
Zoning Ordinance

Lexington Township Sanilac County, Michigan

Ordinance No. 02-01

Adopted: November 21, 2002

Effective: December 8, 2002

This edition includes amendments through June 2010, including 2008.

This edition includes additional amendments through March 2018.

- July 2011 Board Approved B&B Sign Ordinance Amendment (Brd Meeting 7/21/2011)
- October 2011 Board Approved Wind Energy Conversion System & MET Towers Ordinance Amendment (Brd Meeting October 20, 2011)
- July 2012 Board Approved Corrections & Footnote (Brd Meeting July 19, 2012)
- Ordinance #13-01 Lakefront Residential, Recreational, & Resort (LFRRR) District
- Ordinance #14-01 Collocation of Wireless Communication Equipment
- Ordinance #14-02 Wind Energy Conversion System & MET Towers
- Ordinance #15-01 Site Development Standards: Schedule B & E
- Ordinance #15-02 Alphabetized Order of Definitions and Index
- Ordinance #15-03 Administration and Enforcement
- Ordinance #16-01 Site Plan Review
- Ordinance #16-02 Site Development Standards Schedule , B Definitions, Bluffline.
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Zoning Ordinance

Lexington Township, Sanilac County, Michigan

Section 1.1.0 — Title

This Ordinance shall be known and may be cited as "The Lexington Township Zoning Ordinance".

Section 1.2.0 — Purposes

This Ordinance is based on the Lexington Township Master Plan and provisions of the Township Rural Zoning Act, being Act 184 of the Public Acts of 1943, as amended, and is intended to regulate use of land and structures, to regulate development of land, and to accomplish the following: promote the public health, safety and general welfare; ensure the use of land will be appropriate as to location and relationship with other uses of land; limit overcrowding of land; prevent congestion of population; ensure provision of and efficient use of transportation, sewage, water supply, energy, education, recreation, and other public facilities; require use of lands in accordance with it's character and adaptability; and provide for orderly development of the Township with minimal nuisance or hazard to life and property.

Section 1.3.0 — Scope

- .01 Where any condition imposed by this Ordinance upon the use of any lot, building or structure is either more or less restrictive than any other Ordinance of the Township, the requirement that imposes a higher standard or condition shall apply.
- .02 This Ordinance is not intended to abrogate any easement, covenant or other private agreement affecting real property, provided that where this Ordinance Imposes a higher standard or condition than such easement, covenant or other private agreement, the provisions of this Ordinance shall govern.
- .03 Every use of land, building, or structure, every building or structure built, altered, relocated, enlarged, or demolished in any manner which requires a building permit after the effective date of this Ordinance, shall

be subject to all regulations contained herein which are applicable to the zoning district within which the use of the land, building or structure is located.

- .04 Building setbacks and lot areas existing at the effective date of this Ordinance shall not be reduced below the minimum requirements of this Ordinance. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.
- .05 The regulations contained in this Ordinance shall be considered the minimum regulations to promote and protect the public health, safety and general welfare.
- .06 This Ordinance shall apply to the unincorporated portions of the Township of Lexington, Sanilac County, Michigan.

Section 1.4.0 — Validity and Severability

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

Section 1.5.0 — Effective Date

This Ordinance shall become effective seven (7) days from the date of publication of the notice of adoption of this Ordinance.

Section 1.6.0 — Repeal of Prior Ordinance and Savings Clause

The Lexington Township Zoning Ordinance, effective July 13, 1994, and all amendments thereto are hereby repealed coincident with the effective date of this Ordinance. The repeal of said ordinance shall not release or relinquish any violation, penalty or liability incurred thereunder and such ordinance shall be treated as remaining in full force and effect for the purpose of instituting or sustaining any action for enforcement of provisions in said ordinance.

Section 1.7.0 — Legal Basis

This Ordinance is enacted in accordance with Michigan Public Act 184 of 1943, as amended.

Section 2.1.0 — Rules of Interpretation

The following rules of interpretation shall apply:

- The particular shall control the general.
- The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.
- The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.
- A "building" or "structure" includes any part thereof
- Unless clearly indicated to the contrary, any regulation involving two or more items connected by conjunction "and", "or", "either ... or", the conjunction shall be interpreted as follows:
 - "And" indicates that all connected items shall apply.
 - "Or" indicates the connected items may apply singly or in any combination.
 - "either ...or" indicates that the connected items apply singly, but not in combination.
- Words used in the present tense shall include the future tense; words used in the singular shall include the plural, and the plural shall include the singular, unless the text clearly indicates the contrary.
- The word "shall" is always mandatory. The word "may" is permissive.
- In the case of any difference of meaning between the text of this Ordinance and any illustration, the text shall control.
- Terms not herein defined shall have the meaning customarily assigned to them.
- Days mean calendar days.

Section 2.2.0 — General Definitions

For the purpose of this Ordinance, certain words and terms are defined as follows:

ABUTTING:

A lot or parcel that has a common border with another lot or parcel.

ACCESS MANAGEMENT (ACCESS CONTROL):

A technique to improve or preserve traffic operations along a major roadway and minimize potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct roadway access. Methods used include construction of frontage roads, service drives, shared driveways, and medians or islands to direct traffic flow and control ingress and/or egress.

ACCESSORY USE, BUILDING OR STRUCTURE:

A use, building or structure which is incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot or parcel as the principal use, building or structure to which it is related. Though they may be connected by a roof, a building or structure is not an integral element of the principal structure, unless a common wall with enclosed living space of the principal building.

ADJACENT (LOT OR PARCEL):

A lot or parcel that abuts or is directly across a public street or private easement from another lot or parcel.

ADULT BOOKSTORE:

An establishment having as a substantial portion of its stock in trade: books, magazines and other periodicals, printed or computer-generated images, videocassettes, video disks, and the like which are restricted to persons over the age of eighteen (18) and which is distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" (as defined below) or "Specified Anatomical Areas" (as defined below) or an establishment with a substantial segment or section devoted to the sale, rental, or display of such material.

ADULT MOTION PICTURE THEATER:

An establishment used for presenting material restricted to persons over the age of eighteen (18) distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" (as defined below) or "Specified Anatomical Areas" (as defined below) for observation by patrons therein. This definition includes an outdoor theater or small, private enclosures or booths used for similar purposes.

ADULT RELATED BUSINESS:

Any activity described under the definitions of Adult Bookstore, Adult Motion Picture Theater, Premises for Nude Entertainment, or Nude Modeling Studio and any other business having any employee or entertainer (in person or by motion picture, television, hologram or other type of image) displaying any "specified anatomical areas" or engaging in any "specified sexual activity" as defined herein.

AGRICULTURAL:

Means farms and farming in general (see definition of farm).

AGRICULTURAL PRODUCTS

Includes, but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL TOURISM, "AG-TOURISM" AND/OR "AGRI-TOURISM":

Means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

AGRICULTURALLY RELATED PRODUCTS

Means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Michigan and value-added agricultural products and production on site.

AGRICULTURALLY RELATED USES:

Means those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, barn dances, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

ALLEY:

Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATIONS:

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

ANIMAL NUISANCE:

Any nuisance such as odor, noise, destruction, which is caused by any animal, is considered to be animal nuisance.

ANIMAL PEN:

Any open or partly open structure or enclosure holding four (4) or more dogs or two (2) or more of any other kind of animal.

APARTMENTS:

A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT HOUSE:

A residential structure containing three (3) or more apartments.

ARCADE:

Any place, premises, establishment, building or portion thereof in a retail or commercial facility in which are located for public use five (5) or more coin operated amusement devices. This definition does not include establishments not open to the general public.

ARCHITECTURAL FEATURES:

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

ARTERIAL ROADWAY:

Any roadway owned and maintained by the Michigan Department of Transportation where movement of through traffic the primary function, with service to adjacent land a secondary function.

ATTIC:

The space between the ceiling beams of the top habitable floor and the roof. (See Figure 1)

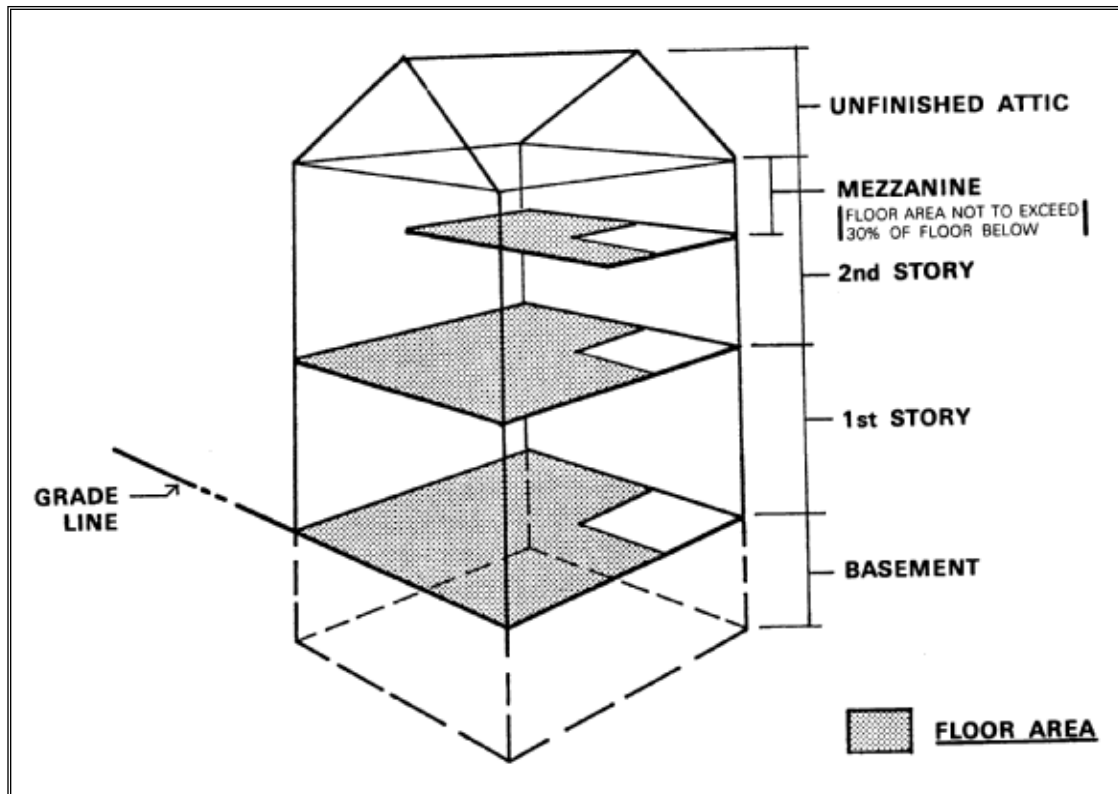
AUTOMOBILE REPAIR:

General repair, engine rebuilding, rebuilding or re-conditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing.

AUTO REPAIR STATION:

A place where, along with the sale of engine fuels, the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Figure 1: Basic Structural Terms



AUTOMOBILE SERVICE STATION:

Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
2. Tire servicing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;

5. Washing and polishing, and sale of automotive washing and polishing materials when accessory and incidental to the principal operation;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
12. Sales of hot or cold non alcoholic beverages, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to the principal operation;
13. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, rustproofing, welding, storage of automobiles not in operating condition other than those in for immediate repair or service, storage or sale of used auto parts, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or garage nor a body shop (See Garages, Commercial).

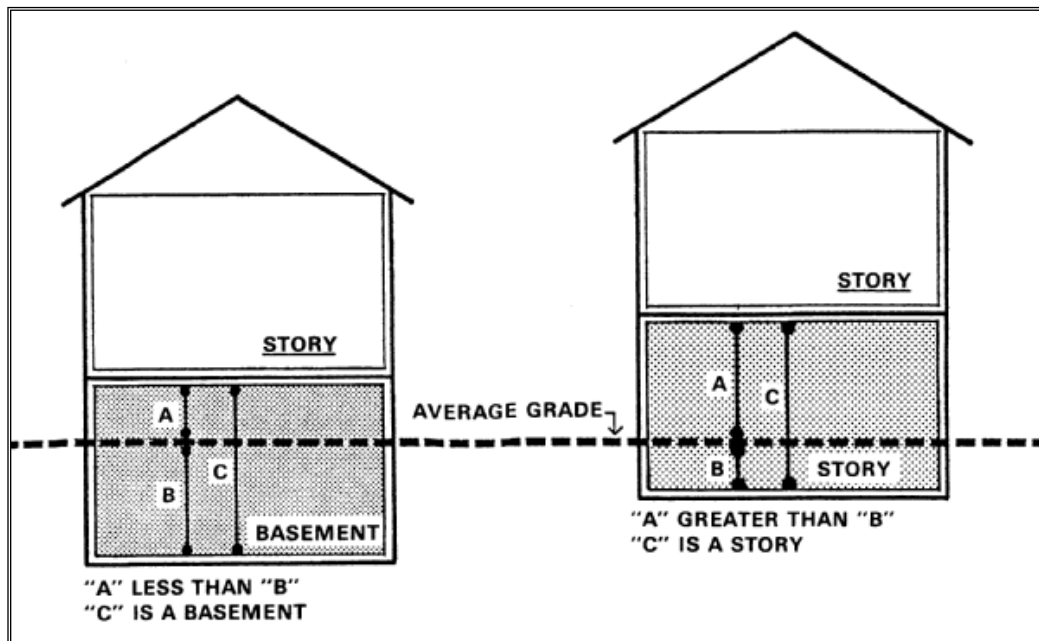
AUTOMOBILE WASH ESTABLISHMENT:

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BARN (LIVESTOCK BUILDING):

Barn (Livestock Building): Any building or buildings which have the primary purpose of housing livestock, storage of farm produce and/or farm equipment of a bona fide farm.

Figure 2: Basement & Story



BASE FLOOD:

A flood having a one percent chance of being equaled or exceeded in any given year. This is also referred to the 100-year flood.

BASEMENT: (See Figure 2)

That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the basement floor is greater than the vertical distance from average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST ESTABLISHMENT:

A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment (See Tourist Homes)

BERM:

A mound of earth graded, shaped, and improved with grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

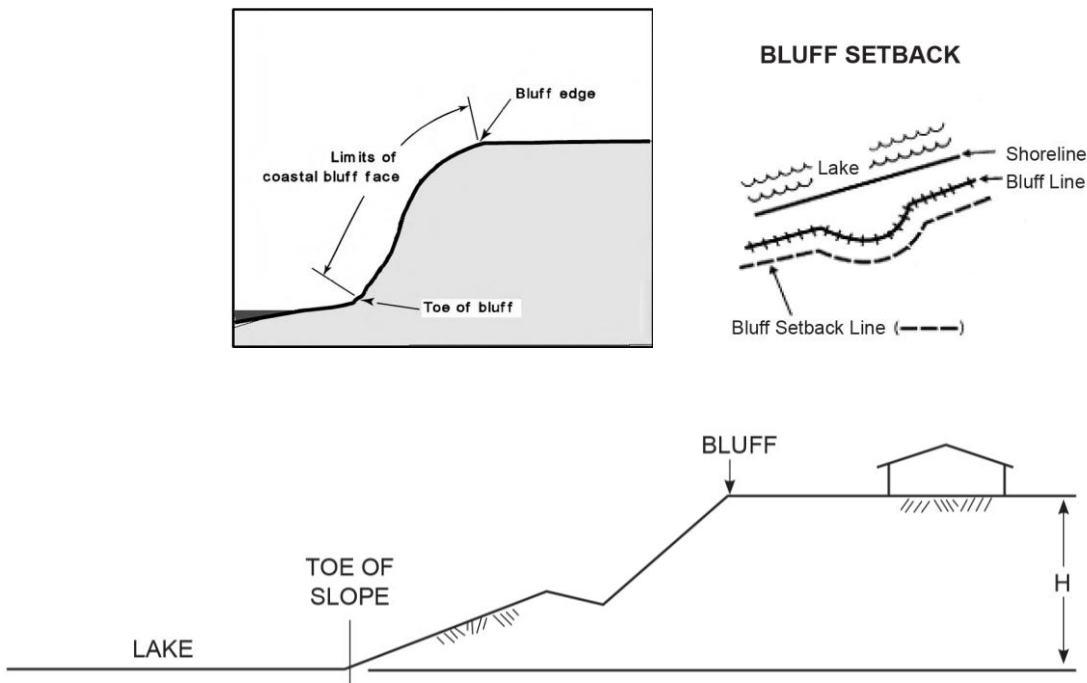
BLOCK:

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

BLUFFLINE:

The line locating the edge or crest of the elevated segment of shoreland above the beach that typically has a precipitous front, with steep inclines on the lakeward side. Where no precipitous front exists, the line of perennial vegetation shall be considered the bluffline.

