

ZONING ORDINANCE



TOWNSHIP OF FAIRFIELD

County of Lenawee, State of Michigan

Notice to residents of Fairfield Township:

At a meeting of the said Township Board held on April 8, 1974, the following Township Zoning Ordinance was adopted. Said Zoning Ordinance was amended January 1987, January 2000, November 2000, January 2002, June 2004 and October 2004, May 2006, July 2006, May 2007, April 2008, October 2008, and September 2009.

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FAIRFIELD TOWNSHIP ZONING ORDINANCE AND DANGEROUS
STRUCTURE ORDINANCE AND NUISANCE ORDINANCE
LENAWEE COUNTY, MICHIGAN

TITLE

AN ORDINANCE to regulate and restrict the use of land and building by dividing the Township of Fairfield into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purpose 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 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 penalty for violation of said Ordinance.

PREAMBLE

In accordance with the authority and intent of Act 184, of Public Acts of 1943, as amended, the Township of Fairfield 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 assume 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 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 all uses of land and buildings within the Township of Fairfield be so related as to provide for economy in government and mutual support. The result 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 Fairfield.

The continued administration of this ordinance, amendments to this ordinance, repeal of all ordinances in conflict herewith and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

Revised 09-09

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ENACTING CLAUSE

THE TOWNSHIP OF FAIRFIELD, COUNTY OF LENAWEE, STATE OF MICHIGAN ORDAINS:

ARTICLE I SHORT TITLE

Section 1.01. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Fairfield.

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 singular, unless the context clearly indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The phrase “used for” includes “arrange 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”, “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.

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ARTICLE III

ZONING DISTRICTS AND MAPPING INTERPRETATION

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

- AG, Agriculture
- R1, Single Family Residential
- R2, Single Family Residential
- RMH, Mobile Home Park
- C1, Located Commercial
- C2, General Commercial
- IND, Industrial

Section 3.02. MAP. The boundaries of these districts are shown upon the Official Zoning Map of the Township of Fairfield and made a part of this Ordinance. The Zoning Map shall be maintained and kept on file by the township clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

Section 3.03. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
4. Boundaries indicated as following railroad lines shall be construed to be the midway as between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Plan or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

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**ARTICLE IV
GENERAL PROVISIONS**

Section 4.01. CONFLICTING REGULATIONS. Wherever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or Ordinance, which could include regulations, requirements, restrictions, or limitations contained within this Zoning Ordinance document, the provisions of the most stringent will govern. However, if federal, state, or local government regulations, requirements, restrictions, or limitations supersede Fairfield Township Zoning Ordinances then those will take precedence over township zoning ordinances.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, or no new use or change shall be made or maintained on 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, flag poles, chimneys, smoke-stacks, water tanks, or similar structures may be erected above 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 (10) percent 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 or record with the exception of parcels of record described and designated as “out lots” which maybe so arranged or subdivided as to provide for one or more principal buildings 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 comply 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 or 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 required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.
7. **Required Street Frontage.** Any parcel of land which is to be occupied by a use or building, other than an accessory use of building, shall have frontage on and direct access to a public street or a private easement.
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 buildings or accessory building 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 dwellings shall be erected in Commercial or Industrial 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-ways, 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 right-of-ways. 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. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In residentially zoned districts accessory buildings, except as otherwise permitted in the Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.
2. Any accessory building shall not exceed one (1) story or fourteen (14) feet in height.
3. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than three (3) feet to any side or rear lot line.

Section 4.05. OCCUPANCY; TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED. Buildings erected after the effect date of this Ordinance as a garage or accessory building shall not be occupied for dwelling purposes. No basement or cellar apartment shall be occupied for dwelling purposes for longer than (2) years from the date of issuance of initial Building Permit to construct such structure.

Section 4.06. 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 4.07. EXCAVATIONS OR HOLES. The construction, maintenance or existence within the Township of any unprotected, unbaricaded, 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 4.08. 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 requirement to comply with this lawful order.

Section 4.09. 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 date of passage of this Ordinance.

Section 4.10. VOTING PLACE. The provisions of the Ordinance shall not be so construed as to interfere with the temporary use of any property as voting place in connection with a Township or other public election.

Section 4.11. 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 statues of the State if Michigan and any related Ordinance of the Township as may be adopted.

Section 4.12. 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 4.13. SIGNS. All signs erected or located in any zoning district shall comply with the following regulations:

1. Signs, General

- a. 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.
 - b. There shall be no flashing, oscillating or intermittent, red, blue or green illumination on any sign located in the same line of vision as a traffic control system, nor interfere with any intersection of two or more streets. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.
 - c. 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.
 - d. 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.
 - e. No building permit shall be required for a sign described above provided said is not larger than sixteen (16) square feet in area.
 - f. No sign otherwise permitted shall exceed the maximum height limitation of the zoning district in which located.
2. Signs in Residential District Are Permitted as Follows:
- a. For each dwelling unit, one name plate sign displaying the street name and number and name of occupant, not exceeding two (2) square feet in area.
 - b. For Permitted Principal uses other than dwelling and for Uses Permitted after Special Approval, one bulletin board or announcement board not exceeding thirty-two (32) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard set-back nor nearer the side lot line than the required side yard set-back.
 - c. No sign shall be illuminated by other than continuous indirect white light, nor shall contain any visible moving parts.

Section 4.14. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the follow regulations:

1. 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, or in any front yard not less than three (3) feet or in excess of four (4) feet in height. **Revised 07-06**
 - 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 electrical current or charge in said fences are prohibited, except in the Agriculture and Industrial Districts. Barbed wire cradles may be placed top of fences enclosing public utility buildings wherever deemed necessary in the interests of public safety.
2. 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 twelve (12) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at point twenty-five (25) feet from the intersection of street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

Section 4.15. ANIMALS. No livestock shall be kept or maintained in any zoning district except agricultural district on parcels of land located within a proprietary or assessor's plat or on parcels of less than five (5) 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 commercial breeding purposes and do not constitute a kennel.

Section 4.16. 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, demountable 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 of 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, zoning 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.

4. The outdoor storage in all residential districts of semi-trucks, semi-trailers, containerized shipping crates, any type of van or box style vehicles or containers or other similar storage bins not purposely built or intended for residential storage shall be prohibited.

Revised 06-04

Section 4.17. 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 dates 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 right-of-way 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 any 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 overhanging any public sidewalk, street or right-of-way.
5. Where an automobile service station adjoins property located in any residential district, a buffer wall of suitable material or planting strip shall be erected and maintained along the interior line if requested by adjacent property owners and deemed to be in the interest of the public welfare by the Board of Appeals. This wall or planting strip shall be at least for (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.
8. There may be no more than one (1) freestanding sign per street frontage each face not exceeding one hundred and fifty (150) square feet in area, which shall display only the name of the user or occupant of the premises.

Section 4.18. SITE PLAN REVIEW. Whenever required in a zoning district of the Ordinance, a site plan must be submitted to the building inspector and/or the Planning Commission showing all buildings, parking areas, and landscaping at a scale sufficient to permit study of all elements of the plan. 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 to 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, sitting and open space.

Section 4.19. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP. Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of two hundred (200) 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 from adjoining lot lines.
4. Maximum building height shall not exceed 35 feet and steeples shall not exceed 50 feet in height. Steeples are subject to the requirements in Section 4.02 (2). (Page 8).

Revised 04-00

Section 4.20. OPEN AIR BUSINESS. Open air businesses when permitted in a Commercial or Agricultural District, shall be subject to the following regulations:

1. The minimum area of the site 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.

Section 4.21. 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 the 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 four (4) feet between the outside wall of the pool and 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 in-ground pools shall be completely enclosed by a fence not less than four (4) feet tall 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. **Revised 05-07**
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 4.22. LANDS ABUTTING RIVERS AND LAKES. In any district, land which abuts Black Creek, and other creek, tributary, drainage ditch, or manmade lake shall be subject to the following regulations:

1. The general setback limitations shall be based on the following minimum distances from the water's edge.
 - a. Fifteen (15) feet from any drainage ditch.
 - b. Twenty-five (25) feet from any creek or tributary.
 - c. Fifty (50) feet from any man-made lake.
2. Single family detached dwellings and their accessory uses shall be set back according to paragraph 4.22.1.
3. Camping, outdoor recreation, and other commercial recreation activities shall be set back according to paragraph 4.22.1.
4. Any grading, removal of topsoil, or indiscriminate cutting of live vegetation which will result in soil erosion and sedimentation into the water body shall be prohibited in accordance with paragraph 4.22.1.
5. Feed lots must be set back a minimum of four hundred (400) feet from the water's edge.
6. Mining extraction shall be set back a minimum of 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 water's edge. The bottom of the tile field must be four (4) feet above flood plain level.

8. All buildings and structures related to an industrial or commercial use except water pumping stations or sewage treatment facilities shall be set back in accordance with paragraph 4.22.1.
9. The outdoor storage of materials when permitted in any district shall be set back in accordance with paragraph 4.22.1.
10. All other uses not specifically covered in these regulations shall be set back one hundred (100) feet from the water's edge.

Section 4.23. An Ordinance to provide for the exercise of certain municipal powers of the Township of Fairfield to promote the health, safety, and welfare of persons and property in the township and to provide penalties for the violation of the provisions thereof:

Revised 4-08

1. **Nuisance Defined and Prohibited.** Whatever injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or stream; or in any way renders the public insecure in life and the property is hereby declared to be a public nuisance. Public nuisance shall include, but not be limited to, whatever is forbidden by provision by this Ordinance. No person shall commit, create or maintain any public nuisance.
2. **Littering and Accumulation of Garbage, Rubbish, and Other Material.** No Person shall place, deposit, throw, scatter or leave in any street, alley or public place, or on the private property of another, any refuse, waste, garbage, dead animals, rubbish, wash water or other noxious or unsightly material or material which interfere with the operation and use of motor vehicles in street, alleys, or public places. It shall be the duty of every occupant of property and the owner of unoccupied property at all times to maintain the premises occupied by him, in a clean and orderly condition permitting no deposit or accumulation of garbage or rubbish upon such premises, unless stored or accumulated as hereinafter provided. It shall be the duty of every occupant of property and the owner of unoccupied property to place any rubbish and/or garbage accumulated or stored outside of a dwelling or building of any premises in containers. Such containers, when used for the storage or accumulation of garbage or rubbish which is contaminated by garbage shall be constructed of non-absorbent materials, shall be kept clean and sanitary condition and shall be covered. Such containers, used for the accumulation and storage of rubbish, shall be covered if there is likelihood that rubbish will be carried therefrom by wind or other natural causes. Garbage and rubbish accumulated as aforesaid must be disposed of within a reasonable period of time in a manner not inconsistent with the provisions of this Ordinance.

Revised 01-00

3. **Abandoned or Inoperable Motor Vehicles and Appliances.** It shall be the duty of the occupant of every premises and the owner of unoccupied premises to keep dismantled partially dismantled or inoperative motor vehicles or appliances which shall be stored, placed or permitted to be stored or placed on premises owned or occupied by him, in a

wholly enclosed garage or other wholly enclosed structure. Provided, however, that the owner of such motor vehicles or appliances may store on the premises of which he is owner, co-owner, or tenant, any such vehicles that are properly licensed that are not deemed excessive in number. Provided further, that the occupant of every premises and the owner of unoccupied premises shall not leave in any place accessible to children any abandoned, unattended, or discarded icebox, refrigerator, or any other container of any kind which has an air tight door, or lock which may not be released or opened from the inside of said icebox or refrigerator or container, unless the said lock or door has been removed there from.

4. **Definitions.** Unless the context indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

- a. "Appliance" shall mean any mechanism which is operated by gas, electric current or motor, including, but not limited to, an icebox, refrigerator or stove.
- b. "Garbage" shall mean all putrescible wastes, except sewage any body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable industrial by-products, and shall include all such substances from all public and private establishments from all residents.
- c. "Motor Vehicles" are hereby defined as any wheeled vehicles which are self-propelled or intended to self-propel. "Inoperable Motor Vehicles", are defined as motor vehicles which by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power. "Dismantled" or "Partially Dismantled Motor Vehicles", are defined as motor vehicles from which some part or parts which are ordinarily a component of such motor vehicles has been removed or missing.
- d. "Rubbish" shall mean, leaves, grass trimmings, tin cans, wastepaper, ashes, straw, shavings, junk in general, nonputrescible wastes, normally incident to the lawful use of the premises on which accumulated.

6. **Enforcement and Penalties.**

- a. This Ordinance shall be enforced by the Township Board or such persons who shall be so designated by the Township Board.
- b. The owner, if possible, and the occupant of any property upon which any of the causes of public nuisance set forth in Section 1 hereof is found to exist shall be notified in writing to remove or eliminate such public nuisance from such property within ten (10) days after service of the notice upon him, or such other longer period of time, not to exceed thirty (30) days, as the Township Board shall allow. Such notice may be served personally, by certified mail, return receipt requested or by first class U.S. Mail, postage prepaid to the property owner or occupant's last known address. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such nuisance causes, are in progress.

Revised 06-04

- c. Failure to comply with such notice within time allowed by the owner and/or occupant shall constitute a violation of this Ordinance.
- d. Any person or entity violating any of the provisions of the Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan Law and is subject to a civil fine to be assessed in accordance with the schedule of fines maintained by the 2-1 District Court for Lenawee County, Michigan. All fines are determined on the basis of the date(s) of any violation(s).

Revised 01-00 & 10-04

In addition to any fines assessed, any persons or entity violating any provisions of this Ordinance shall pay court costs and may be ordered to pay all direct and indirect expenses that the Township has incurred in connection with the violation(s). Any person or entity violating any provision of this Ordinance shall also be subject to such additional sanctions, remedies, or judicial orders as authorized under Michigan Law.

- 7. **Availability of Other Remedies.** In addition to the issuance of a municipal civil infraction appearance ticket, the township is empowered to pursue all other legal remedies provided by law and this Ordinance. These include action in the Circuit Court for Lenawee County, Michigan, or other court having jurisdiction, to restrain and/or prevent non-compliance with, or the violation of, any of the provisions of this Section and to correct, remedy, and/or abate such non-compliance or violation.

Revised 06-04

- 8. **Severability.** That if any court of law of equity with the State of Michigan determine that any provision with this Ordinance is unconstitutional, void, voidable, or unenforceable, the remaining provisions of the same section and other sections of this Ordinance shall be deemed separate, distinct and valid in all respects from said provision.

Proposed for revision 10-04

- 9. **Effective Date.** This Ordinance shall become effective thirty (30) days after its publication.

Revised 06-04

Section 4.24. DANGEROUS STRUCTURES. An Ordinance enacted to provide for the exercise of certain municipal powers of the Township of Fairfield and to promote the Health, Safety and Welfare of persons and property in the Township and to provide penalties for the violation of the provisions thereof, and to repeal all Ordinances and regulations or parts thereof in conflict with this Ordinance.

