LENAWEE COUNTY, MICHIGAN TITLE**

AN ORDINANCE to regulate and restrict the use of land and buildings by dividing the Township of Seneca into districts; defining certain terms used therein; imposing regulations, prohibition and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a Board of Appeals, defining and limiting the powers and duties of said Board and setting standards to guide actions of said Board and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance.

**PREAMBLE**

In accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended, the Township of Seneca desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Seneca be so related as to provide for economy in government and mutual support. The results of such purposes of this Ordinance, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Township of Seneca.

**ENACTING CLAUSE**

THE TOWNSHIP OF SENECA COUNTY OF LENAWE, STATE OF MICHIGAN ORDAINS:

**ARTICLE I  
SHORT TITLE**

Section 1.01. This Ordinance shall be known and may be cited as "The Seneca Township Zoning Ordinance".

**ARTICLE II  
CONSTRUCTION OF LANGUAGE**

Section 2.01. The following rules of construction apply to the text of this Ordinance.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Resolution 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 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 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, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

**ARTICLE III**  
**ZONING DISTRICTS AND MAPPING INTERPRETATION**

Section 3.01. DISTRICTS. The Township of Seneca is hereby divided into zones or districts as shown on the official Zoning Map and shall include the following:

- A     Agriculture
- R     Residential
- C     Commercial
- M     Mobile Home Park
- I     Industrial
- X     Extractive Industrial.

Section 3.02. LOCATION OF DISTRICTS. The Districts are as follows:  
Industrial: All that part of Section 31 West of Fay Hwy. and South of Mulberry Rd. and the Northwest quarter of Section 32.  
Residential: Section 4, 5, 32 and 33, but excluding the Northwest quarter of Section 32. Commercial: Floating. Extractive: Floating, Mobile Home Park: Floating. Agricultural: All the remainder.



**ARTICLE IV  
GENERAL PROVISIONS**

Section 4.01. CONFLICTING REGULATIONS. Wherever any provision of this Ordinance imposes more stringent requirements, regulation, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

1. Permitted Area and Placement. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) per cent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.
3. Lot Limitations. In Single Family Zoning Districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated

as "out lots", which may be so arranged or subdivided as to provide for one or more principal building when the land area allocated as to provide for one or more principal building when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided according to the Plat Act.

4. Lots, Yards and Open Spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.
5. Porches, Patios and Terraces. An open, unenclosed porch, paved patio, or terrace may project into a required front yard, but not project into a required rear yard for a distance not to exceed ten (10) feet.
6. Projections into Yards. Architectural features, as defined not including vertical projections, may extend or project into a required side yard not more than two (2) inches for 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.
7. Required Street Frontage. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:
  - a. A public street with a roadway which has been accepted for maintenance by the county, or
  - b. A permanent and unobstructed private easement of record having a width of at least thirty feet, except where an access easement of record of less width existed prior to the adoption of this ordinance, and a roadway meeting county standards for vehicular traffic, leading to a public street as defined under item (a) above.

8. Appearance. Any case where a building or accessory building in an Industrial 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 not be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material with the limits herein specified.
9. Dwellings in Non-Residential Districts. No dwelling shall be erected in the C, I, or X Zoning Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specified requirements of the particular district.

Section 4.03. ZONING OF STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY. All streets, alleys, and railroad right-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 4.04. An accessory building shall not exceed one (1 ) story or fourteen (14) feet in height.

Section 4.05. OCCUPANCY:, TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes for more than one year without a conventional story there above used as a dwelling.

Section 4.06. BUILDING GRADES. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Whenever possible, a sloping grade, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the

grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing on to the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Township Engineer or Building inspector.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

Section 4.07. BUILDINGS TO BE MOVED. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

Section 4.08. EXCAVATIONS OR HOLES. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, 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, the County, the Township, or other governmental agency.

Section 4.09. RESTORING UNSAFE BUILDINGS. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order. Within 6 months of a Building Inspector declaring a building to be in a state of disrepair rendering this building non-

functional for the use intended, then the building shall be repaired or razed.

Section 4.10. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance

Section 4.11. VOTING PLACE. The provisions of the Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

Section 4.12. APPROVAL OF PLATS. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the State of Michigan and any related ordinance of the Township as may be adopted.

Section 4.13. ESSENTIAL SERVICES. Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 4.14. SIGNS. All signs erected or located in any Zoning District shall comply with the following regulations.

A. Signs, General. All signs shall be designed, constructed, and maintained so as not to change the essential character of such area.

1. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section

2. There shall be no flashing, oscillating or intermittent, red, blue or green illumination on any sign located in the same line or vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from - being cast upon neighboring residences with a residential district and shall be located not less than one hundred (100) feet from such residential district.
3. No sign, except those placed and maintained by the Township, County or State shall be located in, overhang or encroach upon any public right-of-way.
4. Signs advertising real estate for sale, rent or lease are permitted in all districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate. Temporary subdivision signs not exceeding one hundred (100) square feet in area may be permitted subject to their approval by the Board of Appeals for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Board of Appeals to secure harmony with this Ordinance and there are buildings or home sales continuing in the subdivision being advertised.
5. No building permit shall be required for a sign described above provided said sign is not larger than sixteen (16) square feet in area.
6. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which located.

B. Permitted Signs in the "A", Agricultural District. In the "A", Agricultural District only one (1 ) sign of each of the following types shall be permitted on each lot or parcel unless specified herein. The following signs are permitted.

1. A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six (6) square feet in area and placed no nearer to the street line than one-half

the required front yard depth.

2. Non-illuminated trespassing, safety, directional, caution or announcement signs each not exceeding two (2) square feet in area.
3. A non-illuminated sign announcing a home occupation, service, or produce offered on the premises, provided that such a sign shall not exceed twelve (12) square feet in area; and shall be located no closer to the street line than one-half (by) the required frontage yard.
4. A sign or bulletin board identifying a church, school, park or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflective light and the source of illumination shall not be visible.
5. A non-illuminated sign announcing an adjoining agricultural seed, fertilizer or weed killer demonstration or test plot not to exceed twelve (12) square feet.

C. Permitted Signs in the "R", Residential District. In any Residential District only one (1) sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein. The following types are permitted.

1. A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area and placed no nearer to the street line than one-half of the required front yard depth.
2. A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed two (2) square feet in area and shall be attached flat against a building wall.
3. One sign advertising a recorded subdivision or development not to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way than one-third (by) the minimum authorized front yard depth, such sign shall be removed within one year after the sale of ninety (90) per cent of all lots or units within said subdivision or

development.

4. One sign identifying a multiple-family building, subdivisions or development not having commercial connotations, nor to exceed eighteen (18) square feet in area and placed no closer to any street right-of-way line than one third (by) the minimum authorized front yard depth.
5. A sign or bulletin board identifying a church, school, or other authorized use not to exceed twelve (12) square feet in area and placed no nearer than fifteen (15) feet to any property line. Such sign may be illuminated by a non-flashing reflected light and the source of illumination shall not be visible.

D. Permitted signs in the commercial and industrial districts.

1. In any Commercial or Industrial District a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-eight (48) inches, provided that such signs do not project over a sidewalk or public right-of-way. Projecting signs shall be at least twelve (12) feet above finished grade. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. No such sign shall extend more than four (4) feet in height above the building to which it is affixed.
2. One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one (1) square foot for each foot of building frontage, however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side or rear property line than one-third (by) the distance of the required building set-back.
3. One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area. Such sign shall not exceed thirty-six (36) square feet in area, nor be closer to the front, side or rear property line, than one-third (1/3) the distance of the required building setback.



4. All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.

E. Outdoor advertising signs.

1. Outdoor advertising signs (billboards) are permitted only in the Industrial Districts.
2. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.
3. Where two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1000) feet apart. A double face, (back to back) or a V-type structure shall be considered a single sign.
4. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed two hundred (200) square feet.
5. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
6. Outdoor advertising signs maybe illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
7. Outdoor advertising signs shall be designed, constructed, operated, maintained, and managed so as to be harmonious and

appropriate in appearance with the existing or intended character of the general vicinity and that a use will not change the essential character of the same area.