Figure 3: Bluffline



BOARD OF ZONING APPEALS:

Means the Zoning Board of Appeals of the Township of Lexington.

BOARDING HOUSE: (see BED AND BREAKFAST ESTABLISHMENT).

BUFFER ZONE:

A strip of land often required between zoning districts and reserved for plant material, berm, walls or fencing to serve as a visual or sound or privacy barrier.

BUILDING:

Any structure having a roof supported by walls, columns or other supports, which is used for the purpose of housing, sheltering or enclosing persons, animals or personal property or is used for conducting any business activities. This definition includes, Manufactured Housing Community/ Manufactured Home Subdivisions, tents, sheds, garages, greenhouses, and other accessory structures.

BUILDING AREA:

Means the space remaining after the minimum open space requirements of this Ordinance have been met.

BUILDING CODE, MICHIGAN:

The Michigan Building Code or building code means “The 2000 Michigan Building Code” which became effective July 31, 2001 under the Construction Code Act of 1972, as amended and as may be amended in the future.

BUILDING HEIGHT:

In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the high point of the ridge for mansard roofs, gable, hip and gambrel roofs. For measurement of height of accessory buildings, see Section 3.12.0.01.

BUILDING, HIGH RISE:

Any building exceeding thirty-five (35) feet in height.

BUILDING INSPECTOR OR BUILDING OFFICIAL:

An individual appointed by the Board of Trustees delegated to administer the Michigan Building Code within the Township, if the Township has chosen and been approved to exercise this responsibility. Alternatively, an individual(s) appointed at the County level by an appropriate authority to administer the Michigan Building Code.

BUILDING LINE:

A line that defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line or ordinary high water mark or bluff line.

BUILDING PERMIT:

Means a permit issued by the Building Inspector under the terms of the Michigan Building Code; it is not the same as a Certificate of Zoning Compliance, Occupancy Permit, or a special or temporary use permit.

BUILDING, PRINCIPAL:

A building in which is conducted the main or principal use on a lot or parcel.

CAMPGROUND:

A public or private parcel of land wherein recreational areas and sites are offered for the use of the public or members of any organization, either free of charge, or for a fee, for the establishment of temporary lodging for tents, travel trailers, truck campers, motor homes or other similar recreational units.

CANOPY TREE:

A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree and which provides shade to adjacent ground areas.

CELLAR:

See definition of basement.

CERTIFICATE OF ZONING COMPLIANCE:

A document signed by the Zoning Administrator or a seal on a final site plan, as a condition precedent to the commencement of a use or the construction of any building or structure, that such use, building or structure complies with the provisions of this Ordinance.

CHILD CARE CENTER (DAY CARE CENTER):

A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center are licensed by the State of Michigan under Public Act 116 of 1973, as amended. Child care center or day care center does not include:

1. A Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during any twelve (12) month period.
2. A facility operated by a religious organization where children are cared for not more than three (3) hours while parents or guardians attend religious worship services.

(CHILD) FAMILY DAY CARE HOME (Licensed):

A private home (dwelling) in which one (1) but fewer than seven (7) children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year. Family day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

CHURCH OR SYNAGOGUE:

A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

CLINIC:

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, and other medical specialists and other medical professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

CLUB:

The buildings and facilities used by a non-profit organization of persons for special purposes or for the promotion of sports, arts, science, literature, politics, social activities, and other similar group activities.

COIN OPERATED AMUSEMENT DEVICE:

Any amusement machine operated by means of a coin or token or activated by any other means, for the purpose of amusement or test of skill. Coin operated music machines shall not be considered a coin operated amusement device.

COLLOCATE:

Means to place or install wireless communication equipment on an existing wireless communication support structure or in an existing equipment compound. COLLOCATION has a corresponding meaning.

COMMERCIAL RECREATION ESTABLISHMENT:

A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities, either within an enclosed building or outdoors and operated as a business for public use for a fee.

COMMON LAND:

A parcel(s) of land with improvements, the use, maintenance and enjoyment of which are intended to be used by owners or occupants of individual building units in a subdivision, condominium project, or a planned unit development.

COMMON OPEN SPACE:

An unoccupied area within a planned unit development that is reserved for the leisure and enjoyment of all planned unit development residents and maintained by common by them or a homeowners association.

COMMON ELEMENTS:

The portions of the condominium other than the condominium units.

COMMUNICATION TOWER:

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. A communication tower shall not be included under the existing definition of essential services.

CONDOMINIUM ACT:

Public Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION (including SITE CONDOMINIUM):

For the purposes of this ordinance, a condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning ordinance and the township subdivision control ordinance. If no township subdivision control ordinance is in effect, the term shall be equivalent to the term "subdivision" as used in the Subdivision Control Act (Public Act 288 of 1967, as amended).

CONDOMINIUM SUBDIVISION PLAN:

The site, survey, and utility plans; site drawings, floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, horizontal and vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements. A condominium subdivision plan must be attached to the Master Deed.

CONDOMINIUM UNIT:

That portion of a condominium project or site condominium subdivision that is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium unit also owns a share of the common elements. The terms "condominium unit" and "site condominium" shall be considered the equivalent to the term "lot" for purposes of determining compliance to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this ordinance shall apply to site condominium units as though they are designed and recorded under provisions of Public Act 288 of 1967 as amended.

CONDOMINIUM UNIT ENVELOPE:

That portion of a condominium building site which contains the principal building(s) and which is designed and intended for separate ownership and use, as described in the master deed.

CONTRACTIBLE CONDOMINIUM:

A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.

CONGREGATE HOUSING:

A dwelling unit providing shelter and services for the elderly that may include meals, housekeeping, and personal care assistance. Such facility offers a semi-independent lifestyle, but does not provide intensive health care such as dispensing of medications, nursing or medical care. (See Foster Care Facility)

CONVALESCENT HOME, HOME FOR THE AGED, OR NURSING HOME:

A home for the care of children, or the aged, or infirm, or a place of rest for those suffering bodily disorders, and licensed or required to be licensed by the State of Michigan, but not including housing for the elderly where such persons live independently in individual apartment units.

CONVERTIBLE AREA:

A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

CORRECTIONAL FACILITY:

Any lot or parcel of land and/or building intended for use as a prison, reformatory, jail, correction, detention or housing facility for adult or juvenile persons convicted of any crime. A correctional facility shall include any facility operated by the State of Michigan and agencies thereof, other governmental unit, or a private organization. Also, any land or building intended for use as a training or detention facility in connection with farming or vocational skills training shall be included in this definition.

COURT:

An open, uncovered, unoccupied space other than a yard partially or wholly surrounded on at least two (2) sides of a building. A court having at least one (1) side thereof opening onto a public or private street, alley, or yard or other permanent open space is an outer court. Any other court is an enclosed or an inner court.

CUL-DE-SAC:

A dead end public or private street that terminates in a circular section that allows for vehicle turnaround.

DANGEROUS / HAZARDOUS SUBSTANCES:

Chemical and gases, explosive, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammable or corrosives.

DAY PARK:

A non-commercial, not for profit, parcel of land with or without a structure, designed to serve the recreational needs of the residents, including, but not limited to, playgrounds, sports fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

DECELERATION LANE:

An added roadway lane that permits vehicles to slow down before turning adjacent to, but not on a lane intended for through traffic.

DENSITY:

The number of dwelling units developed per net or gross acre of land.

DEPUTY ZONING ADMINISTRATOR

An individual appointed by the Township Board who shall assist the Zoning Administrator in administering the Lexington Township Zoning Ordinance.

DEVELOPMENT:

The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT:

A portion of the unincorporated area of the Municipality within which certain regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN:

A business establishment so designed that its retail or service activity is dependent on a driveway approach for motor vehicles to serve patrons while in the motor vehicle, including customer communication facilities for financial institutions and restaurants serving food and beverages from a drive through window to patrons in motor vehicles.

DRIVEWAY:

A passageway of definite width, primarily for use by motor vehicles, over private property, loading from a street or other public way to a garage or parking area. A horseshoe shape drive or a "T" shape drive located within a front yard is included within this definition.

DRIVEWAY THROAT WIDTH:

The driveway width, measured perpendicularly from the edge of pavement or curb face, in the narrowest section of the driveway.

DWELLING UNIT:

A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having living, eating, sleeping, cooking and sanitary facilities independent of any other dwelling unit. A dwelling unit shall include both factory manufactured units and site built units.

DWELLING UNIT, ATTACHED:

A dwelling unit attached to any other dwelling unit by common structural elements.

DWELLING UNIT, DETACHED:

A dwelling unit that is not attached to another dwelling unit by any other means.

DWELLING UNIT, EFFICIENCY:

A dwelling unit of not more than one room in addition to kitchen and bathroom.

DWELLING UNIT, MULTIPLE FAMILY:

A building designed for three (3) or more dwelling units.

DWELLING UNIT, SINGLE-FAMILY:

A building containing not more than one (1) dwelling unit designed exclusively for and occupied exclusively by one (1) family, complying with the following standards:

1. It complies with the minimum square footage requirement: 1280 square feet or greater as set forth in Schedule A of Section 3.23.0. This square footage will be taken from the main footprint of the proposed blueprint only. No add on additions to meet square footage requirements will be allowed.
2. It has a minimum width across any front, side or rear elevation of twenty-four (24') feet and complies in all respects with the Michigan Building Code, including minimum heights for habitable rooms. The homes

must have an overhang of not less than Six inches (6") on all sides. 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 Michigan Building Code, then and in that event such federal or state standard or regulation with greater jurisdiction shall apply.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Building Code and shall have a wall of 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 manufactured housing, as defined herein, such dwelling shall, in addition thereto, 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 Manufactured Housing Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a manufactured (or mobile) home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Sanilac County Health Department.
6. 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.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, and 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.
8. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of manufactured housing communities (or 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 twenty (20%) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured housing communities (or 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.

The dwelling contains no additions or rooms or other areas that 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.

9. The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home (or mobile home), all construction and all plumbing, or electrical apparatus and insulation within and connected to said manufactured home (or 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.

10. The foregoing standards shall not apply to a manufactured home (or mobile home) located in a licensed manufactured housing community except to the extent required by state or federal law.

11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and requirements.

DWELLING UNIT, TWO-FAMILY:

A detached building designed for and containing two (2) dwelling units.

EASEMENT:

A grant of one or more property rights by a property owner to another person or public entity.

ELECTRICAL CODE:

That portion of the Michigan Building Code regulating electrical installation, repairs, and application. This code is under the authority of "The 2000 Michigan Building Code" which became effective July 31, 2001 under the Construction Code Act of 1972, as amended and as may be amended in the future.

ELIGIBLE FACILITIES REQUEST:

Means any request for modification of an existing wireless tower or base station that involves:

1. collocation of new transmission equipment;
2. removal of transmission equipment; or
3. replacement of transmission equipment.

EQUIPMENT COMPOUND:

Means an area surrounding or adjacent to the base of a wireless communication support structure and within which wireless communication equipment is located.

ERECTED:

Any physical activity on land involving placement construction, fabrication or building of any structure or excavation in preparation for any structure above, on, or below ground.

EROSION:

The collapse, subsidence or removal of soil along a drain, creek, river, pond, lake or other watercourse occurring as a result of inadequate resistance to the flow of water over the soil or as a result of poor soil stabilization. Erosion shall also include the air borne displacement or removal of soil as a result of inadequate vegetative or other protective ground cover or moisture.

ESSENTIAL SERVICES/PUBLIC UTILITIES:

The erection, construction, alteration, or maintenance of utility systems whether underground, surface or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone, and cable television facilities and the required accessory uses and structures.

EXCAVATION:

Any activity involving removal of soil from the ground.

EXPANDABLE CONDOMINIUM:

A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

FAMILY:

1. One or more persons related by blood, marriage, or adoption, with their direct lineal descendants and including the domestic employees thereof living as a single, nonprofit housekeeping unit, or
2. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

FARM:

All of the contiguous, neighboring or associated land operated as a single unit on which bona-fide farming is carried on. Provided, however, that land to be used as and considered a farm hereunder shall include a contiguous parcel of not less than ten (10) acres in area, provided further, farms shall be considered as including establishments operated as bona-fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries, but the operation of stock yards, stone quarries, rubbish disposals, gravel and sand pits shall not be considered farms hereunder unless combined with bona-fide farm operations on the same continuous tract of land.

FARM BUILDINGS:

Any structure or building other than a dwelling used or built on a farm.

FARM MARKET / ON-FARM MARKET / ROADSIDE STAND:

Means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land.

FEEDLOT:

An animal feeding operation is a concentrated animal feeding operation for the purposes of §122.23 (Under 40 CFR 122, Appendix B) and for the purpose of defining a “feedlot” under this zoning ordinance, if either of the following criteria are met.

1. More than the numbers of animals specified in any of the following categories are confined:
 - A. 1,000 slaughter and feeder cattle,
 - B. 700 mature dairy cattle (whether milked or dry cows),
 - C. 2,500 swine each weighing over 25 kilograms (approx. 55 lbs.),
 - D. 500 horses,
 - E. 10,000 sheep or lambs,
 - F. 55,000 turkeys,
 - G. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
 - H. 30,000 laying hens or broilers (if the facility has a liquid manure system),
 - I. 5,000 ducks, or

- J. 1,000 animal units¹ as a result of any combination; or

Notwithstanding the above schedule, the following schedule shall apply in cases where one of the following conditions are met:

- pollutants are discharged into navigable waters through a manmade ditch, flushing system or other similar manmade² device; or
 - pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility; or
 - pollutants otherwise come into direct contact with the animals confined in the operation.
2. More than the following number and types of animals are confined:
- A. 300 slaughter or feeder cattle,
 - B. 200 mature dairy cattle (whether milked or dry cows),
 - C. 750 swine each weighing over 25 kilograms (approx. 55 pounds),
 - D. 150 horses,
 - E. 3,000 sheep or lambs,
 - F. 16,500 turkeys,
 - G. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
 - H. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
 - I. 1,500 ducks, or
 - J. 300 animal units¹ as a result of any combination:

Provided, however, that no animal feeding operation is a concentrated animal feeding operation (feedlot) as defined above under schedule 2 if such animal feeding operation discharges only in the event of a 25 year, 24-hour storm event.

The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

FENCE:

An accessory structure intended for use as a barrier to property ingress or egress, a screen for privacy from objectionable view or noise, or for decorative purpose.

¹ All other animal types not in schedules 1. and 2. are to be calculated as one thousand pounds live weight equals one animal unit.

² The term manmade ditch or device means constructed by man and used for the purpose of transporting wastes.

FILLING:

The permanent depositing or dumping of any matter onto or into the ground, excluding activities relating to farming, lawn maintenance or landscaping.

FLEA MARKET:

An enclosed or outdoor retail activity in which two or more persons, operating independently, sell new or used hardgoods, furniture, antiques, novelties or other merchandise.

FLOOD OR FLOODING:

A general and temporary condition of partial or complete inundation of normally dry land area from:

1. Overland flow of inland water, or
2. The unusual and rapid accumulation of runoff or surface water from any source.

FLOOD HAZARD AREA:

Land that, based on available flood plain information, is subject to a one percent (1%) or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (Firm):

A map of the Township prepared by the Federal Emergency Management Agency, which identifies 100 and 500-year flood plain and other flood related information; and which is used as the official floodplain map for insurance purposes.

FLOOD INSURANCE STUDY:

The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

100-YEAR FLOOD PLAIN:

Same as Flood Hazard Area.

FLOODPROOFING:

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY:

The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be preserved in order to discharge the base flood waters. Floodway is the same as the regulatory floodway.

FLOOR AREA, GROSS:

The sum of all horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross floor area except where they are used for commercial purposes such as the outdoor sale of merchandise.

FLOOR AREA RATIO:

The ratio of gross floor area of a building to the area of the lot or parcel on which it is located, calculated by dividing the gross floor area in square feet by the lot area in square feet and expressed as a percentage. In calculating the floor area ratio, the floor area of accessory buildings shall be included.

FLOOR AREA, RESIDENTIAL:

For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or

from the centerline of walls separating two (2) buildings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE (for the purpose of computing parking):

That area used for or intended to be used for the sale of merchandise or service, or for use to serve patrons, clients, or customers. Such floor area that 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". Measurements 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.