Revised 09-01

- 1. **Dangerous Structures** - No person shall maintain any structure within the Township, which is dangerous, unsafe, or a menace to the health, morals, or safety of the public.
- 2. **Definitions** - “Dangerous Structure” means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

- a. Inadequate means of ingress and/or egress in case of fire or panic, including, but not limited to, doors, aisles, passageways, stairways or fire escapes which do not conform to the Township Building Code.
 - b. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Township Building Code.
 - c. A part of the building or structure is likely to fall, become detached or dislodged, or collapse injuring persons or damaging property.
 - d. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than in required is the case of new construction by the Township Building Code.
 - e. The building or structure is damaged by fire, wind, or flood, or is otherwise dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or unlawful or immoral act.
 - f. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of the occupants or the general public.
 - g. A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or minors.
 - h. A building or structure whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - i. A building or structure which, exclusive of the foundation, shows 33 percent or more damage or deterioration of the supporting member or members or 50 percent damage or deterioration of the non-supporting enclosing or outside walls or covering.
 - j. A building or structure which has improperly distributed loads upon floors or roofs or in which the floors or roofs are overloaded, or which have insufficient strength to be reasonably safe for the purpose intended.
3. **Dangerous Structures - Notice and Hearing** - The Township Board shall issue a notice and hold a public hearing on any alleged dangerous structure as follows:

- a. The Township Board, Building Inspector or Ordinance Enforcement Officer shall issue a notice if a building, structure or adjoining grounds is deemed to be a dangerous structure.
 - b. The notice shall be sent by certified mail, return receipt requested or served personally on each owner of the property or party in interest as appearing on the last local tax assessment records of the Township.
 - c. The notice shall specify the date, time and place of a public hearing before the Township Board on whether the building, structure or adjoining grounds is a dangerous structure at which hearing the person to whom the notice is addressed will have the opportunity to show cause why the Township Board should not order the building, structure or adjoining grounds to be demolished or otherwise made safe or properly maintained.
 - d. After the public hearing the Township Board may condemn the building, structure or adjoining grounds by giving notice to the owner or party in interest detailing in what respects the building, structure or adjoining grounds is a public nuisance and requiring the owner or party in interest to alter, demolish or remove the building or structure or maintain the adjoining grounds. The notice shall state a reasonable time, not to exceed sixty (60) days within which such alterations; demolition or repairs must be completed. The notice may also specify a time within which work is to be started.
4. **Dangerous Structures - Abatement** - If, at the expiration of any time limit in the notice, the owner or party in interest has not complied with the requirements of the notice, the Township Board, in its discretion, may move to carry out the requirements of the notice by contracting with an individual or company to abate the nuisance by demolition, making safe or maintaining the exterior of the building, structure or adjoining grounds.
 5. **Dangerous Structures - Emergency Abatement** - The Township Board or Township Building Inspector, may authorize immediate abatement of any dangerous building, structure or adjoining grounds, if the public safety requires immediate action.
 6. **Notice of Costs** - The owner or party in interest in whose name the property is held according to the last local tax assessment records shall be notified by the Township Assessor of the amount of the costs of the demolition; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds, by first class mail at the address shown on the Township records.
 7. **Reimbursement of Costs** - The actual costs of the demolition; making the building or structure safe; of maintaining the exterior of the building or structure; or maintaining the adjoining grounds, incurred by the Township to bring the property into conformance with this Ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property is held.
 8. **Lien for Unpaid Costs** - If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the costs, then in the case

of a single family or two family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this Ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law and does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, as amended, being Section 211.1 et seq. of the Michigan Compiled Laws.

9. **Court Judgment For Unpaid Costs** - In addition to other remedies under this Ordinance, the Township may bring an action against the owner of the building or structure for the full cost of demolition; making the building or structure safe; maintaining the exterior of the building or structure; or maintaining the adjoining grounds. In case of a single-family or two family dwelling, the Township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided by law and does not have priority over previously filed and recorded liens and encumbrances.
10. **Enforcement of Judgment** - A judgment in an action brought pursuant to this Ordinance may be enforced against assets of the owner other than the building or structure.
11. **Lien for Judgment Amount** - In the case of a single family or two family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to this Ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as required by law and does not have priority over previously filed or recorded liens or encumbrances.
12. **Sanction for Nonconformance with Order** - Any person or other entity who fails or refuses to comply with an order approved or issued by the Township Board pursuant to this Ordinance within the time prescribed in the notice or order is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than \$500.00 plus costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation.
13. **Prior and Inconsistent Ordinances Repealed** - All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.
14. **Severability** - This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

15. **Effective Date** - This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.

Section 4.25. PONDS.

1. **Intent** – The regulations set forth in this section are designed to outline the parameters under which ponds may be developed. The regulations are intended to protect the health, safety, and welfare of the township residents, as well as preserve ecological important features, and to prohibit development which, unregulated, may have an adverse impact on existing character of the township.
2. **General Provisions**
 - A. It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to construct a pond within the township without first securing a site plan from the Zoning Inspector and a construction permit from the township building official.
 - B. The pond shall be located on a parcel at least two (2) acres in total area.
 - C. All ponds shall be considered accessory to the principal use.
 - D. Pond shall not exceed ten (10) percent of the total area on which they are situated or five (5) acres, whichever is less. Ponds that exceed these criteria shall be subject to the provisions of Gravel Pits, Quarries, and Earth Removal, or of a separate ordinance governing them, as same may hereafter be adopted by the Township. **Revised 05-06**
 - E. The property owner will be required to excavate a test hold to determine the water table and appropriate depth of the pond. The property owner will contact the township building official to inspect the test hole within 48 hours of the excavation to document the water table of the site.
3. **Design Requirements**
 - A. If constructed, berms may not exceed six (6) feet in height; with slopes on (1) foot vertical incline to each four (4) feet horizontal or less severe. Escape ramps, constructed with flatter side slopes are required to provide a means for climbing out of pond.
 - B. Ponds shall be minimum of thirty-five (35) feet from property lines as measured for the property line to the beginning of the excavation.
 - C. There shall be a distance of not less than thirty-five (35) feet between the outside edge of the excavation and any structure on site.
 - D. Ponds shall be located at least thirty-five (35) feet from any easement measured from the center of the easement to the beginning of the excavation. If adjacent to the road, ponds shall be located thirty-five (35) feet from the road right-of-way to the beginning of the excavation. **Revised 05-07**

- E. Ponds shall be located no closer than one hundred (100) feet from any on-site waste water system as measured from the nearest line of the system to the beginning of the excavation.
- F. All areas disturbed during construction shall be seeded with grass and maintained in good condition to prevent erosion.
- G. The drainage of the site will preclude drainage of water onto adjacent properties or towards any building, and the natural drainage pattern of the area will remain unaffected. Drainage patterns shall be documented on the site plan for review and approval by the Township Planning Commission.

4. Application and Review Procedures

- A. Applications shall be made by the Zoning Administrator. Applications shall contain the name and address of the applicant and property owner, legal description of the property upon which the pond is to be located, and a site plan submitted in accordance with Section 4.18, Site Plan Review.
- B. Review of the application and site plan shall be subject to the regulations of Section 4.18 Site Plan Review.
- C. Based on the review of the site plan and other application materials, the Zoning Administrator/Building Inspector may require additional information from and impose reasonable modifications upon the proposed pond. Modifications may include those necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads to protect the natural environment and conserve natural resources, to insure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner.
- D. All required permits shall be obtained prior to the approval by the Township, including, but not limited to the following:
 - 1. Lenawee County Drain Commission regarding proximity to a ditch, stream, river or floodplain.
 - 2. Lenawee County Health Department regarding proximity to site waster water systems.
 - 3. Lenawee County Road Commission regarding designated travel routes.
 - 4. Michigan Department of Environmental Quality regarding natural features such as wetlands.

5. Limitations

- A. The construction for the pond to be completed with a twelve (12) month period. Extensions may be granted by the Building Inspector under extenuating circumstances.
- B. The property, as situated at the time of the application for a pond permit is made, shall not subsequently be split, divided and/or portioned in a manner which would result in nonconformance with the requirements contained herein.
- C. No pond shall be located upon, across, or extended beyond an existing property line.
- D. Pond construction shall not commence earlier than 7:00 a.m., and shall not continue after dusk.
- E. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies that have jurisdiction.

6. Soil Removal Provisions

- A. Excavated soil intended for removal from the property shall be removed within one hundred and twenty (120) days after the excavation is complete.
- B. The applicant may apply to the Building Inspector for one (1) extension under extenuating circumstances (i.e. long period of bad weather, which may occur in the winter or spring months).
- C. Soil erosion and sedimentation provisions shall meet with Drain Commissioner standards
- D. Proof of liability insurance with Fairfield Township listed.

Added 05-06

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 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. It is further the intent of this Ordinance to permit no addition of other structures or uses prohibited elsewhere in the same district.

Section 5.01. 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 lots fail 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 required variances may be obtained through approval of the Board of Appeals.

No division of any lot or parcel shall be made unless the resulting lots are in conformance with the lot area and width requirements within the district in which the lots or parcels are located.

Section 5.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists in any district, single-family dwellings, or commercial building structures, 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: *Revised 4-08*

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 a non-conforming structure or a portion of non-conforming structure be destroyed by any means, it may be reconstructed. However, such reconstruction shall not increase the non-conformity to an extent greater than that which existed prior to destruction.
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 5.03. NON-CONFORMING USES OF LAND. Where at the time of passage if this Ordinance lawful use of the land exists which would not be permitted by the regulations imposed by this Ordinance, such 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 than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such non-conforming use shall be moved in whole or 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 twelve (12) 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. **Revised 4-08**
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 5.04. NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures or of structure and premises 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 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 use permitted in the district in which it is located. There shall be a specific exemption from the preceding prohibition, whether in Section 5.04. or any other Section of Article V against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a non-conforming use when such use is occupied as a dwelling unit. In this case, the owner or tenant of said dwelling place shall make application to the Board of Appeals requesting an exemption from the aforesaid prohibitions. If the Board of Appeals, after a hearing upon such application, shall determine that for reasons of health, sanitation, safety or the well being of the occupants that the request is proper, then the Board of Appeals may authorize the tenant to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place. Prior to granting any such request under this section, the Board of Appeals specifically shall make the following findings of fact and apply the following standards:
 - a. That the use was originally constructed as a dwelling place, and has continuously been occupied as a dwelling place.
 - b. That the use currently is occupied as a dwelling place.
 - c. That by reason of original construction, current conditions, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this Zoning Ordinance, and any applicable building codes.
 - d. That by reason of original construction, current condition, or proposed change, the use will meet the building code requirements set forth by this Zoning Ordinance and any building code applicable to the type of use and type of use district.

- e. That the use adequately is serviced by public utilities and private or public highways or roads.
- f. That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity with the provisions of this Zoning Ordinance and any building code.
- g. That the proposed changes will not have an adverse affect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.

Proceedings under this Section shall follow the same procedure and be subject to the same application fee as set forth for applications to the Board of Appeals on an appeal under Article XVI, Section 16.03

- 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 and land outside such buildings.
- 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, or to the 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 twelve (12) consecutive months 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. **Revised 4-08**
- 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 purposes of this section is defined as damaged to an extent of more than fifty (50) percent of its replacement cost at the time of destruction.

Section 5.05. REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of structure containing a non-conforming use, work may be done on ordinary repairs, 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 lawful 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 5.06. 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 may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall be

commenced within one (1) year of the date of such destruction and shall be diligently carried on to completion.

Section 5.07. 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 of character of such non-conforming use.

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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 of 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 shall 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, zoning lot, or parcel of land 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 the Industrial District the front set-back 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 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, an obscuring wall of not less than four (4) feet nor more than six (6) feet in height shall be erected and maintained along the interior lot line if requested by adjacent property owners and deemed to be in the interest of public welfare by the Board of Appeals. Said Board shall approve the type of materials of construction.

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 constructed 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 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, lease, 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 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) percent 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>
A. Residential	
1. Residential, One-Family and Two-Family	Two (2) for each dwelling unit.
2. Residential, Multiple Family	Two (2) for each dwelling unit.

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| 3. Housing for the Elderly. | 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. |
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<u>Use</u>	<u>Number of Minimum Parking Spaces per Unit of Measure</u>
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| 4. Trailer Park and Mobile Home Courts | Two (2) for each Trailer or Mobile Home site and one (1) for each employee of the Trailer or Mobile Court. Plus one (1) for every four (4) site adjacent to a recreation area. |
| 5. Boarding House | One (1) for each sleeping room. |

B. Institutional

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| 1. Churches, Temples or Synagogues. | One (1) for each three (3) seats in the main unit of worship. |
| 2. Homes for the Aged and Convalescent Homes. | One (1) per six hundred (600) square feet gross floor area. |
| 3. Elementary and Junior High Schools | One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium. |
| 4. Senior High Schools | One (1) for each one (1) teacher administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| 5. Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building, or health codes. |
| 6. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses | One (1) for each two member families or individuals. |
| 7. Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses. | Six (6) for each on (1) golf hole one (1) for each one (1) employee. |
| 8. Stadium, Sports Area, Speedway or Similar Place of Outdoor Assembly | One (1) for each four (4) seats plus one (1) for each two (2) employees. |
| 9. Theaters and Auditoriums (Indoor) | One (1) for each four (4) seats plus one (1) for each two (2) employees. |
| 10. Theaters (Drive-In) | One (1) per each vehicle plus a ten (10) percent reservoir of the total vehicle capacity. |

C. Business and Commercial

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| 1. Amusement Park and Establishments | One (1) per each one hundred (100) feet of gross floor or lot area. |
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2. Auto Wash	One (1) per 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.
<u>Use</u>	<u>Number of Minimum Parking Spaces per Unit of Measure</u>
3. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1 ½) spaces for each additional chair.
4. Bowling Alleys	Five (5) for each one (1) bowling lane.
5. Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls Without Fixed Seats	One (1) for each three (3) seats.
6. Drive-In Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
7. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments.	One (1) for each seventy-five (75) square feet of gross floor area.
8. Carry Out Restaurants	One (1) for each hundred and fifty (150) square feet of gross floor area.
9. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	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.)
10. Automobile Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
11. Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines
12. Miniature "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
13. Mortuary Establishment	One (1) for each one hundred (100) square feet of gross floor area.
14. Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms or meeting rooms.

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| 15. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms | One (1) for each four hundred (400) square feet of gross floor area of sales room. |
| 16. Open Air Business | One (1) for each seven hundred (700) square feet of lot area. |
| 17. Retail Stores Except as Otherwise Specified Herein | One (1) for each two hundred (200) square feet of lot area. |

<u>Use</u>	<u>Number of Minimum Parking Spaces per Unit of Measure</u>
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| 18. Riding Stables or Academies | Three (3) for each employee. |
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D. Offices

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| 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 in the following item. | One (1) for each four hundred (400) square feet of gross floor area. |
| 4. Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions. | One (1) for each two hundred (200) square feet of gross floor area. |

E. Use

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| 1. Industrial or Research Establishments | Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift.

Space on site shall also be provided for all construction workers during periods of plant construction. |
| 2. Wholesale Establishments. | 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. |

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, laundry dry cleaning, or other uses similarly involving the receipt or 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) feet, within 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 Area.**

0 - 2,000 sf	None
2,000 - 20,000 sf	One Space
20,000 - 100,000 sf	One space plus one space for each 20,000 square feet in excess of 100,000 square feet.
Over 500,000 sf	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 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 until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the 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:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total Width of One Tier Of Spaces Plus Maneuvering Lane</u>	<u>Total Width of Two Tiers Of Spaces Plus Maneuvering Lane.</u>
0° *	12 ft.	8 ft.	23 ft.	20 ft.	28 ft
30° to 53°	12 ft.	9 ft	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	9 ft.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	24 ft.	9 ft.	20 ft.	44 ft.	64 ft

* = Parallel parking

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 onto 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 a 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.

