

## LAND DIVISION ORDINANCE

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, and act 246 of 1945, as amended, being the township general ordinance statute: to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

This ordinance shall be known and cited as the Lynn Township Land Division Ordinance.

### THE TOWNSHIP OF LYNN ORDAINS:

#### SECTION I. PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

#### SECTION II. DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" – a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" – the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act or the requirements of other applicable local ordinances.
- C. "Exempt Split" or "Exempt Division" – the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successor or assign, that does not result in one or more parcels of less than 40 acres or the equivalent.
- D. "Forty Acres or the Equivalent" – either 40 acres, a quarter -quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- E. "Governing Body" – the Lynn Township Board.

#### SECTION III. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the Township Board, in accordance with this Ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

- C. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Act.

#### SECTION IV. APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township Assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. Four (4) copies of the completed application form.
- B. Four (4) copies of a survey of the proposed division prepared by a Registered Surveyor in the State of Michigan, except that, in cases where all the parcels to be created are greater than ten (15) acres each, a tentative parcel map drawn to scale may be submitted in lieu of a survey. The survey or tentative parcel map shall contain the following information:
  - 1. Name and address of the applicant and surveyor (if applicable),
  - 2. The date of the survey or date that the tentative parcel map was prepared, north arrow and scale;
  - 3. Boundary lines and acreage of the parcel or parcels to be divided, including boundary lines and acreage of entire parent parcel;
  - 4. Names of all streets, rights-of-way and roadway widths of all existing and proposed streets within the parcel or parcels proposed to be divided;
  - 5. All existing structures (including theft distance from existing and proposed property lines sufficient to demonstrate compliance with zoning setback requirement(s) and physical features which would influence the layout and design of the proposed division;
  - 6. The location, width and purpose of any and all easements.
- C. Proof of fee ownership of the land proposed to be divided.
- D. An accurate legal description of each proposed division.
- E. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- F. If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- G. A reasonable fee, as may be established from time to time by resolution of the Township Board, to cover the costs of review of the application and administration of the Ordinance and the State Land Division Act.

#### SECTION V. PROCEDURE FOR REVIEW OF APPLICATION FOR LAND DIVISION APPROVAL

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for the denial.
- B. Any person or entity aggrieved by the decision of the assessor designee may, within 30 days of said decision appeal the decision to the Township Board or such other board or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the designee at its next regular meeting or session affording sufficient time for a 20 day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.
- C. The Township Assessor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction of the parcels are subsequently denied because of inadequate water

supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement of this effect.

## SECTION VI. STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if the following criteria are met:

- A. All the parcels to be created by the proposed land division(s) fully comply with the applicable lot (parcel), yard and area requirements of the applicable zoning ordinances, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, minimum lot width to depth ratio, and maximum lot (parcel) coverage and minimum set-backs for existing buildings/structures.
- B. All proposed land division(s) comply with all requirements of the State Land Division Act and this Ordinance.
- C. All parcels created and remaining have existing adequate accessibility, or an area available therefor, to a public road for public utilities and emergency and other vehicles not less than the requirements of the applicable Zoning Ordinance, major thoroughfare plan, mad ordinance or this Ordinance.
- D. The ratio of depth to width of any parcel created by the division shall not exceed a four to one ratio exclusive of access roads or easements. The ratio does not apply to parcels larger than 40 acres and does not apply to remaining of the parent tract retained by the proprietor.

## SECTION VII. CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township Tax roll or Assessment roll and no construction thereon which require the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance.

An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefor, together with any damages sustained by the purchaser, recoverable in an action at law.

## SECTION VIII. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, rule, regulation, section or subsection is declared void or inoperable for any reason by any Court, it shall not affect any other part or portion thereof, other than the part declared void or inoperable.

## SECTION IX. REPEAL

All Ordinances in conflict herewith are hereby repealed; however, this ordinance shall not be construed to repeal any provision in an applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

## SECTION X. EFFECTIVE DATE

This ordinance shall become effective upon publication after adoption.

## SECTION XI. INSPECTION OF ORDINANCE

A copy of this Ordinance may be inspected or purchased at the Township Clerk's office, 7280 Cade Road, Imlay City, MI 48444, during regular posted office hours.

I hereby certify that the foregoing constitutes a true and complete copy of Ordinance Number 31, duly adopted by the Township Board of the Township of Lynn, St. Clair County, Michigan, at a regular meeting held on the 9<sup>th</sup> day of January, 2002, at which all members were present except Kalbfleisch and Tonkman, and that said meeting was conducted and public notice of said meeting was give pursuant to and in full compliance with the Open Meetings Act, Being Act 267, Public Acts of Michigan, 1976, and that minutes of said meeting were kept and have been or will be made available as required by said Act.

I further certify that Member Mandeville moved adoption of said Ordinance and that member Delia supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Mandeville, Delia, Ferrett, and that the following Members voted against adoption of said Ordinance: None

I further certify that the following events and dates occurred in the adoption of this Ordinance.

Date Adopted: 01/09/02  
Date Published after Adoption: 01/30/02  
Effective Date: 02/16/02

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Clerk

Lynn Township  
Private Road Ordinance  
Ordinance Number 33

Purpose:

An Ordinance regulating the design, construction, inspection, approval, and maintenance of Private Roads within the Township of Lynn, St. Clair, Michigan.

The Township of Lynn ordains:

Section 1. Intent

- A. This ordinance regulates the review, approval, design, construction, inspection and maintenance of private roads within Lynn Township.
- B. Within Lynn Township, no lot or parcel or property may be sold as a build able lot that does not front upon a public road, an approved private road, or will be combined with a parcel that has such frontage. Building permits shall not be issued for structures located on private roads until there is full compliance with the provisions of the ordinance, the actual construction has been inspected and approved by the Township, and a maintenance agreement for the private road has been recorded with the deed or land contract for the parcel in question.
- C. Based upon the specific type of development being proposed, the following shall be the minimum type of road that will be approved for access to the development under review.

	Private Road, Gravel Surface	Private Road, Paved Surface	Public Road Only
Single Family Dwelling	X		
Multiple Family Dwelling		X	
Mobile Home		X	
Office			X
Commercial			X
Industrial or Research			X

Section 2. Definitions

Private Driveway shall mean any piece of privately owned and maintained property which is used for access by vehicular traffic to a single parcel of private property but is not open or normally used by the public.

Private Road shall mean a privately owned and maintained road, allowing access to more than one residence, which is normally open to the public and upon which persons other than the owners located thereon may also travel. The erection of such signs as “Residents Only” or the like shall not be deemed to remove any roadway from the requirements of this Ordinance where said roadway is deemed to come within this Ordinance by the Lynn Township Zoning Administrator and his designee.

Road shall mean a thoroughfare which affords vehicular traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street and other thoroughfare, except an alley or private driveway.

Section 3. Prohibitions

- A. Construction of Private Roads. No persons shall construct a private road within the Township of Lynn except in accordance with the requirements and standard of this ordinance.

- B. Sale of Parcels of Land. No person shall divide or sell any parcel of land as a buildable lot within the Township of Lynn unless said parcel of land fronts upon a public street which is dedicated to the public or unless said parcel of land fronts upon a private road which meets the standards herein set forth, or unless said contract, deed or other conveyance of sale contains the following language:  
“This parcel is not a build able site for the reason that said parcel does not front on an acceptable ingress and egress in accordance with the standard as set for by the Zoning Ordinance and Private Road Ordinance of the Township of Lynn.
- C. Building Permits. NO building permit shall be issued by the Lynn Township Building Department or any official therein, or any official of the Township of Lynn for any structure unless said structure fronts on a public street or highway which is dedicated to the public, or unless said structure fronts on a private road which meets the standard as herein set forth. Nothing in this section shall be deemed to waive any of the frontage, depth, or like requirements as set forth in the Lynn Township Zoning Ordinance.

#### Section 4. Conveyance of Interest In Land Abutting Private Road.

At the Time of the conveyance of any interest in any parcel which abuts a private road which conveyance shall be deemed to include the acceptance of any offer to purchase, the grantor of such interest shall advise the grantee that said parcel abuts a private road, and that the maintenance, care, and other responsibilities concerning said private road rest with abutting land owners and are not the responsibility of the Township of Lynn, the County of St. Clair, or the State of Michigan.

#### Section 5. Permit Required

No construction shall begin on any private road until a permit has been issued by Lynn Township following compliance with such requirements as set forth in this Ordinance.

#### Section 6. Application Requirements

Application for the construction of new, extended or upgraded private roads shall include the following:

- A. A completed Private Road Application form.
- B. A true and accurate survey, including both a drawing to scale and flail legal description of the parent parcel, all parcels which would result from the proposed division of the parent parcel, and the private road easement for ingress, egress, road and public utility purposes. The survey shall include the following
1. All adjoining property within 100' of the parent parcel or parent tract;
  2. All dimensions of existing and proposed property lines and easement
  3. Location of all existing buildings, wetlands, lakes, streams, ponds, private driveways, public and private roads, easements, wells and septic fields, including setbacks from all property lines;
  4. The size (in square feet and acres) of each resulting parcel
  5. The proposed location and type of access to each resulting parcel.
  6. Setbacks from property lines to all proposed buildings, drives, easements, wells and septic systems.
- C. Engineering plans of the proposed roadway construction.
- D. A copy of the roadway maintenance agreement that will be recorded with the deed Lynn Township Private Road Ordinance or land contract for each lot or parcel to be sewed by the private road.
- E. Application fee and consultant review fee, as established by resolution of the Township Board.

#### Section 7. Roadway Description and Maintenance Agreement

- A. All private roads shall have a minimum right-of-way of 80 feet in width and shall include an easement granted to Lynn Township for the purposes of constructing operating, inspecting, maintaining, repairing, altering, replacing. and/or removing pipelines, mains, conduits and other

installations of a similar character (herein collectively called “structures”) for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

- B. The legal description of the roadway easement shall be recorded as a part of the deed or land contract for every parcel of property to which it provides access.
- C. A Private Road Maintenance Agreement, in a form approved by the Lynn Township Board, shall be recorded as a part of the deed or land contract for every parcel of property to which the road provides access. The maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for and actual, regular maintenance of the private road by all benefiting property owners. Neither Lynn Township nor the St Clair County Road Commission have any responsibility or legal authority to maintain private roads.