FOSTER FAMILY HOME (private home):

A private residence (dwelling) in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, or a family day care home, as follows:

1. "Foster family home" is a private home (dwelling) in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.
2. "Foster family group home" means a private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code (MCL 710.21-710.70) are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

FRATERNITY/ SORORITY HOUSE:

A dwelling unit maintained exclusively for persons who are joined together by common interests and affiliated with an institution of higher education.

FRONTAGE ROAD:

A public or private street that parallels a public street located between the right-of-way line and the front building setback line. Frontage roads can be one-way or two-way in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial roadway and adjacent land user. A road that allows parking or is used as a parking aisle within a parking lot may be considered as a frontage road.

GARAGE, COMMERCIAL:

A garage available to the public, operated for financial gain, and used for storage, keeping, care, repair, rental, servicing, washing, hire, sale, or equipping automobiles and other motor vehicles.

GARAGE, PRIVATE:

Means an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is necessary.

GARAGE SALE:

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis as regulated by Lexington Township Ordinance #83-1, as amended.

GENERAL COMMON ELEMENTS:

The common elements other than the limited common elements.

GRADE:

The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished ground is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GRADE, AVERAGE (see Figure 3):

The arithmetic average of the lowest and highest grade elevations in an area five (5) feet from the foundation of a building or structure.

GRADE, FINISHED:

The lowest point of elevation between the exterior wall of the structure and the line five (5) feet from the exterior wall of the structure.

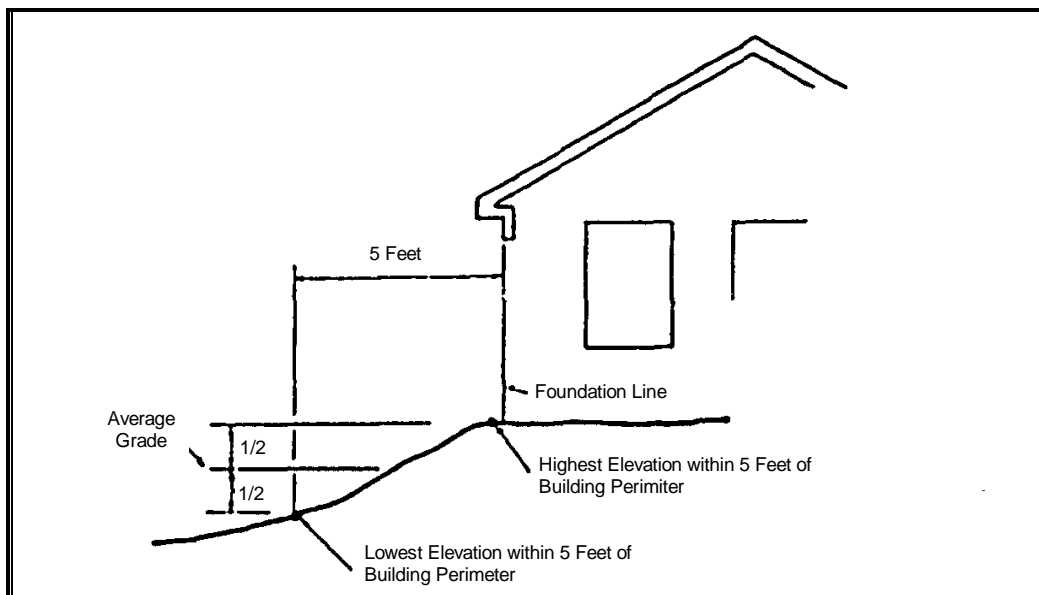
GRADE, NATURAL:

The elevation of the ground surface in its natural state, before man-made alterations.

GREENBELT:

A landscaped area along a street between the curb or road shoulder and the front yard parking setback line.

Figure 4: Average Grade



GROSS SITE AREA:

The total area of a planned unit development site, including flood plain and waterbodies.

GROUP DAY CARE HOME:

A private home (dwelling) in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. Group day care homes are licensed by the State of Michigan under Public Act 116 of 1973, as amended.

GUEST COTTAGE(S):

A small dwelling unit (not to exceed 900 sq.ft.) equipped with a kitchen, bath and bedroom/sleeping facilities. The cottage shall be supplied with adequate water and sewerage and be ancillary to the primary dwelling on the property. The guest cottage/s shall be a short-term rental not to exceed thirty (30) consecutive days to any one tenant.

GUEST HOUSE:

A dwelling not to exceed 1,100 square feet, equipped with a kitchen, bath and bedroom/sleeping facilities. The guest house shall be equipped with adequate water and sewerage and be ancillary to the primary dwelling on the property.

HALFWAY HOUSE:

Any land or building intended for and used for the occupancy and therapy of mentally disturbed or emotionally ill persons not requiring intensive care, supervision or confinement. For purposes of this Ordinance, all requirements for public and semi-public institutions shall apply.

HEALTH AUTHORITY:

The Authority and his designated agents, being full-time administrative officers of an approved township, county, or district board or department of health, delegated this authority by the state.

HIGH RISK EROSION AREA (HREA):

Area of shoreland on Lake Huron subject to a high risk of deterioration as designated by the Michigan Department of Natural Resources pursuant to Public Act 245 of 1970, as amended, and commonly known as the "Shorelands Protection and Management Act".

HOME OCCUPATION:

Allows residents to utilize their homes for economic means without altering the makeup or enjoyment of the residential areas in which they live.

HOSPITAL:

A facility offering primarily inpatient care and services for observation, diagnosis, and active treatment of patients with medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a medical doctor and medical support staff. A hospital may also have a clinic offering outpatient services.

HOTEL:

See "LODGING FACILITY"

INDUSTRY AND INDUSTRIAL USE:

The production, manufacture, fabrication, assembly, or material change of raw material, semi-finished goods and finished products, including customary accessory uses and facilities, excluding any farming activity.

JUNK:

Solid waste, rubbish, scrap materials, debris, and reclaimable material, including but not limited to tires, vehicle parts, scrap metal, paper, rags, wood, glass, appliances, dismantled, wrecked or abandoned motor vehicles, and any other used materials, excluding farm machinery, located in an agricultural zoning district.

JUNK DEALER:

Any person engaged in the business of buying, selling, exchanging, storing, receiving or disposing of junk, or in the business of decimating, wrecking and disposing of the junk or parts or refuse material of automobiles.

JUNKYARDS /JUNK SHOP / SALVAGE YARD:

Places for the decimating and wrecking of automobiles and the disposal of junk and automobile parts, buying, selling, exchanging, storing, receiving or disposing of junk.

KENNEL, COMMERCIAL:

Any lot or parcel on which four (4) or more dogs, six months or older, are kept, either permanently or temporarily, for the purpose of breeding, boarding, training, sale, or transfer.

LABORATORY:

A laboratory is a place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

LANDFILL, SANITARY:

A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the following:

1. Criteria established by Act 641 of the Michigan Public Acts of 1978, as amended, and any rules or regulations established based on this Act.
2. Sanilac County's adopted Solid Waste Management Plan.
3. Applicable Township ordinances.

LANDOWNER:

Shall mean the legal or beneficial owner or owners of all the land proposed to be used or developed. The holder of an option or contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be the landowner for the purpose of this Ordinance.

LANDSCAPING:

The treatment of the ground surface with live or synthetic materials such as, but not limited to, grass, ground cover, crushed stone, trees, shrubs, vines and other growing or synthetic horticultural material. Structural features such as fountains, shadow pools, statues, garden walls, pathways, benches and the like shall also be considered elements of landscaping but such structural features alone shall not meet the spirit and intent of landscaping requirements.

LIMITED COMMON ELEMENTS:

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

LIVESTOCK:

Animals including, but not limited to, horses, cattle, sheep, goats, swine, poultry and rabbits.

LIVESTOCK BUILDING:

See definition of "Barn".

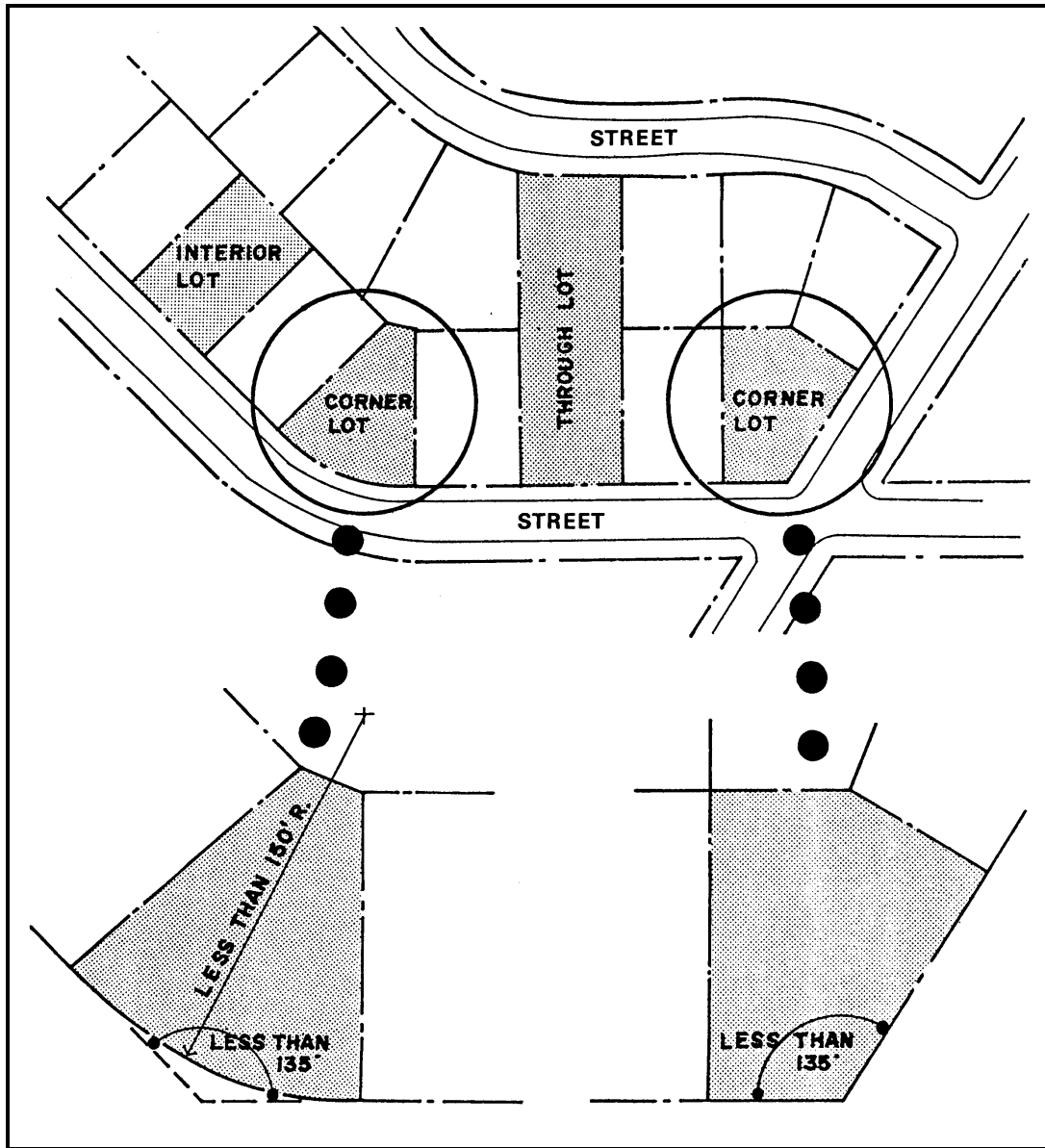
LOADING SPACE:

An off-street space on the same lot or parcel with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading any merchandise, materials or passengers.

LODGING FACILITY (HOTEL / MOTEL / MOTOR INN):

An establishment or a building/s providing a number of bedrooms, baths, etc. for the accommodation of travelers or other transient guests, and may offer food for sale provided that it is clearly accessory and incidental to the main use.

Figure 5: Interior, Through and Corner Lots



LOT (see Figure 5):

A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision having frontage upon a public street right-of-way or an approved private street and having sufficient area to comply with all lot requirements of this Ordinance for lot area, setbacks, lot coverage, and open space.

LOT, CORNER (see Figure 5):

Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one-hundred thirty-five (135) degrees.

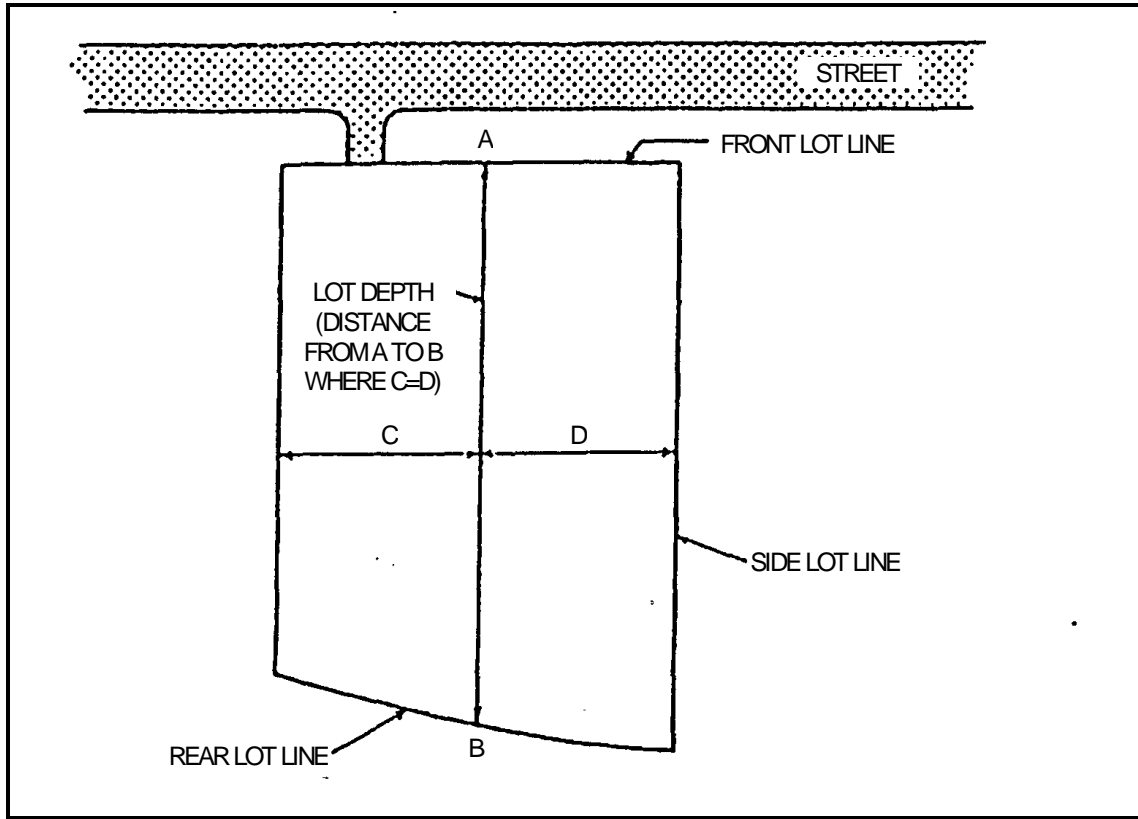
LOT, COVERAGE:

The part or percent of a lot occupied by buildings and structures.

LOT, DEPTH (See Figure 6):

The horizontal distance between the front and rear lot lines, measured along the mid-point between side lot lines.

Figure 6: Lot Depth



LOT, ILLEGAL:

A lot created after the effective date of this Ordinance that does not meet all dimensional requirements of this Ordinance. An illegal lot may not be used for any purpose and may not be granted any variance by the Zoning Board of Appeals.

LOT, INTERIOR (see Figure 5):

A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a public or private street.

LOT, NON-CONFORMING:

A lot of record created lawfully prior to the effective date of this Ordinance that does not meet the dimensional or other requirements of this Ordinance. A non-conforming lot of record may be used for uses permitted by right in this Ordinance, subject to approval of variance, site plan, special land use permit, or other permit as may be required by this Ordinance. The Zoning Administrator shall be empowered to grant administrative variances on lawful non-conforming lots of record (See Section 19.9.0).

LOT, THROUGH (also called DOUBLE FRONTAGE) (see Figure 5):

An interior lot having frontage on two or more streets.

LOT AREA, NET BUILDABLE:

1. **For all uses, except Planned Unit Developments:** The net lot area less areas devoted to floodplains or waterbodies, waterbodies being defined as any area greater than one acre in size, which are periodically or permanently covered with water.
2. **For Planned Unit Developments:** The net lot area less areas devoted to waterbodies.