**ARTICLE VII
AG, AGRICULTURAL DISTRICT**

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

1. Land containing agricultural value should be preserved because 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 or 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 AG, Agricultural District. Any use not expressly permitted is prohibited.

1. Single family detached dwelling, both farm and non-farm related.
2. Farm except feedlots.
3. Publicly owned and operated museums, libraries, parks, play fields, 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. Home occupations as defined in Article XVII.
6. Veterinarian office and/or animal clinics and hospitals.
7. Roadside stands for the marketing of agricultural products produced on the premises.
8. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
9. Telecommunications tower not exceeding 50 feet in height.

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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 Planning Commission.

1. Feedlots subject to the following requirements:
 - a. Minimum site size shall be twenty (20) acres in area.
 - b. The feedlot and livestock waste disposal facilities shall be set back a minimum of four hundred (400) feet from the high water mark of lakes, rivers, creeks, and drainage ditches.

- c. Developmental features including principal and accessory buildings and structures shall be so located and related as to minimize the possibility of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings (excluding the dwelling unit), the feedlot itself and all livestock waste disposal facilities shall not be less than four hundred (400) feet from any property lines of abutting residential or commercial zoned land.
2. 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.
3. Cemeteries provided that the principal access shall be directly to a County Primary Road. Minimum site shall be ten (10) acres and the perimeter of the site shall be fenced as designed in Section 4.14.
4. Churches, subject to the requirements set forth in Section 4.19.
5. 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.
6. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
7. Golf Courses, which may or may not be operated for profit, subject to the following conditions.
 - a. The site shall be planned so as to provide all ingress and egress onto a County Primary Road.
 - b. Developmental 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.
8. Private Parks, Country Clubs, Gun Clubs, Skeet-shooting Ranges, Zoological Gardens, Botanical Gardens and Arboretums, subject to the following conditions.
 - a. The lot size shall be a minimum of ten (10) acres.

- b. The site shall be so planned as to provided all ingress and egress directly onto a County Primary Road
 - c. There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road.
 - d. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
 - e. Facilities utilizing fire arms, bows and arrows, etc. shall have the site plan approved by the Lenawee County Sheriff to insure adequate safety.
 - f. A site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.18.
9. Kennels subject to Michigan Department of Agriculture Dog Law of 1919, Act 339 or 1919 – Section 287.270
10. Campgrounds, travel trailer parks and tents sites subject to the following requirements:
- a. Minimum lot sizes shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term “lot” shall mean a campground or travel trailer park.
 - b. Public stations, housed in all weather structures, containing adequate water outlet, toilet, waste contained and shower facilities shall be provided uniformly throughout the lot at a ratio of not less than one such station per fifty (50) sites.
 - c. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping may be provided on a lot containing more than eighty (80) sites.
 - d. Each lot shall provide vehicle parking areas for site occupants and guest parking. Such parking area shall be treated in a manner so as to minimize dust and shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designed only for tent camping.)
 - e. Each site shall contain a minimum of fifteen hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
 - f. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
 - g. A minimum of ten (10) percent of the total lot shall be left in open space developed for recreation purposes. Such area shall not include roads, sidewalks, land under water or having excessive grades and shall be so developed as to have adequate drainage and usability by user of the lot.
 - h. A site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.18.

11. Stables with a minimum of ten (10) acres, riding academies with a minimum site size of ten (10) acres.
12. Golf Driving Ranges subject to the following conditions:
 - a. Minimum lot size of ten (10) acres.
 - b. The site shall be so planned as to provide all ingress and egress directly onto County Primary Road.
 - c. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
13. Sale 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.
14. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of recreational vehicles subject to the following conditions:
 - a. Lot size shall be a minimum of twenty (20) acres.
 - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
 - c. Trails or operating areas shall be located at least two hundred (200) feet from any property line of abutting residential or commercial zoned lands.
 - d. Where such facilities adjoin property located in any residential or commercial district, fencing along the interior lot line shall be required as designated in Section 4.14.
 - e. A site plan shall be submitted to the Planning Commission for review and approval in accordance in Section 4.18.
15. Dwelling existing at the enactment of this amendment to the Ordinance may be severed and sold off an existing parcel provided a lot of at least one (1) acre and at least one hundred and fifty (150) feet of frontage and side and back yards of at least one hundred (100) feet from any building accompanying said transfer and 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
16. Telecommunication Towers over fifty (50) feet in height designed primarily for the purpose of supporting one or more telephone, radio, television or similar communication transmitting or receiving antennas, subject to the following standards and conditions:

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 - a. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration. If lighting is proposed, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.

- b. A signed and notarized statement by the applicant certifying compliance with all applicable Federal, State and local laws shall be filed with application.
- c. No advertising or identification signs visible from the site shall be allowed or permitted on the tower.
- d. A site plan drawing must be submitted with the application showing the location, type and height of the proposed tower, land uses on and around the site, setbacks from adjacent property, elevation drawings of the proposed tower and any other proposed structures.
- e. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer.
- f. A legal description of the lot and the leased parcel is applicable and evidence of the lot owner's consent to place the proposed tower.
- g. The Planning Commission may impose conditions to the extent that it concludes such conditions necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- h. Accessory structures shall not exceed six hundred (600) square feet of gross building floor area.
- i. All towers shall be equipped with an anti-climbing device.
- j. Towers shall not interfere with reception of nearby residents.
- k. Two (2) miles between towers will be minimum spacing between towers.
- l. Preserve on-site vegetation.
- m. There will be no on-site personnel.
- n. A green belt will be placed between tower land and residential land.
- o. Collocation of communication towers shall be maintained.
- p. After 12 consecutive months on non-use communication towers would be removed at the tower owner's expense.

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- 17. Open air business uses as follows in conformance with Section 4.20.
 - a. Retail sales of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, 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, utility truck or trailer, motor vehicle sales lots, mobile homes, boat, farm or home equipment sale or rental or repair services.
 - e. Outdoor display and sale of lumber, garages, swimming pools, motor homes, mobile homes, snowmobiles, building materials and farm implements. *Revised 05-07*
18. Ponds, subject to the requirements set forth in Section 4.25. *Added 05-06*
19. GRAVEL PITS, QUARRIES AND EARTH REMOVAL. Prior to the approval by the Planning Commission of a conditional use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements contained in the Township zoning ordinance or in any other township ordinance controlling such operations:

A. Location:

1. All such operations shall be located on a primary road, as defined by the Lenawee County Road Commission, for ingress and egress thereto or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operation as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing road which are not “all weather” roads. Where necessary, the Planning Commission and/or the Township Board will consult with the Lenawee County Road Commission as to the suitability of roads to support the anticipated truck activity.
2. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operations shall be permitted closer than 150 feet to interior boundary lines of the property, or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties.

However, if the adjoining property is also used to such mining and excavation operation then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the board, and adequate lateral support as set forth is at all times maintained.

3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
4. Any permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Natural Resources or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface or subsurface waters to the detriment or damage of adjoining public or private properties.

B. Sight Barriers:

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours of evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.
 - b. Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers within 6 feet in height.
 - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
3. Hours – The operation shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. and no operations shall be allowed on Sundays.
4. Fencing – All dangerous excavations, pits, pond areas, banks or slopes shall be enclosed by a fence of not less than six feet (6') in height, posted with signs around the perimeter sufficient to prevent trespass onto the property and maintained so as to prevent injury to children or others. Any breaks or openings that occur in said fence shall be repaired and eliminated as expeditiously as possible.

D. Reclamation of Mined Areas:

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of 1 acre or more. Substantial completion of reclamation and rehabilitation shall be effected within 1 year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and noncombustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,

- ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the water line in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches, or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all pant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirement of the zoning district in which they will be located under such plan, may be retained.
3. A performance bond or cash shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than 1 vertical to 3 horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the Township Building Inspector and the Township Planning

Commission. In no event shall such financial guarantee be less than \$3,000 in amount.

E. Submission of Operational and Reclamation Plans:

1. Such plans shall include, among other things, the following:

- a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets and whether or not the same are "all weather" roads, additional road if any, to be constructed and the location and nature of abutting improvements on adjoining property.
- b. The number of acres and the location of the same purpose, to be operated upon within the following 12 months' period after commencement of operations.
- c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Building Inspector. The written consent of the owners of adjoining premises and the Planning Commission shall be required if mining operations shall be closer than specified in the within Ordinance to the boundaries of the site.
- f. A map or plan disclosing the final grades and elevations to the established following the completion of the mining operations including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

F. Liability Insurance:

All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists in the amount of not

less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

- G. The Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.
- H. The permit and any renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re-application, a re-determination by the Planning Commission and the filing of the required performance bond with the re-determination to be made in accordance with this Ordinance for the issuance of a conditional use permit.

Added 04-08

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

ARTICLE VIII
R - 1, R - 2, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 8.01. STATEMENT OF PURPOSE. The Single Family Residential Districts are established as districts in which the principal use of land is for single-family dwellings. For the single-family residential districts, 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 which 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 sewage, 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 single-family residential districts. Any use not expressly permitted is prohibited.

1. Single-family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, play fields, 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 Principle 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 Planning Commission.

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 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 4.14.
3. Churches, subject to the requirements set forth in Section 4.19.
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. Temporary building placed on a residential lot for repair to the temporary building not to exceed six (6) months. Can not be attached to water, sewer, electricity, and shall not be used for a residence.

Revised 11-00

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 onto a County Primary Road.
 - b. Developmental features including the principal accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affect upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Home Occupations are defined in Article XVII.
8. Multiple family dwelling units housing not more than four (4) dwelling units per structure subject to the following conditions:
 - a. Approved by the Lenawee County Health Department for the installation of an on-site water well and sewage disposal system.
 - b. Minimum lot size shall be one (1) acre for each structure.
 - c. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Area in Square Feet
Efficiency Unit	400
One Bed Unit	600
Two Bedroom Unit	750
Three Bedroom Unit	950
 - d. Lot width, yard requirements, building height, and lot coverage shall be provided for in the R-1 single family residential district.

9. Housing for the elderly. All housing for the elderly shall be provided as 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 unit.
 - 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) percent of the total site exclusive of any dedicated public right-of way.
 - e. A site plan shall be submitted to the Planning Commission for review and approval in accordance with the Section 4.18.
10. 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 buildings shall be closer than forty (40) feet from any property line.
 - c. A site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.18.
11. Mobile Home Ordinance Medical Hardship Exception.
 - a. Any medically disabled resident or future medically disabled resident of the Township of Fairfield may apply for an exception to the Township Mobile Home Ordinance by filing a petition with the Township Board.
 - b. All said petitions shall be subject to the rules and procedures under the general Township Ordinances, as amended.
 - c. The Township Board shall consider the following factors in determining whether to grant a permit for a Medical Hardship Exception.
 - a). The age of the petitioner;
 - b). Any alternative housing available;
 - c). The nature of the petitioner's disability;
 - d). The duration of the petitioner's disability;
 - e). The financial hardship imposed on the petitioner.
 - d. No permit for a Medical Hardship Exception to the Township Zoning Ordinances shall exceed a period of six months.

- e. A permit for a Medical Hardship Exception may be renewed for an additional six month period upon approval of the Township Board.
- f. All permits for Medical Hardship Exceptions shall expire upon the termination of the petition's disability.
- g. The Township Board shall by resolution, determine and set the fees to be charged for all permits for Medical Hardship Exceptions.

12. Planned Unit Developments

Planned Unit Developments are intended to provide flexible land use and design regulations through the use of performance criteria to allow small-to-large scale neighborhoods or portions thereof to be developed within the Township that permit a variety of residential types, containing both individual building sites and common property which are planned and developed as a unit. The planned residential unit should be designed to relate to the character of surrounding areas, and wherever possible should also be capable of functioning as a self-contained residential neighborhood. This district specifically encourages innovations in residential development to enable growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by the conservation and more efficient use of land in such developments.

While standard zoning and subdivision practices are appropriate for the regulations of land use in areas or neighborhoods that are already substantially developed, these controls represent a type of preregulation and regulatory rigidity which can hinder the creation of more attractive, safe and efficient residential areas. Therefore, this district is intended to permit enough flexibility in development design so as to allow the development of the most desirable residential amenities accruing from modern design techniques. While these techniques are deemed appropriate use and dimensional specifications elsewhere in this Ordinance are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

The Planned Unit Development District shall achieve the following objectives:

- 1. Promote maximum choice in the types of environment, housing, lot sizes, and community facilities available to residents.
- 2. Encourage more usable tracts of land for open space and recreational purposes and for common use.
- 3. Preserve trees, outstanding natural topography and geologic features, and prevent soil erosion.
- 4. Encourage creative use of land, which can be planned to relate to surrounding physical development.
- 5. Attain more efficient use of land as a result of smaller networks of utilities and streets, and thereby lower housing costs.

6. Achieve a development pattern in harmony with the objectives of the Comprehensive Plan.
 7. provide an opportunity to locate necessary community facilities within residential neighborhoods.
 8. Create a more desirable environment that would be possible through the application of strict zoning requirements applied in other sections of this ordinance.
- A. General Requirements for Planned Residential Developments:
1. Minimum Area: The minimum area required to qualify for a Planned Residential Development shall not be less than ten (10) contiguous acres of land.
 2. Ownership: The tract of land for a project must be either in one (1) ownership or the subject of an application filed jointly by the owners of all the properties included (the holder of a written option to purchase land shall for purposes of such application be deemed to be an owner of such land). In the case of multiple ownership, the approved plan shall be binding on all owners.
 3. Location of the Planned Residential District: Planned Residential Developments are permitted as a Conditional Use in the R-3 (Two-Family Townhouse) and R-4 (Multiple-Family) Zoning Districts.
 4. Permitted Uses: All uses within an area designated as Planned Residential Development are determined by the provisions of this section and the approved plan on the project concerned.
 - a. Residences may be of a variety of types, including one family, two family, and multiple family, but not including mobile homes. In developing a balanced community, the use of a variety of housing types shall be deemed desirable in keeping with the objectives of this district.
 - b. Customary accessory or associated uses, such as private garages, storage spaces, recreational and community activities, churches and schools shall be permitted as appropriate to the Planned Residential District.
 5. Land Use and Density: Because land is used more efficiently in a Planned Residential Development, improved environmental quality can often be produced with a greater number of dwelling units per net acre than usually permitted in traditionally zoned residential districts. The Township Planning Commission shall determine in each case the appropriate land use pattern and dwelling unit density for individual projects. These determinations shall be completely documented and justified.
 6. Common Property in the Planned Residential Development: Common property in the Planned Residential Development consists of a parcel or parcels of land, together with the improvements therein, the use and enjoyment of which are shared by the owners and occupants of the planned residential development.

When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service and parking areas, and areas for recreation and open space.