8. Outdoor name or identification signs are exempt from the provisions of this section provided that all such signs shall be flush with the building wall or roof.

F. Signs for gasoline service stations.

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area.

A sign or legend may also be placed flat on the main building or fuel pump canopies.

G. Elimination of nonconforming signs.

All signs and billboards erected after the effective date of this Ordinance shall conform to the regulations as set forth in this Ordinance and its amendments. Any existing sign or billboard not conforming shall be deemed a nonconforming use, and shall either be made to conform or shall be removed by the owner within three (3) years from the effective date of this Ordinance. If the owner of said sign fails to remove such nonconforming sign or billboard it shall be deemed a violation and the property owner shall be charged with a violation and subject to the provisions of this Zoning Ordinance.

Section 4.15. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Inspector as to their conforming to the requirements of the zoning districts wherein they are required because of land use development, and to the requirements of this Section.

2. Fences which are not specifically required under the

regulations for the individual zoning districts, shall conform to the following requirements:

- a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the- grade of the surrounding land.
- b. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences are prohibited, except in the Agriculture and industrial Districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

3. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting/hem at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 4.16. FILLING OPERATIONS. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Township Board and subject to requirements as may be appropriate.

Section 4.17. ANIMALS. No livestock shall be kept or maintained in any zoning district except an Agricultural District on parcels of land located within a proprietary or assessors plat or on parcels of less than three (3) acres in area, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercials or breeding purposes and do not constitute a kennel.

Section 4.18. OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS. The

outdoor storage or parking of recreational vehicles such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, remountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than seventy-two (72) hours in all residential districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed behind the front face of the principal building.
2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

Section 4.19. AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES. No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.
2. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be

located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

4. 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 fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

5. Where an automobile service station adjoins property located in any residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.

6. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.

7. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.

Section 4.20. SITE PLAN REVIEW. Whenever required in a zoning district of this Ordinance, a site plan must be submitted to the Building Inspector showing all buildings, parking areas, and landscaping at a scale sufficient to permit study of all elements of the plan. Typical elevations and floor plans of the building must also be provided. In addition, the proposed site plan of the development shall show all adjacent properties, including existing buildings, located within two hundred (200) feet of the proposed site in the same block. The plans shall meet the required standards and design and indicate no adverse effects which cause injury to adjoining property or the Township as a whole. Plans so approved shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting, and open space.

Section 4.21. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP. Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of one hundred fifty (150) feet.
2. Minimum site size of three (3) acres.
3. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

Section 4.22. OPEN AIR BUSINESSES. Open air businesses when permitted in a Commercial or Agricultural District, shall be subject to the following regulations:

1. The minimum area of the smite shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air businesses shall comply with all applicable Township and County health regulations.
6. Christmas tree sales may be permitted in the Agricultural District for a period not to exceed forty-five (45) days. Adequate off-street parking shall be provided and situated so as to not create a traffic hazard. The site shall be cleared of trees and debris ten (10) days after the last day of the sale.

Section 4.23. SWIMMING POOLS. All swimming pools erected in the Township shall comply with the following requirements:

1. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Building Inspector.

2. Pool Location. Minimum side yard setback shall comply with the Schedule of Regulations of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than ten (10) feet between the outside wall of the pool and the rear property line or less than the established easement width of the rear property line or less than four (4) feet between the pool wall and any building on the lot.

3. Fence. For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet and not more than fifteen (15) feet from the outside perimeter of the pool wall. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper-proof lock when the pool is not in use.

4. Sanitation. Any swimming pool shall not be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. The swimming pool shall be kept clean and the water used therein shall be filtered and sterilized by chlorination. Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health are adopted and made part of this Article.

Section 4.24. LANDS ABUTTING RIVERS AND LAKES. In any district, land which abuts Bean Creek, any other creek, tributary or drainage ditch, or any natural or man-made lake shall be subject to the following regulations:

1. The general setback limitations shall be based on the following minimum distances from the waters' edge:

- a. Fifteen (15) feet from any drainage ditch.
- b. Twenty-five (25) feet from any creek or tributary.
- c. Fifty (50) feet from Bean Creek.
- d. Fifty (50) feet from any natural or man-made lake.

2. Single family detached dwellings and their accessory uses

(except boat houses) shall be set back according to paragraph 4.24.1.

3. Camping, outdoor recreation, and other commercial recreation activities (except boat landing facilities and marinas) shall be set back according to paragraph 4.21.1.

4. Cutting of live trees, grading, or removal of topsoil shall be prohibited in accordance with paragraph 4.24.1.

5. Agricultural activities such as grazing, plowing, seeding and fertilizing shall be confined to an area having a minimum setback in accordance with paragraph 4.24.1. Feed lots must be set back a minimum of four hundred (400) feet from the waters' edge.

6. Mining extraction or any use permitted in the X District shall be set back three hundred (300) feet from the water's edge.

7. All sanitary waste disposal fields and septic tanks must not encroach an area within fifty (50) feet of the waters' edge. The bottom of the tile field must be four (4) feet above the flood plain level.

8. All other uses not specifically covered in these regulations must be set back one hundred (100) feet from the waters' edge.



## **ARTICLE V**

### NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES.

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structures which were lawful prior to adoption of this Ordinance but were made unlawful by regulations imposed by this Ordinance, they shall be termed non-conforming. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of non-conforming uses, including the addition of other structures or uses prohibited elsewhere in the same district.

#### Section 5.01. CERTIFICATE OF OCCUPANCY.

1. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known non-conforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such non-conformities and of any occupant, other than the owner, the legal description of the land, and the nature and extent of the non-conformity. Such list shall be available at all times in the office of the Township Clerk.

Section 5.02. NON-CONFORMING LOTS OF RECORD (SUBSTANDARD 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 building 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. Yard requirement variances may be obtained through approval of the Board of Appeals after the effective date of this ordinance.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and areas as established by this resolution, the lands involved shall "be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this resolution.

Section 5.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements

concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Board of Appeals.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty (50) per cent of Replacement cost, the time of destruction, which shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Section 5.04. NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a State Equalized Valuation exceeding five hundred (500) dollars, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming use shall be enlarged or increased, nor

extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Ordinance.

2. No such non-conforming use shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.

3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 5.05. NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures or of structure and premises in combination with a State equalized valuation of five hundred (\$500) dollars or more exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Board of Appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing

non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use;

4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than one hundred (100) per cent of State Equalized Valuation at time of destruction.

Section 5.06. REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) per cent of the current State equalized valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 5.07. NON-CONFORMING USE - BUILDING DAMAGED BY FIRE, ETC. Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public

enemy to the extent of one hundred (100) per cent of its State equalized valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage is less than fifty (50) per cent of replacement cost before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall be subject to the approval of the Board of Appeals. Said restoration shall be commenced within six (6) months of the date of such partial destruction and shall be diligently carried onto completion.

Section 5.08. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

**ARTICLE VI**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 6.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet or lot area shall be deemed a parking space for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one (1) parking space.

3. Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.

4. Location of Parking Space for Other Land Uses. The off street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

5. Seating Capacity of Seats. Seats shall mean that each twenty

four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.

7. Protective Screening. Whenever off-street parking facilities abut a residential district, a masonry obscuring wall of not less than four (4) feet in height and not more than six (6) feet in height shall be provided.

8. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.

9. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02.

10. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage or in long-term parking facilities, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

11. Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use of said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent,

authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

12. Joint Use. Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) per cent of the off-street parking requirements of a church.