#### Section 8. Standard for Construction

The design and construction of all private roads shall be in conformance with the following design standards. Engineering plans, drawn to a minimum scale of 1”=100’ and prepared by a registered civil engineer shall be submitted to the township which demonstrate conformance with the specifications of this ordinance, and shall include the following:

- A. A legal description of the entire parcel(s), all proposed divisions (splits), and the proposed road easement
- B. A minimum easement width of eighty(80) feet
- C. All dead-end roads shall terminate in a cul-de-sac turn around with a minimum diameter of one hundred fifty (150) feet
- D. Soil borings shall be taken by an independent testing laboratory or qualified professional at intervals not to exceed 500 feet (minimum of 3 borings). Boring information and locations shall be shown on the plans. Additional-borings may be required where the USDA Soil Survey of St. Clair County or on-site inspection indicates unsuitable soil may be present.
- E. The applicant shall remove all unsuitable soil including muck, peat and marl, as well as brush, trees, tree stumps, and similar materials from the full width of the roadway, including the shoulders. These areas shall be backfilled with MDOT Class 1.1 Granular Material to provide a stable subgrade for the roadway construction.
- F. Cross section of the road showing the proposed aggregate surfacing, granular sub base, and the shoulder and swale profile in conformance with the attached Lynn Township Private Road Cross-Section Minimum Standards, 2002.
- G. The plans shall show existing and proposed grades and the Location of all existing and proposed drainage facilities and structures. Road Drainage, outlet ditches and cross-road culverts shall be in accordance with the St. Clair County Road Commission Standards for Street Construction. Elevations shall be based on USGS data.
- G-1. Storm water management (detention) shall be required for the road, road right-of- way and all developed areas (homesites, etc.). Drainage calculations shall be in accordance with the St. Clair County Drain Commissioner’s Standards for Subdivisions.
- H. The intersection of roads shall be as close to 90 degrees as possible with a variation of no more than 10 degrees.
- I. Road grades shall not exceed six percent (6%) unless a waiver is approved by the Township Board upon following the review and recommendation of the Township’s consulting engineers. At the intersection of two road ways, however, the maximum grade shall be three percent (3%) for a distance of one hundred (100) feet from the point of intersection.
- J. The horizontal and vertical alignment for all private roads shall be in accordance Lynn Township Private Road Ordinance with the St. Clair County Road Commission Standards for Street

Construction. The design speed shall be indicated on the plans and shall not be less than 30 mph (posted speed 25 mph).

- K. Sight distances on horizontal and vertical curves and at intersections shall be in accordance with the St. Clair County Road Commission Standards for Street Construction. The design speed shall be indicated on the plans and shall not be less than 30 mph (posted speed 25 mph).
- L. The applicant shall obtain a soil erosion control permit from the St. Clair County Drain Commissioner, Enforcing Agent for Soil Erosion and Sedimentation Control (SE SC), and shall install and maintain all erosion control devices throughout the construction period.
- L-1. The plans shall show all wetlands and floodplains contained on the site. If none exist, a note indication such as well as the method of determination shall be added to the plans. If existing wetlands and/or flood areas are disturbed, the plans shall indicate the limits of disturbance.  
The Developer shall submit a copy of the MDEQ permit to work in or modify any wetland or floodplain. A copy of permit(s), or a letter from MDEQ stating that no permit is required, shall be submitted to the Township prior to obtaining approval of engineering plans.  
If the confirmation is not in the form of a letter or official correspondence from the MDEQ (i.e. a consultant or other wetland professional has prepared a statement), then the Township reserves the opportunity to review the information and comment on its reliability. If there are any disagreements regarding the boundary and/or jurisdictional status of any wetland area, the Township reserves the right to require the Developer to obtain confirmation from the MDEQ.  
In any event, approval of plans or project by the Township does not relieve the Developer of the responsibility to obtain appropriate permits from the MDEQ or other regulatory agencies.
- L-2. Any standard for construction indicated within this section shall govern over any conflicting standard referred to (Road Commission, Drain Commission, etc.).
- M. The Township shall retain a consulting Civil Engineer and Planner as necessary to review the plans and the consulting Civil Engineer shall inspect construction of all private roads. The cost of the plan review and construction inspections shall be paid for by the applicant.
- N. Construction permits from the St. Clair County Road Commission are required for connections to county roads and from the Michigan Department of Transportation for connection to State Highways.
- O. All private roads created hereunder shall be named, with said name to be approved by the Township of Lynn Board and the St. Clair County Road Commission. All required name signs and signpost shall be erected in accordance with standards and specifications of the St. Clair County Road Commission at the expense of the applicant.
- P. The private road engineering plans shall include a schedule showing the method used to determine driveway culvert sizes for each proposed lot and for each crossroad culvert in conformance with applicable standards of the St. Clair County Road Commission. In no instance shall any driveway culvert be smaller than twelve (12) inches in diameter. All driveway culverts shall have a minimum cover of 12 inches. All cross-road culverts shall be set below the road section layers. All culverts over 12 inches in diameter shall have an end section and grate installed on each end. All driveway culverts shall be MDOT Class A. Installation of all driveway culverts shall require the issuance of a building permit.

#### Section 9. Review and Approval Procedures

- A. Ten (10) copies of the complete application, plans, proposed maintenance agreement and the layout of all proposed lots or parcels to be served by the private road, shall be submitted to the Township Clerk. The complete application, including all necessary submittals and attachments, must be submitted at least two (2) weeks prior to a regular meeting of the Planning Commission in order to be placed on the agenda. The Township Clerk shall forward the complete application packet to the Planning Commission, Township Planner and Township Engineer. The Planning Commission shall review the application at their next regularly scheduled meeting following submittal of a complete application. The Planning Commission shall make a recommendation for approval, conditional



approval or denial of the proposed private road following review of the plans and the written review of the Township Planner, and Civil Engineer.

- B. Upon receipt of the recommendation of the Planning Commission, the design review of the Township Planner, and the technical review of the Township Engineer, the matter will be placed on the agenda of a regular meeting of the Township Board for consideration. The Township Board shall approve the plans only upon finding that they comply of the requirements of this Ordinance, the Lynn Township Zoning Ordinance and the Lynn Township Land Division Ordinance.

#### Section 10. Inspections and Approval

- A. All construction shall conform to the plans approved by the Township. All inspections will be based upon the approved plan. Construction not according to the approved plan and/or not inspected according to the Township's requirements may not be approved.
- B. At Least one week prior to the start of construction, the applicant shall schedule a pre-job meeting between the applicant and the Township Engineer to discuss the scheduling, inspections and conduct of the work.
- C. Inspections to be made:
  - 1. Upon completion of stripping operations;
  - 2. Upon completion of clay grade and ditch excavation;
  - 3. Upon completion of the sand sub-base;
  - 4. Upon completion of the aggregate base;
  - 5. During and following completion of each course of paving;
  - 6. After completion of fine grading, top soil, seeding and mulching.The contractor shall notify the Township Engineer 48 hours before conclusion of each step in the road-construction so that the required inspections can be completed without delay to the subcontractor. The applicant is responsible for insuring that all required inspections are requested and scheduled
- D. The applicant shall provide weigh slips which certify the weight and class of material used for subbase and aggregate used for the road and shoulder surfaces
- E. Inspections will be certified by the Township Engineer so that a complete record of the private road construction can be made available to the St. Clair County Road Commission in the event that the private road owners choose to upgrade and/or dedicate the road to the County as a public road, if possible.

#### Section 11. Performance Bond

The applicant shall file with the Township Clerk a cash deposit, certified check irrevocable bank letter of credit acceptable to the Township sufficient to cover the total cost of the required improvements. When the work is completed, inspected, and approved by the Township, the entire bond will be released to the applicant.

#### Section 12. Extending Existing Private Roads

In those cases where the applicant wishes to extend an existing private road, such extension shall be panted only if the existing private road is brought in compliance with the standard in this Ordinance. All standards in this ordinance shall apply to both the proposed extension and the existing private road. Further, such applicant shall obtain consents from all those persons who own any interest in the existing right of way, or have the right of access to their property therefrom, which consent shall be in writing and shall be filed with the Township Clerk along with the filing of the application for permit hereunder. Such consent shall provide:

- A. That the consenting party consents to the extension of the roadway pursuant to the application, and

- B. That the consenting party consents to the upgrading of their existing roadway to the standards as set forth herein, and where applicable, will agree to deed such easements or rights-of-ways as are necessary to comply with the requirements as its concerns consents

### Section 13. Existing Private Roads Not Meeting Standards of Ordinance

- A. In those instances where a property division or building permit is being sought for a lot or parcel which has access to an existing private road which does not meet the standard of this ordinance, said private road shall be improved in conformance with the standards of this ordinance prior to approval of property divisions or issuance of any building permits.
- B. The applicant may request a waiver of this requirement from the Township Board, who may, after review and recommendation by the Township engineering and planning consultants, and findings of unique circumstances and practical difficulties, grant a partial or complete waiver of this requirement. The Township Board shall not grant any waivers from this provision where the applicant is creating new lots or parcels by division of one or more of the existing lots or parcels of record.

### Section 14. Dedication

All rights-of-way, subject to the easements required to be dedicated to the Township as specified in this ordinance, shall be dedicated to the adjoining property owner who gains access of said right-of-way. If a parcel adjoining said right-of-way is not to be served by said right-of-way, then the land dedicating such right-of-way shall specifically provide for that exclusion, and said adjoining property owner shall not share in the ownership of the right-of-way.

### Section 15. Enforcement and Penalties

- A. Any person, firm, corporation or other organization, which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance, shall be fined upon conviction not more than five hundred dollars (\$500) together with the costs of prosecution, or shall be punished by imprisonment in the County Jail for not more than thirty (30) days for each offense, or may be both fined and imprisoned as provided herein in the discretion of the court. Each and every day during which such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- B. If a violation occurs, the Township shall notify the party or parties in writing that the violation must be corrected within ten (10) days of receipt of the notice.
- C. The Township Board, any member thereof, or the Prosecuting Attorney of the County of St. Clair may institute injunctive proceedings to prevent or enjoin any violation of the provisions of this Ordinance. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

### Section 16. Validity

This Ordinance and the various parts, sections, subsections, sentences, 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 part, section, subsection, phrase, sentence, and clause thereof irrespective of that fact that any one or more parts, section, subsections, phrases, sentences or clauses be declared invalid.

Section 17. Relationship to Other Laws and Ordinances

Whenever regulations or restrictions imposed by this Ordinance are either More or less restrictive than regulations or restrictions imposed by governmental authority through legislation, rule or regulation, the more restrictive regulations or those which impose higher standards shall govern.

Section 18. Repeal Of Conflicting Ordinances.

Any previous Lynn Township Private Road Ordinance is hereby repealed in its entirety.

Section 19. Adoption. Effective Date

- A. Adoption. This ordinance was adopted by the Lynn Township Board at a meeting thereof held on
- B. This Ordinance shall take effect on March 5, 2003, thirty (30) days following publication of a notice of adoption, as provided by law.