B. Planned Residential Development Application Procedure and Zoning Approval Process:

1. General. Whenever any Planned Residential Development is proposed, before any building permit for the erection of a permanent building in such District shall be granted, and before any part thereof may be filed in the office of the Township Clerk, the developer or his authorized agent shall apply for and secure approval of a Conditional Use Permit in accordance with the following procedures and including subsequent approval of the Preliminary Site Plan and the Final Detailed Site Plan by the Township Planning Commission.
2. Application for Sketch Approval.
 - a. In order to allow the Township Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed design investment, the developer shall submit a Sketch Plan of his proposal to the Township Planning Commission. The Sketch Plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, and it shall clearly show the following information:
 1. Boundaries of property.
 2. The location of the various uses and their areas in acres.
 3. The location and height of all buildings and parking facilities.
 4. The interior roadway system and all existing rights-of-way and easements, whether public or private.
 5. Delineation of the various residential areas indicating for each such area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (i.e., single-family detached, duplex, townhouse, garden apartments, high-rise), plus a calculation of the residential density in dwelling units per net acre (total area excluding interior roadways) for each such area.
 6. The interior open space system.
 7. The overall drainage system.
 8. If grades exceed three percent M0, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing

contour intervals or not of not more than two (2) feet of elevation shall be provided along with an overlay outlining the above susceptible soil.

9. Principal ties to the neighborhood and community with respect to transportation water supply, and sewage disposal.
 10. General description of the provisions of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 11. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the Sketch Plan:
1. Evidence that the proposal is compatible with the objectives of the official Comprehensive Plan.
 2. General statement as to how common open space is to be owned and maintained.
 3. If the development is to be staged, a general indication of how the staging is to proceed. Whether or not the development is to be stages, the Sketch Plan of this section shall show the intended total project.
- c. The Township Planning Commission shall review the Sketch Plan and its related documents, and shall render either a favorable or unfavorable recommendation to the applicant.
1. A favorable recommendation shall include a report to the applicant that he may proceed with initiation of the Conditional Use Permit. It shall be included as part of the recommendation.
 - a. The proposal conforms to the Comprehensive Plan.
 - b. The proposal meets the intent, objectives, and general requirements of the Planned Residential District as expressed in Section 5.19.
 - c. The proposal is conceptually sound in that it meets a community need and conforms to accented design principals in the proposed functional roadway system, land use configuration, open space system, and drainage system.
 - d. There are adequate services and utilities available or proposed to be made available in the construction of the development.
 - e. The proposal meets all the general requirements of Section 5.19A.
 2. An unfavorable recommendation shall state clearly the reasons therefore and, if appropriate, indicate to the applicant what might be necessary in order to receive a favorable recommendation. Within ten

(10) days after receiving an unfavorable recommendation, the applicant may, if he wishes, initiate a Conditional Use Request, which would be accompanied by an unfavorable recommendation from the Township Planning Commission.

a. The Chairman of the Township Planning Commission shall certify when all of the necessary application material has been presented, and the Township Planning Commission shall submit its report to the applicant within thirty (30) days of such certification. If no report has been rendered after thirty (30) days, the applicant may proceed as if a favorable report were given.

3. Application for conditional Use Permit. Upon receipt of a favorable report from the Township Planning commission or upon application by the applicant within ten (10) days of an unfavorable report from the Township Planning commission Conditional Use Permit procedures shall be initiated.

C. Site Plan Approval Process:

1. Application from Preliminary Site Plan Approval. In order to receive a Conditional Use permit, site plans must be approved. Application for preliminary site plan approval shall be to the Township Planning Commission and shall be in accordance with Section 5.6 Site Plan Review and Approval of this Ordinance and including:

a. An area map showing the applicant's entire holdings, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, and easements within three hundred (300) feet of the applicant's property.

b. A topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.

c. A site plan showing location, proposed use and height of all buildings, location of all parking areas, with access drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for non-residential use, if any.

d. A tracing overlay showing all soil areas and their classifications, and those areas, if any, with moderately high susceptibility to flooding, and moderate high susceptibility to erosion. For areas with potential erosion

problems, the overlay shall also include an outline and description of existing vegetation.

2. Factors for Consideration. The Township Planning Commission's review of a Preliminary Site Plan shall include, but is not limited to the following considerations:
 - a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 - b. Location, arrangement, appearance, and sufficiency of off-street parking.
 - c. Location, arrangement, size and design of buildings and lighting.
 - d. Relationship of the various uses to one(1) another.
 - e. Adequacy, type, and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring buffer between adjacent uses and adjoining lands.
 - f. In the case of multiple dwellings, the adequacy of usable open space for playgrounds and recreation.
 - g. Adequacy of storm water and sanitary waste disposal facilities.
 - h. Adequacy of structures, roadways, and landscaping, in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 - i. Compliance with all regulations of this Ordinance.
3. Action on Preliminary Site Plan Application. Within thirty (30) days of the receipt of the application for Preliminary Site Plan approval, the Township Planning Commission shall act on it. If no decision is made within a thirty (30) day period, the Preliminary Site Plan shall be considered approved. The Township Planning Commission's action shall be in the form of a written statement to the applicant stating whether or not the Preliminary Site Plan is approved. A copy of the appropriate minutes of the Township Planning Commission shall be a sufficient report.

The Township Planning Commission's statement may include recommendations as to desirable revisions to be incorporated in the final site plan, of which conformance with, shall be considered a condition of approval. Such recommendations shall be limited, however, to siting and dimensional details within general use areas: and shall not significantly alter the Sketch Plan as it was approved in the zoning amendment proceedings.

If the Preliminary Site Plan is disapproved, the Township Planning Commission's statement shall contain the reasons for such findings. In such a case, the Township Planning Commission may recommend further study of the site plan

and re-submission of the Preliminary Site Plan to the Township Planning Commission after it has been revised or redesigned.

4. Request for Changes in Sketch Plan. If in the site plan development, it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, becomes unfeasible and in need of modification, the applicant shall then present his modifications to the Township Planning Commission as his Preliminary Site Plan is in accordance with the above procedures. The Township Planning Commission shall then determine whether or not the modified plan is still in keeping with the intent of the planned residential development. If a negative decision is reached, the site plan shall be considered as disapproved. The developer may then, if he wishes, produce another site plan in conformance with the approved Sketch Plan. If an affirmative decision is reached, the Township Planning Commission shall state all the particulars of the matter and its reasons for feeling the project should be continued as modified. Preliminary Site Plan approval may then be given by the Township Planning Commission.
5. Application for Final Detailed Site Plan Approval. After receiving approval from the Township Planning Commission on a Preliminary Site Plan, the applicant may prepare his Final Detailed Site Plan, and submit it to the Township Planning Commission for final approval; except that if more than twelve (12) months has elapsed between the time of the Township Planning Commission finds that conditions have changed significantly in the interim, the Township Planning Commission may require a re-submission of the Preliminary Site Plan for further review. The final Detailed Site Plan shall conform substantially to the Preliminary Site Plan that has received Preliminary Site Plan approval. It should incorporate any revisions or other features that may have been recommended by the Township Planning Commission at the preliminary review. All such compliance shall be clearly indicated by the applicant on the appropriate submission.
6. Action on the Final Detail Site Plan Application. Within thirty (30) days of receipt of the application-for Final Detailed Site Plan approval, the Township Planning Commission shall ender a decision to the applicant. If no decision is made within the (30) day period, the final site plan shall be considered approved.
 - a. Upon approving an application, the Township Planning Commission shall endorse its approval on a copy of the Final Detailed Site Plan and the Conditional Use Permit shall be issued.
 - b. Upon disapproving an application, the Township Planning Commission shall so inform the applicant in writing of its decision and its reason for disapproval. A copy of the appropriate minutes may suffice for this notice. After disapproval of the application, the Township Planning Commission may recommend further study of the site plan and re-

submission of the Final Detailed Site Plan to the Township Planning Commission after it has been revised or redesigned to reflect necessary modifications.

7. Staging. If the applicant wishes to stage his development he has so indicated, then he may submit only those stages he wishes to develop for Preliminary and Final Detail Site Plan approval in accordance with his staging plan. Any plan which requires more than twenty-four (24) months to be completed shall be required to be staged and a staging plan shall be developed.

D. Other Regulations Applicable to Planned Residential Developments:

1. Regulation after Initial Construction and Occupancy. For the purposes of regulating land development and use property after initial construction and occupancy, any changes other than use changes shall require approval by the Township Planning Commission. Use changes (changes in types of location of primary and accessory uses, services or facilities) shall require Township Board approval following a public hearing and the recommendation of the Township Planning Commission. It shall be noted, however, that properties lying in Planned Residential Developments are unique and shall be so considered by the Township Planning Commission and Township Board when evaluating these requests, and maintenance of the intent and function of the Planned Residential Unit shall be of primary importance.
 - a. Financial Responsibility. No building permits shall be issued for construction within a Planned Residential Development until public improvements are installed or performance bond posted in accordance with the Township Board requirements. *Section 8.03-12 added 10-08*

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 Regulations".

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ARTICLE IX
RMH, MOBILE HOME PARK DISTRICT

Section 9.01. STATEMENT OF PURPOSE. The purpose 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 needs of residents in the district 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 RMH, 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. **Green belt:** The park shall have a green belt twenty (20) feet in width at its rear and sides. The green belt shall be forty (40) feet at the front of the mobile home park. The green belt shall be measured from the nearest edge of the road right-of-way to the line of the closest mobile home site.
 - b. **Recreation:** The minimum of ten (10) percent of the total park shall be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, land 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 width mobile home shall have a mobile home site which shall be at least fifty-five (55) feet wide and 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 Homes 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

4. 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 Planning Commission.

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 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.
3. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year. Such buildings shall not be for residences.
4. Golf courses, which 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 so 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.

Section 9.04. SITE PLAN REVIEW. For all uses permitted in an RMH, Mobile Home Park District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.18.

Section 9.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement requirements unless otherwise specified as provide in Article XIV, “Schedule of Regulations”.

ARTICLE X
C-1, LOCAL COMMERCIAL DISTRICT

Section 10.01. STATEMENT OF PURPOSE. The C-1, Local 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 local business areas to the mutual advantage of both the consumers and merchants 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. The following provisions apply in all C-1, Local Commercial Districts. Any use not expressly permitted is prohibited.

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. Business or private schools operated for a profit.
5. Photographic Studios.
6. Funeral Homes.
7. Retail establishments for sale of alcoholic beverages, baked goods, confections, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.
8. Personal services 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.
9. Laundry or dry cleaning customer outlets, coin-operated laundromat, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.
10. 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.
11. Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
12. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

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

1. Automobile service stations subject to requirements of Section 4.17.
2. Private service clubs, fraternal organizations and lodge halls subject to the following:
 - a. The minimum lot area shall be one (1) acre
 - b. The site shall have at least one (1) property line abutting a County Primary Road.
 - c. All vehicular ingress and egress to the site shall be directed from said County Primary Road.

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".

ARTICLE XI
C-2, GENERAL COMMERCIAL DISTRICT

Section 11.01. STATEMENT OF PURPOSE. The C-2, General Commercial District is intended to permit a wider range of business and entertainment activities than permitted in the C-1, Local Commercial District. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such a district with adjacent residential areas.

Section 11.02. PERMITTED PRINCIPAL USES. The following provisions apply in all C-2, General Commercial Districts. Any use not expressly permitted is prohibited.

1. All Permitted Principal Uses in the C-1, Local Commercial District.
2. Automobile Service stations subject to the requirements of Section 4.17.
3. Eating and drinking establishments of a drive-in or carry-out character as defined in Article XVII.
4. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
5. Business service establishment performing services on the premises such as office machine and typewriter repair; printing.
6. Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of 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 rental adjunct.
7. Indoor ice skating and roller skating rinks.
8. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, health clubs, and similar uses.
9. Other uses similar to the above, subject to the following restrictions:
 - a. All goods produced on the premises shall be sold at retail on the premises where produced.
 - b. All business or servicing shall be conducted within a completely enclosed building.
10. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

Section 11.03. PERMITTED USES AFTER SPECIAL APPROVAL. The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Automobile car wash establishments when completely enclosed within an 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 automobile establishments.

2. Open Air Business uses as follows in conformance with Section 4.20.
 - a. Retail sales of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, 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, utility truck or trailer, motor vehicle sales lots, mobile homes, boat, farm or home equipment sale or rental or repair services. **Revised 5-07**
 - e. Outdoor display and sale of lumber, garages, swimming pools, motor homes, mobile homes, snowmobiles, building materials and farm implements. **Revised 5-07**
3. Hotels and Motels.
4. Theaters, dance halls, assembly halls or other similar places of assembly.
5. Passenger bus stations.
6. 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 is 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.

Section 11.04. AREA, HEIGHT AND PLACEMENT REGULATIONS. Area, Height and Placement Requirements, unless otherwise specified are provided in Article XIV, "Schedule of Regulations".

ARTICLE XII
IND, INDUSTRIAL DISTRICT

Section 12.01. STATEMENT OF PURPOSE. The intent of this article is to permit industrial uses to be located in desirable areas of the Township which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township.

Section 12.02. PERMITTED PRINCIPAL USES. The following provisions apply in the IND, Industrial District. Any uses not expressly permitted are prohibited.

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 and 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 product (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonograph; 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 material: 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, wood (excluding saw and planing mills) and yarns.
 - c. Tools and dies shops; metal working machine shops involving the use of grinding or cutting tools; 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 Utility Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
4. Retail Service Establishments:

- a. Eating and drinking establishments when food or beverages is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
 - b. Truck tractor and trailer sales, rental and repair.
 - c. Dog kennels.
 - d. Automobile services stations in accordance with Section 4.17.
5. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 12.03. 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 Planning Commission if the Commission finds that the proposed use will constitute a desirable and sable 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. 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, treatment and/or manufacture or chemicals.
 - b. Processing, refining, or storage of foods 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 rust proofing shops, and welding shops.
 - d. Automobile bump shops, tier 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.
- 2. Open storage yards of construction contractor's 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.
- 3. Junk Yards, subject to any Federal, State, County of Township regulations.

Section 12.04. "INDUSTRIAL PERFORMANCE STANDARDS" IN ACCORDANCE WITH ARTICLE XIII.

Section 12.05. 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 XIII
INDUSTRIAL PERFORMANCE STANDARDS

Section 13.01. SCOPE. After the effective date of this Ordinance, any use established or changed to, any buildings, structures, or tract of land developed, constructed 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 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 within respect to such extended, enlarged, moved, structurally altered or reconstructed buildings or other structure or portion thereof, and with respect to land use which is enlarged or moved.

As use established in the IND, Industrial District, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produced 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 eighty (80) decibels with a center frequency of 125 cycles per second.
3. Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gasses, 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: Other than for normal maintenance and /or construction of principal and accessory buildings and structures, and 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, liquified, petroleum gasses, and explosive 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 above ground storage tanks for flammable, corrosive, or otherwise hazardous liquid materials 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: Machine or operation 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.

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**ARTICLE XIV
SCHEDULE OF REGULATIONS**

<u>Lot Requirements</u>			<u>Minimum Yard Requirements</u>			<u>Maximum Building Height</u>	<u>Minimum Floor Area Per Dwelling Unit</u>
<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum Lot Coverage</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
1 Acre	208.7 ft	35%	35 ft	10 ft/20 ft Total>	100 ft	2-1/2 story or 35 ft	950 sf +
1 Acre	150 ft	30%	35 ft	10 ft/20 ft Total>	40 ft	2-1/2 story or 35 ft	950 sf +
15,000 sf	100 ft	30%	35 ft	10 ft/20 ft Total>	40 ft	2-1/2 story or 35 ft	950 sf +
20 Acres	400 ft	30%	50 ft	25 ft/50 ft Total	50 ft	1 story or 15 ft	600 sf**
-	-	-	30 ft	15 ft/30 ft Total *	30 ft	2-1/2 story or 35 ft	-
-	-	-	40 ft	15 ft/30 ft Total *	30 ft	2-1/2 story or 35 ft	-
-	-	-	50 ft	20 ft/40 ft Total	50 ft	-	-

Side yards required only when abutting residential districts.