Section 6.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
<p><b>A. Residential</b></p> <p>1. Residential, One-Family and Two-Family</p> <p>2. Residential, Multiple-Family</p> <p>3. Housing for the Elderly</p> <p>4. Trailer Park and Mobile</p>	<p>Two (2) for each dwelling unit.</p> <p>Two (2) for each dwelling unit.</p> <p>One (1) for each two (2) units and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.</p> <p>Two (2) for trailer or mobile home site and one (1) for each</p>



<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
5. Boarding House	employee of the trailer or mobile court. Plus one (1) for every four (4) sites adjacent to a recreation area.  One (1) for each sleeping room.
<b>B. Institutional</b>	
1. Churches, Temples or Synagogues	One (1) for each three (3) seats in the main unit of worship.
2. Hospitals	One (1) per six hundred (600) square feet of gross floor area.
3. Homes for the Aged and Convalescent Homes	One (1) per six hundred (600) square feet of gross floor area.
4. Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
5. Senior High Schools	One (1) for each one (1) teacher and administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
6. Private Clubs and Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load established by local, county, or state fire, building, or health codes.
7. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One (1) for each two (2)
8. Golf Courses Open to the General Public, Except Miniature or	

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
<p>"Par 3" Courses.</p> <p>9. Stadium, Sports Arena, Speedway or Similar Place of Outdoor Assembly</p> <p>10. Theaters and Auditoriums (Indoor)</p> <p>11. Theaters (Drive-In)</p>	<p>member families or individual.</p> <p>Six (6) for each one (1) golf hole and one (1) for each one (1) employee.</p> <p>One (1) for each three (3) seats or six (6) feet of benches.</p> <p>One (1) for each four (4) seats plus one (1) for each two (2) employees.</p> <p>One (1) per each vehicle plus a ten (10) percent reservoir of the total vehicle capacity.</p>
<p><b>C. Business and Commercial</b></p> <p>1. Shopping Center or Clustered Commercial</p> <p>2. Amusement Parks and Establishments</p> <p>3. Auto Wash</p> <p>4. Beauty Parlor or Barber Shop</p> <p>5. Bowling Alleys</p> <p>6. Dance Halls, Pool or Billiard Parlors,</p>	<p>One (1) for each one hundred (100) square feet of gross floor area.</p> <p>One (1) per each one hundred (100) square feet of gross floor or lot area.</p> <p>One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty five (25) percent of the hourly rate of capacity.</p> <p>Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 1/2) spaces for</p>

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
Roller or Ice Skating Rinks, Exhibition Seats. Hall, and Assembly Halls Without Fixed Seats	each additional chair.  Five (5) for each one (1) bowling lane.  One (1) for each three (3) seats.
7. Drive-in Establishments	
8. Establishments for Sale and Consumption on the Premises of Beverage, Food or Refreshments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty five (25) parking spaces.
9. Carry-out Restaurant	One (1) for each seventy five (75) square feet of gross floor area.
10. 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 one hundred and fifty (150) square feet of gross floor area.  One (1) for each one thousand (1,000) square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
11. Automobile Service Stations	
12. Laundromats and Coin Operated Dry Cleaners	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
13. Miniature or "Par 3" Golf Courses	One (1) for each two (2) washing machines.
14.	

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
15.	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
14. Mortuary Establishments  15. Motel, Hotel, or Other Commercial Lodging Establishments  16. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms  17. Open Air Businesses  18. Retail Stores Except as Otherwise Specified Herein  19. Riding Stables or Academies	One (1) for each one hundred (100) square feet of gross floor area.  One (1) for each one (1) occupancy unit plus one (1) employee, plus extra spaces for dining rooms, ball rooms, or meeting rooms.  One (1) for each four hundred (400) square feet of gross floor area of sales room.  One (1) for each seven hundred (700) square feet of lot area.  One (1) for each two hundred (200) square feet of gross floor area.  Three (3) for each employee.
<b>D. Offices</b>	
1. Banks	One (1) for each two hundred (200) square feet of gross floor area.
2. Drive-in Banks	Waiting space equivalent to six (6) spaces for each drive-in window.
3. Business Offices or Professional Offices Except as Indicated	One (1) for each four hundred

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
<p>in the Following Item (3).</p> <p>4. Medical or Dental Clinics, Professional Offices Except as Indicated in the Following It</p>	<p>(400) square feet of gross area.</p> <p>One (1) for each two hundred (200) square feet of gross floor area.</p>
<p><b>E. Industrial</b></p> <p>1. Industrial or Research Establishments</p> <p>2. Wholesale Establishments</p>	<p>Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.</p> <p>Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area whichever is greater.</p>

Section 6.03. OFF-STREET LOADING REQUIREMENTS. On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, restaurant, hospital, convalescent home, mortuary, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50), with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

**Gross Floor area  
In Square Feet**

**Loading and Unloading Spaces Required  
In Terms of Square Feet of Gross Floor**

0-2,000	None
2,000-20,000	One Space
20,000-100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000-500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.
Over 500,000	Fifteen spaces - plus one space for each 80,000 square feet in excess of 500,000 square feet.

Section 6.04. OFF-STREET PARKING CONSTRUCTION AND OPERATION. Wherever the off-street parking requirements above, require the building of an off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and the Building Inspector. Applications for a permit until a permit therefore is issued by shall be submitted to the Building Inspector 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 accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0°(parallel parking)	12 ft.	8 ft.	23 ft.	20ft.	28 ft.
30° to 53°	12 ft.	9 ft.	20 ft.	32 ft.	52 ft.
54° to 74°	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90°	25 ft.	9 ft.	19 ft.	44 ft.	63 ft.

3. All such parking lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain on adjoining private property.
4. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a

residential area shall not be more than thirteen (13) feet above the parking lot surface.

5. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.

6. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.

7. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

INSERT PARKING LAYOUTS DIAGRAM



**ARTICLE VII**  
**A, AGRICULTURAL DISTRICT**

Section 7.01. STATEMENT OF PURPOSE. The following reasons are given in evidence to support the purposes for which this zoning district is intended to accomplish.

1. Land containing agricultural value should be preserved as it is a vital resource.
2. Land with agricultural values justifies a design technique which attempts to support a town-country spatial relationship creating intrinsic urban-rural values.
3. Agricultural zoning permits the timing of land allotments to urban purposes in keeping with a theory of maximizing supporting public utilities so as to achieve the greatest amount of service for each dollar of capital expenditure.
4. Indiscriminate urbanizing of agricultural lands adversely affect the remaining owners of land pursuing agricultural endeavors, by creating urban land values.

Section 7.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an A, Agricultural District. Any use not expressly permitted is prohibited.

1. Single family detached dwellings, both farm and non-farm related.
2. Farms.
3. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities and conservation.
4. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education and not operated for profit on sites of not less than ten (10) acres.
5. Accessory uses and buildings customarily incidental to the above Permitted principal Uses.

Section 7.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. The raising of fur bearing animals subject to the following conditions:
  - a. The commercial raising of fur bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs and similar animals, shall be located on a continuous parcel of land twenty (20) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height. All such runs or breeding

areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet.

b. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other similar animals shall be located on a parcel of property not less than ten (10) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.

2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.15.

3. Churches, subject to the requirements set forth in Section 4.21.

4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.

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

6. Golf course, which may or may not be operated for profit-, subject to the following conditions:

a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary road.

b. Development features including the principal and accessory buildings and structure shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that ail principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

7. Private parks, country clubs and gun clubs. Roadside stands, principally for the marketing of agricultural products produced on the premises.

8. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the County. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone an-d electric lines and appurtenances thereto shall be established by the Lenawee County Planning Commission after consultation with the appropriate aeronautical agencies.