LOT FRONTAGE (S):

That portion of any property abutting a public street; a corner lot and a through lot having frontage on both abutting streets.

LOT LINES (see Figure 6):

The line bounding a lot or parcel of land.

LOT LINE, FRONT (see Figure 6):

The line(s) separating the lot from any street right-of-way, private road or other access easement.

LOT LINE, REAR (see Figure 6):

The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at maximum distance from the front lot line.

LOT LINE, SIDE (see Figure 5):

Any lot line other than the front or rear lot line.

LOT OF RECORD:

A tract of land which is part of a subdivision plat or condominium subdivision or a tract described by metes and bounds description which is the subject of a deed, recorded plat or condominium subdivision, or a land contract which is likewise recorded in the Office of the Register of Deeds of Sanilac County.

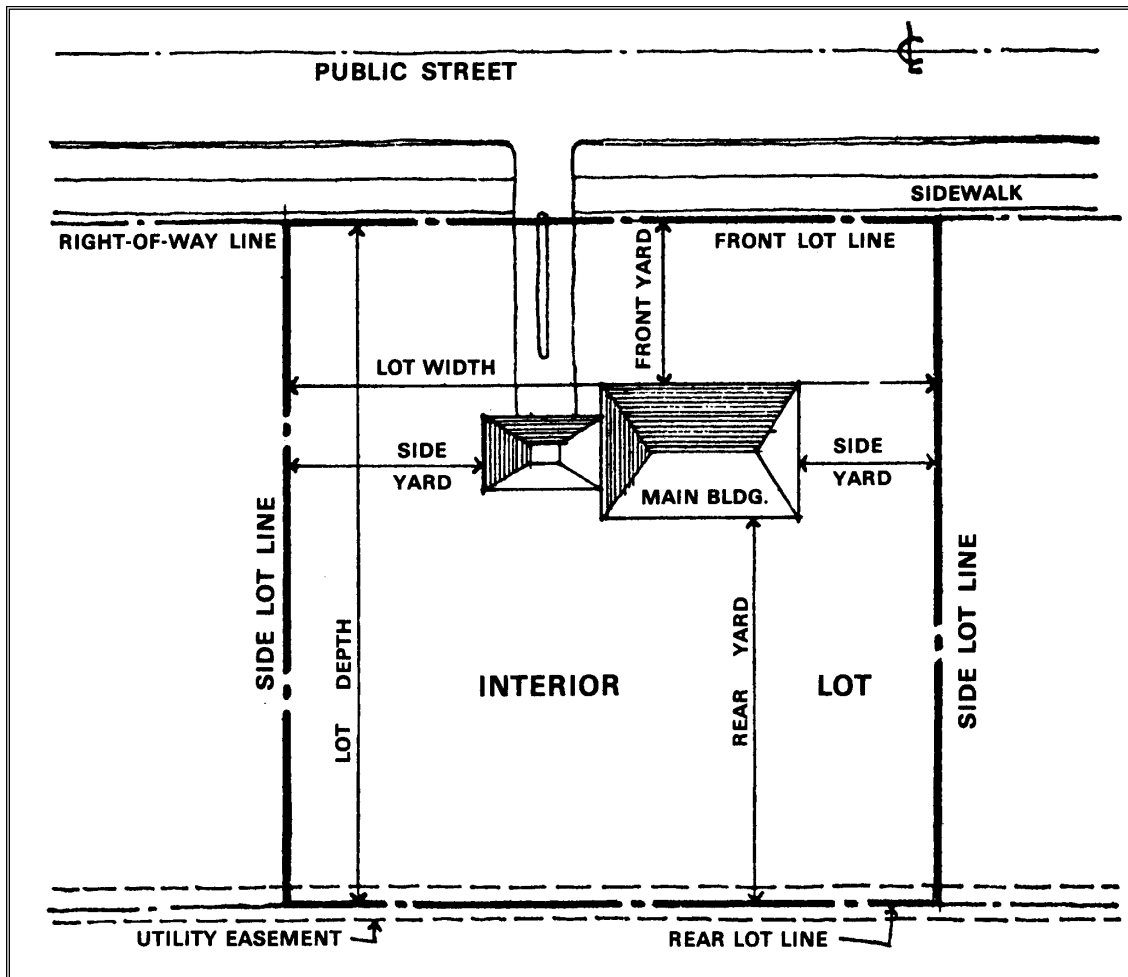
LOT WIDTH(see Figure 5):

The straight line horizontal distance between the side lot lines measured at the two (2) points where the minimum required front setback line intersects with the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines.

MAIN BUILDING:

A building in which is conducted the principal use of the lot upon which it is situated.

Figure 7: Lot Lines and Yards



MAJOR THOROUGHFARE:

A hard surfaced, arterial road or street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, state highway, county primary road, or equivalent term on the Lexington Township Thoroughfare Plan and has a planned right-of-way of at least 120 feet.

MANUFACTURED HOME:

A dwelling unit that is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location.

MANUFACTURED HOUSING:

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating air conditioning and electrical systems contained within the structure.

MANUFACTURED HOUSING COMMUNITY:

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a manufactured home park. The older term "manufactured home park" may also be used in portions of this Ordinance.

MANUFACTURED HOUSING COMMUNITY LICENSE:

A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this Ordinance and regulations issued hereunder. The older term “mobile home park” may also be used in portions of this Ordinance.

MANUFACTURED OR MOBILE HOME CONDOMINIUM PROJECTS:

A parcel of land under joint ownership as a condominium project which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit Envelopes.

MANUFACTURED OR MOBILE HOME STAND:

That part of an individual lot that has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.

MANUFACTURED OR MOBILE HOME LOT OR SITE:

A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term “park”), a condominium project or subdivision project or development.

MANUFACTURED OR MOBILE HOME SUBDIVISION:

A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.

MARGINAL ACCESS STREET:

A service street or roadway parallel to a major thoroughfare or arterial street and which provides access to abutting properties and protection from through traffic.

MASSAGE PARLOR:

An establishment, unless otherwise licensed by the State of Michigan, restricted to persons over the age of eighteen (18) and used for housing equipment and employing persons who give massages, body rubs, or muscle-relaxing exercises to other persons, necessitating human contact between such employee and any other person.

MASTER DEED:

The document recorded as part of a condominium subdivision plan to which are attached as exhibits deed covenants, bylaws, easement descriptions, survey and related documents.

MASTER PLAN:

A document containing development policy, land use and related plans, together with supporting documents, as most recently adopted by the Township Planning Commission pursuant to Public Act 285 of 1931.

MEMBERSHIP ORGANIZATIONS:

Membership Organizations include community service clubs, lodges, church halls, catering or renting halls, fraternal organizations, and the like. In this ordinance, Membership Organizations are a special land use in the O, Office (Section 11.3.0.7.) and a permitted use in the C, Commercial Districts (Section 12.2.0.14.).

MEZZANINE (see Figure 1):

An intermediate floor in any story occupying not more than one-third ($\frac{1}{3}$) of the floor area of such story.

MINI-WAREHOUSE:

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.

MOBILE HOME (see also MANUFACTURED):

Means a structure, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (e.g. a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, or a vehicle having its own motor power, or a vehicle moved on or drawn by another vehicle).

MOBILE HOME COMMUNITY:

A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. The older term “mobile home park” may also be used in portions of this Ordinance.

MOBILE HOME COMMUNITY LICENSE:

A written license issued by the Manufactured Housing Commission allowing a person to operate and maintain a manufactured housing community under the provisions of Michigan Public Acts 96 of 1987, as amended, and this Ordinance and regulations issued hereunder. The older term “mobile home park” may also be used in portions of this Ordinance.

MOBILE HOME OR MANUFACTURED CONDOMINIUM PROJECTS:

A parcel of land under joint ownership as a condominium project which has been planned and improved for the placement of manufactured or mobile homes for non-transient use, upon individual, separate Condominium Unit Envelopes.

MOBILE HOME DEVELOPMENT:

A parcel of land under single ownership which has been planned and improved for the placement of a mobile home for non-transient use, for the exclusive use of the owner, with other similar parcels of land in the adjoining properties.

MOBILE OR MANUFACTURED HOME STAND:

That part of an individual lot that has been reserved for the placement of the manufactured or mobile home, appurtenant structures or additions.

MOBILE HOME OR MANUFACTURED LOT OR SITE:

A parcel of land for the placement of a single manufactured or mobile home and exclusive use of its occupants within a licensed manufactured or mobile home community (previous term “park”), a condominium project or subdivision project or development.

MOBILE HOME OR MANUFACTURED SUBDIVISION:

A parcel of land under single ownership which has been planned and improved for the placement of manufactured or mobile homes for non-transient use on individual lots and for the purpose of selling the lots.

MODULAR HOME:

A dwelling built to meet the Michigan Building Code, which consists of pre-fabricated sections transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot or parcel (Also a manufactured home.)

MOTEL OR MOTOR COURT:

See “LODGING FACILITY”.

MOTOR HOME:

A self-propelled, licensed vehicle on a chassis, intended for recreation activities and temporary occupancy.

MUSEUM:

A building, room, facility or area used for preserving and exhibiting artistic, cultural, historical, or scientific objects.

NOISE:

To regulate or prohibit noise which either annoys, injures, or endangers the comfort repose, health, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person.

NON-AGRICULTURALLY RELATED PRODUCTS:

Means those items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

NON-AGRICULTURALLY RELATED USES:

Means activities that are part of an agri tourism operation's total offerings but not tied to farming or the farm's buildings, equipment, fields, etc. Such non-agriculturally related uses include amusement rides, concert, etc., and are subject to special use permit.

NONCONFORMING BUILDING OR STRUCTURE:

A structure of building lawfully constructed that does not conform to the requirements of this Ordinance.

NONCONFORMING USE:

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

NUDE MODELING STUDIO:

An establishment restricted to persons over the age eighteen (18) used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph, videotape, draw, sketch, or the like.

NUISANCE:

Any condition or use of premises or of building exteriors, which is unsightly or detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located.

NUISANCE FACTORS:

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use 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, things, or characteristics of use, such as but not limited to: (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 non-abutting street frontage.

NURSERY, PLANT MATERIAL

Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land space, building or structure, or any part thereof used for the sale of fruits, vegetables or harvested and cut Christmas trees.

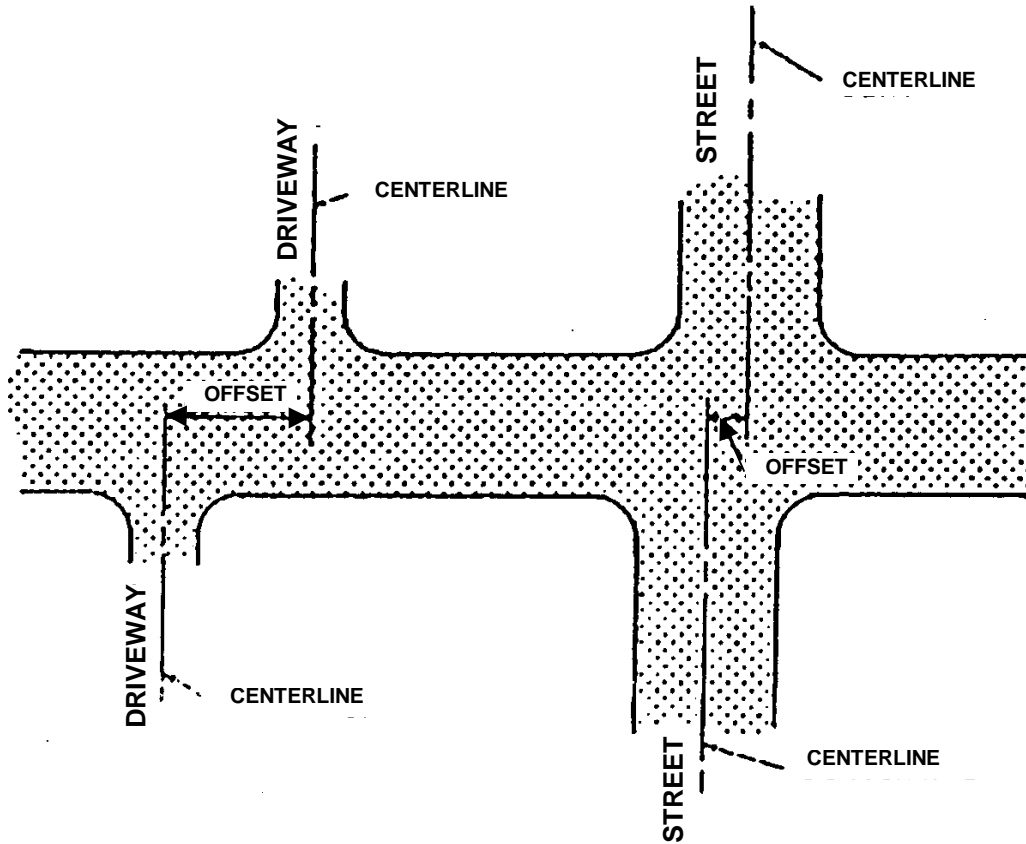
NURSING OR CONVALESCENT HOME:

A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

OBSCURING SCREEN:

A visual barrier between abutting uses or lots. The screen may consist of a wall, fence or living plant material.

Figure 8: Offset



OFFSET (see Figure 8):

The distance between the centerline of driveways or streets which are opposite from one another.

OFF-STREET PARKING AREA:

A land area upon which improved vehicular parking spaces along with adequate drives and aisles for maneuvering are placed for the parking of three or more automobiles.

OPEN AIR BUSINESS USES:

Open air business uses shall be interpreted to include the following uses:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, and home improvement equipment such as lawn movers, fertilizer spreaders, lawn rollers, etc.
2. Retail sale of fruits and vegetables.
3. Rental or sale of bicycles, recreational vehicles, mobile homes, trailers, motor vehicles, boats, or small hand equipment.
4. Outdoor display and sale of garages, swimming pools, and similar uses.

OPEN FRONT STORE:

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

ORDINARY HIGH WATER MARK (OHWM):

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland as to soil surface and type and vegetation.

OUTDOOR FURNANCE:

Any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or constructed outdoors for the primary purpose of combustion of solid fuel to produce heat or energy used as a secondary source of a heating system providing heat for any interior space.

PARCEL:

A lot described by metes and bounds description, whether or not included in a recorded plat or condominium subdivision.

PARKING SPACE:

Any space used for off-street parking of motor vehicles.

PEAK HOUR:

The hour during the typical day in which traffic volume is the highest.

PERSONAL USE LANDING FIELD:

Any location, either on land or water, which shall be used for the landing or take-off of aircraft with safety, solely for the use of the owner of the property, and which is not equipped with commercial facilities for the shelter, supply or repair of aircraft.

PLANNED NEIGHBORHOOD SHOPPING CENTER:

A group of commercial spaces planned and developed as a unit, with a gross floor area of not more than 30,000 square feet, with off-street parking on the same lot or parcel. This type of facility is intended to meet convenience or day-to-day retail shopping and services needs of nearby township residents.

PLANNED UNIT DEVELOPMENT (PUD):

A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in the siting of building(s), usable open space, accessory facilities and the preservation of significant natural features present on a site. Such development may contain a mix of housing types and non-residential uses.

PLANNING COMMISSION:

The Lexington Township Planning Commission as duly created under Public Act 285 of 1931, as amended.

PLAT:

A map of a subdivision of land.

POND:

A natural or man-made waterbody, not including swimming pools, without a fencing enclosure.

PORCH, OPEN:

A covered entrance to a building or structure that is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRE-MANUFACTURED UNIT:

An assembly of materials or products intended to comprise all, or part of, a building or structure, and which is assembled at other than the final location of the unit by a repetitive process under circumstances intended to insure uniformity of quality and material content.

PREMISES FOR NUDE ENTERTAINMENT:

An establishment which is restricted to persons over the age of eighteen (18) and used for housing and exhibiting persons in the nude or "Specified Anatomical Areas" (see definition below) of the human body.

PRINCIPAL USE:

The main use to which a lot or parcel is devoted.

PRIVATE DRIVEWAY:

Any improved or unimproved means of access that is used or intended for vehicular traffic that is privately owned with private responsibility for maintenance and which provides the means of access to one or two lots or parcels or dwellings.

PRIVATE ROAD:

Any road used or intended for vehicular traffic that is privately owned and with private responsibility for maintenance, which has not been officially accepted as a public street or road, and which provides the means of access to three or more lots or parcels or dwellings. (Definition does not imply permission to create new private roads. See Section 3.2.0.)