Minimum of 80 mobile home site.

Building setbacks for lands abutting lakes, creeks and drainage ditches shall be in accordance with Section 4.22.

With compliance to Health Department Regulations, ~~REQUIRED MINIMUM FOOT AREA FOR EACH BUILDING UNIT SHALL NOT INCLUDE AREA OF BASEMENT, BUNKY ROOMS, GARAGE WAYS, PORCHES, OR ATTACHED GARAGES.~~

Measured from the Eaves

1 sq. acre (ag.district)
(208.7 ft x 208.7 ft)

R-1, Single Family
Residential

R-2, Single Family
Residential

RMH, Mobile Home Park

C-1 Local Commercial

C-2 General Commercial

IND, Industrial

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**ARTICLE XIV-A
SPECIAL LAND USES**

Section 14A.01 PURPOSE OF SPECIAL LAND USES. Uses allowed by special land use permit are identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. In this Ordinance, “Special Land Uses” is synonymous with “Permitted Uses after Special Approval” as that term appears in other sections of this Ordinance. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses (Permitted Uses after Special Approval) and for placing conditions on such permits.

Section 14A.02. PROCEDURE FOR ALL SPECIAL LAND USES. In order to obtain approval for a special land use, the applicant shall do the following:

- a. File an application with the Township Clerk for submission to the Planning Commission, together with a site plan or drawing depicting the use requested and how it meets the requirements within the district. In its discretion, the Planning Commission or Township Board may require submission of an environmental impact assessment, traffic impact study, utility system plan, storm water management plan, water supply system plan, and other plans or studies which have a bearing on the operation and effects of the special land use. Each application shall also be accompanied by the filing fee as set by Township Board resolution.
- b. Upon receipt of the application, one notice that a request for a special land use has been received shall be published in a newspaper which circulates within the Township, and shall be personally delivered or mailed to the applicant and to all persons whose real property is assessed and the occupants of all structures within 300 feet of the boundaries of the subject property. The notice must be given not less than five days nor more than 15 days before the date the application will be considered by the Planning Commission.
- c. The notice shall include at least the following:
 1. The nature of the special land use requested;
 2. The property which is the subject of the special land use request;
 3. The date, time and location of the meeting at which the special land use will be considered;
 4. When and where written comments will be received concerning the request; and,
 5. Unless the Planning Commission has already scheduled a public hearing on the special land use application, the notice shall indicate that a public hearing on the land use application may be requested by any property

owner or the occupant of any structure within 300 feet of the boundary of the property being considered for a special land use.

- d. At the initiation of the Planning Commission (or the Township Board with respect to any uses for which the Board is the approving body), or upon the request of the applicant or a property owner or an occupant of a structure located within 300 feet of the boundaries of the subject property, a public hearing with notification as required for a notice of a request for a special land use approval shall be held before a special land use decision based on discretionary grounds is made.

Section 14A.03. GENERAL STANDARDS. To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for the specific land uses in question:

- a. The special land use shall be established, laid out and operated so that it will not have a substantial adverse effect upon adjoining or nearby lands or any of the uses on those lands.
- b. The special land use may not have an adverse effect on water and sewer services, storm water draining, road capacity and volume of traffic and traffic safety and circulation.
- c. The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.
- d. The special land use must not have an adverse effect on the need and demand for public services and the protection and preservation of natural features and natural resources.
- e. The special land use must not have an adverse impact upon other pertinent land use factors including, but not limited to, the view from adjacent and nearby lands; off-street parking and loading; refuse removal and similar services; control of noise, glare and vibration; signs and outdoor lighting.
- f. The special land use shall be fully provided with safe and reliable facilities for the collection and disposal of sanitary sewer and the providing and distribution of water supply. In the discretion of the Planning commission, water and sewer plans shall be submitted for review by an engineer consulting with the Township.
- g. The special land use must be consistent with the intent and purposes of this Ordinance and the Comprehensive Plan.

Section 14A.04. DECISION. The Planning Commission (or the Township Board with respect to any uses for which the Board is the approving body) shall deny, approve, or approve with conditions a request for a special land use. The decision shall be incorporated in the minutes or in a separate statement containing the conclusions relative to the special land use under consideration, specifying the basis for the decision and any conditions imposed.

Section 14A.05. CONDITIONS OF APPROVAL. The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

- (a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service or facility loads cause by the proposed use.
- (b) Be designed to insure that said use is compatible with adjacent land uses and activities.
- (c) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (d) Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- (e) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of any conditions which are changed.

Section 14A.06. EXPIRATION OF PERMIT. A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request of the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

Section 14A.07. REVOKATION OF PERMIT. If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission shall revoke the permit. Furthermore, such a violation is hereby declared to be a violation of this Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

Article 14A added 9-09

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**ARTICLE XV
ZONING ADMINISTRATOR**

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 or 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 Permits shall be filed with the Building Inspector and approved by the Township Board and said application 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 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 out buildings 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 to existing structures costing three hundred dollars (\$300) or less.

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.

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 construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

Section 15.08. RESPONSIBILITY. It shall be the duty of all architects, contractors, sub-contractors, builders and other persons having charge of the establishment of any use of land or 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 therefore 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 part of 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 for 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 building or structure hereafter altered, extended, erected, 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 may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
2. Building or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
3. Applications for Certificates of Occupancy shall be made in writing to the Building Inspector and said certificates shall be issued within seven (7) days 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 15.11. ZONING MAP. The Official Zoning Map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. One copy of the Official Zoning Map and above mentioned record shall be maintained and kept up to date by the Township Clerk, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

Section 15.12. FINAL INSPECTION. The recipient of any building permit for all erection, construction, alteration, and moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

Section 15.13. AMENDMENTS. The Township Board may, upon recommendation from the Planning Commission, 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. Whenever a petitioner request 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 such change, deposit the required fee of one hundred and fifty dollars (\$150.00) 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. The Township Board may waive this fee if the amendment is judged by said board to be of Township interest and benefit.
2. **Procedure.** The procedure for making amendments of this Ordinance shall be as follows:
 - a. Each petition for amendment by one or more owners of property shall be submitted to the Township Clerk who shall refer the same for recommendations to the Planning Commission and who shall report the receipt of a requested zoning change to the Township Board at its next meeting.
 - b. After initial consideration, the Planning Commission shall hold the public hearings as required by law.
 - c. Notice of public hearings on any petition for amendment for this Ordinance which proposes to change Land Use District as shown on the Zoning Map within three hundred (300) feet of the boundary of adjacent Townships or municipalities may be sent to the Planning Commission or other zoning agencies representing such Townships or municipalities in order that coordination with adjacent Zoning Ordinances may be promoted. Public hearing shall be held within 30 days after the Township has received the application. *Added 5-06, Revised 09-09*
 - d. The petition, if approved by the Planning Commission, shall be submitted to the Lenawee County Planning Commission for review.
 - e. Where an individual parcel of property has to be rezoned, notice of public hearing shall be given by first class mail to all property owners of property any part of which lies within five hundred (500) feet from the boundary of the property to be rezoned. Notice shall be addressed to the person whose name is shown as owner upon the tax rolls of the Township.
3. **Hearing.** The legislative body shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the legislative body. The notice shall be provided in person or by depositing in U.S. Mail postage prepaid and addressed to the person requesting the hearing not less than 15 days before the request will be considered. The notice shall (a) describe the nature of the request; (b) indicate the property that is the subject of the request and list all addresses for the subject property; (c) state when and where the request will be considered; and (d)

indicate when and where written comments will be received concerning the request. *Added*
9-09

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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 Planning Commission.
2. The second member shall be a member of the Township Board, appointed by the Township Board, for the period of his term of office. The Township Board member cannot serve as chair. **Revised 09-09**
3. The third member shall be a property owner selected and appointed by the first two (2) members of the Board of Appeals, from among the electors, residing in the unincorporated area of the Township, for a period of one (1) year. Provided that no elected officer of the Township, nor any employee of the Township Board may serve simultaneously as the third member of, or as an employee of the Board of Appeals.
4. Members of the Board of Appeals shall be removed by the Township Board for nonperformance of duty, misfeasance, malfeasance or nonfeasance upon written charges and after public hearings by the Township Board. (Failure of a member to disclose a conflict of interest and disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office).
5. The Township Board can appoint alternate members to the ZBA who may be called to serve as a member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest. **Revised 09-09**
6. A member of the Township Board can serve as a regular or alternate member to the ZBA. **Revised 09-09**
7. Vacancies on the ZBA shall be filled not more than one (1) month after the term of the preceding member has expired. **Revised 09-09**
8. A member of the ZBA that is also a member of the Planning Commission or legislative body shall not participate in a public hearing or vote on a matter that the member voted on previously as a member of the Planning Commission or Township Board. However, the member may participate in other, unrelated matters regarding the same property. **Revised 09-09**
9. A 2/3 majority vote of the total membership of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the Zoning Ordinance, or to grant a variance in the zoning ordinance. **Revised 09-09**

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 findings, proceedings at hearings, and other official actions, all of which shall be filed immediately in the office of the Township Clerk and shall be public record. Public hearing shall be held within thirty (30) days after the Township Zoning Board of Appeals has received the application. *Revised 05-06*

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 time as shall be prescribed by the Township Board by resolution by filing with the Building Inspector and with the Board of Appeals, 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 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 Appeals should have been filed with him that by 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 or 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 to testify at the hearing, either in person or by duly authorized agent or attorney.

An appeal from a decision of the ZBA must be filed within 30 days after the ZBA issues its decision in writing or within 21 days after the ZBA approves its minutes. *Added 09-09*

Section 16.04. NOTICE OF HEARING. Notice of 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 address to the respective owners at the address given 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 specific 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 are secured, and substantial justice is 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 Planning Commission.

- 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 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 Planning Commission.
- 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 reserve or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

4. **Final Decision.** The final decision by the Board of Appeals on any issue coming before it shall be based on a statement of “findings of fact” and conclusions which specifies the basis for the decision and any conditions imposed. **Added 09-09**

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 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 such that the proposed location and height of buildings or structures 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 shopping 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.
- i. Dimensional zoning requirements cannot be met on an existing lot due to narrowness, shallowness or irregular shape, of the topography or natural characteristics of the site (such as a wetland, floodplain, bedrock condition, etc.) inhibit the lawful location of a principal or accessory structure (such as a septic system, garage, shed). **Added 09-09**
- j. The problem creates a practical difficulty which is unique (because of the above or similar reasons) and is not shared by neighboring properties in the same zone. If the

ZBA finds that the problem is not unique, but common, amending the ordinance or a rezoning should be pursued by the applicant. *Added 09-09*

- k. The practical difficulty was not created by an action of the applicant. It either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening. A self-created hardship is not typically a valid basis for a variance. *Added 09-09*
- l. The appellant presents information showing that the requested variance:
 - 1. Will not be contrary with the intent and purpose of the zoning ordinance;
 - 2. Will not cause a substantially adverse effect upon adjacent properties;
 - 3. Will relate only to the property under control of the appellant;
 - 4. Will not essentially alter the character of the surrounding area;
 - 5. Will not increase the hazard from fire, flood or similar dangers; and
 - 6. Will not increase traffic congestion; *Added 09-09*
- m. The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zoning district. *Added 09-09*

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 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 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.

Section 16.09. APPEALS FROM ZBA DECISION. An appeal from the decision of the ZBA must be filed within 30 days after the ZBA issues its decision, whether signed by the chairperson of members, or within 21 days after the ZBA approves its minutes containing the decision. *Added 09-09*

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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:

ACCESSORY BUILDING: A supplementary building or 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.

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.

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.

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, grinders, 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”.

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, zoo, stable, and riding academies.

APPEALS: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

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

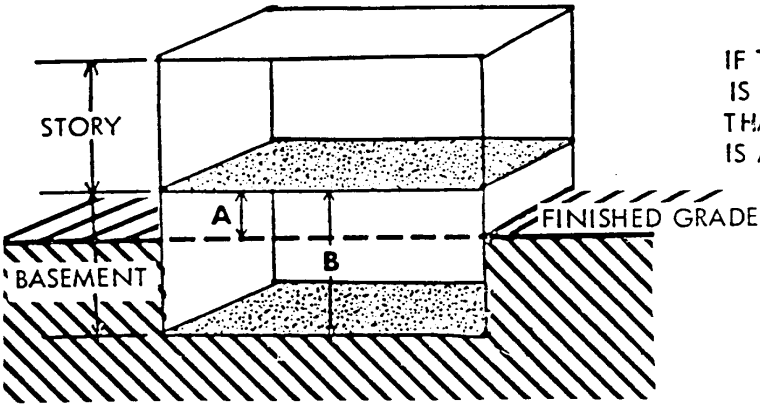
AUTOMOBILE SERVICE STATIONS: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of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

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

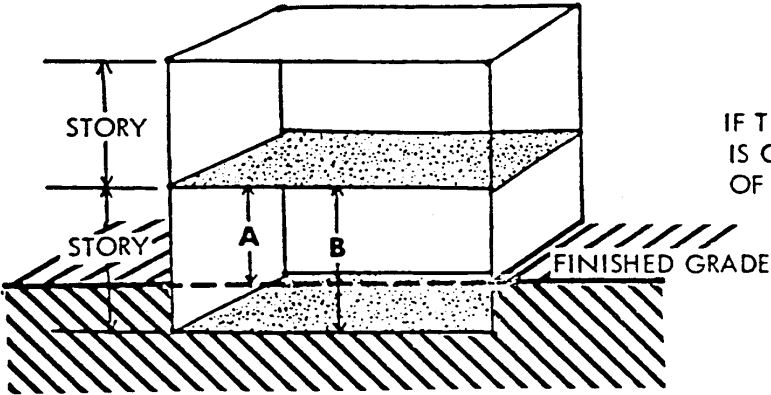
BASEMENT: The portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.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

BEDROOM: A room dwelling unit used for or intended to be used solely for sleeping purpose by human beings.

BASEMENT & STORY DEFINITION



IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN 1/2 OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN 1/2 OF "B", THIS IS A STORY.

BLOCK: The property abutting one (1) side of 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.

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.

BOARD OF APPEALS: The term “Board of Appeals” shall mean the Fairfield Township Zoning Board of Appeals.

BUILDING: A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support, or enclosure of persons, animal, or property of any kind.

Building Inspector: This term shall refer to the Building Inspector of Fairfield Township, or his authorized representative.

BUILDING LINE, BUILDING SETBACK LINE, SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for in this Ordinance.

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

BUILDING PERMITS: A building permit is 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.

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, a dentist, or the like.

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.

COMMISSION: This term, and the term “Planning Commission” shall mean the Fairfield Township Planning Commission.

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of 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).

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.

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.

1. **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:
 - a. 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.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.
2. **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 or for consumption off the premises and whose design or principal method of operation includes both of the following characteristics:
 - a. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
3. **CARRY-OUT RESTAURANT:** A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen dessert, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both the following characteristics:
 - a. Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers.
 - b. The consumption of foods, frozen desserts, or beverages within the restaurant building, 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.

4. **STANDARD RESTAURANT:** A standard restaurant is any establishment whose principal business is the sale of foods, frozen dessert, 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:
 - a. Customers are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
 - b. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

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 an attached, or detached garage, shall not be deemed a part of a dwelling for area requirements.