**Certification of Township Clerk**

I, Annette Ferrett, Lynn Township Clerk, hereby certify that the forgoing is a true copy of the Lynn Township Private Road Ordinance adopted by the Township Board on January 8, 2003, by the following vote:

Ayes: Kalbfleisch, Delia, Ferrett, Mandeville

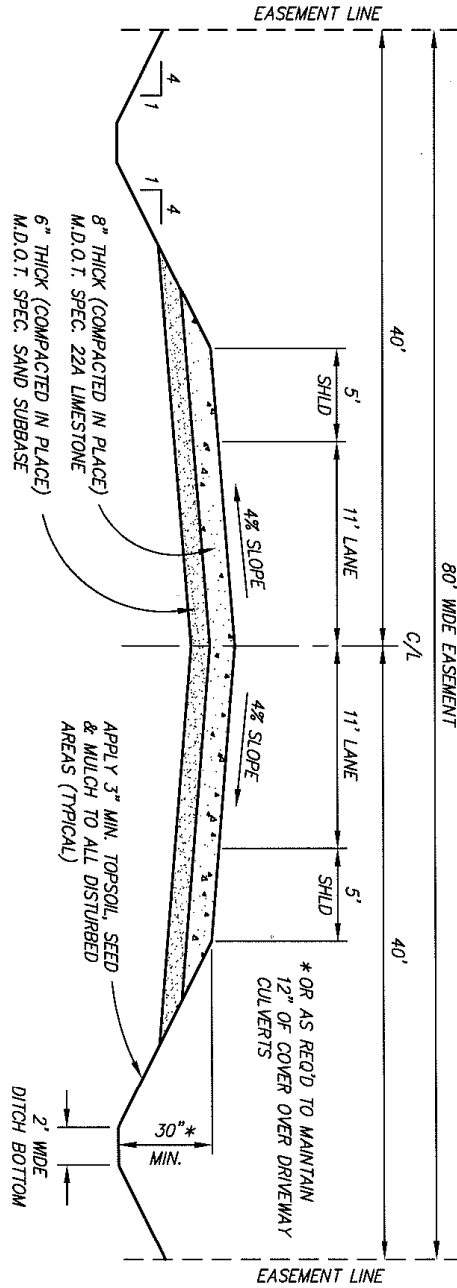
Nays:

Absent: Jonkman

Motion: by Mandeville, 2<sup>nd</sup> by Kalbfleisch

Annette Ferrett  
Lynn Township Clerk

Lynn Township ordered notice of adoption and summary to be published in the newspaper on February 5, 2003. A true copy of the above ordinance may be inspected or purchased at the offices of the Township Clerk during regular business hours.



LYNN TOWNSHIP  
SINGLE FAMILY  
**PRIVATE ROAD TYPICAL CROSS SECTION**  
NOT TO SCALE

FILE: LYNN-XSECT



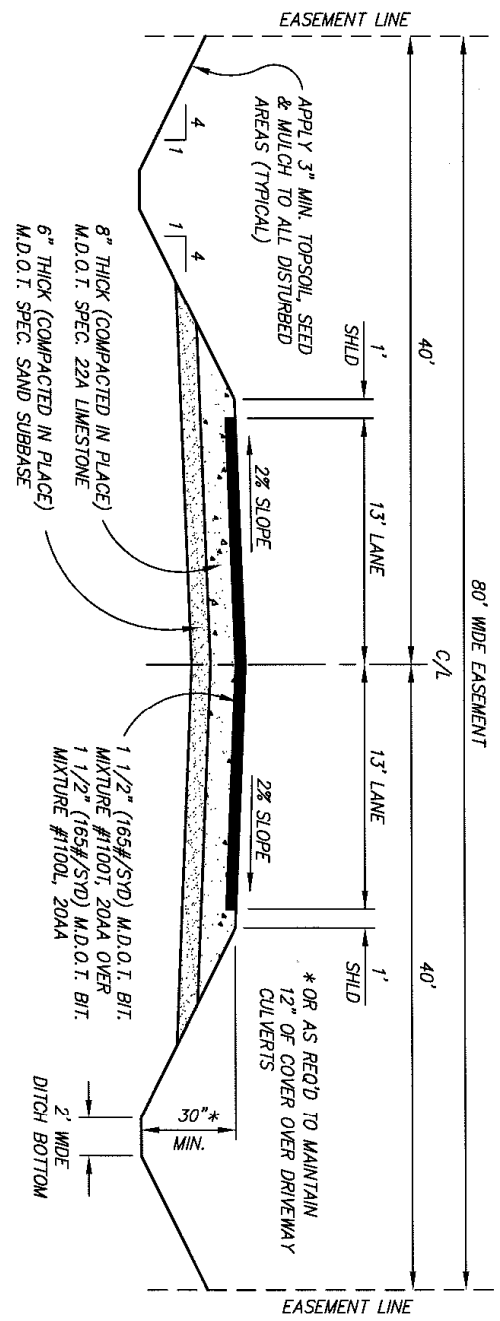
DRAWN BY  
**ROWE INCORPORATED**  
128 N. Saginaw St. Lapeer, MI. (810) 664-9411

DRAFTING: MCC


JOB# F001

PREPARED FOR  
LYNN TOWNSHIP  
SINGLE FAMILY  
**PRIVATE ROAD TYPICAL CROSS SECTION**

**LYNN TOWNSHIP**  
**MULTIPLE FAMILY & MOBILE HOME**  
**PRIVATE ROAD TYPICAL CROSS SECTION**  
 NOT TO SCALE



FILE: LYNN-XSECT

	DRAWN BY <b>ROWE INCORPORATED</b>	
	128 N. Saginaw St. Lapeer, Mi. (810) 664-9411	
DRAFTING: MCC	JOB# F001	

PREPARED FOR  
**LYNN TOWNSHIP**  
**MULTIPLE FAMILY & MOBILE HOME**  
**PRIVATE ROAD TYPICAL CROSS SECTION**

LYNN TOWNSHIP  
ZONING ORDINANCE

ADOPTED DECEMBER 21, 1970  
UPDATE AS OF MAY 5, 2006

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ZONING ORDINANCE  
LYNN TOWNSHIP

St. Clair County, Michigan

TITLE

AN ORDINANCE enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of Lynn Township, St. Clair County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the Township into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

PURSUANT to the authority conferred by Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of Lynn Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land, preventing over-crowding the land and undue congestion of population; providing adequate light, air, and reasonable access, and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements and by other means, all in accordance with a plan; now therefore:

ENACTING CLAUSE

THE TOWNSHIP OF LYNN ORDAINS:

**ARTICLE 1 SHORT TITLE**

SECTION 100. SHORT TITLE

THIS ordinance shall be known and may be cited as the Lynn Township Zoning Ordinance.

## ARTICLE 2 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

### SECTION 200. CONSTRUCTION OF LANGUAGE

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

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

### SECTION 201. DEFINITIONS

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

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

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

- a. Residential accommodations for servants.
- b. Residential accommodations for caretakers.
- c. Swimming pools for the use of the occupants of a residence, or their guests.
- d. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- e. Home occupations.

- f. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - g. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - h. Accessory off-street parking spaces, open or enclosed.
  - i. Accessory off-street loading.
2. Alterations: A change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.
  3. Apartments: Are the dwelling units in a multiple dwelling as defined herein:
    - a. Efficiency Apartment: Is a dwelling unit containing not over three hundred and fifty (350) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as one (1) room unit.
    - b. One Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least five hundred (500) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two (2) room unit.
    - c. Two Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least seven hundred (700) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
    - d. Three or More Bedroom Unit: Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of seven hundred (200) square feet. For the purposes of computing density, a three (3) bedroom unit shall be considered as a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).
  4. Auto Service Station: Is a place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and repair of automobiles.
  5. Auto Repair Station: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles.
  6. Basement: Is that portion of a building between the floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling. A basement shall not be considered as a story.
  7. Block: Is the property butting one side of a street and lying between the two nearest such street or railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and other barrier to the continuity of development, or corporate boundary line of the Township.

8. **Building**: A structure erected on-site, a mobile home or mobile home structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.
9. **Building Height**: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
10. **Building Line**: Is a line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.
11. **Club**: Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like but not operated for profit.
12. **Clinic**: Is an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.
13. **Convalescent or Nursing Home**: Is a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
14. **Development**: Is the construction of a new building or other structure on a lot, the relocation of an existing building on another lot, or the use of open land for a new use.
15. **District**: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
16. **Drive-In**: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
17. **Dwelling Unit**: Is a building designed exclusively for and occupied exclusively by one (1) family.
18. **Dwelling, Single Family**: A building containing not 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. It has a minimum width of twenty (20') feet across the front and all sides and complies in all respects with the Township Building Code, Ordinance #\_\_\_\_\_ (BOCA), including minimum heights for habitable rooms. 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, Ordinance No. \_\_\_\_ (BOCA), then and in that event such federal or state standard or regulations shall apply.
  - c. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code, Ordinance No. (BOCA), and shall have a wall on the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. 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 and shall have a perimeter wall as required above.

- 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, undercarriage 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 contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- g. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six (6") inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) 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.

The compatibility of design and appearance shall be determined in the first instance by the Township Building Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well the character, design and appearance of one or more residential dwellings located outside of mobile home parks within two thousand (2,000') feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20 (20%) percent of the lots situated within said area; or, where said area is not developed, by the character, design and appearance of one or more residential dwelling located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- h. The dwelling contains no 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.
- i. 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.
- j. 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.

- k. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable township building code, Ordinance No. \_\_\_\_ (BOCA), provisions and requirements.
- l. Each dwelling shall have a roof with no less than a true 4-12 pitch. This requirement shall not apply to bermed dwellings.

*Amended 1/19/01*

- 19. Dwelling, Two-Family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 201, #18.
- 20. 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 201, #18.
- 21. Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.
- 22. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection therewith, but not included in buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.
- 23. Excavation: Any breaking of ground, except common household gardening and ground care.
- 24. Family: Is one or two persons or parents, with their direct lineal descendants or dependent children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or in part of a dwelling comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate family for the purposes of this Ordinance.
- 25. Farm: Is the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.
- 26. Floor Area, Gross: Is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor, area includes: basement space, elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings, attic floor space (whether or not floors have been laid) providing structural head room of seven feet six inches (7'-6"). Gross floor area shall not include: elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, attic space less than seven feet six inches (7'-6") and open porches, terraces or breezeways, provided that not more than fifty (50%) percent of the perimeter of such terrace, breezeway or open porch is enclosed.
- 27. Floor Area, Residential: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two

buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breeze-ways, and enclosed and unenclosed porches.