9. Stables with a minimum of five (5) acres; riding academies with a minimum site size of ten (10) acres.

10. Home Occupations as defined in Article XVII.
11. Sand and gravel operations in accordance with the standards listed in Article XII.
12. Sales of farm machinery, equipment and supplies, subject to the following conditions:
  - a. The site shall have direct access to a County Primary Road.
  - b. Such use shall be located at least fifty (50) feet away from any property line of abutting residentially zoned lands.
13. Radio and television towers including all commercial radio, television, and other transmitting or relay antenna towers, subject to the following conditions:
  - a. The setbacks for all towers shall be a distance equal to the height of such tower.
  - b. The Structural Plans shall be approved by the Building Inspector.
  - c. The towers shall observe all state, county and local safety and health regulations including those established by the Federal Aeronautics Administration.
14. On any one farming enterprise, one mobile home may be authorized temporarily by special use permit to be individually drafted by the zoning board and issued at the discretion of the Township Board for a period of one (1) year in cases of extreme hardship and unusual need to accommodate the family farming operation. Said use may remain on a year to year basis only if a new special use permit is obtained each year, however, no extension shall be granted and the special use terminated if the extreme hardship and unusual need situation is no longer present.
15. Mobile Homes residence provided said mobile home is located on a 10 acre lot on a permanent foundation and pad and tie downs and wheels removed and provided with foundation skirting on all sides, minimum of 550 square feet and supporting at 8 foot intervals and on site with water and septic as required by local, county and state agencies.
16. Dwellings existing at the enactment of the Interim Ordinance "January 10, 1975" may be severed and sold off of an existing parcel provided a lot of at least 1 acre and at least 120 feet of frontage and side and back yards of at least 50 feet from any building accompanying said transfer, and that the parcel or lot remaining after the sale of the existing dwellings conforms to the minimum lot area and width requirements of the agricultural district.

Section 7.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIV "Schedule of Regulations".

## **ARTICLE VIII**

### **R. RESIDENTIAL**

Section 8.01 STATEMENT OF PURPOSE. The Residential District is established as a district in which the principal use of land is for single-family dwellings. For the residential district, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for single-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 single-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 would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. 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 single-family dwellings.
6. To encourage single-family development in those areas which have suitable soils or municipal utility systems.

Section 8.02. PERMITTED PRINCIPAL USES The following provisions apply in all Residential Districts Any use not expressly permitted is prohibited.

1. Single-family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum site size of ten (10) acres.
4. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 8.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.15.
3. Churches, subject to the requirements set forth in Section 4.21.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary building for use incidental to construction work for a period not to exceed one (1) year. Such building shall not be used for a residence.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. 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 shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Home Occupations as defined in Article XVII.
8. Two family dwellings.
9. Multiple family dwelling units including townhouses (single-family attached dwellings), apartments and row or terrace dwellings.
  - a. Minimum lot size one (1) acre.
  - b. On site water and sewage disposal must be approved.
  - c. Minimum unit size in accordance with this Ordinance.
10. Hospitals, provided the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres

in area.

b. The proposed site shall have at least one property line abutting a County Primary Road. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road.

c. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.

e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25).

f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Section 4.15.

g. Development Plan shall show any future construction and projected maximum patient census.

h. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.

11. Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:

a. Cottage-type dwellings and/or apartment-type dwelling units.

b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.

c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).

d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) per cent of the total site exclusive of any dedicated public right-of-way.

12. Convalescent and/or nursing home, when the following conditions are met:

a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.

b. No building shall be closer than forty (40) feet from any property line.

Section 8.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIV, "Schedule of Requirements".

## **ARTICLE IX**

### **M, MOBILE HOME PARK DISTRICT**

Section 9.01. STATEMENT OF PURPOSE. The purposes of the Mobile Home Park 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 need 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 recreation facilities, churches, schools and necessary public utility buildings.

Section 9.02. PERMITTED PRINCIPAL USES. The following provisions apply in all M, Residential Mobile Home Districts. Any use not expressly permitted is prohibited.

1. Mobile homes.
2. Mobile Home Parks, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended, except that the same shall conform to the following requirements:
  - a. Greenbelt: The park shall have a greenbelt twenty (20) feet in width at its rear and sides. The greenbelt shall be forty (40) feet at the front of the mobile home park. The greenbelt shall be measured from the nearest edge of the road right-of-way to line of the closest mobile home site.
  - b. Recreation: The minimum of ten (10) per cent of the total park should be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, lands under water or having excessive grades and shall be so graded and developed as to have adequate drainage and usability by residents of the park.
  - c. Site Dimensions: Each mobile home shall have its own home site which shall be at least forty (40) feet wide and a minimum of three thousand six hundred (3,600) square feet in area. A double-wide mobile home shall have a mobile home site which shall be at least fifty-five (55) feet wide and a minimum of five thousand five hundred (5,500) square feet in area.
  - d. Mobile homes shall be at least thirty (30) feet from the rear of the nearest mobile home and twenty-five (25) feet from the side of the nearest mobile home.
  - e. Mobile homes shall be placed at least ten (10) feet from the pavement of the access drive.
3. Mobile Home Subdivisions provided that minimum lot sizes and yard spaces shall be:



- a. Lot width: Single - 45 feet Double wide - 60 feet
- b. Lot area: Single - 5,000 square feet Double wide - 7,200 square feet
- c. Minimum front yard: 20 feet.
- d. Minimum side yard: 10 feet.
- e. Minimum rear yard: 25 feet.

Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

**Section 9.03. PERMITTED USES AFTER SPECIAL APPROVAL.** The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

- 1. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- 2. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
- 3. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year. Such buildings shall not be used for residences.
- 4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related to as minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

**Section 9.04. SITE PLAN REVIEW.** For all uses permitted in an M, Mobile Home Park District, a site plan shall be submitted to the Zoning Board for review and approval in accordance with Section 4.20.

**Section 9.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.** Area, Heights, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIV,

"Schedule of Regulations".

Section 9.06. No specific area has been designated for such a zone at this time however the zone is provided for future needs.

## **ARTICLE X**

### **C, COMMERCIAL DISTRICT**

Section 10.01. STATEMENT OF PURPOSE. The C, Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along heavily traveled roads.

Section 10.02. PERMITTED PRINCIPAL USES.

1. Office buildings resulting from any of the following occupations; executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; sales and governmental service.
2. Medical or dental office including clinics and medical laboratories.
3. Banks, credit unions, savings and loan associations.
4. Funeral homes.
5. Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
6. Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.
7. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
8. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
9. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
10. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

11. Farm equipment sales and rental, farm chemical, fertilizer, grain, and feed businesses.
12. Hotels and motels.
13. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
14. Business service establishments performing services on the premises such as office machine and typewriter repair; printing.
15. Any service establishment of an office, showroom, or workshop nature within a completely enclosed building or a taxidermist, decorator, furniture sales, upholsterer, caterer, exterminator, building contractor (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating and plastering), excluding outside storage yards and similar establishments that require a retail adjunct.
16. Photographic film developing processing.
17. Physical culture establishments including gymnasiums, reducing salons, masseurs and steam baths.

Section 10.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Zoning Board.

1. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but not rust-proofing; provided further that off-street storage space for at least ten (10) cars waiting to be washed per car wash lane is provided for manual or self-serve establishments and at least twenty-five (25) storage spaces for automatic establishments.
2. Theaters, dance halls, assembly halls or other similar places of assembly.
3. Open air business uses as follows in conformance with Section 4.22.
  - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellisses, lawn furniture, playground equipment and other garden supplies and equipment.
  - b. Retail sale of fruits and vegetables.
  - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
  - d. Bicycle, trailer, motor vehicle used car lots, mobile home or boat sale or rental services.

- e. Outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses.
4. Drive-in theaters, provided that any such site is adjacent to a County Primary Road; that there shall be no vehicular access to any residential street, that suitable screening is provided to insure that there be no vehicular access to any residential street, that suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters shall be located no closer than one thousand (1,000) feet to any residentially zoned or developed property.
5. Planned shopping center based upon the following criteria:
- a. A planned shopping center when used in this context means a commercial development which has been designed, developed and operated as a unit and can satisfy the following criteria: a site of three to six acres; a supporting population of at least five stores and a floor area of 10,000 to 50,000 square feet in size.
  - b. A planting strip of at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than five (5) feet high shall be constructed along those property lines which abut a residential district.
  - c. No main or accessory building shall be situated less than fifty (50) feet from an perimeter property line.
  - d. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
  - e. All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
  - f. Because of the nature of the parking and ingress and egress to shopping centers, carry-out restaurants shall be permitted.
  - g. All off-street parking shall be within its own area, as specified in Article VI, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic.
6. Automobile service stations subject to the requirements of Section 4.19.
7. Eating and drinking establishments of a drive-in or carry out character as defined in Article XVII.