PUBLIC STREET OR ROAD (see STREET or ROAD)

PUBLIC UTILITY / ESSENTIAL SERVICE:

The erection, construction, alteration, or maintenance of utility systems whether underground, surface or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone, and cable television facilities and the required accessory uses and structures.

QUARRY:

Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial purposes, any earth, sand, gravel, clay, stone, or other mineral in excess of two-hundred (200) cubic yards in any calendar year, but shall not include an oil well or excavation in preparation for construction of a building, structure or roadway.

REASONABLE ACCESS:

A property owners legal right, incident to ownership of property abutting a public street. Reasonable access includes indirect access via frontage roads, service roads, and shared driveways where turning movements need to be restricted as to location due to heavy traffic volumes, limited site distance or other traffic conditions which could harm safe and efficient travel where access is unlimited.

RECREATIONAL VEHICLE PARK:

All lands and structures that are designed and operated to accommodate recreational vehicles and provide for outdoor recreation activities.

RECREATIONAL VEHICLE OR UNIT:

A vehicular or portable structure designed as temporary living quarters for recreation, camping or travel, which either has its own motive of power or is mounted on or drawn by a vehicle that is self-powered. Recreational units shall include, but not be limited to, the following; travel trailers, camping trailers, tent trailers, motor homes, pickup truck campers and "fifth wheel" campers. Recreational units shall also include, but not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, dune buggies, horse trailers, and similar equipment.

RECYCLING:

Using dismantled and waste materials to make a product.

REFUSE STORAGE SPACE:

Any exterior area, which is not a principal use, for placement of containers, structures, or other receptacle intended for temporary storage of solid waste materials.

REGIONAL SHOPPING CENTER:

A group of commercial spaces, planned and developed as a unit, with a gross floor area of more than 30,000 square feet, with off-street parking on the same lot or parcel. This type of facility is intended to meet comparison retail shopping and services needs for the entire township and region.

RESTAURANT:

A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-serve state, and whose method of operation is characteristic of a carry-out, drive-in, drive through, fast food, standard restaurant, or bar/lounge or combination thereof, as defined below.

1. **Restaurant, Carry-out:** A carry-out is a restaurant whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
2. **Restaurant, Fast-Food:** A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer as a counter, cafeteria line, or in a vehicle for consummation at the counter where it is served at a tables, booths, or stands inside or outside of the structure, or for consumption off the premises.
3. **Restaurant, Sit Down:** A standard restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and/or waitresses to customers seated at tables within a completely enclosed building, or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables or booths within a completely enclosed building.
4. **Restaurant, Outdoor Patio:** Is as defined as above (Sit Down) but is licensed for the consumption of prepared food in an outdoor setting.
5. **Bar/Lounge:** A bar or lounge is a type of restaurant which is operated primarily for dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar/lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RETAIL STORE:

Any building or structure designed and used for sale of goods, wares or merchandise direct to the consumer and not for resale.

RIDING ACADEMY:

Any establishment where horses are kept for training, riding, or stabling for compensation or which is an accessory use incidental to the operation of any club, association, ranch or similar establishment.

RIGHT-OF-WAY:

A street, alley, or other throughway or easement permanently established for the passage of persons, vehicles and utilities.

ROADSIDE STAND:

A structure that is used for temporary period of time for the sale of produce or products produced or harvested on the same lot or parcel. The operation of a roadside stand shall not constitute a commercial district or use.

ROOF:

Dormers: Dormers are projecting structures built out from a sloping roof and housing a vertical window or ventilating louver.

Eave: Eave is the overhanging lower edge of a roof.

Gable: Gable is the triangular portion of wall enclosing the end of a pitched roof from ridge to eaves.

Hip: Hip is the inclined projecting angle by the junction of two adjacent sloping sides of a roof.

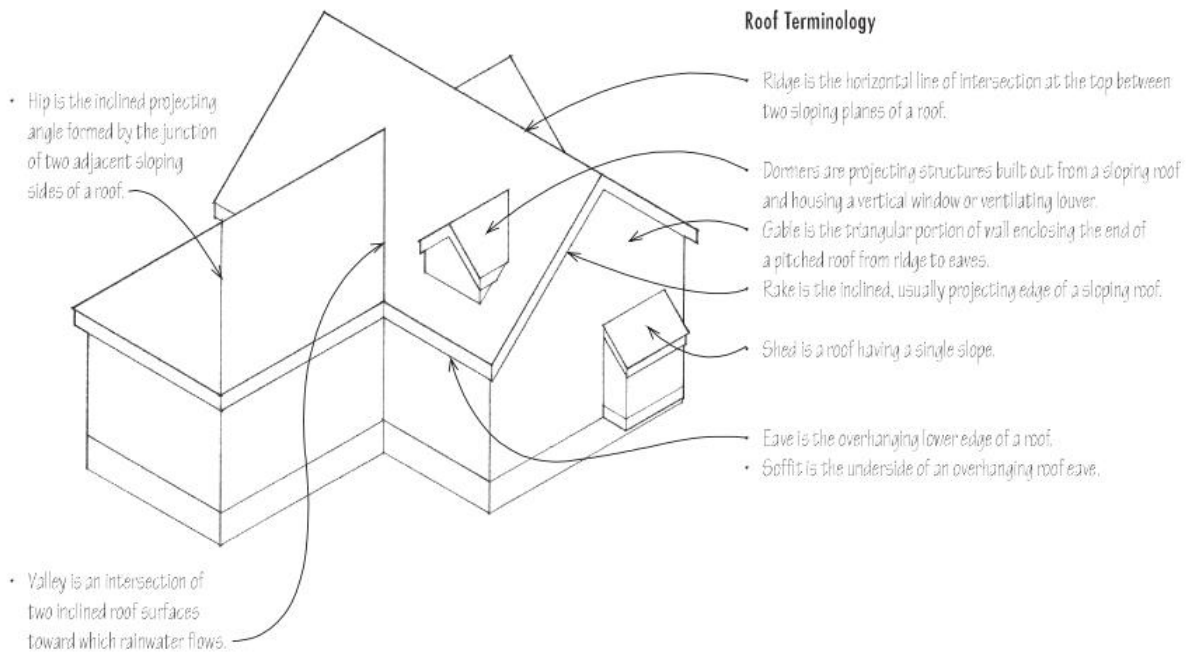
Rake: the inclined, usually projecting edge of a sloping roof.

Ridge: The horizontal line of intersection at the top between two sloping planes of a roof.

Shed: A roof having a single slope.

Soffit: The underside of an overhanging roof eave.

Valley: An intersection of two inclined roof surfaces toward which rainwater flows.



ROOM:

For the purpose of determining the lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom 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 having 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.

ROOMING HOUSE:

Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

RUBBISH:

Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprise, trades, manufacturing and offices, including -other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

SALVAGE:

Material to be used for further use, recycling or sale in bulk.

SATELLITE DISH ANTENNA:

A device incorporating a reflective surface that is solid, open mesh, or bar configuration and is in the shape of a shallow dish, parabola, cone or horn. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas which have a dimension greater than one (1) meter (3.3 feet) in residential districts or greater than two (2) meters (6.6 feet) in non-residential districts.

SAUNA OR OPEN BATH HOUSE:

An establishment open to the public used for equipment and housing of apparatus wherein members of the public may have a steam bath or hot water bath.

SEPARATION ACTIVITY:

Collection and/or dismantling of individual recyclable components at the point of generation or point of discard.

SERVICE DRIVE:

A drive that generally parallels the public right-of-way but runs along the back of a land use or building which fronts the public street. A service drive may provide access to properties on both sides, and vary in width and design.

SETBACK

The minimum unoccupied distance between front, side, or rear lot line and the principal and accessory buildings, on any lot or parcel of land. The front lot line is equivalent to the nearest edge of the contiguous (deeded) or overlapping (easements) public road right-of-way.

SIGHT DISTANCE:

The length of roadway visible to the driver of a vehicle. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute and maneuver without striking another vehicle or object in the roadway.

SIGN DEFINITIONS:

Definitions of words and terms relating to signs, outdoor advertising and billboards are placed in this subsection for convenience. A sign shall include the following types:

1. **Sign (General):** Every individual announcement, declaration, demonstration, display, illustration, insignia, lettering, or flat plain used for, erected or maintained outdoors in view of the general public for purpose of identification, advertisement or promotion of any business or private interest.
2. **Sign, Accessory:** A sign that directs attention to a person, product, business or profession conducted or located upon the same premises.
3. **Sign, Advertising:** Any sign erected for the purpose of advertising a business product, service, or subject unrelated to the lot or parcel on which the sign is located.

4. **Sign, Billboard:** An off-premise sign as regulated by Public Act 106 of 1972, as amended.
5. **Sign, Business:** Any sign erected or placed for the purpose of advertising an operating business located on the same lot or parcel.
6. **Sign, Display Area:** Display area means the entire area circumscribing letters, lighting, illustrations, emblems, or similar image, together with the frame or background material, excluding structural supports to the ground, if any. This definition shall not include signs providing purely information on time and temperature. If a sign has two faces, and they are within two (2) feet of one another, only the total display area of one face shall be counted.
7. **Sign, Ground:** A sign that is entirely within a height of twelve feet from the average grade below the sign.
8. **Sign, Height:** The maximum vertical distance from average grade below the sign and the uppermost portion of the sign structure.
9. **Sign, Home Occupation:** A sign identifying the occupation carried on, the phone number, and the address of a home occupation. No other information shall appear on the sign.
10. **Sign, Identification:** A sign giving information about a building, business, service event, or product that is located on the same lot or parcel as that which is identified.
11. **Sign, Non-accessory:** A sign that 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.
12. **Sign, Pole:** An advertising structure that is supported by one or more uprights with all parts of the display area of the sign above eight (8) feet in height.
13. **Sign, Portable:** Any sign that is not attached to a building, wall or to approved in-ground supports, or any sign mounted to a portable chassis or trailer, other than motor vehicles. Portable signs are prohibited in any zoning district within the Township.
14. **Sign, Projecting:** A sign which is attached directly to a wall of a building and which extends more than eighteen (18) inches from the wall to which it is attached. Projecting signs are prohibited within any zoning district in the Township.
15. **Sign, Roof:** Any sign that extends above the highest point of a roof line, excluding the height of structural appurtenances such as chimneys, electrical or mechanical equipment and similar appurtenances. Roof signs are prohibited within any zoning district in the Township.
16. **Sign, Setback:** The distance as measured between the right-of-way line or edge of easement and the nearest part of a sign.
17. **Sign, Wall:** A sign that is attached to a building wall, mansard roof, or to the underside of a roof overhang, which extends not more than eighteen (18) inches from said wall, mansard roof or roof overhang.

SITE CONDOMINIUM:

For the purposes of this ordinance, a site condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provisions of this ordinance, containing two (2) or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements. Except as otherwise specifically provided, a condominium unit is not a “lot” or “parcel” as those terms are used in this ordinance.

SITE PLAN:

A scaled drawing(s) illustrating existing conditions and containing all information required by this Ordinance concerning proposed use and development of a lot or parcel. The purpose of a site plan is to ensure compliance with all provisions of this Ordinance.

SKETCH PLAN:

A preliminary drawing indicating general development of a lot or parcel.

SOIL REMOVAL:

Means the removal of any kind of soil or earth matter that includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except common household gardening and general farm care.

SPECIAL LAND USE:

This definition is based upon the division of the Township into districts in each of which are permitted specified uses that 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 impact 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 in which they cannot be reasonably allowed as a permitted use. (See Chapter 14.)

SPECIFIED ANATOMICAL AREAS:

Less than completely and opaquely covered: human genitals; pubic region; buttocks; post-pubescent female breast below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

Human genitals in a state sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio, cunnilingus, sodomy, bestiality or flagellation; fondling or other erotic touching of human genitals, pubic region, buttock or post-pubescent female breast, human excretory functions, or sadomasochistic abuse.

STABLE, COMMERCIAL:

A stable other than a private stable, where horses are boarded or are for hire or sale.

STABLE, PRIVATE:

A structure or shelter where horses that are owned by the immediate family are kept, where said horses are not boarded and are not maintained for the purpose of hire or sale.

STORMWATER DETENTION FACILITY

A stormwater holding facility intended to hold and release stormwater into a drainage course over a short period of time.

STORY (see Figure 1 and Figure 2):

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF:

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.

STREET OR ROAD (Public):

A public thoroughfare, other than an alley, which affords the principal means of access to abutting property and which has been officially accepted as a public street or thoroughfare. Except that, in the case of a "site condominium", as defined and as regulated by this ordinance, the principal means of access to abutting "units of

ownership” shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the township, as established by the Sanilac County Road Commission or by the township, whichever standard shall be higher. Said streets within a “site condominium” may be dedicated to the public or may be owned and maintained by the association of co-owners.

STRUCTURE:

Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground, except utility posts, utility manholes, and sewage lift stations.

STRUCTURAL ALTERATIONS:

Means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, or any substantial change in the roof, or any additional floor space added to the building.

SUBDIVISION REGULATIONS:

Means the regulations governing the subdivision of land, providing the procedure for the preparation and filing of plats, tentative approval of preliminary plats, submission of record of final plats, approval of the plat by the Township Board, providing for platting regulations and requirements in regard to conformity to the Township's Master Plan. Subdivision regulation is under the authority of an ordinance enacted by the Board of Trustees to regulate subdividing of land pursuant to Michigan Act 288 of 1967, as amended.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction or improvement of a structure located within the 100 year flood plain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration or any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects to external dimensions of the structure. This term does not include (1) any improvement of a structure to comply with existing state or local building, health, sanitary or safety code specifications which are necessary to assure safe occupancy of the structure or, (2) any alteration of a structure listed on the National or Michigan Register of Historic Places or in a local Historic District established under Michigan Law.

TENTS:

Means a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

TOURIST HOME:

A dwelling in which overnight accommodations are provided or offered for transient guests.

TOWNSHIP BOARD:

The Board of Trustees of Lexington Township.

TRIP ENDS:

A one-directional movement, which begins at an origin and ends at a destination. A development with 100 trip ends would, for example, include 50 entering (ingress) and 50 exiting (egress) movements over a set period of time.

TRIP GENERATION RATE:

The number of trip ends associated with a development, based on building area, lot size, number of dwellings or employees and other parameters. The number can be estimated using accumulated data of comparable development given in nationally accepted sources, such as the "Trip Generation Manual" prepared by the Institute of Traffic Engineers (ITE) or the Federal Highway Administration. (FHWA).

USABLE FLOOR AREA (for the purpose 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 that is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

USE:

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

USE, CHANGE OF:

A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of (a) a discernible increase in the intensity of use, which by Ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use or (b) an alteration by change of use in a building heretofore existing to a new use group, as defined in the Michigan Building Code, which imposes other special provisions of law governing building construction equipment or means of egress.

USE, INCREASE IN INTENSITY OF:

A discernible increase in the level or volume of activity generated by a change in use or an increase in floor area or an increase in land area configurations.

UTILITY STRUCTURE:

Means facilities related to and necessary for the operation of: oil, gas, water pipelines, sewer pipelines, electrical transmission lines, telephone and telegraph lines, oil and gas wells and underground storage fields. Included are such facilities as pumping stations, compressor stations, transformer stations, and switching stations.

VALUE-ADDED AGRICULTURAL PRODUCT:

Means the enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to marketing, agricultural processing, transforming, or packaging, education presentation, activities and tours.

VARIANCE:

A relaxation or modification of the dimensional requirements of this Ordinance as authorized by the Township Zoning Board of Appeals.

VINEYARD / WINERY:

A plantation of grapevines especially where wine grapes are produced. A distillery where wine is made. A winery may also offer a sampling area where the wines distilled on site may be tasted and sold.

WATERCOURSE:

An open channel or conduit, natural or man-made, which periodically or continuously contains moving water draining an area of land.

WILD ANIMAL:

Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law, absent a license or permit to possess. Wild animals shall include, but not be limited to, the following family groups: Alligator, deer, opossum, badger, dog (wild family), primate (excluding human), bear, wolf, wolf-dog interbred, raccoon, ferret, skunk, cat (wild family), lemur, poisonous spider, coyote, poisonous lizard, weasel, marten.

WIRELESS COMMUNICATION EQUIPMENT:

Means the set of equipment and network components used in the provision of wireless communication services, including but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communication support structures.