28. Floor Area, Usable (For the purposes of computing parking): Is that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
29. Garage, Private: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, and similar vehicles owned and used by other occupants of the building to which it is accessory.
30. Grade: Is the ground elevation established for the purpose of regulating the number of stories and the heights of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of said total averages.
31. Junk Yards: Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.
32. Kennel, Commercial: Is any lot or premises on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred and sold.
33. Loading Space: An off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
34. Lot: The term "lot" shall mean a parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.
35. Lot Area: The total horizontal area within the lot lines of the lot.
36. Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two 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 points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
37. Lot Coverage: Is the part of percent of the lot occupied by buildings including accessory buildings.
38. Lot Depth: Is the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

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39. Lot, Interior: Is any lot other than a corner lot.
40. Lot Lines: The lines defining the limits of the lot as described herein:
- a. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
  - b. Rear Lot Line: That lot line opposite the front lot line. In the case of a lot parallel to the front lot line, not less than ten (10') feet long lying farthest from the front lot line and wholly within the lot.
  - c. Side Lot Line: Any lot line other than the front lot line or 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 side lot line.
41. Lot, Through: Is any interior lot having frontage on two or more less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
42. Lot, Width: Is the horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.
43. Lot of Record: Is a parcel of land, the dimensions of which are described in a document or shown on a map on file with the County Register of Deeds or in common use by City, Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.
44. Main Building: Is a building in which is conducted the principal use of the lot upon which it is situated.
45. Main Use: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.
46. Major Thoroughfare: Is an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan for Lynn Township and/or St. Clair County. Any street with a width, existing or proposed, of one hundred and twenty (120') feet or more shall be considered as a major thoroughfare.
47. Motel: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
48. Nonconforming Building: Is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
49. Nonconforming Use: Is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

50. Nursery, Plant Material: A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.
51. Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic.
52. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
53. Open Front Store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.
54. Parking Space: is hereby determined to be an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
55. Public Utility: Is a person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
56. Room: For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room, and bedroom, each equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.
57. Sign: Is a name, identification, description, display, or illustration which is affixed to, printed or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign shall include the following types:
- a. Accessory Sign: A sign which directs attention to a person, product, business or profession conducted upon the same premises.
  - b. Non-accessory Sign: A sign which directs attention to a business, commodity, activity, service or entertainment conducted, sold, placed or otherwise offered elsewhere than on the premises on which the sign is located.
  - c. Ground Sign: A sign which is supported by one or more poles, uprights, or braces in or upon the ground, which are not a part of the building.
  - d. Projecting Sign: A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquees.
  - e. Roof Sign: A sign which is erected, constructed and maintained above the roof of a building.

- f. **Wall Sign:** A sign which is attached directly to the wall of a building and which extends not more than eighteen (18") inches from the wall, including window signs.
58. **Story:** Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50%) percent, by cubic content, is below the height level of the adjoining ground.
59. **Story, Half:** Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'-6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.
60. **Street:** Is a public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.
61. **Structure:** Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
62. **Temporary Use or Building:** Is a use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.
63. **Trailer Coach (Mobile Home):** Is any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
64. **Trailer Court (Mobile Home Park):** Any plot of ground upon which three (3) or more trailer coaches, occupied for dwelling or sleeping purposes, are located.
65. **Use:** Is the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
66. **Yards:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:
- a. **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
  - b. **Rear Yard:** Is the open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
  - c. **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

67. Zoning Exceptions and Variances:

- a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or Commission other than the Administrative Official (Building Inspector), such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Ordinance.
- b. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

The "Exception" differs from the "Variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Ordinance appear as "Special Approval" or review by the Planning Commission, Township Board, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- (1) They require large areas;
- (2) They are infrequent;
- (3) They sometimes create an unusual amount of traffic;
- (4) They are sometimes obnoxious or hazardous;
- (5) They are required for public safety and convenience.

## ARTICLE 3 ZONING DISTRICTS

### SECTION 300.

FOR the purposes of this Ordinance, the Township of Lynn is hereby divided into the following zoning districts:

- AG     Agricultural
- B-1    Local Business
- L-1    Light Industrial

*Amended 1/8/98*

### SECTION 301.

THE boundaries of said districts or zones are shown on the map attached hereto and designated as the Township of Lynn Zoning Map. The Zoning Map and all notations, references and other information appearing thereon are hereby declared to be a part of this Ordinance.

### SECTION 302.

FOR determination of the boundaries of the districts shown on the zoning map, the following rules shall apply:

1. Where such boundaries are indicated as following or approximately following street or road lines, such lines shall be construed to be such boundaries.
2. Where such boundaries are indicated as following or approximately following lot lines, plot lines or property lines, such lot lines, plot line or property line shall be construed to be such boundaries.
3. The Board of Appeals shall determine the location of boundaries in cases where uncertainty exists.

## ARTICLE 4 USE REGULATIONS

### SECTION 400. AG-1 AGRICULTURAL DISTRICTS

*Amended 1/8/98*

### SECTION 401. A-AGRICULTURAL DISTRICTS

IN the A-Agricultural Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. General Agriculture.
2. One-family dwellings.
3. Two-family dwellings.
4. Public libraries, publicly-owned parks, publicly-owned parkways, and publicly- owned recreational facilities.
5. Temporary buildings and uses for construction purposes for a period not to exceed one (1) year and only if in compliance with ARTICLE VI, Section 604, Subsection 11.
6. Home occupations.
7. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the location of such buildings within the district in order to service the immediate vicinity. In the Agricultural District there shall not be more than one principal residential building on a lot or parcel of record. In this district, every principal residential building shall be in conformance with this ordinance, the Lynn Township Land Division Ordinance and Frontage and Lot Size Requirements.
8. Signs not exceeding six (6) square feet appertaining only to the lease, hire or sale of the building(s) or premises on which sign is located and one (1) only sign or name plate not exceeding two (2) square feet appertaining to a home occupation operated on the premises. Outside signs or bulletin boards for churches and schools are exempted from these regulations.
9. Churches, schools and hospitals after review of the site plan by the Lynn Township Planning Commission.
10. Publicly-owned swimming pools and private swimming pools when said private pool is an accessory use to a dwelling unit.
11. Accessory buildings and uses of the above permitted uses.
12. Off-street parking shall be provided as shown in ARTICLE VI "General Provisions".
13. Retail and service establishments subject to review and approval by the Lynn Township Planning Commission.
14. Trailer courts and mobile home parks subject to the requirements of ARTICLE VI "General Provisions".

15. Sec ARTICLE V, "Schedule of Regulations", limiting height and bulk of buildings, minimum lot size, maximum density permitted and yard setback requirements.

*Amended 1/8/98*  
*Amended 5/5/06*

SECTION 402. B-1 LOCAL BUSINESS DISTRICT

IN the B-1 Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Retail businesses which supply commodities on the premises.
2. Personal service establishments.
3. Eating and drinking establishments other than drive-ins.
4. Drive-in eating and drinking establishments after review of the site plan by the Lynn Township Planning Commission.
5. Professional and other office buildings.
6. Public utility buildings and uses.
7. Automobile sales.
8. Auto service and repair stations.
9. Motels.
10. Parking lots.
11. Accessory buildings and uses of above permitted uses. –
12. Off-street parking shall be provided as shown in ARTICLE VI "General Provisions".
13. See ARTICLE V "Schedule of Regulations" limiting height and bulk of building, minimum lot size and yard setback requirements.

SECTION 403. I-1 LIGHT INDUSTRIAL DISTRICTS

IN the I-1 Light Industrial District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Warehousing and wholesale establishments.
2. Trucking facilities.
3. Public utility buildings and uses, including storage yards.

4. The manufacture, compounding, processing, packaging or treatment of such products as but not limited to: bakery goods, candy, cosmetics, drugs, toiletries, food products, hardware, tool and die, gauge, and machine shops.
5. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to: aluminum, bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
6. Manufacture or assembly of electrical appliances, electronic equipment and devices, radios and phonographs.
7. Accessory buildings and uses customarily incidental to any of the above permitted uses.
8. Junk yards and salvage yards provided they are completely surrounded by a thickly planted, well maintained greenstrip at least fifteen (15') feet in width and eight (8') feet in height and having not more than two (2) openings which are not more than twenty (20') feet in width.
9. Off-street parking shall be provided as shown in ARTICLE VI "General Provisions".
10. See ARTICLE V "Schedule of Regulations" limiting height and bulk of buildings, minimum lot size and yard setback requirements.

#### SECTION 404. REFERENCE TO SPECIAL LAND USES

SPECIAL land uses may be permitted by the Planning Commission after public hearing and review and approval of the proposed site plan subject to the procedures, general criteria, and specific criteria set forth in ARTICLE VI-A.



**ARTICLE 5 SCHEDULE OF REGULATIONS**

**SECTION 500. SCHEDULE LIMITING HEIGHT) BULK, DENSITY AND AREA BY ZONING DISTRICT**

Use Districts	Minimum Lot Area Per Dwelling Unit		Maximum Height of Buildings		Minimum Yard Setbacks (In feet)			Minimum Floor Area Per Unit	Maximum Percent of Building Coverage
	Area In Acres	Width in Feet	In Feet	In Stories	Front	Each Side	Rear	Sq. Ft.	Per Lot
A Agricultural	2 ½	330	30	2 ½	40	20	35	(a)(b)(d)	30%
B-1 Local Business			25	2	30	(e)	35		40%
I-1 Light Industrial			25	2	50	35	35		40%

- (a) Minimum floor area per dwelling unit in one-family and two-family dwellings shall be as follows
  - One-bedroom dwellings ..... 780 square feet
  - Two-bedroom dwellings ..... 870 square feet
  - Three-bedroom dwellings ..... 1,000 square feet
  - Four-Bedroom dwellings ..... 1,200 square feet
  - Plus ..... 120 square feet for each additional bedroom over four (4)
- (b) Minimum floor area per unit for multiple-family dwellings shall be:
  - One-bedroom ..... 500 square feet
  - Two-bedroom ..... 700 square feet
  - Three-bedroom ..... 900 square feet
  - Four-Bedroom ..... 1,100 square feet
- (c) For multiple-family dwellings, the total number of rooms of eighty (80') square feet or more (not including kitchen and sanitary facilities) shall not be more than the area of the parcel in square feet divided by one thousand two hundred (1,200).
- (d) Minimum floor area for trailers or mobile homes in or out of mobile home parks or trailer parks shall be 500 square feet.
- (e) No side yards are required along interior lot line (except where specified by Building Code). However, where a side lot line in a commercial district abuts on is across the street from an AG-1 Agricultural District, there shall be a sit requirement of twenty (20') feet.
- (f) See Article II, Section 201, Paragraph 18 for additional standards.

*Amended 1/8/98  
Amended 1/19/01*

## ARTICLE 6 GENERAL PROVISIONS

### SECTION 600. CONFLICTING REGULATIONS

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

### SECTION 601. SCOPE

NO building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

601a : FRONTAGE All residential Building lots shall have Three Hundred Thirty (330') feet of road frontage on a Public Road or a Township approved Private Road. Shortages caused by Short Sections due to Survey reconciliation may have lesser frontages but in no case less than Three Hundred Fifteen (315') Feet

Deleted: .