Section 10.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XIV, "Schedule of Regulations.'

Section 10.05. No specific area has been designated for such a zone at this time however this area is provided for future needs.

## **ARTICLE XI**

### **I, INDUSTRIAL DISTRICT**

Section 11.01. STATEMENT OF PURPOSE. In the I District, the intent is to permit certain industries which are of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. Certain commercial uses which are desirable to service the employees and visitors of the industrial district are also permitted in this District.

Section 11.02. PERMITTED PRINCIPAL USES. Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land uses for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by six (6) foot wall and/or barrier of suitable material on those sides abutting any residential district, in accordance with Section 4.15.

1. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this District; truck terminals.

2. Industrial Establishments:

a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.

b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.

c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tool; manufacturing of tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.

d. Laboratories - research or testing.

- e. Central dry cleaning plants and laundries.
3. Public Utilities Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
  4. Retail and Service Establishments:
    - a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building.
    - b. Truck tractor or trailer sales, rental and repair.
    - c. Dog kennels.
    - d. Automobile service stations in accordance with Section 4.19.
  5. Industrial establishments:
    - a. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigar and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware.
    - b. Processing, refining, or storage of food and food stuffs.
    - c. Breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops.
    - d. Automobile bumpshops, tire vulcanizing and recapping shops.
    - e. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses, including living quarters of a watchman or caretaker.
    - f. Any other uses similar to any of the above Principal Permitted Uses.

Section 11.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted after there has been a review of preliminary site and building plans by the Township Zoning Board. If the Board finds that the proposed use will constitute a desirable and stable development which will be in harmony with development in adjacent areas; will not cause traffic congestion on public streets; and will not be contrary to the spirit and purpose of this Ordinance.

1. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.



- a. Such uses shall be located at least two hundred (200) feet from any residential district.
- b. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material.
- c. No required yard spaces shall be used for the storage of equipment or material.

2. Junk Yards, subject to the regulations of the Township Junk Yard Ordinance.

Section 11.04. "INDUSTRIAL PERFORMANCE STANDARDS" IN ACCORDANCE WITH ARTICLE XIII.

Section 11.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified as are provided in Article XIV, "Schedule of Regulations".

## **ARTICLE XI1**

### **X, EXTRACTIVE INDUSTRIAL DISTRICT**

Section 12.01. STATEMENT OF PURPOSE. The Extractive Industrial District is established as a district in which the principal use of land is for excavation and removal of sand, gravel or mineral deposits.

The intent of the District is to allow the removal of valuable mineral deposits and to protect land surrounding excavation projects from the nuisance effects, such as dust and dirt, noise and traffic, which result from such operation and to also insure that once the excavation operation is completed, the land is rehabilitated in such a manner as not to result in dangerous or unsightly conditions.

Section 12.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an Extractive Industrial District:

1. The excavation, mining, stock-piling or removal of sand and/or gravel deposits subject to the issuance of a permit by the Township Board and upon compliance with the conditions upon which the permit provided for hereunder is issued.
2. Processing plants in connection with the washing, grading or other similar processing of excavated materials.
3. Stock piles of sand and/or gravel as the produce of an excavation operation.

Section 12.03. APPLICATION FOR PERMIT. A separate item shall be required for each separate excavation site. Each application for a permit shall be made in writing to the Building Inspector and shall contain the following information as a precedent to the obligation to consider such request:

1. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
2. Vertical aerial photograph, enlarged to a scale of one inch equals 200 feet, from original photograph flown at a negative scale no smaller than one inch equals 1,000 feet, and certified as flown not earlier than two (2) months prior to date of application. The vertical aerial photograph shall cover:
  - a. All land requested in permit application.
  - b. All contiguous land which is or has been used by the owner or leaseholder applicant for sand and gravel extraction, processing, storage or other permitted use.
  - c. All lands within one-half mile of proposed planned mining area.
  - d. All public or private roads which provide access to property.
  - e. Boundary of the entire planned mining area by courses and distances.
  - f. Site topography and natural features including location of watercourses within the planned mining area.
  - g. Average thickness of overburden in the area of proposed operations.
  - h. Means of vehicular access to the proposed operation.
  - i. Any additional information required by the Township Planning Commission.
3. Geological and engineering survey prepares by a geologist and engineer licensed by the State of Michigan, indicating:

- a. Quality of material to be excavated.
- b. Depth of water table throughout the planned mining area for which permit is sought.

Sectional map at a scale of one inch equals 200 feet covering the area within one (1 ) mile of the boundaries of the land included in the permit application, showing existing classification of all land appearing on the map as shown in the official zoning map, and all roads, streets, alleys, parks and other public or governmental areas in public ownership or on public rights-of-way, or proposed on master plans of local and regional planning agencies, and all railroad rights-of-way, within the area covered by the map, and the names thereof, and corrected by an engineer or surveyor licensed by the State of Michigan as to property lines.

4. Operations Plan for operation of the sand and gravel deposit, to be presented on a transparent overlay at the same scale as the vertical aerial photograph and delineating:

- a. Area of active excavation.
- b. Area requested for excavation.
- c. Area of active settling ponds and washing plant facilities.
- d. Area requested for settling ponds and washing facilities.
- e. Area of existing treatment facilities and sand and gravel storage.
- f. Area requested for treatment facilities and sand and gravel storage.
- g. Area of production facilities for resource-related industry.
- h. Area requested for production facilities for resource-related industry.

Section 12.04. PERMITS. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township, the Township Board, after hearing findings from the Township Zoning Board, shall determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that the insurance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the , Township.

Section 12.05. SURETY BOND REQUIREMENTS. The Township Board shall, to insure compliance with any regulation contained herein or required as a condition of the issuance of a permit for the excavation, mining, stockpiling or removal of sand and/or gravel deposits, require the permittee to furnish a Surety Bond executed by a surety company authorized to do business in

the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided however, that in no case will the sum of the Surety Bond be less than One Thousand (\$1,000) Dollars for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such Surety Bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operation to comply by Court Judgement, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. Said Surety Bond shall be kept in a special account in the Township depository and shall not be used for any other purpose than those specified herein.

Section 12.06. MANDATORY PHYSICAL REQUIREMENTS. The following requirements shall be mandatory.

1. No more than thirty (30) acres, excluding land used for processing, weighing, and administration may be under excavation at any one time; subject, however, to the following limitations:
  - a. No more than ten (10) acres for mining.
  - b. No more than ten (10) acres for stripping or future mining preparations.
  - c. No more than ten (10) acres for rehabilitation, however, additional acreage may be excavated if and providing a like amount exhausted acreage is rehabilitated as prescribed in Section 13.07.
2. Where an excavation in excess of five (5) feet below the average grade of the property surrounding the excavation area will result from such operations, the applicant shall erect a fence with warning signs completely Burro, unding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
3. No excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in older to give sublateral support to surrounding property where soil or geographic conditions warrant it.
4. Any roads used for the ingress and egress to said excavation site shall be vacated not less than three hundred (300) feet from a residential dwelling unit and shall be treated for a minimum amount of dust.

Section 12.07. RESTORATION PLAN. To require an orderly continuing restoration of all land

permitted to be excavated for its resources, with these objectives:

1. To prevent soil erosion which may menace life or limb, endanger property or affect the safety, usability or stability of any public property; and
2. To prepare the mined land, by grading, fertilizing and planting on approximately an annual basis, for its ultimate reuse at the expiration of the time limits set forth in the permit.

The plan for restoration shall be submitted in three parts: a general plan as an overlay for the vertical aerial photograph, a restoration contour plat, and a description of restoration methods and materials proposed for renewal of topsoil and replanting.