1. **DWELLING, MULTIPLE FAMILY.** A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 1701, et. seq.
2. **DWELLING, TWO FAMILY.** A building containing not more than two separate dwelling units designed for residential use and conforming in all other respect to the standards set forth in Section 1701, et. seq.
3. **DWELLING, SINGLE FAMILY.** A building containing no more than one dwelling unit designed for residential use, complying with the following standards:
 - a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 - b. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township building code and/or the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then in that event such federal or state standards or regulations shall apply.
 - c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and/or the Michigan Sate Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended and shall have a wall of the same perimeter

dimensions of the building. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, shall have a suitable perimeter wall or skirting and shall have approved supporting walls and/or piers, and an approved footer base.

- d. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
- e. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- f. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. Has a minimum roof pitch of three (3) inches of rise for every twelve (12) inches of run. Has a minimum exterior width of sixteen (16) feet, exclusive of areas not a part of the main living area (porches, architectural features, etc.). The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set for in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be constructed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
Revised 11-00
- g. The dwelling contained not additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- h. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- i. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
 - j. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township building code and/or the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972, PA 230, as amended, provisions and requirements.
4. **EFFICIENCY UNIT:** An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closet, or dining alcove directly off the principal room.

ERECTED: Included, built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building.

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, cable, 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 authorities, or for public health, safety or general welfare (not including buildings other than primary enclosures or shelters of the above essential service equipment).

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

FAMILY: An individual or group of two or more persons related by blood, marriage, or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, where domiciled together as a single, domestic, non-profit, housekeeping unit in a dwelling unit or,

A collective number of individuals domiciled together in one dwelling unit whose relationship is of continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

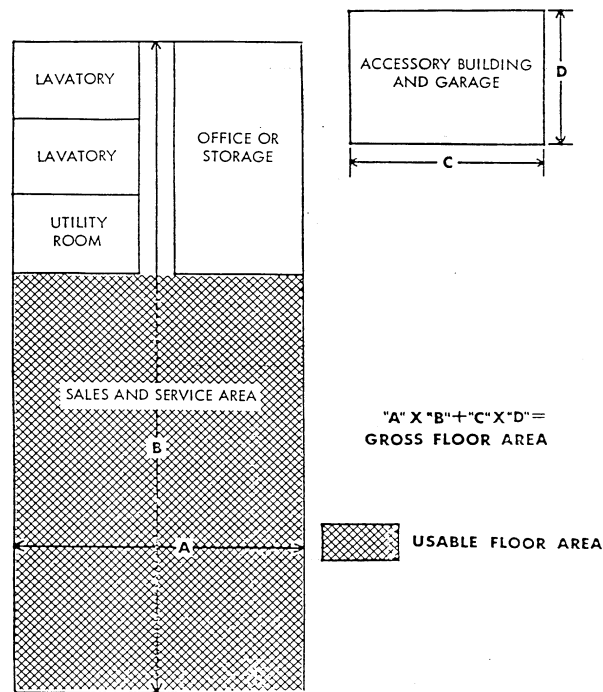
FARM: All the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than ten (10) acres in area; provided further, farms may be considered as including establishments operated as bonafide 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, stockyards, stone quarries or gravel or sand pits shall be considered a farm hereunder unless combined with bonafide farm operations on the same continuous tract of land not less than forty (40) acres.

FARM BUILDINGS: Any building or structure other than a dwelling, maintained, used or built on a farm which is essential and customarily used for the pursuit of agricultural activities.

1. **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

FLOOR AREA TERMINOLOGY



walls separating two (2) buildings. The “floor area” of a building which is what 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, breeze-ways, unfinished attics, porches, (enclosed or unenclosed) or attached garages are not included.

2. **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 wall, 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 the portion having a clear height above it of four (4) feet or more. (See illustrations entitled “Basic Structural Terms” and “Floor Area Terminology”).

FOOD: For purpose of this Ordinance, the word “food” used in connection with restaurant facilities shall include frozen desserts and nonalcoholic beverages.

GARAGE:

1. **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.
2. **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 purposes of this Ordinance.

GREENBELT: A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs.

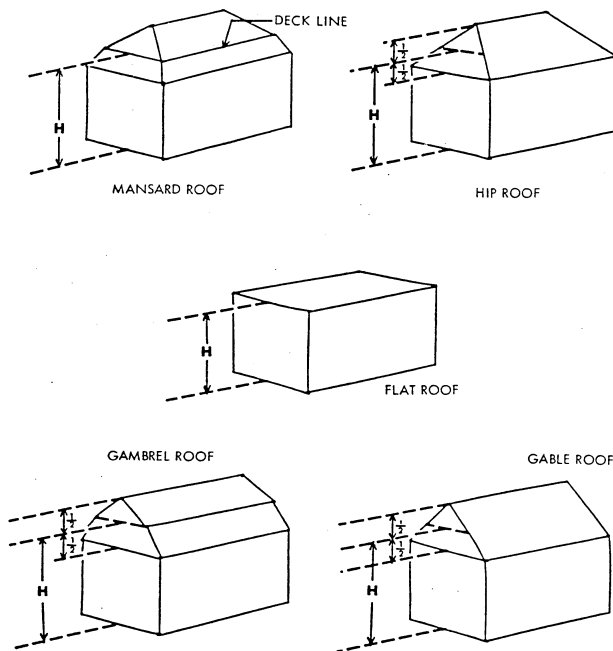
HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the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

H = Height of Buildings

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.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried

BUILDING HEIGHT REQUIREMENTS



on by the inhabitants thereof, not involving more than three (3) 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 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, outdoor storage, or signs not customarily in residential areas. Care

centers, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, among others shall not be deemed to be home occupations.

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 which there are more than ten (10) sleeping rooms.

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.

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, and the storage or maintaining of such items is adjudged to be a nuisance per se.

JUNK YARD: For the purpose of this Ordinance, the term “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 of more than two hundred (200) square feet for the storage, keeping or abandonment of junk and scrap metals.

KENNEL: Any lot or premises on which three (3) or more common house pets are kept permanently or temporarily boarded outside of the principle dwelling. *Revised 05-06*

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

LOT: A lot is a piece or 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.

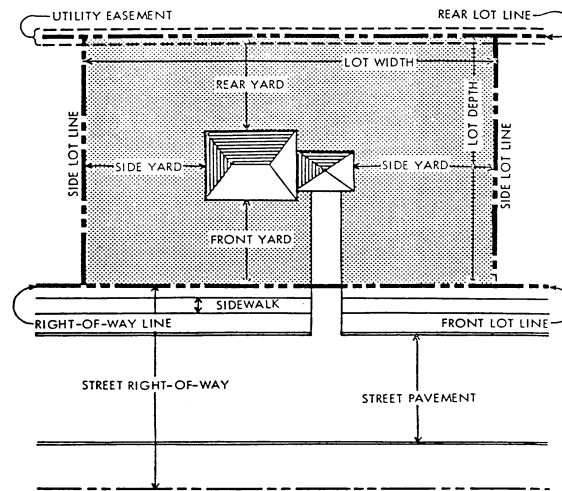
1. **LOT DEPTH:** The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
2. **LOT, DOUBLE FRONTAGE:** A lot other than a corner lot having 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 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.
3. **LOT, INTERIOR:** An interior lot other than a corner lot with only one (1) lot line fronting on a street.

4. **LOT, WIDTH; LOT FRONTAGE:** The horizontal distance between the side lot lines, measured at the two (2) points where the building line, building setback line, or setback line as those terms are defined in this Ordinance intersects the side lot lines.

Revised 11-00

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

LOT TERMS



1. **LOT LINE, FRONT:** In 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 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.
2. **LOT LINE, REAR:** The rear lot line is that boundary which is opposite and most distant from the front lot line. In 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 line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.

LOT LINE, SIDE: Any lot boundary line not a front 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.

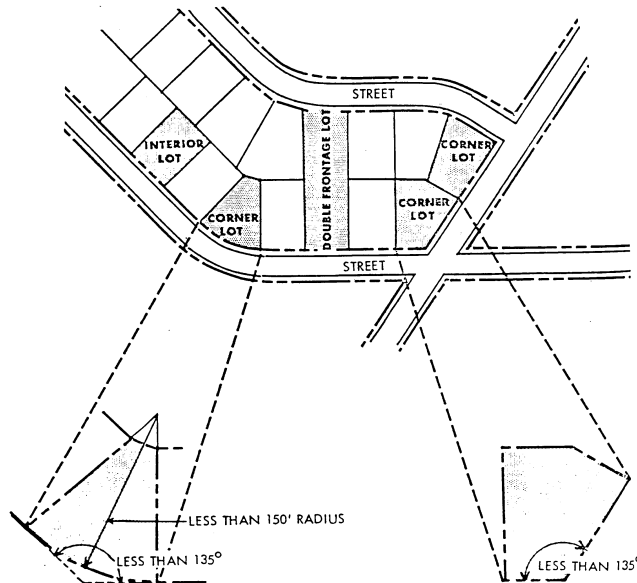
LOT OF RECORD: A lot of record is a lot, the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel

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 file with the county.

LOT AREA: The total horizontal area within the lot lines of a lot.

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, from an interior angle of less than one hundred and thirty-five (135) degrees, (See illustration entitled “Corner, Interior and Double Frontage Lots”.)

CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS



LOT, ZONING: 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.

MOBILE HOME: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equal to or exceed 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. A unit which rests on a permanent foundation with all apparatus utilized for transport (including but not necessarily limited to the wheels, axles, and tongue) removed from the unit shall not be considered a mobile home.

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 homes or mobile home sites for residential use. Also known as a trailer court or trailer coach park.

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.

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.

MOTEL: A building or 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.

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

NON-CONFORMING USE: A non-conforming use is a use in which a lawfully occupied building or land at the effective date of this Ordinance or amendments thereto, 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, which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which is located.

OCCUPIED: The word “occupied” includes terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles.

OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children’s amusement park and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicle sales lots, mobile homes, boat, farm, or home equipment sale, rental or repair services. **Revised 05-07**

5. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products. *Revised 05-07*

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.

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.

PONDS: Any open and substantially earthen artificial, manmade, or natural impoundment of water created, altered, or enhanced by, any excavation, cutting, stripping, grading, digging, filling, removal, or movement of any soil matter or earth material, or by the installation of any dam, levy or other retention device or structure which diverts the natural flow of water to or from an area thus creating, altering, or enhancing an impound body of water. A pond shall not include a swimming pool, landscaping pool or fountain comprised of an assemblage of material (i.e., concrete, wood, plastic, vinyl, and/or masonry), whether permanent or temporary, portable or non-portable, above or below grade. *Revised 05-06*

PORCH OPEN: A covered entrance to a building or structure which is unclosed 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.

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

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 general circulation in the Township not less than five (5) days nor more than fifteen (15) days prior to the date of such hearing.

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.

RETAINING WALL: A permanent solid barrier of brick, stone, wood or other opaque material 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.

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 it into a commercial district land which would otherwise be an agricultural districts, nor shall its use be deemed a commercial district land which would otherwise be an Ag. district nor shall its use be deemed a commercial activity, but such stand if of permanent character, shall not be more than one (1) story high not larger in the floor area than

twenty (20) feet by twenty (2) feet and must set back from the nearest highway right-of-way line at least thirty-five (35) feet.

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 ownerships by a partnership, corporation, or other group.

SETBACK: The minimum horizontal distance required to exist between the front line of the building (know as building line, building setback line or setback line as defined in this Ordinance) excluding steps or unenclosed porches and front street or right of way line. The required setback area is that area encompassed between the lot lines and the building lines, building setback lines or setback lines as defined in this Ordinance.

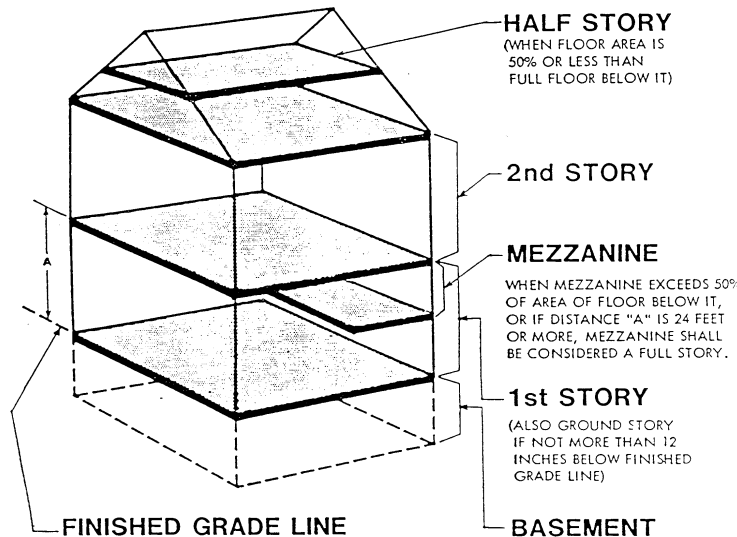
Revised 11-00

SIGN: Any devices 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:

1. a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
 - b. Flags and insignia of any government except when displayed in connection with commercial promotion;
 - c. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
 - d. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
 - e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
2. **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 elements, each element shall be considered to be a single sign.
 3. **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.
 4. **SIGN, ACCESSORY:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

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

BASIC STRUCTURAL TERMS



1. **MEZZANINE:** A “Mezzanine” floor may be used in this definition of a full story when it covers more than fifty (50) percent 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 feet (24) or more.
2. **BASEMENT:** For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level which the height of the building is measured, or if it is used for business purpose, 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.
3. **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 ($\frac{1}{2}$) 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.

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.

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.

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.

TOWNSHIP BOARD: Whenever in this Ordinance appear the words “Township Board”, it shall mean the Township Board of Fairfield Township.

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

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

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.

1. **ACCESSORY:** A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
2. **NON-CONFORMING:** An existing use of land and/or structure as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district.

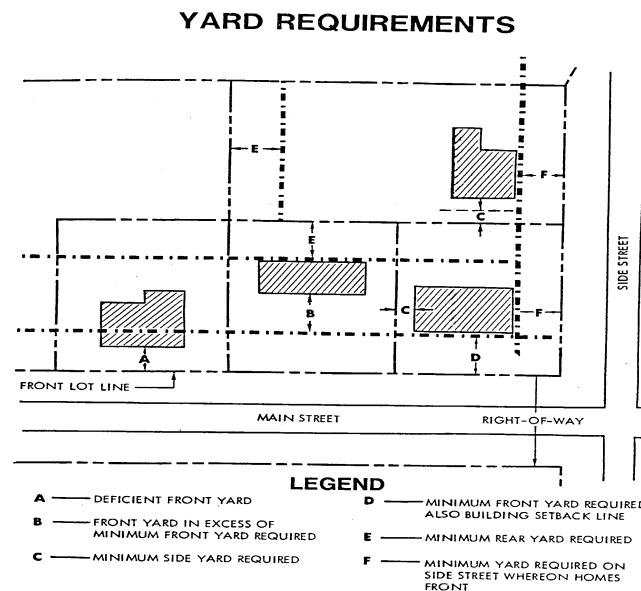
UTILITY ROOM: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

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 circumstance unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

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 upwards, except as otherwise provided herein. (See illustration entitled “Yard Requirements”).

1. **FRONT:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front right-of way line.
2. **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 line, except as otherwise provided in this Ordinance.
3. **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 line.

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 or property line facing each building. (See illustration entitled “Lot Terms”).