### SECTION 602. NON-CONFORMING LOTS, NON-CONFORMING USES AND STRUCTURES

#### 1. Intent

It is the intent of this Ordinance to permit legal non-conforming lots, structures or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used for grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment of a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## 2. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

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

## 3. Nonconforming Structures and Uses

The lawful use of any building, structure, or land in existence at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions herein and such use may be extended through a building providing no structural alterations or changes are made therein except those required by law or ordinance or such as may be required for safety. If a nonconforming use shall cease for a period of one year or more, it will be considered that no sound need for such use exists at this location and any future use of the building, structure or land shall be in conformity with the provisions of this Ordinance.

If no structural alterations are made, a nonconforming use of a building may be changed to any other use of the same or higher classification according to the provisions of this Ordinance. Whenever a nonconforming use of a building has been changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a use of a lower classification.

Should a nonconforming structure or building be destroyed by any means to an extent of more than seventy-five (75%) percent of its replacement cost, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

## 4. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

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 any official charged with protecting the public safety, upon order of such official.

## 5. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

**SECTION 603. OFF-STREET PARKING REQUIREMENTS**

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

1. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300') feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
2. Residential off-street parking spaces shall consists of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
4. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
5. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
6. In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Board of Appeals may grant an exception.
7. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
10. For the purpose of computing the number of parking spaces required, the definition of "Usable Floor, Area" in ARTICLE II "Definitions", Section 201, shall govern.
11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1. RESIDENTIAL	

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a. One-Family & Two-Family	Two (2) for each dwelling unit.
b. Multiple-Family	Two (2) for each dwelling unit.
c. Trailer Court of Mobile Home Park	Two (2) for each trailer site and one (1) for each employee of the trailer court.
<b>2. INSTITUTIONAL</b>	
a. Churches	One (1) for each three (3) seats or six feet (6') of pews in the main unit of worship.
b. Hospitals	One (1) for each one (1) bed.
c. Home for the aged and convalescent homes	One (1) for each two (2) beds.
d. Elementary and junior high schools	One (1) for each one (1) teacher, employee or administration, in addition to the requirements of the auditorium.
e. Senior high schools	One (1) for each one (1) teacher, employee or administrator and one (1) for each ten (10) students; in addition to the requirements of the auditorium.
f. 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.
g. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One (1) for each two (2) member families or individuals.
h. Golf courses open to the general public except miniature or "par-3" courses.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
i. Stadium, sports arena, or outdoor assembly	One (1) for each three (3) seats or six feet (6') of benches.
<b>3. BUSINESS AND COMMERCIAL</b>	
a. Planned commercial or shopping center	One (1) for each sixty-six (66) sq. ft. of usable floor space.
b. Auto wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
c. Beauty parlor or barber shop	Three (3) spaces for each of the first two (2) beauty or barber chairs and one and one half (1 1/2) spaces for each additional chair.
d. Bowling alleys	Five (5) for each one (1) bowling lane.
e. Dance halls, roller or skating rinks, exhibition halls and assembly halls without fixed seats	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.
f. Establishment for sale and consumption on the premises of beverages, food or refreshments	One (1) for each one hundred (100) sq. ft. of usable floor space.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
g. 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 eight hundred (800) sq. ft. of usable floor area used in processing; one (1) additional space shall be provided for each two (2) persons employed therein.
h. Automobile service stations	Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump.
i. Laundromats and coin operated dry cleaners	One (1) for each two (2) machines.
j. Miniature or "Par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee.
k. Funeral homes	One (1) for each fifty (50) sq. ft. of usable floor space.
l. Motel, hotel or other commercial lodging establishment	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
m. Motor vehicle sales and service establishments	One (1) for each two hundred (200) sq. ft. of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room.
n. Retail stores except as specified herein	One (1) for each one hundred and fifty (150) sq. ft. of usable floor space.
<b>4. OFFICES</b>	
a. Banks	One (1) for each one hundred (100) sq. ft. of usable floor space.
b. Business offices or professional offices except as indicated in following item c.	One (1) for each three hundred (300) sq. ft. of usable floor space.
c. Professional offices of doctors, dentists or similar professions	One (1) for each one hundred (100) sq. ft. of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area.
<b>5. INDUSTRIAL</b>	
a. Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1 ½) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plan construction.
b. Wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift; or one (1) for every seventeen hundred (1,700) sq. ft. of usable floor space, whichever is greater.

**SECTION 604. MOBILE HOME PARKS (TRAILER COURTS)**

MOBILE homes which do not conform to the standards of Section 201, #18, of this Ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as otherwise provided.

1. General Locational Requirements. Mobile home parks in the AG Districts shall meet the following conditions:

- a. All mobile home parks shall provide a twelve (12') foot greenbelt between itself and any R-1 Residential, B-1 or I-1 District. Said greenbelt shall be backed by a six (6') foot chain link type fence. The greenbelt shall provide a continuous year round obscuring screen. A five (5') foot masonry wall may be substituted for the twelve (12') foot greenbelt and chain link type fence with the approval of the Township Board.
- b. Access from the mobile home park to the nearest major thoroughfare shall be by means of a public right-of-way of not less than sixty-six (66') feet in width.
- c. An open area shall be provided on each trailer coach lot, to insure privacy, adequate natural light and ventilation to each trailer and to provide sufficient area for outdoor uses essential to the trailer coach. All lots shall contain a minimum area of five thousand (5,000) square feet. All such trailer lot areas shall be computed exclusive of service drives, facilities, and recreation space.
- d. The sum of the side yards at the entry side and non-entry side of a trailer coach stand shall be not less than twenty (20') feet, provided, however, there shall be a side yard of not less than fifteen (15') feet at the entry side of the trailer coach stand and a side yard of not less than five (5') feet at the non-entry side of the trailer coach stand. There shall be a rear yard of not less than five (5') feet at the rear end of the stand and a front yard of not less than ten (10') feet at the front end of the trailer coach stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums above are maintained at all points in the side yard.
- e. No trailer coach shall be located closer than fifty (50') feet to the right-of-way line of a public thoroughfare or twenty (20') feet to the trailer court property line.
- f. The trailer court shall have access only to an existing or planned major thoroughfare of not less than one hundred and twenty (120') feet right-of-way, it being the intent that access shall not be provided by means of residential subdivision streets..
- g. All trailer court developments shall further comply with Act 243 of Public Acts of the State of Michigan, 1959, as amended, and any codes or ordinances of the Township of Lynn.
- h. The parking of trailer coach not owned by a resident of the Township for periods exceeding twenty-four (24) hours on lands not approved for trailer courts shall be prohibited, except that the Building Inspector may extend temporary permits allowing the parking of such a trailer coach in a rear yard on private property, not to exceed a period of two (2) weeks. All trailer coaches owned by residents of the Township and stored on their individual lots shall be allowed for periods exceeding twenty-four (24) hours with no permit required, and shall be stored only within the confines of the rear yard and shall further respect the requirements applicable to Section 1003, "Accessory Buildings", insofar as distances from principal structures, lot lines, and easements are concerned.

*Amended 3/20/02*

- i. No building or structure hereafter erected or altered in a trailer court shall exceed one (1) story or fourteen (14') feet.
- j. The proposed trailer court shall be subject further to the review and approval of the Township Board.

- k. The Lynn Township building Inspector may issue a temporary certificate of occupancy for a temporary building and use to a property owner for a period not to exceed one (1) year including house trailer, mobile home or other similar housing facility and temporary structure used while the permanent dwelling or structure is in the process of construction, provided, however,
  - i. That the person who is applying has lost his residence at the same location by an involuntary act such as fire or wind.
  - ii. That a permit for construction of the intended permanent structure has been issued.
  - iii. That a construction of the intended permanent structure is started within ninety (90) days after the building permit is issued.
  - iv. That a cash or surety bond in an amount determined by the Lynn Township Board be deposited with they Lynn Township Treasurer to assure performance in accord with the construction permit. Failure to complete construction of the permanent structure within the life of the building permit or failure to commence construction within ninety (90) days after the building permit is issued or failure to remove said temporary building and use after completion of the permanent structure shall be sufficient grounds for the Township Board of Trustees to declare the surety or cash bond for forfeited provided further, however, that if the Lynn Board, upon application of the permit holder, shall deem substantial attempts at compliance under the construction permit have been made they may waive for forfeited of the bond and grant an extension of the building permit for a period of(6) months.

*Amended 8/22/02*

- l. The Lynn Township Building Inspector may issue a “Visitor’s Permit” to allow visitors to park and live in their trailer dwelling for a period not to exceed thirty (30) days on a parcel of land on which the residence of the host is located. It is further provided that not more than two (2) visitor’s permits shall be issued in any one year on the same parcel of land.

SECTION 605. QUARRY EXCAVATION AND REMOVAL OPERATIONS (SOIL, SAND, CLAY, GRAVEL OR SIMILAR MATERIAL REMOVAL)

- 1. General Regulations. From and after the effective date of this Ordinance, it shall be unlawful or any person, firm, corporation, partnership, or other organization or entity to engage in stripping any topsoil, sand, clay, gravel or similar material, or quarry excavation as defined within the unincorporated area of the Township without first submitting an application as prescribed to the Township Board, and procuring a permit for the conduct of such operation from the Township Clerk.

No permits will be required for the following:

- a. Excavations for building construction purposes, pursuant to a duly issued building permit under the Township Building Code;
  - b. Where the moving, grading or leveling of the aforesaid materials is carried on by the land owner for the immediate use or development of the land upon which these substances are found;
  - c. Sod farming.
- 2. Application. A separate permit shall be required for each separate excavation site. Each application for a permit shall be made in writing to the township Clerk and shall contain the following information as condition precedent to the obligation to consider such request.
    - a. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
    - b. Full legal description of the premises wherein operations are proposed.



- c. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
- d. Detailed statement as to exactly what type of deposit is proposed to be extracted.
- e. Plan for the redevelopment or rehabilitation of the property upon completion of the mining operation.
- f. Topographical survey map showing existing grades and final grades after, to be prepared by a registered civil engineer, and drawing shall be submitted for review by the Township Board.
- g. Such other information as may be reasonably required by the Township Board to base an opinion as to whether a permit should be issued or not.

3. Permit Fees.

a. Quarry Excavation. After the application for quarry. excavation permit has been reviewed by the Township Planning Commission, the applicant will pay any cost of engineering services, investigation, publication charges and other miscellaneous administrative expenses occasioned by processing such application; provided that the fee as determined by the Township Board does not exceed five hundred (\$500) dollars. Quarry excavation permits issued by the Township shall be for a period of one year expiring on March 31st of each year, and such permits may be renewed by the payment of an annual inspection fee set by the Township Board, but not to exceed one hundred (\$100) dollars. Such permit shall be renewed as herein provided for so long as the permittee complies with all of the provisions of this Ordinance or other conditions set out in the permit.

b. Soil Removal Operation. A fee shall be paid to the Township Clerk at the time of filing any application as follows:

Five (5) acres or less	\$ 20.00
More than five (5) acres but ten (10) acres or less	30.00
More than ten (10) acres but twenty (20) acres or less	50.00
More than twenty (20) acres	100.00

A receipt shall be issued to the applicant showing the payment of said fee. Upon the issuance of any permit, the fee shall be paid into the General Fund of the Township, said sum is to be used to defray the administrative expenses occasioned by processing such application.