A general plan for restoration shall be presented on a transparent overlay at the same scale as the vertical aerial, showing:

- a. General area of completed restored land.
  - b. General area of restoration under way.
  - c. General area currently used for topsoil and overburden storage.
  - d. General area proposed for restoration during period of special permit.
  - e. General area proposed for topsoil and overburden storage.
  - f. The acreage for each item shown on the overlay shall be indicated on plan.
  - g. A restoration contour plat shall be prepared on the same base as the identification plat required above, to indicate the general grades and slopes to which excavated areas are to be backfilled.
  - h. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan, subject to approval of the County Agricultural Agent.
3. All these parts of the restoration plan shall be reviewed by the Township Zoning Board and subject to its approval.

Section 12.08. No specific area has been designated for such a zone at this time, however the zone is provided for future needs.

## **ARTICLE XIII**

### **INDUSTRIAL PERFORMANCE STANDARDS**

Section 13.01. SCOPE. After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract of land developed, construed or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the District involved.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the District involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Any use established in the 1, Industrial, and X, Extractive Industrial Districts, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

1. Hot Forgings, Steam or Board Hammers: Not permitted.
2. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed (80) decibels with a center frequency of 125 cycles per second.
3. Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.
4. Glare and Heat: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
5. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.
6. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a

frequency of 10 cycles per second.



**ARTICLE XIV  
SCHEDULE OF REGULATIONS**

Section 14.01. AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

Zoning District	Minimum Lot Dimensions		Maximum Building Height		Maximum Coverage of Lot by All Buildings in Percent of Lot Area	Minimum Yard Setback in Feet (b,o)				Minimum Floor Area Per Dwelling Unit (e)
	Minimum Lot Area	Minimum Lot Width	In Stories	In Feet		Front (a,d)	Side (c)		Rear	
							Least One	Total Two		
A, Agricultural	10 acres	660'	2 1/2	35	10	50 (f)	50 (f)	100 (f)	35 (f)	768
R, Residential (l,n)	21,500 sq. ft.	120'	2 1/2	35	30	50	20	40	40	768
M, Mobile Home Park (i,n)	1	1	1	15	30	50	25	50	50	550
C, Commercial	12,000 sq. ft.	80'	2 1/2	35	--	30 (k)	1 (j)	1 (j)	30	--
I, Industrial	2 acres	200'	2 1/2	35	--	50 (k)	20	40	50	--
X, Extractive Industrial			2 1/2	35	--	100	50	100	75	--

Section 14.02. FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. 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. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial districts, the same requirements shall apply except that only the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.
- b. In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- c. In all residential subdivisions, the width of side yards, which abut upon a street or road on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side yard may be reduced to ten (10) feet.
- d. In all districts that front upon a section line road, an additional setback of fifty (50) feet as measured from the center line of the road shall be required.
- e. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- f. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main barn building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.
- i. A mobile home park shall be constructed and maintained on a lot which has at least four hundred (400) feet of frontage on a County Primary Road, a minimum road area of twenty (20) acres and a minimum of 40 mobile home sites.

j. In any commercial district, except the Commercial Recreation District, side yards are not required except where a commercial district borders on a side street and a residential district exists in the same block there shall be provided a setback of twenty (20) feet for all buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided setback of twenty (20) feet for all buildings, parking, and loading areas.

k. Loading space shall be provided in the side or rear yard, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has four enclosures facing other than the front property line.

l. Neither public sanitary sewers nor public water supply need be available.

m. Public sanitary sewers and public water supply must be available.

n. Lakefront lots. For purposes of this Ordinance, the lake frontage end shall be considered the rear yard and the road frontage end shall be considered the front yard. On all lakefront lots, the minimum rear yard setback (lakefront) shall be as provided for as the rear yard setback. Permanent accessory buildings, except boathouses, shall not be located in the required rear yard. Bathhouses, or accessory buildings used as boathouses, may be located in the required rear yard but not closer than five (5) feet to the shoreline. Such boathouses shall not be built in excess of ten (10) feet in height above the mean water level.

o. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be in accordance with Section 4.24.

## **ARTICLE XV**

### **ZONING ADMINISTRATION**

Section 15.01. ZONING ADMINISTRATION. It is hereby provided that the provisions of this Ordinance shall be administered and enforced by the Township Building Inspector or other Township official so designated by the Township Board of deputies of same being delegated to enforce the provisions of this Ordinance.

Section 15.02. FEES. Except as may be provided otherwise in this Ordinance, the Township Board shall, by Resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, and fees for appeals to the Board of Appeals. The Board may revise said fees from time to time by Resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Building Inspector or prior to issuance of said permit or certificate.

Section 15.03. APPLICATIONS FOR PERMITS. Applications for Land use Permits shall be filed in quadruplicate with the Building Inspector upon forms furnished and approved by the Township Board and said application shall be printed in ink or typewritten and shall furnish a general description of the contemplated construction and definite information as to area of the lot on which the building is to be constructed and its location thereon. Said applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.

Section 15.04. BUILDING PERMITS. If the Building Inspector finds the application conforms to the requirements of this Ordinance and the statutes, he shall mark all copies of the application approved over his signature, one copy of which shall be retained by him, one copy shall be filed with the Township Clerk, one copy to be filed with the Township Supervisor, and the other copy shall be returned to the applicant, together with a construction card signed by the Building Inspector stating the extent of the work authorized. The approval of the application and the issuance of construction card by the Building Inspector shall not be binding upon the Township Board or the Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

Section 15.05. ERECTION OR ALTERATION. No building or structure excepting farm outbuildings shall hereafter be erected or altered and no land shall be used until a permit shall first have been obtained by the owner of said building or land to be improved, except that no permit shall be required for minor alterations or repairs to existing structures costing three hundred (\$300) dollars or less,

or for wrecking of buildings or structures of less than one thousand (1,000) cubic feet capacity.

Section 15.06. CONFORMANCE. No Building Permit shall be issued to erect or alter a building or structure or make a use of land or make any changes in use thereof unless the same shall be in conformity with the provisions of this Ordinance. The Building inspector shall record all non-conforming uses existing at the effective date of this Ordinance.

Section 15.07. INSPECTION. The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

Section 15.03. RESPONSIBILITY. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that a proper Building Permit has been granted therefor and that such work and land use is in

conformity with the provisions of this Ordinance.

Section 15.09. RECORDS. A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township Records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee of One Dollar (\$1.00) for each copy.

Section 15.10. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. 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 same is in conformity with the provisions of this Ordinance.
2. Certificates of Occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
3. Buildings or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
4. Applications for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt, if it is found in compliance with paragraph (1) above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

Section 15.12. AMENDMENTS. The Township Board may, upon recommendation from the Zoning Board, amend, supplement or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended, specifically Section 15 thereof and in accordance with the same procedures whereby the interim ordinance was adopted. 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.

1. Fees. Any applicant desiring to have any change made in this Ordinance shall, with his petition for change, deposit the required fee of fifty (\$50.00) dollars with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No part of this fee is returnable.

**ARTICLE XVI**  
**BOARD OF APPEALS**

Section 16.01. CREATION OF BOARD OF APPEALS. There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Board of Appeals shall consist of three (3) members as follows:

1. The first member shall be the chairman of the Zoning Board.
2. The second member shall be a member of the Township Board appointed by the Township Board.
3. The third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third member of, or as an employee of the Township Board of Appeals.
4. The member who is a member of the Township Board appointed by the Township



Board shall not serve as chairman of the Board of Appeals.

5. The Township Board may provide that the Board of Appeals shall have five (5) members. The additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.

6. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

Section 16.02. MEETINGS. All special meetings of the Board of Appeals shall be held at the call of the Chairman, and regular meetings at such times as the Township Board may determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or is absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the Office of the Township Clerk and shall be a public record.

Section 16.03. APPEALS. An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by an officer, department, board or bureau affected by a decision of the Building Inspector. Such appeals shall be taken within such times as shall be prescribed by the Township Board by resolution by filing with the Building Inspector and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Building Inspector shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after the Notice of Appeal shall have been filed with him that reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown .

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties

and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 16.04. NOTICE OF HEARING. Notice of the hearing of the appeal shall be given by the Township Clerk to all owners of record of property within a radius of three hundred (300) feet of the premises involved by mail addressed to the respective owners at the address given in the latest assessment roll. The time, place and subject matter of such hearing shall be printed in a newspaper of general circulation in the Township once not less than ten (10) days prior to such hearing.

Section 16.05. POWERS OF BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES. The Board of Appeals as herein created, is a body of limited powers. The Board of Appeals shall have the following specified powers and duties:

1. Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

2. Authorization. in hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured, and substantial justice done, including the following:

a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

In case of any question as to location of any boundary line between zoning districts, the Board of Appeals shall interpret the Zoning Map after recommendation from the Zoning Board.

b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Zoning Board.

d. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

3. Conditions. The Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as ought to be made and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

Section 16.06. STANDARDS. In consideration of all appeals for variances, the Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

a. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.

b. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.

c. Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

- d. Will be such that the proposed location and height of buildings or structure and location, nature of height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings Or unreasonably affect their value.
- e. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shipping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
- f. Is necessary for the public convenience at that location.
- g. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- h. Will not cause injury to the value of other property in the neighborhood in which it is to be located.

Section 16.07. BOARD OF APPEALS APPROVAL. The Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Board of Appeals to investigate thoroughly the matter before it. The Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Section 16.08. APPROVAL PERIODS. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals, permitting a use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a 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 such permit.

## **ARTICLE XVII**

### **DEFINITIONS**

Section 17.01. For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

Section 17.01.1. **ACCESSORY BUILDING:** A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.

Section 17.01.2. **AGRICULTURE:** The use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

Section 17.01.3. **ALLEY:** A public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Section 17.01.4. **ALTERATIONS:** Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed" .

Section 17.01.5. **AMUSEMENT PARK:** A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals and other similar uses and their facilities, but not shooting galleries, race tracks, zoos, stables, riding academies.

Section 17.01.6. **APPEAL:** An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

Section 17.01.7. **ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Section 17.01.8. AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

Section 17.01.9. AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing vehicles.

Section 17.01.10. BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "Basement and Story Definitions".

## BASEMENT & STORY DEFINITION

Section 17.01.11. **BEDROOM:** A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

Section 17.01.12. **BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

Section 17.01.13. **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 .

Section 17.01.14. **BOARDING HOUSE:** A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1 ) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent home or nursing home.

Section 17.01.15. **BOARD OF APPEALS:** The term ``Board of Appeals: shall mean the Seneca Township, Lenawee County, State of Michigan, Zoning Board of Appeals.

Section 17.01.16. **BUILDING:** An independent structure Having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures.

Section 17.01.17. **BUILDING INSPECTOR:** This term shall refer to the Building Inspector of Seneca Township, or his authorized representative.

Section 17.01.18. **BUILDING SETBACK LINE:** The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.



Section 17.01.19. BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.

Section 17.01.20. BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Section 17.01.21. CANAL: An artificially constructed or excavated channel intended to connect two (2) bodies of water; used for navigation purposes or boat docks; and as a means of ingress or egress to other bodies of water; or for building lots on the banks thereof; shall be known as a canal and must have a minimum width of seventy-five (75) feet and a minimum depth of water at the center line of ten (10) feet. All banks must be at a minimum angle of forty-five (45) degrees and completely sodded to prevent wash or erosion thereof.

Section 17.01.22. CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

Section 17.01.23. COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

section 17.01.25. CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

Section 17.01.26. DISTRICT: A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

Section 17.01.27. DRIVE-IN ESTABLISHMENTS: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).

a. **DRIVE-IN RESTAURANT:** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

1. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encourages, or permitted.

b. **FAST-FOOD RESTAURANT:** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen 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:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. 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 posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

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

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

Section 17.01.28. **DWELLING:** A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent

or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

a. DWELLING, MULTIPLE: A multiple dwelling is a building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.

b. DWELLING, ONE-FAMILY: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.

c. DWELLING, TWO-FAMILY: A detached two-family dwelling is that occupied by two (2) families, each provided with separate facilities for each family for living accommodations. Also known as a duplex dwelling.

d. DWELLING UNIT: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in single family, two family or multiple family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

e. EFFICIENCY UNIT: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of floor area.

Section 17.01.29. ERECTED: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Section 17.01.30. ESSENTIAL SERVICES: Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Same

shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.

Section 17.01.31. FAMILY: One (1) or more persons living together in one (1) dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one (1) kitchen facility for normal meal preparation--sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home. Every additional person or group of two (2) or more persons not related or included in the family as herein defined, shall be considered a separate family for the purpose of this Ordinance.

Section 17.01.32. FARMS: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than twenty (20) acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding, or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres.

Section 17.01.33. FARM BUILDINGS: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

Section 17.01.34. FILLING: Shall mean the depositing or dumping of any matter ONTO or INTO the ground, except common household gardening and general farm care.

Section 17.01.35. FILLING STATION: A building designed or used for the retail sale of fuel (stored in underground tanks), lubricants, air, water, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles.

## FLOOR AREA TERMINOLOGY

Section 17.01.36. FLOOR AREA.

a. 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 center line of walls separating two (2) buildings. The "floor area" of a building which is what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches Enclosed or unenclosed) or attached garages are not included.

b. FLOOR AREA, USABLE: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology").

Section 17.01.37. FOOD: For purposes of this Ordinance, the word "food" used in connection with restaurant facilities shall include frozen desserts and non-alcoholic beverages.

Section 17.01.38 GARAGE:

a. GARAGE, COMMUNITY: A community garage is a space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants of property in the vicinity.

b. GARAGE, PRIVATE: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees, and with a capacity of not more than three (3) motor vehicles. This shall also be construed to permit the storage on any one lot, for the occupants thereof, not more than one (1) commercial vehicle not exceeding a rated capacity of three-fourth (3/4 ) of a ton.

c. GARAGE, PUBLIC: A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under

their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this Ordinance.

Section 17.01.39. GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

Section 17.01.40. GREENBELT: A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs acceptable in species and caliber to the Zoning Board and Building Inspector.

Section 17.01.41. HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements".)

Section 17.01.42. HIGHWAY: A public thoroughfare or street, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the office of the Register of Deeds for Lenawee County, Michigan.

Section 17.01.43. HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, out-door storage, or signs not customarily in residential areas. One (1) non-illuminated nameplate, not more than two (2) square feet in area, may be attached to the building which shall contain only the name of the occupant and the nature of the home occupation.

Section 17.01.44. HOSPITAL: A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

Section 17.01.45. HOTEL: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there

are more than ten (10) sleeping rooms.

Section 17.01.46. INDUSTRIAL PARK: A parcel of land to be used for manufacturing purposes and designed as a planned development on a parcel or parcels not under separate ownership.

Section 17.01.47. JUNK: For the purpose of this Ordinance, the term junk shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured or any situation meeting the common definition of a nuisance.

Section 17.01.48. JUNK YARD: For the purpose of this Ordinance, junk yard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas and any area for the storage, keeping or abandonment of junk and scrap metals.

Section 17.01.49. KENNEL: Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boarded. All kennels shall comply with all applicable Township, County and State regulations.

Section 17.01.50. LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Section 17.01.51. LOT: A lot is a piece of parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "zoning lot".

a. LOT, DEPTH: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from



the front right-of-way line to the rear lot line.

b. LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

c. LOT, INTERIOR: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

d. LOT, LAKE: A lot having frontage directly upon a lake, natural or man-made, river, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

e. LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

Section 17.01.52. LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

a. LOT LINE, FRONT: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.

b. LOT LINE, REAR: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Zoning Board shall designate the rear lot line.

c. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Section 17.01.53. LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded

in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

Section 17.01.54. LOT AREA, NET: The total horizontal area within the lot lines of a lot.

CORNER, INTERIOR AND  
DOUBLE FRONTAGE LOTS

Section 17.01.55. LOT AREA, GROSS: The net lot area plus one-half (I) the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

Section 17.01.56. LOT. CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (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 one hundred and fifty (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 and thirty-five (135) degrees. (See illustration entitled "Corner, Interior and Double Frontage Lots".)