Fairfield Township is an equal opportunity provider and employer.

ARTICLE XVIII
INTERPRETATION, SEVERABILITY, PENALTIES, RIGHTS
AND REMEDIES, GENERAL RESPONSIBILITY, AND
ENACTMENT AND EFFECTIVE DATE.

Section 18.01. INTERPRETATION. In the interpretation and application, 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 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 18.02. SEVERABILITY. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, 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 to the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

Section 18.03. VIOLATION-PERMIT. Any person, firm or corporation including, but not limited to builders, and/or contractors who shall violate, neglect or refuse to comply with, or who resist the enforcement of any of the provisions of this Ordinance or conditions of the Board of Appeals the Township Board adopted pursuant to the Ordinance is responsible for the Municipal Civil Infraction as defined by Michigan Law and is subject to a civil fine to be assessed in accordance with the schedule of fines as provided in Article XIX. All fines are determined on the basis of the date(s) of any violation(s).

In addition to any fine assessed, any person or entity violating any of the provisions of this Ordinance shall pay court costs and may be ordered to apply all direct and indirect expenses which the Township has occurred in connection with violation(s). Any person or entity violating any provisions of this Ordinance shall also be subject to such additional sanctions, remedies, or judicial orders as authorized under Michigan Law.

Section 18.04. RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 18.05. 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 Fairfield Township to commence and pursue any and all necessary and appropriate action and/or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent 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 of any of the provisions of this Ordinance, and to correct, remedy, and/or abate such non-compliance or violation institute suit and/or join the Township Board in such a suit to abate the same.

Section 18.06. ENACTMENT AND EFFECTIVE DATE. The foregoing Zoning Ordinance and Zoning Map were adopted at a regular meeting of the Fairfield Township Board, held at the Fairfield Township Hall in said Township on April 8, 1974, after approval of the same by the Fairfield Township Planning Commission following a public hearing on February 28, 1974. Said Ordinance was ordered published in The Daily Telegram, Adrian, a newspaper having general circulation in Fairfield Township, Lenawee County, Michigan, pursuant to the requirements of ACT 191 of the Public Acts of Michigan for the year 1939, as amended. This Ordinance shall become effective thirty (30) days after the date of such publication.

**ARTICLE XIX
FINES AND PENALTIES**

Section 19.01

Any person, firm, association, partnership, corporation, or government entity that violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued Pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

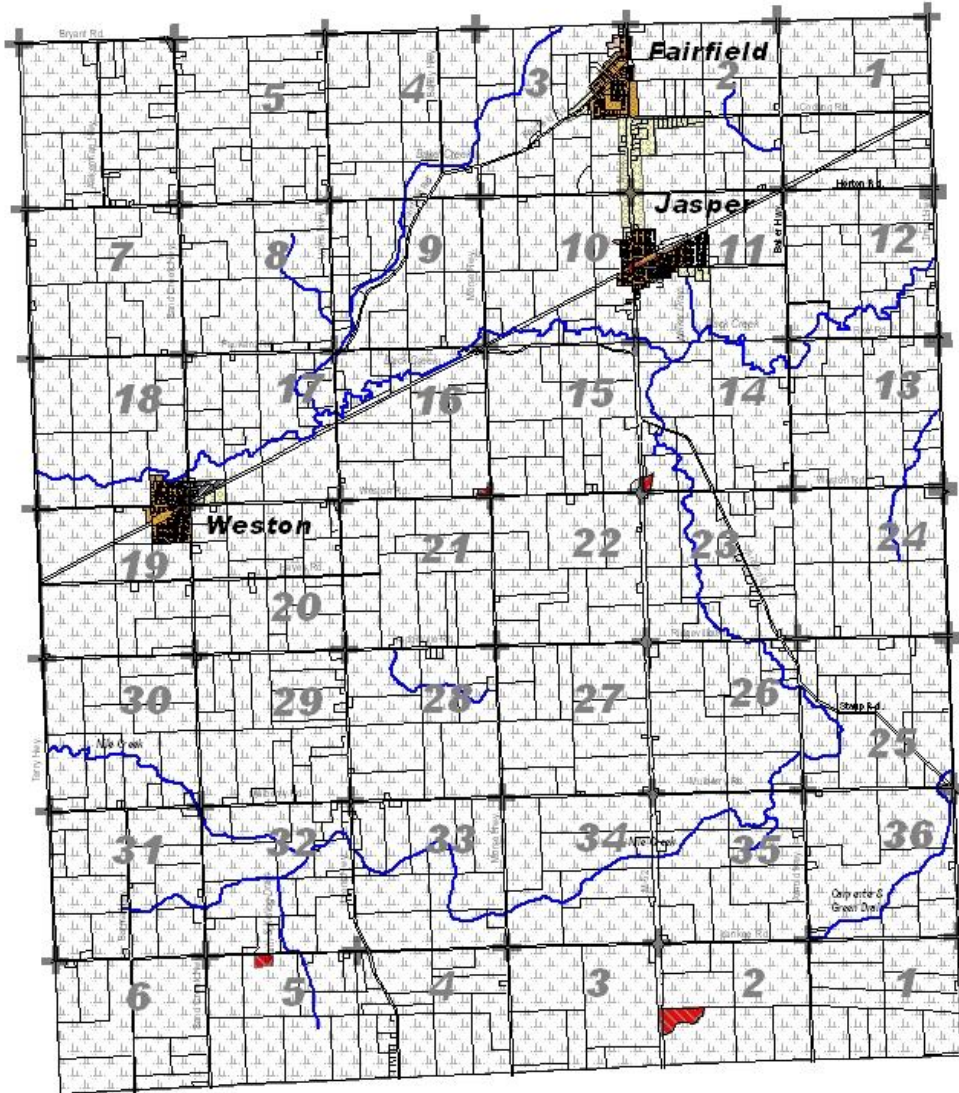
	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3 year period	\$75.00	\$500.00
2 nd Offense within 3 year period	\$150.00	\$500.00
3 rd Offense within 3 year period	\$325.00	\$500.00
4 th Offense within 3 year period	\$500.00	

*As determined by the date of the commission of the offense(s)

Section 19.02

The violator shall pay all costs, attorney fees and direct and indirect expenses which Fairfield Township incurs in connection with the municipal civil infraction. However, in no case shall costs of less than \$75.00 be ordered. In addition the Township shall have the right to institute legal proceedings for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance shall occur or continues to exist shall constitute a separate violation of this Ordinance.

Revised 02-2015



Zoning District Legend

	AG	Agricultural
	R-1	Single Family Residential
	R-2	Single Family Residential
	RMH	Mobile Home Park
	C-1	Local Commercial
	C-2	General Commercial
	IND	Industrial

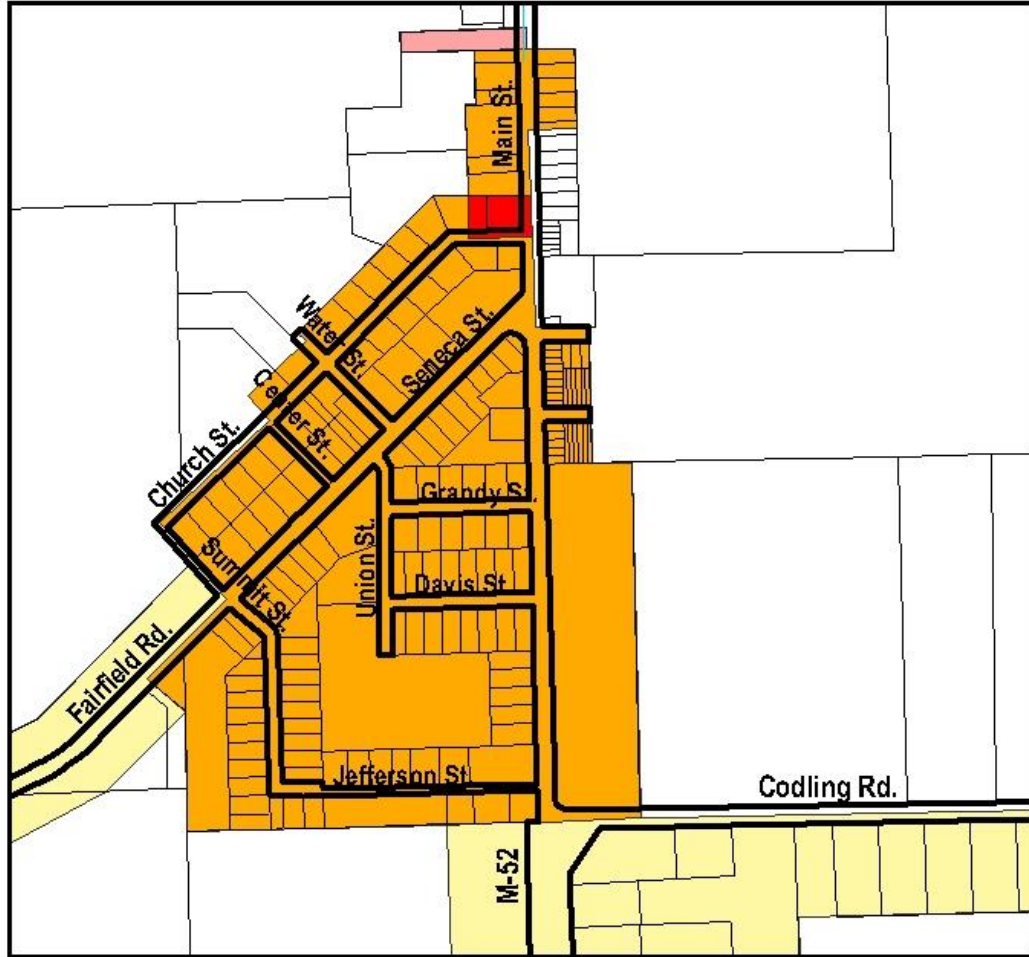
Fairfield Township
Lenawee County, Michigan

Zoning







Map Created: February 2002
Updated: December, 2011





Legend

	AG	Agricultural
	R-1	Single Family Residential
	R-2	Single Family Residential
	RMH	Mobile Home Park
	C-1	Local Commercial
	C-2	General Commercial
	IND	Industrial

Fairfield

Fairfield Township
Lenawee County, Michigan

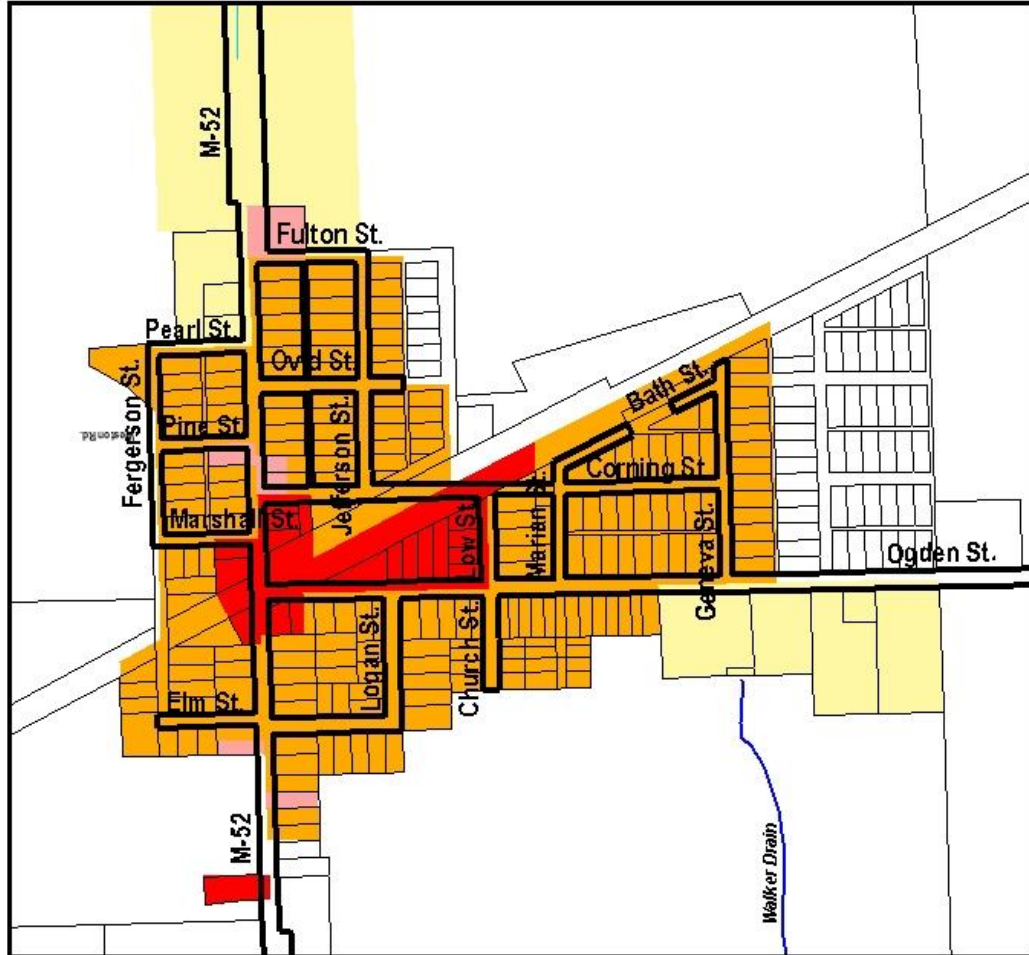
Zoning

February 2002






This map was created by the
Region 2 Planning Commission





Legend

	AG	Agricultural
	R-1	Single Family Residential
	R-2	Single Family Residential
	RMH	Mobile Home Park
	C-1	Local Commercial
	C-2	General Commercial
	IND	Industrial

Jasper

Fairfield Township
Lenawee County, Michigan

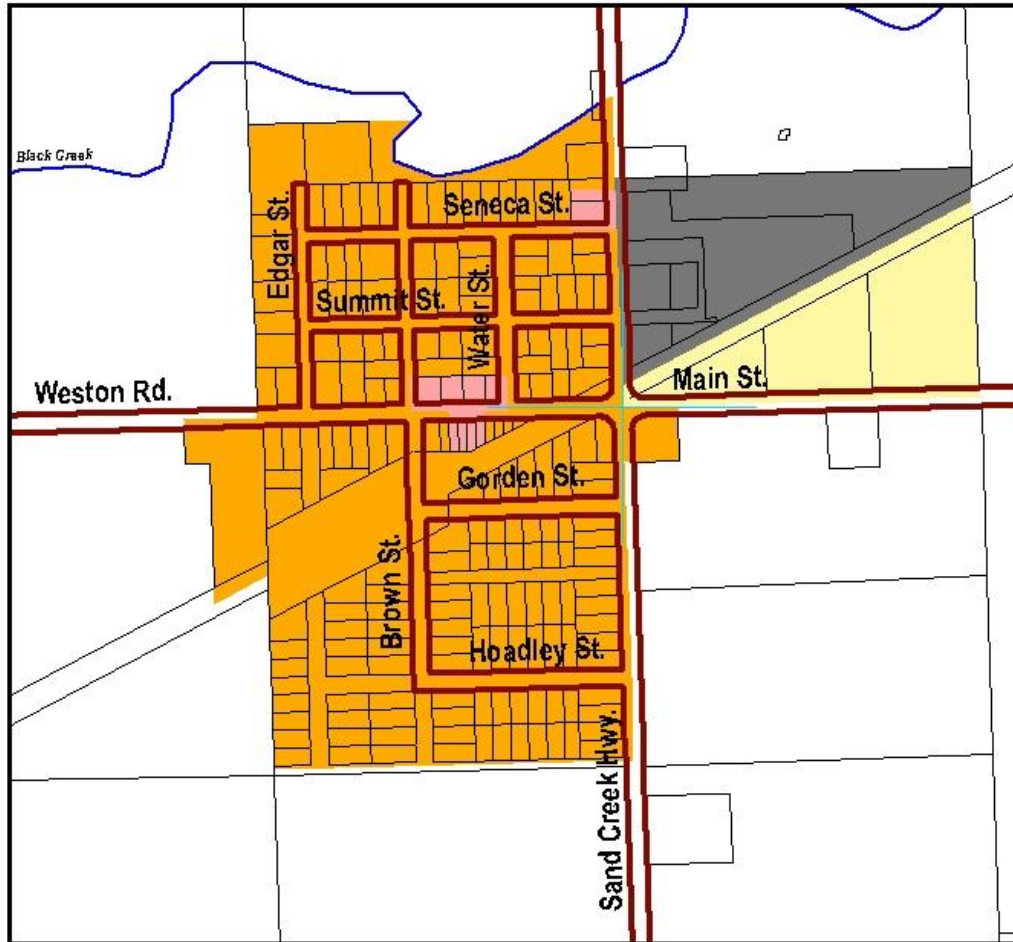
Zoning

February 2002




This map was created by the
Region 2 Planning Commission





Legend

	AG	Agricultural
	R-1	Single Family Residential
	R-2	Single Family Residential
	RMH	Mobile Home Park
	C-1	Local Commercial
	C-2	General Commercial
	IND	Industrial