WIRELESS COMMUNICATION SUPPORT STRUCTURE:

Means a structure that is designed to support, or is capable of supporting, wireless communication equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

YARD (see Figure 6):

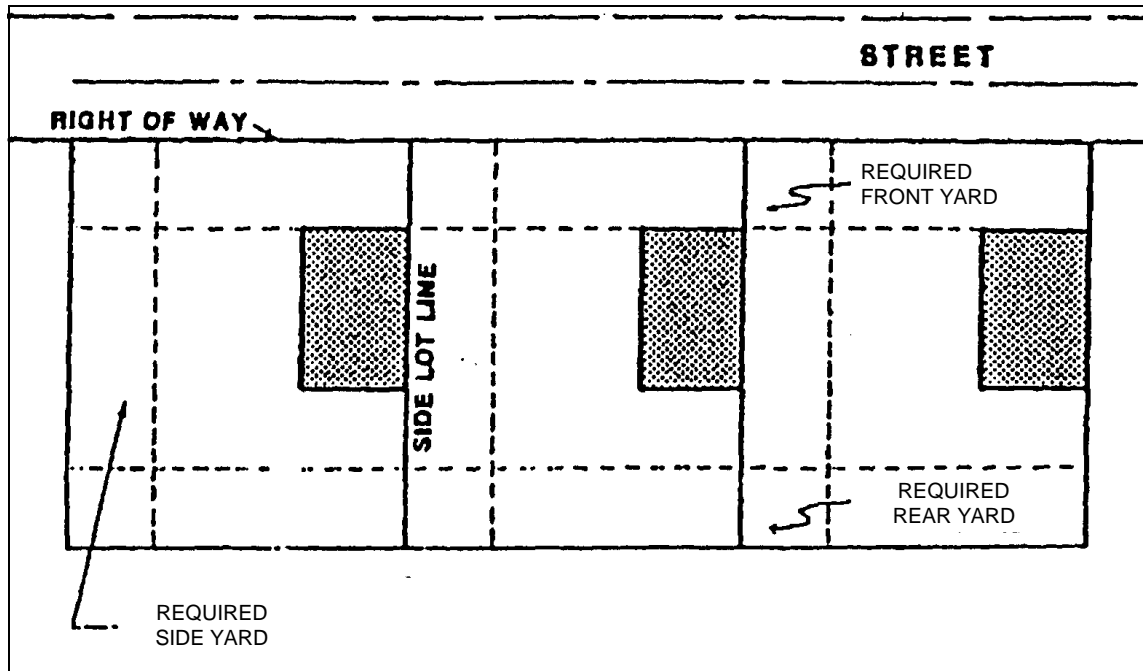
The open space on the same lot or parcel; with a principal building, unoccupied and unobstructed from the ground, except as otherwise provided in this Ordinance.

1. **Front Yard:** An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of a principal building foundation. There shall be maintained a front yard on each street side of a corner lot.
2. **Side Yard:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
3. **Rear Yard:** An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner lots, there shall be only one rear yard, which shall be determined by the Zoning Administrator.

ZERO LOT LINE (see Figure 9)

The location of a building on a lot in such a manner that one or more of the building's sides rest directly on the lot line.

Figure 9: Zero Lot Line



ZONING ADMINISTRATOR:

An individual appointed by the Township Board who shall administer the Lexington Township Zoning Ordinance.

ZONING BOARD OF APPEALS:

The Lexington Township Zoning Board of Appeals created under Public Act 184 of 1943, as amended.

ZONING COMPLIANCE, CERTIFICATE OF (Section 22.3.0):

A document signed by the Zoning Administrator, as required in the zoning ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the township zoning ordinance or authorized variance therefrom.

ZONING DISTRICT:

A portion of the Township within which certain land use regulations apply under provisions of this Ordinance

Section 3.1.0 — Street Access

Any one lot or parcel of record created after the effective date of this Ordinance shall not be occupied or buildings constructed thereon without access to a public street, private street or easement which complies with provisions of Section 3.2.0 Private Roads and Driveways. Except that:

- .01 In the case of a “site condominium”, which has been approved by the township, a dwelling unit may be constructed upon an individual “unit of ownership” that has the required frontage upon an approved street, regardless of whether said street has been dedicated to the county or remains under the ownership and control of the association of co-owners, or
- .02 In the case of a licensed manufactured housing community.

Section 3.2.0 — Private Roads and Driveways

.01 INTENT

- A. This section provides for regulation of the establishment of private roads and driveways to assure a permanent means of access to properties without frontage on a public street and to ensure adequate roadway and clearance for emergency vehicles. A certificate of zoning compliance shall not be issued for placement of buildings/structures on any parcel not having frontage on a public street unless and until the requirements of this section are met.

.02 GENERAL REQUIREMENTS

- A. This ordinance shall apply to all land which is divided into parcels or lots, unless such parcels or lots have frontage on a public road equal to the minimum lot width required by the zoning ordinance.
- B. No private road shall be constructed within the Township unless it is in compliance with the requirements of this ordinance.
- C. No zoning compliance permit, building permit, or certificate of occupancy for any structure shall be issued within the Township unless the parcel or front lots on a private road are improved to the standards of this ordinance or are on a public road. Each lot or parcel shall have road frontage equal to the minimum lot width required by the applicable provisions of the zoning ordinance.

- D. Private roads shall not be dedicated to the Township.
- E. Private roads shall not be maintained by the Township except pursuant to a duly established special assessment district.
- F. All private roads serving more than two (2) dwellings shall be constructed to the specifications of the Sanilac County Road Commission and shall have the appropriate inspections done by the County inspector.

.03 REQUIREMENTS FOR PRIVATE ROAD APPROVALS

- A. Plans for a private road shall be submitted to the Township Planning Commission for review. Materials submitted shall include:
 - 1. A legal description and survey of all properties to be served by the private road, together with a letter from the Township Supervisor or Zoning Administrator that all proposed parcels are in compliance with the Lexington Township Zoning Ordinance.
 - 2. A legal description and survey of the proposed private road easement.
 - 3. Drawings showing the existing and proposed structures, roads, driveways, drains and other significant physical features on the property.
 - 4. A proposed maintenance agreement. The agreement shall utilize the model agreement provided by the Township or else shall be accompanied by a letter from the Township Attorney indicating that the alternative agreement complies with this ordinance.
- B. No private road construction shall begin until the Planning Commission has approved the proposed road by a recorded vote.

.04 TWO DWELLING SHARED DRIVEWAYS

- A. Not more than two residential parcels and dwellings in a residential or agricultural district without public road frontage may be developed if accessible via a driveway along a recorded easement that connects the parcels to a public road in compliance with the following requirements:
 - 1. The easement shall be not less than two (2) rods thirty-three (33) feet wide.
 - 2. The roadbed shall not be less than one (1) rod (16 ½ feet) wide and adequately drained.
 - 3. The roadway shall be graveled or paved and capable of supporting emergency vehicles.
 - 4. Aerial clearance over the driveway, including trees and/or shrubbery shall be not less than twelve (12) feet wide and twelve (12) feet high.
 - 5. The easement shall permit utility lines under, on and over said easement.
 - 6. The recorded easement shall contain provisions for construction, routine maintenance, repairs, brush, snow and obstruction, clearance and the appointment of costs thereof. The agreement shall also contain a provision permitting the Township to repair and maintain the driveway at the property owners' expense (directly or by special assessment) if they fail to do so after a fourteen (14) day notice.
- B. A plan and easement shall be provided at the time of making a lot split application to the township assessor.

- C. Frontage of the servient estate (the lot or parcel on which the easement is located) shall be at least equal to the minimum lot frontage required in the Zoning District.
- D. The Township assumes no responsibility for maintenance of any approved private road nor does it warrant adequate access for fire, emergency or postal vehicles.

.05 MINIMUM STANDARDS FOR PRIVATE ROADS

- A. All private road right-of-way shall be a minimum of sixty-six (66) feet in width and shall be shown on the land division drawing as an easement for roadway purposes.
- B. Each permanent dead-end street shall be provided with a turn-around that has a minimum easement diameter of one hundred fifty (150) feet and a minimum road diameter of one hundred twelve (112) feet.
- C. Road signs for private roads must be properly placed at the intersections of the private road and any public roads. Such signs shall conform to minimum standards as determined by the Sanilac County Road Commission.
- D. A document describing the private road and the provisions for maintenance shall be recorded with the Register of Deeds and also provided to the purchaser. The maintenance agreement shall apportion the maintenance responsibilities among the benefiting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to recording.

.06 INSPECTION, FEES AND PERMITS FOR PRIVATE ROADS

- A. The Township shall not grant final approval for the use of any private road until the completed road has been inspected for compliance with this ordinance.
- B. The applicant will be responsible for all costs associated with the building and certification of the private road, including inspection costs.
- C. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Act prior to the commencement of road construction.
- D. Permits shall be obtained from the Sanilac County Road Commission before entrances are constructed on to any county right-of-way.

.07 PERFORMANCE BOND

- A. The applicant may be required to file with the Township Clerk a cash deposit, certified check, certificate of deposit, irrevocable bank letter of credit or surety bond acceptable to the Township. When the work is completed by the applicant and approved by the Township, the bond will be released to the applicant.

.08 APPEALS

- A. The Township Board of Zoning Appeals shall have jurisdiction to consider appeals for variances from this ordinance.
- B. A variance may only be granted by the Board of Zoning Appeals if the applicant can show that he/she would suffer a unique hardship if the strict requirements of the ordinance are applied.

Section 3.3.0 — Water Supply and Sanitary Sewer Service

No structure for human occupancy shall be erected, altered, or moved upon any lot or parcel and used in whole or part for a dwelling, business, industrial or recreational purpose unless provided with a safe and potable water supply on the same parcel and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial liquid waste on that same parcel or from or into a municipal system. Such facilities shall conform to requirements of the Sanilac County Health Department, the Michigan State Department of Public Health, building, subdivision and all ordinances of the Township.

Section 3.4.0 — Flood Plain Regulations

.01 PURPOSE

These regulations apply specific controls in the use of land and placement of structures in those areas of the Township that are subject to periodic inundation. While permitting reasonable use of such lands, these regulations will help protect public health and safety and minimize public and private economic loss caused by periodic flooding, as well as preserving the ability of flood plains to carry and discharge a base flood.

.02 APPLICABILITY

All land and land uses within the designated flood hazard area shall be subject to terms specified herein and the provisions of the National Flood Insurance Program constituted in accordance with the National Flood Insurance Act of 1968, as amended, and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register, Vd. 41, 207, October 26, 1976, as amended.

.03 FLOOD PLAIN DELINEATION

- A. The boundaries of the flood hazard area within the Township shall be as determined by the report entitled The Flood Insurance Study, by the Federal Emergency Management Agency, with accompanying Rate Maps, Flood Boundary Maps and Floodway Maps. Within the flood hazard area, a regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map.
- B. Where disputes or uncertainty arise as to the exact boundary of the 100-year flood plain, a property owner may employ a professional engineer and/or land surveyor to assist in resolving the boundary location. In all cases, the engineer's and/or land surveyor's documentation shall be submitted to the appropriate state and/or federal authority(ies) with any necessary application of the owner to obtain a boundary amendment.

.04 SITE DEVELOPMENT REQUIREMENTS FOR FLOOD PLAIN AREAS

- A. All lands, buildings, structures and uses within the flood hazard area shall be subject to the following site development requirements;
- B. No building or structure shall be constructed, placed, or substantially improved so as to extend its use within the flood hazard area.
- C. Filling within the flood hazard area with any material in any manner is prohibited unless such action is approved by the Michigan Department of Natural Resources.

- D. Uses that, by their construction, operation, or occupation of a physical structure impede the ability of the flood plain to carry and discharge a base flood shall be prohibited. The operator of the proposed use shall submit to the Zoning Administrator a registered engineer's statement that the flood carrying capacity shall be maintained or a permit from the Michigan Department of Environmental Quality.

.05 100-YEAR FLOOD PLAIN APPLICATION INFORMATION

In addition to the information required for a special land use, variance, certificate of zoning compliance or any other application for development permission under terms of this Ordinance, the following information shall be submitted prior to commencing any type of use or development within the 100-year flood plain:

- A. A description of the extent any watercourse will be altered or relocated as a result of proposed development. Where such watercourse is not subject to state and federal regulations intended to insure flood carrying capacity, the applicant shall provide a registered engineer's determination that the flood carrying capacity will not be diminished.
- B. Proof of development approval from the appropriate local, state and/or federal agencies or a letter certifying a lack of authority from the Michigan Department of Environmental Quality.
- C. Base flood elevation data for any site development subject to Public Act 167 of 1967 (Subdivision Control Act), as amended, or Public Act 59 of 1978 (Condominium Act) or any site greater than five acres in gross site area.
- D. Additional information the Zoning Administrator, Township Engineer or Township Planner deem necessary to determine compliance with provisions of this Ordinance.

.06 VARIANCE FROM FLOOD PLAIN REGULATIONS

Variance from provisions of Section 3.4.0, Flood Plain Regulations, shall only be granted by the Zoning Board of Appeals. A variance shall not be granted within the 100-year flood plain where the result would be an increase in flood levels during a base flood discharge. Any variance granted shall be the minimum necessary, considering potential flood hazard, to afford relief to the applicant. In granting any variance from provisions of this Section, the Zoning Board of Appeals shall require that the following flood hazard reduction standards be met:

- A. All new construction of, or substantial improvement to, any structure or building shall be;
 - 1. Designed and anchored to prevent flotation, collapse, or lateral movement of the structure, and
 - 2. Constructed with materials and utility equipment (electric, heating, ventilation, plumbing, air conditioning, etc.) resistant to flood damage, and
 - 3. Constructed with methods and practices that minimize flood damage, and
 - 4. Have the lowest floor elevation above the 100-year flood plain elevation, and
 - 5. Have any enclosed area below the lowest story ventilated with at least two openings within one foot of grade.
- B. All new or replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the system.

- C. All new or replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the system and discharge from such systems into floodwaters. On-site systems shall be located to avoid impairment to the system or contamination from the systems during flooding.
- D. Adequate drainage shall be provided to reduce exposure to flood.
- E. The applicant shall provide appropriate site, building, and engineering plans and data to demonstrate compliance with the standards contained in this Section.

.07 DISCLAIMER OF LIABILITY

- A. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study, though it is generally recognized that larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Approval of any use of land or building under this Section shall not be considered a guarantee or warranty of complete protection from flood damage. Moreover, this Ordinance does not imply or warrant that areas outside the 100-year flood plain will be free from flooding.

.08 DUTIES OF THE ZONING ADMINISTRATOR

With regard to the National Flood Insurance Program and the regulations contained in this Section, the Zoning Administrator shall:

- A. Provide notification to the Michigan Department of Environmental Quality and adjacent municipalities of the proposed relocation or alteration of any watercourse, with a copy of such notice to the Federal Insurance Administration.
- B. Maintain all maps and records pertaining to the National Flood Insurance Program, open for public inspection.
- C. Obtain from any applicant information required by this Section and verify such information as in compliance with this Section prior to issuing a certificate of zoning compliance.

Section 3.5.0 — Dwellings Per Lot or Parcel

- .01 In all districts, only one (1) principal building shall be placed on a single lot of record, except where no “subdivision” of the land under Public Act 288 of 1967 (the State Land Division Act), as amended, has taken place, and where the land therefore remains as one “lot or parcel,” as in the following cases:
 - A. In the case of a licensed manufactured housing community, or
 - B. In the case of a “site condominium”.

In this instance, not more than one single-family dwelling shall be constructed upon an individual “unit of ownership” within a site condominium development.

No building shall be erected on land subdivided in violation of the State Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act).

Section 3.6.0 — Boat Houses

No setback shall be required for any boathouse that is an accessory structure to a dwelling, when built or renovated adjacent to Lake Huron or the Black River. Said boat house shall not exceed six hundred (600) square feet in area and shall be located to conform with side yard setback requirements of the zoning district in which it is located. In addition, the boathouse shall conform to all rules and requirements of the U.S. Corps of Engineers and the Michigan Department of Natural Resources.

Section 3.7.0 — Review and Preliminary Approval of Manufactured Housing Community Plans

.01 REVIEW

Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and preliminary approval.

.02 APPLICATION

All plans submitted to the Planning Commission for review under this section shall contain the following information:

- A. Every preliminary site plan submitted for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twenty-five (25) copies of the preliminary site plan shall be submitted with the application.
- B. The name and address of the property owner and developer.
- C. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, architectural, or planning firms responsible for the preparation of the site plan.
- D. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
- E. All property lines are to be shown in dimension.
- F. The location and height of all existing structures on and within the subject property, and existing within one hundred feet of the subject property.
- G. The typical location and typical dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and community buildings.
- H. The location of all proposed open space and recreation areas with written assurance that it meets the requirements of Rule 946 of the Manufactured Housing Commission.
- I. The location of all proposed landscaping and buffering.
- J. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- K. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- L. Location of all fire hydrants, if applicable.