Section 17.01.57. MOBILE HOME: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equals or exceeds eight (8) feet in width and thirty-two (32) feet in length, and not motorized or self-propelled. Also known as a trailer coach or house trailer. A unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, shall not be considered a mobile home.

Section 17.01.58. MOBILE HOME PARK: For the purpose of this Ordinance, is a specifically designated parcel of land designed and developed to accommodate two (2) or more mobile home sites for residential use. Also known as a trailer court or trailer coach park.

Section 17.01.59. MOBILE HOME SITE: For the purpose of this Ordinance is a plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.

Section 17.01.60. MOTOR HOME: A motorized vehicular unit primarily designed for travel and/or recreational usage, which- may also contain facilities for overnight lodging. This term does not apply to mobile homes.

Section 17.01.61. MOTOR COURTS - MOTELS: A building or a group of buildings in which overnight lodging is provided and offered to the public for compensation and catering primarily to the public traveling by motor vehicles.

Section 17.01.62. MUNICIPAL PARK: A parcel of land that is used as a park and is operated- under the supervision of the Township Board.

Section 17.01.63. NON-CONFORMING USE OR BUILDING: Non-Conforming Use: A non-conforming use is 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 zoning district in which it is located.

**Non-Conforming Building:** A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located. (See illustration entitled "Non-Conforming Use".)

**Section 17.01.64. OCCUPANCY LOAD:** The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

**Section 17.01.65. OCCUPIED:** The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

**Section 17.01.66. OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two (2) vehicles.

**Section 17.01.67. OPEN AIR BUSINESS USES:** Open air business uses shall include the following business uses:

- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- d. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale; rental or repair services.
- e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

**Section 17.01.68. PARKING SPACE:** An area for each automobile or motor vehicle, Such space being exclusive of necessary drives,

aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

Section 17.01.69. PERMIT, MOBILE HOME PARK: This term shall mean a written permit issued by the Building Inspector permitting the construction, alteration or enlargement of a Mobile Home Park, subject to all applicable provisions of this Ordinance and all other applicable local, State and Federal regulations.

Section 17.01.70. PIGGERY. Any lot, parcel or tract of land on which hogs are kept, raised and fed on garbage or other refuse; same considered a nuisance because of offensive odors therefrom.

Section 17.01.71, ' PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed, 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.

Section 17.01.72. PORCH, OPEN: A covered entrance to a building or structure which is unenclosed 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.

Section 17.01.73. PRIVATE PARK: A parcel of land for use as a recreation area, play area, picnic area, or nature area, without commercial trade.

Section 17.01.74. PUBLIC NOTICE: A notice of the time, place and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having a general circulation in the Township not less than five (5) days or more than fifteen (15) days prior to the date of such hearing.

Section 17.01.75. PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

Section 17.01.76. QUARRY EXCAVATION: Shall mean any breaking of the ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

Section 17.01.77. RETAINING WALL: A permanent solid barrier of brick, stone, wood or other opaque material approved by the

Building Inspector intended to enclose an area. For the purpose of this Ordinance all supporting members, posts, stringers, braces, pilasters or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed or painted, tinted or colored in one (1 ) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

Section 17.01.78. **ROADSIDE STANDS:** A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised on said premises by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be an agricultural district, nor shall its use be deemed a commercial activity, but such stand if of a permanent character, shall not be more than one (1) story high nor larger in floor area than twenty (20) feet by twenty (20) feet and must be set back from the nearest highway right-of-way line at least thirty-five (35) feet.

Section 17.01.79. **SEPARATE OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a ~partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

LOT TERMS



Section 17.01.80. **SETBACK:** The minimum horizontal distance required to exist between the front line of the building, excluding steps Or unenclosed porches and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines. (See illustration "Lot Terms".)

Section 17.01.81. **SIGN:** Any device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a.
  - (1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
  - (2) Flags and insignia of any government except wheri displayed in connection with commercial promotion;
  - (3) Legal notices; identification, informational, or directional signs erected or required by governmental bodies.
  - (4) Integral decorative or architectural Features of buildings, except letters, trademarks, moving parts, or moving lights;
  - (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- b. **NUMBER:** For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of element shall be considered to be a single sign.
- c. **SURFACE AREA:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- d. **SIGN, ACCESSORY:** A sign relating in its subject matter to the premises on which it is located, or to products, accomodations, services, or activities on the premises.

Section 17.01.82. SNOWMOBILE: Any motorized vehicle designed for travel primarily on snow or ice, steered by means of wheels, skis or runners.

Section 17.01.83. SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

Section 17.01.84. STORY: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the,` floor and the ceiling next above it.

a. MEZZANINE: A "Mezzanine" floor may be used in this definition of a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24)feet or more.

b. BASEMENT: For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) per cent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

c. HALF: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (by) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

## BASIC STRUCTURAL TERMS

Section 17.01.85. STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Section 17.01.86. SWIMMING POOL: The term "swimming pool" shall mean any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

Section 17.01.87. TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Section 17.01.88. TOWNSHIP BOARD: Whenever in this Ordinance appear the words "Township Board", it shall mean the Township Board of Seneca Township.

Section 17.01.89. TRAVEL TRAILER: A potable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or thirty-two (32) feet in length. This term also includes folding campers and truckmounted campers but not mobile homes.

Section 17.01.90. TRAVEL TRAILER PARK: A family recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a camp ground.

Section 17.01.91. USE: The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

- a. ACCESSORY: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- b. LEGAL NON-CONFORMING: An existing use off land and/or structures as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district, but which is not construed by this Ordinance as a nuisance, or damaging to abutting property, or hazardous to persons.
- c. ILLEGAL NON-CONFORMING: An existing use of land and structures as of the effective date of this Ordinance as a nuisance, or

damaging to abutting property or hazardous to persons; such uses to be discontinued and abated. (See illustration entitled "Non-Conforming Use".)

Section 17.01.92. **UTILITY ROOM:** A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

Section 17.01.93. **VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

## YARD REQUIREMENTS

Section 17.01.94. YARD, REQUIRED SIDE-REAR-FRONT: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration entitled "Lot Terms".)

a. FRONT: An open space extending the full width of a lot and a depth measured horizontally at right angles to the front property line, lot line, or right-of-way.

b. REAR: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way, except as otherwise provided in this Ordinance.

c. SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or- right-of-way.

Section 17.01.95. YARD, SIDE-REAR-FRONT: A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot of property line facing each building. (See illustration entitled "Lot Terms".)

Section 17.01.96. Zoning Board: This term refers to the Zoning Board of Seneca Township.

## **ARTICLE XVIII**

### **REPEAL, INTERPRETATION, SEVERABILITY, PENALTIES, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND EFFECTIVE DATE**

Section 18.01. REPEAL OF PRIOR ORDINANCES. The Zoning Ordinance previously adopted by the Township of Seneca, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 18.02. 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 ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. 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.

Section 18.03. SEVERABILITY. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection,-phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.. : :

Section 18.04. VIOLATION-PENALTY. Any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Board of Appeals or Township Board adopted pursuant thereto, on conviction thereof, shall be punished by a fine not to exceed One Hundred (\$100.00) Dollars and costs of prosecution, or by being imprisoned in the County Jail for not more than



ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

Section 18.05. RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 18.06. GENERAL RESPONSIBILITY. The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Seneca Township to commence and pursue any and all necessary and appropriate actions and /or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and /or join the Township Board in such a suit to abate the same.

Section 18.07. ENACTMENT AND EFFECTIVE DATE. The foregoing Zoning Ordinance was adopted by a unanimous vote, at a special meeting of the Seneca Township Board, held at the Seneca Township Hall in said Township on November 14, 1977, after approval of the same by the Seneca Township Zoning Board. Said Ordinance was ordered published in the Morenci Observer, a newspaper having general circulation in Seneca Township, Lenawee County, Michigan, pursuant to the statutes of the State of Michigan.

This Ordinance shall become effective thirty (30) days after the date of such publication.