Weston

Fairfield Township
Lenawee County, Michigan

Zoning

February 2002



This map was created by the
Region 2 Planning Commission



**SUBDIVISION CONTROL
ORDINANCE**



TOWNSHIP OF FAIRFIELD
County of Lenawee, State of Michigan

**FAIRFIELD TOWNSHIP
LENAWEE COUNTY, MICHIGAN
SUBDIVISION CONTROL ORDINANCE**

An ordinance to regulate the subdivision of land in Fairfield Township, Lenawee County, Michigan; to require and regulate the preparation and presentation of preliminary and final plats, to establish minimum standards which must be met or guaranteed by the subdivider (also referred to herein as “developer”), to set forth a procedure to be followed by the township in applying regulations and standards, and to prescribe penalties for the violation of the provisions of this ordinance.

THE TOWNSHIP OF FAIRFIELD, LENAWEЕ COUNTY, MICHIGAN ORDAINS:

Section 1: Title

This ordinance shall be known as the Fairfield Township Subdivision Control Ordinance.

Section 2: Purpose

The purpose of this ordinance is to regulate and control the subdivisions of land within the township in order to promote the public health, safety and general welfare.

Section 3: Welfare

This ordinance is enacted pursuant to the authority granted by the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, and Public Act 246 of 1945, as amended, which authorizes township boards to adopt ordinances, to secure the public health, safety and general welfare.

Section 4: Adoption of Minimum Standards Promulgated by the Board of County Road Commissioners of the County of Lenawee.

The township board hereby adopts the “Standards and Procedures for Developing Public Roads” as promulgated in its current form by the Board of County Road Commissioners for the County of Lenawee (“Road Commission”) adopted by the Road Commission on August 2, 2002 and as same may be amended from time to time by the Road Commission as the minimum standards applicable for developing public roads and subdivisions within the township.

Section 5: Certificate of Professional Engineer

The developer shall employ and pay for the services of a professional engineer licensed by the State of Michigan to oversee and certify that all requirements for street construction and subdivision development specified or required by the Lenawee County Road Commission, Lenawee County Drain Commission, Lenawee County Health Department, the township or any other governmental agency have been met at each stage of tentative preliminary plat approval, final preliminary plat approval and final plat approval set forth in this ordinance.

Section 6: Initial Review by Planning Commission.

The planning commission shall conduct the initial review of each proposed preliminary plat, preliminary plat and/or final plat submitted for approval. The planning commission shall review each plat at its next regularly scheduled meeting immediately following receipt of the plat. Special meetings of the planning commission may be convened for such review. The planning commission shall review all plats using the same standards for

township board review as set forth in the ordinance. Immediately following the meeting at which the plat was reviewed by the planning commission, any comments or recommendations of the planning commission shall be forwarded in written form to the township board for its consideration in reviewing the plat for approval.

Section 7: Submission of preliminary plat for tentative approval.

Every person, firm or corporation which shall hereafter submit a proposed preliminary plat to the township for tentative approval, shall submit not less than fifteen (15) legible copies of said proposed preliminary plat which adheres to the minimum standards adopted by the township in this ordinance as well as additional requirements which may be required by the township board or planning commission upon review of the preliminary plat.

Section 8: Fee.

The developer shall submit to the township a fee of Three Hundred (\$300.00) for the review of subdivision plans submitted under this ordinance. The township may adjust this fee from time to time by an ordinary resolution of the board.

Section 9: Township Board Review; Preliminary Plat for Tentative Approval.

The planning commission shall initially review the proposed preliminary plat and forward any recommendations or comments to the township board. The township board shall then examine the proposed preliminary plat along with the recommendations or comments from the planning commission and with such other assistance from the township attorney or other township officials as the board deems necessary. In reviewing proposed preliminary plats the planning commission and township board shall determine whether said proposed preliminary plat complies with all township ordinances and state statutes as well as makes adequate provision of the following:

A. Streets.

All street construction shall comply with Lenawee County Road Commission “Standards and Procedures For Developing Public Roads.” At a minimum, the following are required:

1. The arrangements of streets shall provide for two points of ingress/egress, a continuous loop through the subdivision and shall provide for a continuation of existing streets from adjoining areas into the new subdivision.
2. Where adjoining areas are not subdivided, the arrangement of streets in the proposed subdivision shall be extended to the boundary line of the tract and make provision for the future projection of streets into adjoining areas including the provisions of easements if necessary.
3. There shall be no private roads within subdivisions.

B. Lots

All lots must conform to the requirements set forth in the current Fairfield Township Zoning Ordinance.

C. General provisions

1. Privately-held reserve strips controlling access to streets shall be prohibited.

2. Existing natural features, which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the subdivision.
3. Lands subject to flooding or otherwise determined by the township board to be uninhabitable should not be platted for residential, commercial or industrial purposes. Such lands within a subdivision may be set-aside for other purposes such as parks and/or open space. Such space could be the subject of a plat dedication, restrictive covenant, conservation easement or other legal mechanism, which may serve to perpetually guarantee the space will remain undeveloped and which may decrease the tax burden of the subdivider.

D. Said copies must contain, at a minimum, the following information:

1. Show relief of area proposed to be platted with not more than four foot contour intervals;
2. Indicate road layout;
3. Indicate lot layout, showing size and shape of proposed lots;
4. Indicate whether proposed plat will be served by sanitary sewer and/or water;
5. Indicate the general location and size of any flood plain possibly located within the area to be platted.
6. Indicate, in general, the methods proposed for storm water disposal.
7. When the subdivider owns or plans to acquire and anticipates platting adjoining land, he shall submit, with the preliminary plat for tentative approval, a tentative master plan showing the feasibility and proposal for development of such adjoining lands.
8. Indicate location of all fire hydrants.

If the township board determines that the proposed preliminary plat complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plat, which approval shall confer upon the proprietor for a period of one year from date of approval, lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the township board upon application of the developer.

Section 10: Submission of Preliminary Plat for Final Approval; Referral to Planning Commission

Every person, firm or corporation which shall hereafter submit copies of a proposed preliminary plat to the township for final approval shall submit the following relevant data and fees:

- A. Evidence that all requirements imposed by the township board at the time of granting tentative approval have been incorporated into the proposed plan.
- B. Evidence that the Lenawee County Road Commission, Lenawee County Drain Commission, Lenawee County Health Department and any other required governmental agencies have given final approval to the preliminary plat. The approval of each such agency shall be evidenced by the signature of an

authorized agency representative affixed to the preliminary plat or by letter from that official evidencing final preliminary plat approval.

- C. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public roads within and adjoining said plat. Prior to submitting copies of the preliminary plat to the township board for final approval, the developer shall document consultation with all public utilities, which will be servicing the subdivision to resolve any conflicts in location between public utility facilities and other improvements.
- D. A fee equal to the sum of \$2 multiplied by the number of lots contained in the proposed subdivision, but not less than \$100.00. The township may adjust this fee from time to time by an ordinary resolution of the township board.
- E. The Planning Commission shall conduct the initial review of the preliminary plat submitted for final approval at its next regularly scheduled meeting following receipt of said plat and shall then immediately submit its recommendations or comments to the township board.

Section 11: Township Board Review; Preliminary Plat; Final Approval

Upon receipt of all required copies of the preliminary plat for final approval, the township board shall examine the same along with the recommendations and comments from the planning commission and with such other assistance from the township attorney or other township officials as the board deems necessary. Upon completing its review, the township board shall determine whether said proposed preliminary plat complies with the requirements imposed by the township board at the time of tentative approval; has obtained the required statutory approval of other governmental agencies and in addition, meets the following requirements:

A. Streets.

All road or street construction complies with the Lenawee County Road Commission “Standards and Procedures For Developing Public Roads,” and any additional requirements mandated by the township.

B. Surface Water Drainage.

The Drain Commission and to the extent necessary the Road Commission shall have approved the manner and mechanism for controlling all surface water drainage.

C. Sanitary Sewer and/or Water Service.

The township board may require connection to sanitary sewers and/or water mains when the township board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed subdivision.

D. Utility Location.

In the discretion of the township board, the developer shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the residential subdivided area. Electrical distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways if allowed by the Lenawee County Road Commission or

Michigan Department of Transportation. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preliminary plat.

E. Storm Water.

Storm water disposal methods proposed for the subdivision must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes. All such plans shall have the approval of the Lenawee County Drain Commission and to the extent necessary the Lenawee County Road Commission.

F. Isolated Lands.

No land within the subdivision may be isolated from a public highway nor may any adjoining land of the developer or others be isolated from a public thoroughfare thereby creating land-locked parcels.

G. Street Lighting.

The township board may require street lighting when the board determines, in its opinion, that street lighting is necessary for public health, safety and welfare.

H. Sidewalks.

The township board may require sidewalks when the township board determines, in its opinion, that sidewalks are necessary for pedestrian safety, public health and welfare. When required, sidewalks shall be constructed of concrete, using a six sack mixture, four feet in width, four inches in depth, upon a two inch minimum sand base with expansion joints set at a minimum of 50 feet; sidewalks built across driveways shall be constructed of concrete, six inches in depth.

If the township board determines that the preliminary plat has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this ordinance, the township board shall grant final approval of the preliminary plat which shall confer upon the proprietor for a period of two years from date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the township board upon application by the developer.

Section 12: Submission of Final Plat for Final Approval

Every person, firm or corporation which shall hereafter submit a proposed final plat to the township for final approval shall also submit the following relevant data and fees:

- A. An abstract of title or title insurance policy showing merchantable title in the developer of the subdivision.
- B. The planning commission shall conduct the initial review of the final plat submitted for final approval at its next regularly scheduled meeting following receipt of said plat and shall then immediately submit its recommendations or comments to the township board.

Section 13: Review by the Township Board; Final Plat; Final Approval

The planning commission and the township board shall review the proposed final plat and determine that:

- A. All monuments required to be placed in the subdivision have either been placed or a cash or equivalent deposit has been made with the township and deposit escrow agreement executed by the developers.
- B. All roads, streets, bridges and culverts have been completed and installed to the satisfaction of the Lenawee County Road Commission or a cash or equivalent deposit has been made with the township and a deposit escrow agreement executed by the developers. Alternatively, the developer may provide sufficient security to the Lenawee County Road Commission to ensure completion of the street construction to Road Commission standards.
- C. If the subdivision has any waterways or lagoons, etc., as set forth in Section 188 of the Michigan Subdivision Control Act, that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the township and a deposit escrow agreement executed by the developers.
- D. If any flood plains are involved in the proposed subdivision, then such flood plains shall be restricted as provided by the Michigan Subdivision Control Act and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat.
- E. All utilities serving the plat have been installed and water and sanitary sewer mains have been stubbed to the lot line or a cash or equivalent deposit has been made with the township board sufficient in amount to insure completion thereof within the time specified and a deposit agreement executed by the developers.
- F. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the developer and approved by the public utility. These easements shall be recorded on the final plat as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for each lot or parcel, except side lot easements three feet wide granted for street lighting drop-outs. These easements should be direct and continuous from block to block.
- G. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the township board, have been completed and installed or a cash or equivalent deposit has been made with the township sufficient in amount to insure completion within the time specified and a deposit escrow agreement executed by the developers.
- H. The proposed final plat complies with all applicable state statutes and township ordinances and has received the requisite statutory approval of all other governmental agencies.
- I. That all owners execute the dedication.

Section 14: Penalty in Case of Failure to Complete the Construction of a Public Improvement

In the event the subdivider shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the subdivider has

deposited with the township or it may take such steps as may be necessary to require performance in accordance with the deposit escrow agreement executed by the proprietors.

Section 15: Subdivision Lot Division

After a subdivision has been recorded, platted lots may thereafter be partitioned or devised with the approval of the township board into not more than four parts, provided that the resulting lots or parcels or combinations or portions of two or more divided lots shall not be less in width or size than the more restrictive of this ordinance, the township zoning ordinance or the Michigan Subdivision Control Act of 1967, and provided further that such resulting lots shall each have direct access to a public roadway or private roadway constructed to the standards of this ordinance, and also to public utilities necessary or required to service such lot, and provided further, that all such resulting lots shall conform in all particulars to the requirements of the Michigan Subdivision Control Act of 1967 and all township ordinances.

Section 16: Variance Procedure

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this ordinance, the township board shall have the power, in its sole discretion, in passing upon proposed subdivisions to vary or modify any of the terms and provisions of this ordinance so that the spirit of the ordinance shall be observed and public health, safety and welfare secured. The Township Board shall not have the power to grant any variance from the Lenawee County Road Commission "Standards and Procedures For Developing Public Roads" without prior written approval of the Lenawee County Road Commission.

Section 17: Enforcement and Penalties for Failure to Comply with this Ordinance.

Any person or other entity who fails or refuses to comply with an order approved or issued by the township board pursuant to this Ordinance within the time prescribed in the notice or order is responsible for a municipal civil infraction as defined by Michigan Law and subject to a civil fine of not more than \$500.00 plus costs which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this Ordinance continues shall constitute a separate and distinct violation.

Section 18: Prior and Inconsistent Ordinances Repealed

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict, repealed.

Section 19: Severability

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses are hereby declared severable, and if any of them are adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected by such determination.

Section 20: Effective Date

This Ordinance shall become effective immediately upon publication as required by law following adoption by the Township Board.

Yeas: ()
Nays: ()
Absent: ()

ORDINANCE DECLARED ADOPTED ON _____.

Kevin H. Keller, Supervisor
Fairfield Township

CERTIFICATION OF ADOPTION AND PUBLICATION

I, Carol DeLong, the duly elected Clerk of Fairfield Township, certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Fairfield Township Board on _____ and published in the Adrian Daily Telegram, a newspaper circulated in Fairfield Township on _____.

Carol DeLong, Clerk
Fairfield Township