4. Quarry Excavation Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety, and general welfare of the citizens of the Township.

5. Removal of Soil, Sand or Other Materials. The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district except under a Temporary Certificate from the Township Clerk, after approval by the Township Engineer that such removal of soil will not be below the normal grade as established from the nearest existing or proposed road when such building grade has been established and approval by the Township Clerk for which a Temporary Certificate may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the

surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the District in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Building Inspector, and a building permit has been issued for said building development.

6. Mandatory Physical Requirements. The following requirements shall be mandatory:

a. Regulation for Stripping or Removal Operations.

- i. Any road used for the purpose of ingress or egress to said excavation site which is located within three hundred (300') feet of occupied residences, shall be kept dust free by hard-topping with concrete, bituminous substance or chemical treatment.
- ii. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
- iii. Wherever topsoil exists, suitable for growing turf or for other land use, at the time the operations begin, a sufficient quantity of topsoil shall be stock-piled on said side so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4") inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
- iv. The Township Board may require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.

b. Surety Bond Requirement.

The Township Board shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit either for quarrying, topsoil stripping, require the permittee to furnish a surety bond executed by a surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder provided, however, that in no case will the sum of the surety bond be less than one thousand (\$1,000) dollars for each acre or fraction thereof of land as shown on the original application. In fixing the amount of such surety bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel operator to comply by Court Decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

**ARTICLE 6-A SPECIAL LAND USE APPROVAL REQUIREMENTS**

**SECTION 651. INTENT**

THE formulation and enactment of this Ordinance is based upon the division of the Township into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impacts on neighboring uses or public facilities there is a need to carefully regulate them with respect to their location for the protection of the community. These uses, due to their peculiar locational need or the nature of the service offered, may have to be established in a district where they cannot be reasonably allowed as a permitted use.

**SECTION 652. AUTHORITY TO GRANT PERMITS**

THE Planning Commission, as hereinafter provided, shall have the authority to grant special approval use permits, subject to such conditions of design, operation, and safeguards as may be determined for all special approval uses specified in the various provisions of this Ordinance.

**SECTION 653. APPLICATION AND FEE**

APPLICATION for any special approval use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township. No part of such fee shall be returned to the applicant.

**SECTION 654. DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATION**

AN application for a special approval use permit shall contain the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved; a site plan in accordance with Section 802 and a statement of supporting data, exhibits, information, and evidence regarding the required findings set forth in this Ordinance.

**SECTION 655. PUBLIC HEARINGS AND NOTICES**

UPON receipt of an application for a special land use, which requires a decision on discretionary grounds, one (1) notice that a request for special land use approval has been received shall be published in a newspaper, which circulates in the Township, and sent by mail or personal delivery to the owners of property for, which approval is being considered, to all persons to whom real property is assessed within three hundred (300') feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300') feet regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupants is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. The notice shall:

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1. Describe the nature of the special land use request.
2. Indicate the property, which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created

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and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate the date, time and place where the public hearing on the special land use will be held.

**SECTION 656. REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS**

THE Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:

1. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
  - a. Will be consistent with maintenance of the public health, safety, and welfare.
  - b. Will be of such location, size and character that it will be in harmony with all applicable regulations of the zoning district in which it is to be located.
2. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for establishment of the proposed use shall be able to provide adequately any such service.

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

3. Will be compatible with adjacent uses of land and the natural environment.
  - 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.
  - b. Will be designed such. that the location, size, intensity, site layout and periods of operation of any such proposed use shall 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.
  - c. Will be designed such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings.
  - d. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. Will promote the use of land in a socially and economically desirable manner.

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.

SECTION 657. DETERMINATION AND IMPOSITION OF CONDITIONS

1. If the facts in the case establish that the findings and standards set forth in this Ordinance apply to the proposed use, and have been met, the Planning Commission shall grant special approval. In granting a special approval use permit, the Planning Commission may impose such reasonable conditions of use as is determined necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance. Conditions imposed shall meet all of the following requirements:
  - a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will, use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the 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.
2. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

SECTION 658. APPROVAL, GRANT OF PERMIT

UPON holding a public hearing, and findings that the requirements of this Article have been satisfactorily met by the applicant, the Planning Commission shall within thirty (30) days grant special approval. The Planning Commission's decision on a special approval use shall be incorporated in a statement containing the conclusions relative to the special approval under consideration which specifies the basis for the decision, and any conditions imposed. Upon approval, a special approval permit shall be issued to the applicant. The Planning Commission shall forward a copy of the permit to the applicant, Clerk, and Building Inspector. This record shall be on file in the Clerk's Office as well as being made a part of the site plan or building records for that parcel. The statement of conditions will be recorded in the County Register of Deeds.

SECTION 659. APPEAL TO CIRCUIT COURT

1. Decisions of the Planning Commission shall be final. However, a person having an interest affected by a special land use decision may appeal to Circuit Court. Upon appeal the Circuit Court shall review the record and decision of the Planning Commission to insure the decision:
  - a. Complies with the Constitution and laws of the State.
  - b. Is based upon proper procedure.
  - c. Is supported by competent material and substantial evidence on the record.
  - d. Represents the reasonable exercise of discretion granted by law to the Planning Commission.

2. If the Court finds the record of the Planning Commission inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Planning Commission, the Court shall order further proceedings before the Planning Commission on conditions which the Court considers proper. The Planning Commission may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Court.
3. As result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Planning Commission.

#### SECTION 660. VOIDING OP SPECIAL APPROVAL USE PERMIT

ANY approval given by the Planning Commission, under which premises are not used or work is not started within eighteen (18) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect. The Planning Commission may grant the applicant one (1) or more six (6) month extensions of time if good cause is shown.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Building Inspector to suspend such special approval use permit until review by the Planning Commission. The Planning Commission shall determine if a violation has indeed occurred. In the case of a violation, the Planning Commission shall direct such corrective action as it determines is necessary to bring conformance with this Ordinance, or the Planning Commission shall cancel the special approval use permit in question.

#### SECTION 661. OUTDOOR THEATERS

OUTDOOR theaters are allowed in the Light Industrial (I-1) Districts subject to the following extra standards:

1. Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall only be permitted when the site in question is surrounded by a non-residential district.
2. The proposed internal design shall receive approval from the Building Inspector as to adequacy of drainage, lighting, screening and other technical aspects.
3. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares and shall not be available from any residential street.
4. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or to stand within a dedicated right-of-way.
5. The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed so as to be confined within, and directed onto the premises of the outdoor theater site.
6. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all, activities within the development.

**SECTION 662. AUTO RACE TRACKS**

AUTO race tracks (including midget, auto, motorcycle and go-kart tracks) are allowed in the Light Industrial (I-1) District subject to the following extra standards:

1. Because auto race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and cause noise levels which may project beyond the property so used, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

**SECTION 663. HORSE AND DOG RACE TRACKS**

HORSE and dog race tracks are allowed in the Light Industrial (I-1) District subject to the following extra standards:

1. Because horse and dog race tracks develop a concentration of vehicular traffic in terms of ingress and egress from their parking areas and require sizable land areas which would be incompatible with business or residential districts, they shall be permitted when located adjacent to a major thoroughfare and shall be located on a parcel of land which is abutting land zoned for industrial purposes on all sides of the parcel in question.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access to the parking areas shall be provided from a major thoroughfare.
4. All sides of the development not abutting a major thoroughfare shall be screened with a fence or wall so as to obscure from view all activities within the development.

**SECTION 664. GOLF COURSES**

GOLF COURSES are allowed as special approval uses in the Agricultural (AG-1), and Agricultural (A) Districts provided:

1. The site is so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto a major thoroughfare or a marginal access drive thereof.
2. All development features including the principal building and any accessory buildings or structures are so located and related to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200') feet to the property line of abutting residentially zoned lands and public rights-of-way provided where topographic conditions are such that the building would be screened from view, the Planning Commission may modify this requirement.

3. Major accessory uses which are generally of a commercial nature, such as a restaurant and bar, shall be housed in a single building with a club house. Minor accessory uses which are strictly related to the operation of the golf course itself, such as maintenance garage and pro shop, may be located in separate buildings.
4. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turnstile.
5. Off-street parking shall be provided in accordance with the provisions of Section 603.

**SECTION 665. LARGE SCALE OUTDOOR RECREATIONAL USES**

LARGE SCALE OUTDOOR RECREATIONAL USES, including recreational fields (football, softball, baseball, soccer and similar activities), tennis courts, basketball courts, ice skating rinks, music concert pavilions and band shells, downhill ski facilities, picnic grounds, miniature golf courses, golf driving ranges, campgrounds, riding stable, hay rides, small boat rental, swimming facilities, landing fields for hang gliders and hot air balloons, ~~kid type rides, and tracks for off-road vehicles (but not including motorcycle and auto race tracks, and horse or dog tracks)~~ or similar uses for physical and outdoor exercises are allowed as special approval uses in the Agricultural (A) District provided the following standards are met:

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1. The subject property is at least twenty (20) acres or more in area and is located on a major thoroughfare having an existing or proposed right-of-way of not less than one hundred twenty (120') feet.
2. All development features including the principal building and spectator seating facility shall not be closer than two hundred (200') feet to a public street or land zoned AG-1, except where natural topographical conditions are such that the development features would be screened from view, this requirement may be modified.
3. No activity shall take place within thirty (30') feet of the perimeter of the recreational area, All such activities shall be screened from abutting land zoned AG-1 by means of a protective screening device as determined by the Planning Commission.
4. Exterior lighting shall be installed in such a manner that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent roads.
5. Adequate trash containers shall be provided on the site. The site shall be periodically cleared of debris so that wind blown litter does not accumulate on adjacent properties.
6. In order to insure that the recreational use is compatible with adjacent land uses, the Planning Commission may require such items as landscaped buffer strips with berms, off-site street improvements, fencing security facilities, and other improvements in order to insure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.
7. Related accessory commercial uses such as refreshment stands, concession counters, and sit-down restaurants which may include the sale of alcoholic beverages, retail shops selling or renting sport and recreational items such as a "pro-shop" or rental equipment store, office buildings relating to the management of the recreational use, spectator seating, and service areas including locker rooms, showers, restrooms, and similar facilities may be permitted in conjunction with the recreational uses when it is clearly incidental to the main recreational character of the use. Such related accessory uses



shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except that owned by the proprietor.

8. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6') feet in height and entry shall be by means of a controlled gate or turnstile.
9. Off-street parking shall be provided in accordance with the provisions of Section 603.
10. Permitted accessory uses which are generally of a minor commercial nature shall be housed in a single building. Minor accessory uses which are strictly related to the operation of the recreational use itself, such as a maintenance garage, may be located in a separate building.

#### SECTION 666. AMUSEMENT AND RECREATION SERVICES

1. Indoor Recreation. Recreation centers similar to bowling alleys, skating rinks, racquet sports, health clubs, archery ranges, amusement areas, arcades, and similar forms of recreation or amusement are permitted in the B-1 Local Business District provided they are conducted wholly within a completely enclosed building.
2. Amusement-Oriented Outdoor Recreation. Outdoor recreational space for adult or children's amusement parks, circuses, carnivals, rebound tumbling facilities, outdoor dance pavilions, miniature golf courses, and golf driving ranges are permitted in the B-1 Local Business District subject to the following special standards:
  - a. The site shall not abut directly or across a street, any AG-1 District.
  - b. Children's amusement parks shall be fenced on all sides with a wall or fence not less than four feet six inches (4'-6") in height.
  - c. No loud speaker or public address system shall be used except by express written consent of the Township Planning Commission wherein it is deemed that no public nuisance or disturbance will be established.

#### SECTION 667. GUN CLUBS, SHOOTING AND ARCHERY RANGES

Gun Clubs, shooting and archery ranges are allowed in the Agricultural District (AG) subject to the following extra standards.

1. The Shooting Range shall be defined as "an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or other similar sport shooting whether commercial, public or private."
2. It must be located on a parcel of twenty (20) or more acres in area.
3. The shooting range must be located at least two hundred and fifty (250) feet from any lot line.
4. All ingress and egress from said parcel must be directly from a public road.
5. Off - road all weather parking sufficient to accommodate the users of the premises, shall be constructed in areas that fall outside the shooting range, permitted culvert shall be provided.
6. Non-road parking shall be permitted.

7. All new gun clubs, shooting and archery ranges and any additions to such uses shall be designed by an engineer or architect licensed by the State of Michigan.
8. All new shooting ranges shall meet the design standards of the National Rifle Association.
9. Applications for special land use permits shall be made to the Planning Commission, through the Township Clerk, by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township. No part of such fee shall be returned to the applicant. The proposed land use must comply with all Federal, State, County, and Local laws, rules and regulations.
10. Before permit approval, applicant must provide Planning Commission with a formal site plan or drawings of the facility. Drawings must graphically illustrate how and for what purpose a particular range facility will be constructed.
11. A liability insurance policy which protects participants, visitors, and others, including trespassers shall be provided to the Township Clerk for his/her approval prior to commencement of the use. All policies must be provided on a yearly basis or when there is a change in insurance carriers. The Township Clerk shall also be notified if the policy has been altered, cancelled, terminated, or severed in any manner.
12. Before approval all residents and property owners within one - quarter (1/4) mile of the said parcel will be notified and a public hearing concerning the special land use, will be held at the expense of the applicant.
13. Applicants must provide the Township Clerk with a copy of any permits that they receive from either the State of Michigan or the Department of Natural Resources (DNR).
14. Sunday shooting shall be prohibited.
15. Monday thru Saturday shooting hours of 9:00 a.m. to 5:00 p.m. shall be enforced.
16. Toilet facilities shall be provided and shall be approved by the County Health Department.
17. Waste containers shall be provided.
18. Safety rules, supplied by the applicant with his/her application, shall be strictly enforced.
19. Before transfer of property can occur, property owner must have the said parcel inspected for contamination (e.g. lead/hazardous waste). This inspection must be conducted by either an agent of the State or and individual/organization certified to perform such inspections. The inspection shall be conducted at the owner's expense.
20. Limitation upon skeet and trap shooting fields. The establishment and use of skeet and trap fields within this district shall be subject to the following special limitations:
  - a. An unobstructed safety zone shall be maintained with respect to all skeet and fields or shooting stations.
  - b. Skeet and trap fields shall be located only in areas designated therefore on the development plan.

- c. No more than (2) fields for either skeet shooting or for trap shooting or for a combination of skeet and trap shooting, shall be permitted in this district and no skeet or trap field shall be permitted upon any parcel of land less than 20 acres in area.
  - d. Lead shot is prohibited. Shot must consist of Steel, Bismuth-Tin, Tungsten or other non-toxic shot that has been approved by the U.S. Fish and Wildlife Service. Maximum shot size is limited to 7 112 and shotguns no larger than 12 gauge. High velocity or magnum loads are prohibited.
21. Special limitation upon rifle and handgun ranges. The establishment and use of rifle and handgun ranges within this district shall be subject to the following limitation:
- a. Rifle and handgun ranges shall have earthen embankments for backstops purposes which shall extend at least 15 feet above the base of the range.
  - b. Rifle and handgun ranges shall be located only in those areas designated as such on the development plan.
  - c. Rifle and handgun ranges shall be oriented only in a north-south direction or a east-west direction and all firing shall be from north to south or east to west.
  - d. No more than 2 rifle and handgun ranges shall be maintained in this district, and no hand gun range shall be in excess of 50 yards in width and 100 yards in depth or specifications of the National Rifle Association. One rifle range may be maintained with a width of 200 feet and a depth not to exceed 300 yards and a second rifle range may be maintained with a depth not to exceed 100 yards and a width not to exceed 50 yards or National Rifle Association specification.
  - e. No rifle or handgun range shall accommodate more than 10 persons at any one time.
22. Backstops. Backstops may consist of:
- a. Naturally occurring hills or mountain sides.
  - b. Earthen, constructed from clean fill material.
  - c. Earthen, constructed from clean fill and stabilized.
  - d. Fabricated, using steel or wooden cribs.
  - e. To reduce ricochets, the facing surface must be free of rocks and debris to a depth of 18-24 inches.
  - f. In flat, open terrain the backstop height shall be a minimum height of 15 feet. The backstop embankment shall be compacted to 95 percent maximum dry density. The range side slope (side facing the shooter) must be as steep as possible but not less than 45 degrees or a ratio of 1-to-1.
  - g. A natural hill that has the required height and slope may be used as a backstop. The natural slope must be at least a ratio of 1.5 to 1 (33 -34) degrees) and the height from the toe of the cut slope to the visual crest should be at least that specified for a man-made backstop. The area to be cut shall start a minimum of 15 feet above the horizontal surface of the proposed range surface as measured from the target center.

- h. Wooden cribs may be used for the core of a backstop with additional earth placed on the facing side. All backing material shall consist of soft wood, such as pine.
  - i. Steel backstops approved for high power rifles may also be used, with a minimum height of 15 feet, inclined at an angle not to exceed 45 degrees from horizontal.
  - j. All target frames shall be made of soft wood, namely pine.
23. Archery shall be conducted only in the area designated "archery area" on the development plan.
  24. All-weather signs shall be posted around the entire perimeter of the premises described in the plan. The signs shall be posted on the average of one sign each 100 linear feet along the perimeter. Each sign shall be two square feet and shall contain wording which warns of shooting on the premises.
  25. Steel gates must be installed on all entrances to the range.
  26. Proposed range shall not be located within 50 feet of a wetland or creek unless the shooting range is situated in a manner that forces shooting in the direction away from described areas.
  27. A description of property shall be provided, with a plan drawn to 20 scale by a Engineer or an Architect. Details must be provided on the plan sufficient for the Planning Commission to make a decision. All designs are subject to Planning Commission approval.

*Amended 12/14/05*

**SECTION 668. COMBAT GAME AREAS**

COMBAT game areas in which participants use air-guns or other similar devices which are intended only to "mark" participants and not injure them are permitted in the Agricultural (AG) District subject to the following special standards:

1. The site shall contain a minimum of forty (40) acres per game field. The site shall not abut directly or across a street any AG-1 District. The site shall have direct access to a public road.
2. A three hundred (300') foot buffer zone around the perimeter of the property shall be provided in which no game activities are permitted. This buffer area shall be clearly marked so that participants will not use the area.
3. A four hundred fifty (450') foot buffer zone shall be established and clearly marked on the sides between the subject parcels and adjacent existing residences.
4. No trespassing signs shall be placed in prominent locations approved by the Building Inspector around the boundary of the property.
5. The hours of operation shall not exceed 9:00 AM to one-half (1/2) hour before sunset.
6. A plan for emergency medical facilities and treatment shall be provided to the County Emergency Preparedness Officer for his approval prior to commencement of the use.

7. A liability insurance policy which protects participants, visitors, and others, including potential trespassers shall be provided to the Township Attorney for his approval prior to commencement of the use.
8. The applicant shall provide off-street parking to standards established in the ordinance for at least fifty (50) vehicles.
9. No more than fifty (50) people shall be permitted to participate on game fields at any one time.
10. Toilet facilities shall be provided and shall be approved by the County Health Department.
11. Safety rules, supplied by the applicant with his application, shall be strictly enforced at all times.

**SECTION 669. HUNT CLUBS AND GAME PRESERVES**

Hunt Clubs and Game Preserves are allowed in the Agricultural District (AG) subject to the following extra standards. These standards shall become effective immediately for any new applicant, or upon recertification for those individuals or businesses that are currently operating a Hunt Club and/or Game Ranch that must renew their permit with either the State of Michigan or the Department of Natural Resources (DNR) yearly or otherwise.

1. It must be located on a parcel of eighty (80) contiguous acres or more, but not to exceed three hundred (300) acres.
  - a. The total acreage allocated to Hunt Clubs and Game Preserves within the township shall not exceed four hundred and fifty (450) acres.
2. The shooting area must be located at least four hundred and fifty (450) feet from a building or structure on any adjacent property.
3. All ingress and egress from said parcel must be directly from a public road.
4. Off- road parking sufficient to accommodate the users of the premises shall be provided, with permitted culvert.
5. No on-road parking shall be permitted.
6. Applications for special land use permits shall be made to the Planning Commission through the Township Clerk, by filing an official special approval use permit application form; exhibits and information; and depositing the required fee as established by resolution of the Township. No part of such fee shall be returned to the applicant. The proposed use must comply with all Federal, State, County, and Local laws, rules and regulations.
7. A liability insurance policy which protects participants, visitors, and others, including trespassers shall be provided to the Township Clerk for his/her approval prior to commencement of the use. All policies must be provided on a yearly basis, or when there is a change in policy carriers. The Township Clerk shall also be notified if the insurance policy is altered, canceled, terminated, or severed in any manner.
8. Before approval all residents within one - quarter (1/4) mile of the said parcel will be notified and a public hearing concerning the special land use permit will be held at the expense of the applicant.

9. Applicants must provide Township Clerk with a copy of the permit they receive from either the State of Michigan or the Department of Natural Resources (DNR).
10. Toilet facilities shall be provided and shall be approved by the County Health Department.
11. Waste containers shall be provided.
12. Safety rules supplied by the applicant with his/her application shall be strictly enforced.