- M. The number of manufactured housing sites proposed.
- N. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal.
- O. Utility and other easements.
- P. Existing wetlands.
- Q. A description of stormwater management facilities with written assurance that surface drainage facilities will meet the requirements and standards of Part of the MDEQ (Michigan Department of Environmental Quality).
- R. Proposed sign locations.
- S. A statement of all required setbacks and separation distances.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

.03 FEES

Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

.04 DECISION

- A. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this Chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.
- B. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents to allow a longer period of review.

A copy of the final construction plan shall be submitted to the Township upon approval by the Department of Consumer and Industry Services.

.05 NONCOMPLIANCE

Any substantial noncompliance with the approved preliminary site plan shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.

Section 3.8.0 — Manufactured Housing Community Requirements

State-licensed manufactured housing communities (also previously known as mobile home parks) are a permitted use in the R-3, High Density Residential District subject to the following requirements. It is the Township’s intention (to the extent permitted) to provide for this high density land use in a manner similar to that which other high density residential land uses are accommodated.

.01 SITE SIZE

A fifteen (15) acre site shall be the minimum site size.

.02 SITE LOCATION

The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and Rule 920(1)(b) of the Manufactured Housing Commission Rules.

.03 ACCESS AND ROADS

- A. Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
- B. All internal roads shall be constructed of concrete or bituminous asphalt and be supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials ("AASHTO").
- C. Maximum cul-de-sac length shall be one thousand (1,000') feet. A blunt-end road is prohibited. An internal road that has no exit at one end shall terminate with an adequate turning area, which is to be approved by the local fire ordinances. Parking shall not be permitted within the turning area.
- D. Safe-sight distance shall be provided at intersections.
- E. An offset at an intersection or an intersection of more than two internal roads is prohibited.
- F. The following types of internal roads shall have driving surfaces that are not less than the following widths:

One-way, no parking	16 feet
Two-way, no parking	21 feet
One-way, parallel parking, one side	23 feet
One-way, parallel parking, two sides	33 feet
Two-way, parallel parking, one side	31 feet
Two-way, parallel parking, two sides	41 feet

- G. All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as follows:
 1. All turning lanes shall be a minimum of 10 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
 2. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 3. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and the ingress and egress road shall not have squared corners.

- H. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit, or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
- I. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

.04 DRIVEWAYS

- A. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- B. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

.05 RESIDENT VEHICLE PARKING

- A. All home sites shall be provided with two (2) parking spaces.
- B. If vehicle parking is provided on the home site, it shall be in compliance with the following provisions:
 - 1. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub-grade in compliance with the standards of AASHTO.
 - 2. The parking spaces may be either in tandem or side-by-side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
 - 3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
 - 4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

.06 VISITOR PARKING FACILITIES

- A. A minimum of one parking space for every three home sites shall be provided for visitor parking.
- B. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- C. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

.07 SIDEWALKS

- A. Public Sidewalks.**

Concrete sidewalks, five (5') feet in width, shall be required along that portion of a community fronting along public road(s). Such sidewalk shall be located within the road right-of-way or easement, beginning one (1') foot inside the right-of-way line.

- B. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas.
- C. All sidewalks shall be constructed in compliance with all of the following requirements:
 - 1. Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act that regulates sidewalks for handicappers.
 - 2. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- A. An individual sidewalk with a minimum width of 3 feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.
- B. No portion of any off-street parking area shall be considered part of the sidewalk system.

.08 LIGHTING

- A. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
- B. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than 0.15-foot candle.
- C. Internal roads, parking bays, and sidewalks shall be illuminated at not less than 0.05-foot candle.
- D. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory.

.09 UTILITIES

- A. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
- B. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Part 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards.
- C. Fire hydrants shall be installed in all communities for which public water systems are available and shall comply with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.

- D. All manufactured housing sites and all other buildings within the community shall be connected to the public sanitary sewage system of the Township, if it is available to the community within 200 feet at the time of preliminary site plan approval. If a public sewer system is unavailable, the proposed development shall connect to a state-approved sewage system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- E. All storm sewers shall be constructed in accordance with Parts 2-4 of the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Sanilac County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

.10 INDIVIDUAL HOME SITE SIZE, SPACING, SETBACK, FENCE REQUIREMENTS AND POOL LOCATION

A. Home Site Area.

The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 3.8.0.12 of this Chapter.

B. Required Distances between Homes and Other Structures.

- 1. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - a) For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - b) For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - c) 10 feet from either of the following:
 - i. The parking space on an adjacent home site.
 - ii. An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - d) 50 feet from permanent community-owned structures, such as either of the following:
 - i. Club houses.
 - ii. Maintenance and storage facilities.
 - e) 100 feet from a baseball or softball field.
 - f) 25 feet from the fence of a swimming pool.

2. Attached or detached structures or accessories that are not used for living space shall be a minimum of 10 feet from an adjacent home or its adjacent attached or detached structures.
3. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures shall be set back the following minimum distances:
 - a) 10 feet from the edge of an internal road.
 - b) 7 feet from a parking bay off a home site.
 - c) 7 feet from a common sidewalk.
 - d) 25 feet from a natural or man-made lake or waterway.
4. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:
 - a) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
 - b) Roof overhangs shall be set back 2 feet or more from the edge of the internal road.
5. Steps and their attachments shall not encroach into parking areas more than 3½ feet.

C. Setbacks from Property Boundary Lines.

1. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
2. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

D. Fences on Individual Home Sites.

Fences on individual home sites shall be uniform in height, not-to-exceed thirty-six (36") inches, and shall be constructed in such a manner as to provide firefighters an access to at least two (2) gates.

E. Pool Location.

Free standing swimming pools, spas, hot tubs and similar devices shall not be located between any home and roadway. Swimming pools, spas, hot tubs and similar devices are further regulated under Section 3.35.0. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.

.11 SCREENING/LANDSCAPING

Manufactured housing communities shall provide the following screening, buffering and landscaping:

- A. If a manufactured home development abuts an existing residential development, the development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.
- B. In all cases, a community shall provide screening along the boundary abutting a public right-of-way.
- C. The landscaping shall consist of evergreen trees or shrubs that are spaced so they provide a continuous screen at maturity.
- D. Landscape material shall consist of evergreen trees a minimum of four (4') feet in height at installation and evergreen shrubs a minimum of three (3') feet in height at maturity.
- E. Alternative screening techniques (earth berms, fences, etc.) may be approved by the Planning Commission based upon a landscape plan for the site if they conceal the manufactured home development as effectively as the required landscaping described above.
- F. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

.12 OPEN SPACE REQUIREMENTS

- A. A community that contains 50 or more sites shall have not less than two (2%) percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two (2) acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, basketball courts, and lawn game areas.
- B. Required setbacks may not be used in the calculation of open space area. No part of a wastewater lagoon(s) and any appurtenances thereto shall be considered a part of any required open space.

.13 SITE CONSTRUCTED BUILDINGS, DWELLINGS, AND ADDITIONS TO MANUFACTURED HOMES

- A. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.
- B. The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- C. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless a Level B buffer zone (Sec. 16.3.0.02) is provided for that area.
- D. Site-built single-family dwellings may be located in a community as follows:

1. One single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
 2. Two single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
 3. Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the "R-2" Medium Density Residential District.
- E. Any addition to a manufactured home unit that does not comply with the standards of the U.S. Department of Housing and Urban Development for manufactured homes and any site built garages or carports shall comply with the Michigan Building Code. A carport or garage shall not exceed five-hundred and seventy-six (576) square feet.

.14 GROUND SIGNS

There shall be a maximum of one sign per road frontage with an entrance that shall bear only the name of the community. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One ground sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16 square foot ground sign shall be permitted at each entrance after the first. Signs may be doubled-faced, but each side of the sign shall have identical copy and be flush with the other side. Ground signs shall not exceed eight (8') feet in height.

Signs purely for traffic regulation and direction within the manufactured housing community may be utilized as required.

.15 RV STORAGE

If boats, boat trailers, and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.

Such storage shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes, unless a Level B (Sec. 16.3.0.02) buffer zone is provided for that area.

.16 SEVERE WEATHER WARNING AND STORM-FALLOUT SHELTER

A manufactured housing developer shall comply with Manufactured Housing Commission Rule 706:

R 125.1706 Severe weather warning; shelters.

Rule 706. Immediately upon occupancy, the (manufactured housing) community shall provide each community resident with written information indicating whether the local government provides a severe weather warning system or designated shelters and, if provided, describing the system and giving the nearest shelter location.

.17 COMPLIANCE WITH REGULATIONS

The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

Section 3.9.0 — Manufactured Homes within Manufactured Housing Communities: Operation of Communities

.01 HOME SIZE

Manufactured homes within a community shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet.

.02 INSTALLATION

The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.

.03 SKIRTING

Skirting shall be required around all manufactured housing units and meet all of the following requirements:

- A. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
- B. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the under-body from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

.04 STORAGE OF PERSONAL PROPERTY

- A. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured housing, or within carports which are open on any side. Towing mechanisms, including axles, are not subject to this provision.
- B. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
- C. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured housing site for the storage of personal property.

.05 TOWING MECHANISMS

Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however be stored under manufactured homes within a community.

.06 USE

A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

.07 OCCUPANCY

No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

.08 MANUFACTURED HOME SALES

New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale, pursuant to Section 28A of the Mobile Home Commission Act, Act 96 of 1987 as amended.

.09 COMMUNITY MAINTENANCE

The owner or operator of any community shall be responsible for all private street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.

.10 STORAGE OF COMBUSTIBLE ITEMS

Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.

.11 GARBAGE CONTAINERS

Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.

.12 FIRE EXTINGUISHMENT EQUIPMENT

Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

Section 3.10.0 — Cul-De-Sac Lots

- .01 A lot shall be considered a cul-de-sac lot only if more than one-half ($\frac{1}{2}$) of its frontage is on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac and the parallel street right-of-way lines.
- .02 A cul-de-sac lot shall have seventy percent (70%) of the required minimum frontage on the radius of the cul-de-sac and one hundred percent (100%) of the required frontage at the required front setback line.

Section 3.11.0 — Corner Lots

A corner lot shall have two (2) front lot lines; a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the front lot lines are equal in length, the Zoning Administrator shall determine the principal front lot line.

- .01 REQUIREMENTS FOR CORNER LOTS
 - A. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 - B. The minimum lot width and frontage requirements for corner lots contained in SCHEDULE B herein shall apply to the two (2) lot lines adjacent to both streets.
 - C. The front of the principal building on a corner lot shall not be oriented such that it is parallel with the secondary front lot line.
 - D. The width of a corner lot shall be determined as the entire length of that front lot line which is opposite the rear lot line.

- .02 REQUIREMENTS FOR CORNER LOTS IN OFFICE AND COMMERCIAL ZONING DISTRICTS

For a corner lot that is completely within an office or commercial zoning district, the setback along the secondary street shall not be less than thirty (30') feet. All other setbacks shall comply with the minimum required within the zoning district in which the corner lot is located.

Section 3.12.0 — Accessory Buildings and Structures

These regulations are required to be met prior to the construction of accessory structures/buildings in all Lexington Township districts within the confines of the Right to Farm Act where applicable.

- .01 Maximum size, height, location and minimum setback standards for accessory buildings and structures are listed in Schedule "E" herein.
- .02 All accessory buildings', garages' size and setbacks will be subject to the provisions set forth in Schedule "E", SITE DEVELOPMENT STANDARDS in all zoning districts.
- .03 This section is not intended to provide the applicant or any other person(s) a temporary residence and the same is expressly prohibited in every zoning district within the Township. The use of any garage, accessory

structure/building for dwelling or sleeping is vehemently prohibited and is subject to a Grade "C" civil infraction. (3.19.0).

.04 Permits for accessory structures to be constructed prior to the principal dwelling will be allowed as outlined below:

.05 AGRICULTURAL 1 AND AGRICULTURAL 2

- A. In all Agricultural districts an accessory structure/building may be constructed providing all setback, location, height and square footage requirements are met as set forth in Schedule "E" and a detailed site plan accompanies the Land Use application.
- B. Lots/parcels must contain five (5) or more acres.
- C. On lots/parcels containing less than five (5) acres, construction of an accessory building prior a primary dwelling may be permitted providing a detailed site plan is submitted with the Land Use application for both the accessory structure and the principal residence.
- D. If the accessory structure is constructed prior to the primary dwelling and the accessory structure exceeds eighteen (18) feet in height, the primary dwelling shall then be constructed in accordance with the detailed site plan.

.06 RESIDENTIAL 1, RESIDENTIAL 2 AND RESIDENTIAL 3

- A. In all residential districts an accessory structure/building may be constructed providing all setback, location, height and square footage requirements are met as set forth in Schedule "E", and a detailed site plan accompanies the Land Use application.
- B. The lot/parcel must contain five (5) or more acres.
- C. On lots/parcels containing less than five (5) acres, construction of an accessory building prior a primary dwelling may be permitted providing a detailed site plan is submitted with the Land Use application for both the accessory structure and the principal residence.
- D. If the accessory structure is constructed prior to the primary dwelling and the accessory structure exceeds eighteen (18) feet in height, the primary dwelling shall then be constructed in accordance with the detailed site plan.

.07 CONSTRUCTION OF AN ACCESSORY BUILDING PRIOR A PRIMARY DWELLING ON AGRICULTURAL AND RESIDENTIAL LOTS LESS THAN FIVE ACRES

The Township recognizes that the remedies contained in this section for violation(s) are severe, however, the Township's purpose in allowing an applicant the right to construct an accessory building before the primary residence is to provide the applicant a convenient means of storing materials, tools, etc. from the weather and provide security for the same while the principal residence is being timely constructed. This section is designed to prohibit the applicant from constructing an accessory building without timely constructing the principal residence. Thus, the remedies provided in this section are necessary to strongly discourage any such violations and to insure that if any such violations do occur that they are cured.

- A. The owner of the parcel agrees to build and complete both the primary dwelling and the accessory building on the property within three hundred and sixty-five (365) days of securing the applicable Land Use permit for both the accessory building and the primary residence.
 - B. The accessory building and primary residence shall be completed as required per the other provisions of this ordinance. (Note .07 letters a. & f.) Further, the applicant shall post a compliance bond in an amount established by the Township Board, which shall be forfeited in the event the applicant violates this section of the ordinance or fails to comply with the timely construction of the primary residence.
 - C. An accessory structure may be constructed providing all setback, location, height and square footage requirements are met as set forth in Schedule "E".
 - D. Upon completion of the primary dwelling and receipt of a Certificate of Occupancy, the performance bond shall be returned to the property owner.
 - E. The Township shall also have the option of razing the accessory building for such violation(s) and the cost of the same shall be assessed as part of the real property tax bill for the real property concerning the property for which the accessory building permit was issued and collected in that fashion.
 - F. An extension of time to complete construction of the primary dwelling may be applied for with the Zoning Administrator. The application must be filled out in its entirety and submitted no less than thirty (30) days prior to termination of the original LUP. An extension of up to one hundred eighty (180) days may be approved providing the property owner can demonstrate extenuating circumstances. These circumstances may include, but are not limited to construction work stoppage, inclement weather conditions and problems securing building material and/or family or medical problems.
- .08 Where two or more abutting lots are held under one ownership, the owner may erect an accessory structure on the separate lot from the lot on which the principal building is located.
- .09 For the purposes of this Ordinance, the height of any accessory building or structure shall be determined as the distance between the highest point of the roof and the finished grade. (See Definitions, Chapter 2)
- .10 Accessory buildings or structures shall not occupy any portion of a required buffer strip or utility easement.
- .11 Accessory buildings/structures shall not be permitted in the front yard, unless connected by a common wall to the primary structure. Front yard is defined in Chapter 2 in the Township zoning ordinance.
- .12 Buildings/structures which are accessory to residential dwellings in the R-1, R-2 and R-3 zoning districts may occupy the required rear setback area provided they do not occupy more than thirty (30) percent of the required rear yard.
- .13 Accessory buildings/structures, which are portable in nature, shall comply with the regulations herein, including the minimum setback required for principal buildings specified in Schedules A, B, AND C for the zoning district in which they are located. Temporary is defined as moveable without permanent foundation. The structure may be placed on skids, gravel or brick type pavers.
- .14 Accessory structures/buildings designed and built to be easily and economically relocated prior to erosion damage are exempt from setback requirements on the table in Section 3.24.4.