Lead shot is prohibited. Shot must consist of Steel, Bismuth-Tin, Tungsten or other non-toxic shot that has been approved by the U.S. Fish and Wildlife Service.

*Amended 8/20/05*

## ARTICLE 7 GENERAL EXCEPTIONS

### SECTION 700. AREA, HEIGHT AND USE EXCEPTIONS

THE regulations in this Ordinance shall be subject to the following interpretations and exceptions.

### SECTION 701. ESSENTIAL SERVICES

ESSENTIAL services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

### SECTION 702. VOTING PLACE

THE provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

### SECTION 703. HEIGHT LIMIT

THE height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use.

### SECTION 704. LOT AREA

ANY lot existing and of record at the time this Ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area requirements of this Ordinance except as provided in Section 602 #2 "Nonconforming Uses". Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

### SECTION 705. YARD REGULATIONS

WHEN yard regulations cannot reasonably be complied with, as in the case of a planned development in the Multiple-Family District, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulation may be modified or determined by the Board of Appeals.

### SECTION 706. MULTIPLE DWELLING SIDE YARD

FOR this purpose of side yard regulations, a two-family, a row house, or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.

Deleted: multiple-dwelling

### SECTION 707. LOT WIDTH

ALL residential building lots shall have three hundred thirty (330) feet of road frontage on a Public Road or a Township approved Private Road. Shortages caused by short sections due to survey reconciliation may have lesser frontages but in no case less than three hundred fifteen (315) feet.

*Amended 1/19/01*

## **ARTICLE 8 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 800. ENFORCEMENT**

THE provisions of this Ordinance shall be administered and enforced by the Building Inspector, or his deputies, or such other official or officials as may be designated by the Township Board.

### **SECTION 801. DUTIES OF BUILDING INSPECTOR**

THE Building Inspector shall have the power to grant zoning compliance and occupancy permits, 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 issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

THE Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance.

UNDER no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

THE Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

### **SECTION 802. PLOT PLAN**

THE Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size and location of all, buildings and other structures to be erected, altered, or moved and of any building or structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

### **SECTION 803. PERMITS**

THE following shall apply in the issuance of any permit:

1. Permits Not to be Issued: No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
2. Permits for New Use of Land: No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.



3. Permits for New Use of Buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. Permits Required: No building or structure or part thereof, except farm buildings, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of constructions, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affected or regulated by the Township of Lynn Building Code, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

#### SECTION 804. CERTIFICATES

NO land, building, or part thereof, shall be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. Certificates Not to be Issued: No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. Certificates Required: No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. Certificates Including Zoning: Certificates of occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
4. Records of Certificates: A record of all certificates issued shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. Certificates of Dwelling Accessory Buildings: Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. Application for Certificates: Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the Building Inspector and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

#### SECTION 805. FINAL INSPECTION

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

SECTION 806. FEES

FEES for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

## **ARTICLE 9 BOARD OF APPEALS**

### **SECTION 900. CREATION AND MEMBERSHIP**

THERE is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Act 184 of Public Acts of 1943, as amended and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of the following three (3) members:

1. The first member shall be Chairman of the Township Planning Commission, for the term of his/her office.
2. The second member shall be a member of the Township Board, appointed by the Township Board, for the term of his/her office.
3. The third member shall be selected and appointed by the Township Board from among the electors, residing in the unincorporated area of Lynn Township, for a period of three (3) years. Provided, that no elected officer of the Township nor any employee of the Township's Board may serve simultaneously as the third member or as an employee of the Township Board of Appeals. The total amount allowed such Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be provided annually in advance by the Township Board.

### **SECTION 901. MEETINGS**

ALL meetings of the Township Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedure may specify. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote, indicating said fact, and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Notices of all hearings by the Board of Appeals shall be published in a paper of general circulation in the Township not less than 15 days prior to the meeting. Notices of hearings dealing with a specific parcel or parcels such as a variance request shall also be sent to owner of the subject parcel or parcels and all property owners and occupants within 300', consistent with the requirements for Special Land Use requests outlined in Section 655.

### **SECTION 902. APPEAL**

AN appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Inspector. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Building Inspector and with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Board of Appeals after notice of appeal has 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 a court of record.

THE Board shall select a reasonable time and place for the hearing of the appeal and give due notice hereof as required in Section 901 and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

#### SECTION 903. FEES

THE Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Treasurer of Lynn Township.

#### SECTION 904. JURISDICTION

THE Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the State of Michigan. Said powers include:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. Variance. To authorize, upon an appeal, a non-use variance from the strict applications of the provisions of this Ordinance where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in practical difficulties to, the owner of such property. The Board of Appeals may not issue a use variance. In granting a non-use variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance. The applicant must comply with all of the following standards in order to demonstrate practical difficulties.
  - a. The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
  - b. The variance is the minimum necessary to provide adequate relief to the applicant and is not so large that it is unfair to similarly situated property owners who managed to comply with the requirements or make do with a smaller variance.
  - c. The problem is due to circumstances unique to the property and not to general conditions in the area.
  - d. The problem that resulted in the need for the variance was not a self-created hardship. In this instance "self-created" includes actions by the current owner or past owners of the property.

- e. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done
3. Exceptions and Special Approvals. To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this Ordinance specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Ordinance, including the following:
    - a. Interpret the provisions of this 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 and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
    - b. Permit the erection and use of a building or use of premises for public utility purposes.
    - c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
    - d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
    - e. Permit temporary buildings and uses for periods not to exceed two (2) years.
  4. In consideration of all appeals and all proposed variations to this Ordinance, the Board shall, before making any variations from the Ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township of Lynn. The concurring vote of two (2) members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision, or determination of the Building Inspector, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority being reserved to the Township Board of Lynn Township in the manner provided by law.

**SECTION 905. ORDERS**

IN exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the orders, 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.

SECTION 906. NOTICE

THE Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which shall in all cases include all owners of record of property within three hundred (300') feet of the premises in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties, as it shall prescribe.

Deleted: parties

SECTION 907. MISCELLANEOUS

NO order of the Board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

NO order of the Board permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if 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 the terms of such permit.

## **ARTICLE 10 PLANNING COMMISSION APPROVAL**

IN cases where the Township Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Board for the proper consideration of the matter.

THE Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

THE Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.

ANY approval given by the Planning Commission , under which premises are not used or work is not started within six (6) months or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

## **ARTICLE 11 CHANGES AND AMENDMENTS**

### **SECTION 1100. INITIATING AMENDMENTS**

1. A proposal for an amendment to the text of this Ordinance may be initiated by any person by the filing of a petition meeting the requirement outlined below requesting consideration of the amendment, and a copy of the proposed text change with the Zoning Administrator.
  - a. The petition required above shall be signed by a number of registered electors residing in the Township, equal to at least ten (10) percent of the total votes cast for all candidates for governor in the last general election at which a governor was elected. All signatures shall be collected no more than sixty (60) days prior to the submission of the application for amendment. The petition shall include the proposed text amendment.
2. Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:
  - a. An application for rezoning.
  - b. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
  - c. The necessary fees for such zoning change.
  - d. A copy of the deed to the property.
3. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Township Board or the Township Planning Commission upon filing with the Township Zoning Administrator a resolution duly adopted identifying the proposed amendment.

## SECTION 1101. PROCEDURES

1. The Township Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Township.
2. The first notice shall be published not less than fifteen days prior to the date of the hearing and shall include the following:
  - a. Describe the nature of the request.
  - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - c. State when and where the request will be considered
  - d. Indicate when and where written comments will be received concerning the request and the places and times at which the proposed amendment may be examined prior to the meeting.
  - e. Indicate when and where a copy of the proposed amendment may be viewed.
3. The Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question as well as all the owners of property within three hundred (300) feet of the parcel as identified in the most recent tax roll of the Township and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction, not less than fifteen (15) days before the hearing. Notice shall also be given in similar fashion to electric, gas, and pipeline public utility company, each telecommunication service provider, to each railroad company owning or operating any public utility or railroad or any airport within zoning districts affected that registers its name and mailing address with the Township for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
4. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
5. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:
6. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Township Board for their consideration.
7. Following receipt of the Planning Commissions report, the Township Board shall grant a hearing on a proposed ordinance provision to a property owner in the Township, who by certified mail addressed to the Township Clerk indicates a desire to be heard on the matter. In such a case the Township Board may request the Township Planning Commission to attend the meeting.



8. At the second reading of the proposed zoning ordinance amendment the Township Board may take the following actions on a zoning amendment.
  - a. Approve the request by a majority vote of the Township Board's membership.
  - b. Deny the request.
  - c. Hold a public hearing on the matter before the decision. Notice of a public hearing held by the Township Board, shall meet the requirements for the Planning Commission's public hearing.
  - d. Consider changes to the proposed amendment. If the Township Board desires to make any changes to the amendment as submitted by the Township Planning Commission, it may, at its option, refer the matter back to the Planning Commission for a second report within a time period specified by the Township Board.
9. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The notice shall include:
  - a. A summary of the regulatory effect of the amendment or the actual text of the amendment.
  - b. The effective date of the ordinance. This date may be as few as seven (7) days after the publication of the ordinance.
  - c. The place and time where a copy of the ordinance may be purchased or inspected.
10. If within seven (7) days after publication of an amendment to the ordinance, the Township Board is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Township, a petition may be filed with the Township Clerk within thirty (30) days following publication of the ordinance. If a petition signed by a number of registered electors residing in the Township, equal to not less than ten (10) percent the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, is filed with the Township Clerk, a referendum on the ordinance amendment shall be held.

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**ARTICLE 12 INTERPRETATION**

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

**ARTICLE 13 VESTED RIGHT**

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

**ARTICLE 14 ENFORCEMENT, PENALTIES AND OTHER REMEDIES**

SECTION 1400. VIOLATIONS

ANY person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SECTION 1401. PUBLIC NUISANCE PER SE

ANY building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per Se, and may be abated by order of any court of competent jurisdiction.

SECTION 1402. FINES, IMPRISONMENT

THE owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereto shall be liable to the fines and imprisonment herein provided.

SECTION 1403. EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**ARTICLE 15 RIGHTS AND REMEDIES ARE CUMULATIVE**

THE rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE 16 SEVERANCE CLAUSE**

SECTIONS of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect

the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

**ARTICLE 17 EFFECTIVE DATE**

PUBLIC hearing having been held herein, the provisions of this Ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of Section 11, of Act 184 of the Public Acts of 1943, as amended.

MADE and passed by the Township Board of the Township of Lynn, St. Clair County, Michigan on this 21st day of December, 1970.

- 16. Date of Public Hearing: December 10, 1970
- 17. Date of Adoption by Township Board: December 21, 1970
- 18. Date of Publication: January 7, 1971.
- 19. This Ordinance Shall Become Effective: January 7, 1971

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Township Clerk