- .15 No setback shall be required for any boathouse that is an accessory structure to a dwelling, when built or renovated adjacent to Lake Huron or the Black River. Said boathouse shall not exceed six hundred (600) square feet and shall be located to conform with side yard setback requirements of the zoning district in which it is located. In addition, the boathouse shall conform to all rules and regulations of the U.S. Corps of Engineers and the Michigan Department of Natural Resources.
- .16 Accessory buildings/structures which do not fit into any of the categories specified in Schedule "E" herein shall meet the minimum setback requirements for principal buildings specified in Schedules A, B and C for the zoning district in which they are located.
- .17 OFFICE, COMMERCIAL AND INDUSTRIAL.
- The property owner may construct an accessory building providing all setbacks, location, height and square footage requirements are met as set forth in Schedule "E".

Section 3.13.0 — Satellite Dish Antennas

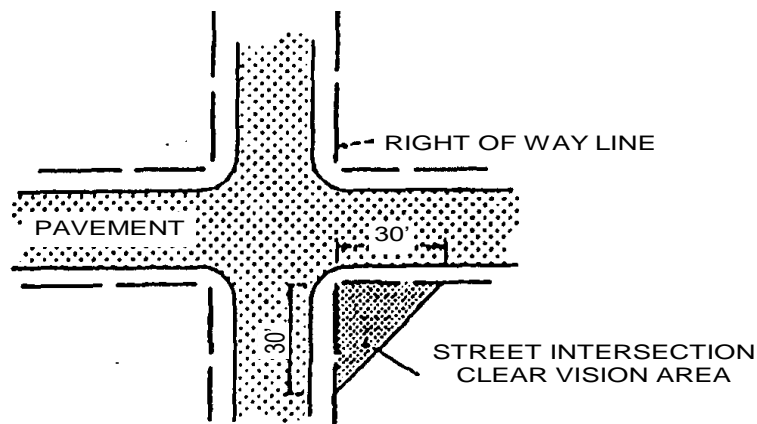
- .01 Satellite dish type antennae are permitted as an accessory use in all zoning districts and shall require a certificate of zoning compliance from the Zoning Administrator prior to installation as set forth in Section 23.3.0.
- .02 Exclusion: This section does not apply to satellite dish antennas one (1) meter (3.3 feet) or less in diameter in residential districts or two (2) meters (6.6 feet) or less in non-residential districts.
- .03 Dish antennas greater than five (5) feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.
- .04 Satellite dish antenna controlled under provisions of this Section, including guys, concrete base, slab, or other substructure, are prohibited in any front or side yard of a lot or parcel in any residential or commercial district and shall not encroach upon any side yard setback line. Nor shall satellite dish antennas controlled under this Section be placed within ten (10') feet of the rear property line, provided that any guy wire anchors may be located within one (1') foot of the property line(s) that define the rear yard. In addition, any satellite dish antennae support in residential and commercial districts shall be set back from the nearest property line a distance equal to or greater than the structural height.
- .05 Height of any satellite dish antenna support structure covered under this Section shall be controlled by the height regulation of the district in which it is located.
- .06 Satellite dish antennae covered under this Section, for which an in-ground foundation or substructure must be constructed or which are roof mounted and extend more than five (5') feet above the ridge line of the roof, shall require a building permit prior to erection, enlargement, increase in height or relocation.
- .07 Lots or parcels in residential districts shall be limited to not more than one (1) satellite dish antennae support structure per building containing one or more dwelling units. A support structure may support more than one satellite dish.

- .08 Climbable satellite dish antennae support structures over twelve (12') feet in height shall be completely enclosed by a fence six (6') in height or shall have an effective anti-climb device attached. If fenced, the fence shall restrict the passage of a two (2') inch diameter sphere.
- .09 No advertising or identification display shall be placed on any portion of a satellite dish antenna.

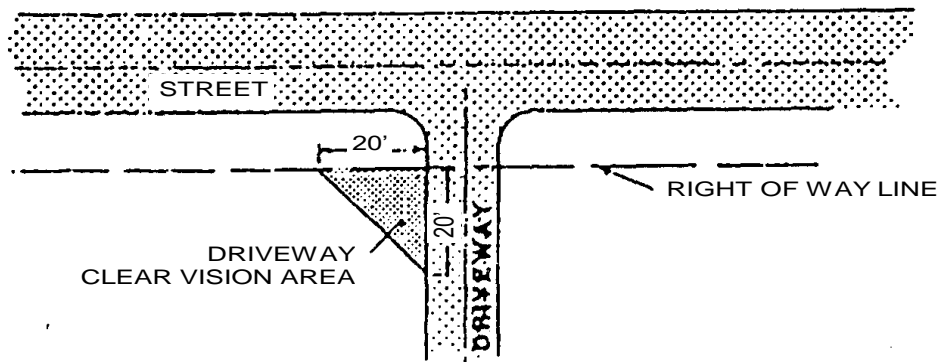
Section 3.14.0 — Fences, Walls and Screens

Figure 10: Clear Vision Areas

a. CLEAR VISION AREA—STREET INTERSECTION



b. CLEAR VISION AREA—STREET-DRIVEWAY INTERSECTION



.01 INTENT

All fences, walls and other protective barriers, including trees, berms and/or shrubbery referred to in this section as “fences” of any nature or description located within any district of Lexington Township shall meet the following regulations:

- A. All manmade structures shall be located entirely on or within the lot lines of the lot which they are located; and shall not be located within any public road right-of-way or private road access easement. Fences on any corner lot must comply with the setback requirements of Section 3.14.04 Clear Vision Area. In the event of a property line dispute, the property owner installing the fence shall provide a certified survey, current within three (3) years, or have the ability to verify the survey monuments.
- B. Protective barriers, including tree rows, shrubbery and/or berm planting must retain a side and rear yard setback of five (5) feet when being planted, allowing for the growth and maturity of plant life.
- C. Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl, brick/block, or metal. Razor wire shall not be permitted. Fences which carry electric current shall be permitted only in conjunction with the raising of livestock or other domesticated animals. Barbed wire shall be permitted on any property that livestock and farm animals are allowed, providing the wire fence is constructed of no less than two (2) strings of wire. Barbed wire is also permitted in the Industrial District provided that the barbed wire is at least six (6) feet above ground.
- D. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
- E. A fence shall not be constructed where it would prevent or unreasonably obstruct the use of the adjacent property, or the safe use of an existing driveway or other means of access to adjacent property.
- F. Fences should be erected in a manner to allow emergency vehicles access to the rear of a lot (front of the lot when the lot is located on the lake) providing sufficient space between the building line of any structure and the fence, wall or screen on at least one side of the property shall be accessible and the opening shall be no less than ten (10) feet in width.
- G. Fences shall be maintained in good repair. Rotten or broken components shall be replaced, repaired or removed. As required, surfaces shall be painted or similarly treated. Fences, walls or screen barriers comprised of trees, shrubbery or vegetation of any kind shall be maintained and trimmed.

.02 MAXIMUM HEIGHTS

In addition to the standards of Section 3.14.01, all fences, walls or other screening structures, other than the permitted retaining walls, located on a Single Family Residential, Agriculture/Residential, Agriculture II, Lakefront Residential, Recreational, and Resort (LFRRR), Planned Unit Development or Platted Subdivision District shall not exceed the following maximum heights.

- A. Any fence located in the front yard area, may not exceed a maximum height of four (4) feet and must be of open construction.
- B. Any fence located perpendicular to the front line of the principal building and the rear lot line may not exceed a maximum of six (6) feet in height, and may be of closed construction.
- C. Fences installed on a corner lot must comply with Section 3.14.04 C and be of open construction and not exceed four (4) feet in height.
- D. Any fence located along the rear lot line within any rear yard area may not exceed a height of eight (8) feet, and may be of closed construction.
- E. Where lots abut a body of water, any fence located in the front yard (the Lake side) may not exceed the maximum height of four (4) feet and must be of open construction. No fence shall be permitted in the waterfront yard between the shoreline and the required setback as prescribed by the

Department of Natural Resources. Fences parallel to M-25 and on the westerly portion of the property shall not exceed six (6) feet in height and must be of open construction.

- F. Where the side or front yard space of a lot abuts the rear yard of one or more adjoining lots, the height of the fence shall not exceed eight (8) feet along the portion of the common lot line, but must comply with Section 3.14.04 Clear Vision Area.
- G. Wire fences constructed to contain livestock and farm animals are exempt from height requirements, and may be constructed of barbed wire. Refer to Letter "C" in Section 3.14.01.

.03 COMMERCIAL/INDUSTRIAL DISTRICTS

In addition to the standards of Section 3.14.01, all fences, walls, plantings or screening structures, other than the necessary retaining walls, located on a Commercial or Industrial District shall not exceed the following maximum requirements.

- A. All outdoor storage areas shall be screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) surrounding the storage area, including the line abutting a public thoroughfare. The screen shall be at least six (6) feet above the road grade level. Exceptions may be made by the Planning Commission (for Special Land Uses) and by the Board of Appeals (for Variances).
- B. Occupants and owners shall also comply with Section 3.28.0 Junk Yards and Salvage Yards, also 16.1.0 Landscape Standards/Greenbelts of this Ordinance.
- C. Fences, walls, screens or berms more than three (3) feet in height are not allowed within twenty (20) feet of the front of the property line. Fences shall be of see through construction.
- D. Where industrial property abuts any other use district, the side yard shall be at least seventy-five (75) feet in width and shall include a green strip of at least fifteen (15) feet in width and include an isolation barrier at least eight (8) feet in height. Such barrier shall consist of coniferous trees and may be supplemented by additional ornamental foliage. The total height of an isolation barrier may include a berm.

.04 CLEAR VISION AREA

- A. No fence, wall, plant material or growing crop shall be erected or maintained in such a manner as to obstruct vision between a height of three (3) feet and ten (10) feet within a triangular area formed by the intersection of street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines thirty (30) feet from the point of intersection of right-of-way lines.
- B. No fence wall or planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within a triangular area formed by the intersection of a street right-of-way or edge of a private road easement and a driveway and a line connecting two points which are located on the right-of-way or edge of a private road easement and the driveway twenty (20) feet from the intersection.
- C. When property lines are adjoining, such as back to side or back to front, no fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct a clear field of vision to the roadway. All fences, walls, screens or planting material shall be set back twenty (20) feet from the road right-of-way

Section 3.15.0 — Temporary Buildings

- .05 Temporary buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions:
 - A. During renovation of a principal building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it be located on the lot or parcel for more than one hundred eighty (180) days in total.
 - B. Temporary buildings and structures, including trailers, incidental to construction and land development work. Said temporary building and structures shall be removed from the lot or parcel within fifteen (15) days of completion of construction.
 - C. A temporary land use permit agreement shall be filed with the Zoning Administrator prior to placement of any temporary building or structure within the Township.

Section 3.16.0 — Keeping of Animals

- .01 The keeping of more than two (2) dogs shall not be permitted within the R-1, R-2 and R-3 Districts and the keeping of more than three (3) dogs shall not be permitted within the A-1 and A-2 Districts; provided, however, that any litter of dogs which causes the aforesaid limit of two (2) or three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to remain on said premises within any consecutive 12 month period.
- .02 The raising of livestock and farm animals in agricultural and low-density residential zoning districts with properties of 2-4.99 acres shall be limited as follows: Cattle, Horses, Swine, Ostrich, emu, llama, sheep, lambs, goats and other comparable large breeds shall be limited to 2 animal units. An animal unit shall consist of 1 of any of the animals. Turkeys, laying hens, ducks and other comparable smaller animals shall be limited to 10 animals of any combination.

Cattle	2
Horses	2
Swine	2
Ostrich, emu, llama	2
Sheep, lambs, goats	2
Turkeys	10
Laying Hens	10
Ducks	10

.03 The raising of livestock and farm animals in medium and high-density residential zoning districts with properties of 2-3.99 acres shall be limited as follows: Cattle, Horses, Ostrich, emu, llama, sheep, lambs, and goats shall be limited to 2 animal units. An animal unit shall consist of 1 of any of the animals. Turkeys, laying hens, ducks and other comparable smaller animals shall be limited to 5 animals of any combination.

Cattle	2
Horses	2
Swine	0
Ostrich, emu, llama	2
Sheep, lambs, goats	2
Turkeys	5
Laying Hens	5
Ducks	5

.04 The raising of livestock and farm animals in all agricultural and residential zoning districts with properties of 0-1.99 acres shall be limited as follows:

Cattle (slaughter & feeder)	0
Horses	0
Swine	0
Ostrich, emu, llama	0
Sheep, lambs, goats	0
Turkeys	0
Laying Hens	5
Ducks	5

.05 No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or a public nuisance. Storage or piling of waste products shall be confined to areas where animal buildings and quarters are permitted (accessory building) and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said animals may be kept on the premises for the time period which is customary for the species involved.

Section 3.17.8 — Repair of Motor Vehicles

All repair, maintenance and mechanical work, including painting and exterior bodywork, on motor vehicles not owned by the occupant or owner of real property on which such work is conducted, is prohibited in any residential zoning district. Inoperable vehicles and vehicle parts shall be stored within an enclosed building in any residential zoning district.

Section 3.18.0 — Adult-Related Businesses

The intent of this Section is to regulate the location, but not exclude adult related businesses by preventing the concentration of these uses. These regulations are enacted with Township acknowledgment that there are some uses which, by their nature, have serious objectionable operating characteristics, particularly when two or more such uses are abutting, adjacent, or are in close proximity to one another, upon adjacent residential or commercial areas. The Township recognizes that regulation of adult related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.

.01 SITE LOCATION STANDARDS

- A. No adult related business shall be established on any lot or parcel or within an enclosed building where there exists an adult related business within one-thousand (1000') feet, measured between the nearest property lines.
- B. The lot or parcel on which an adult related business is located shall be at least five hundred (500') feet from a residential zoning district, church, or public or private school, as measured between the nearest property lines.

.02 SITE DEVELOPMENT STANDARDS

Adult related businesses, as defined and listed in Section 2.2.0, shall comply with the following regulations:

- A. Adult related businesses shall not be located in buildings in which dwelling units are located.
- B. Activities conducted within buildings housing adult related businesses shall be shielded in such a manner that no person outside of the lot or parcel on which the adult related business is located shall see activities.

Section 3.19.0 — Illegal Dwellings

The use of any portion of a basement of a partially completed building, garage or accessory building or structure for dwelling or sleeping purposes is prohibited in every zoning district.

Section 3.20.0 — Advertising Structures, Signs, and Name Plates

The intent of this section is to promote traffic safety, public safety, and conserve property values through the application of reasonable controls over the placement, use, size and general appearance of advertising structures, signs, and nameplates.

.01 JURISDICTION

No sign, billboard, name plate, marquee, or other advertising structure shall be erected, replaced, structurally altered, enlarged, illuminated, changed in size or purpose, or relocated without first obtaining a sign permit, except those signs specifically exempted by Section 3.20.0, .07 of this Ordinance and those structures covered under Public Act 106 of 1972, as amended, commonly known as the Highway Advertising Act.

.02 SIGN PERMITS

An application for a sign permit shall be made to the Zoning Administrator by submission of a completed sign permit application form. Said application shall contain or require the following information:

- A. Property owner's name, address and telephone number.
- B. Applicant's name, address and telephone number.
- C. The legal description and address of the lot or parcel on which the sign is proposed.
- D. Name and address of the sign owner.
- E. Total display area of the sign in square feet.
- F. Sign type, purpose and height.
- G. Proposed setback from public right of way or easement line.
- H. Height and width of building wall, if the sign is a wall sign.

.03 REVIEW OF SIGN PERMIT APPLICATIONS

The Zoning Administrator shall receive and review all sign permit applications. A sign permit shall be issued only for those signs that fully comply with the requirements of this Ordinance and the State Construction Code, where applicable. All sign permit applications shall be approved or rejected within five (5) working days of receipt of a complete sign permit application.

.04 SIGN PERMIT APPLICATION FEES

A schedule of fees shall be determined by resolution of the Township Board and may be amended from time to time.

.05 APPEAL OF SIGN PERMIT APPLICATION DENIAL

The Zoning Board of Appeals is hereby authorized to grant a variance from the requirements of this Section, provided the Zoning Board of Appeals (ZBA) may not permit additional signs above the number permitted in this Section. The ZBA must conclude that all standards of Section 19.5.0 required for any other variance have been met.

.06 PROHIBITED SIGNS

The following listed signs are prohibited in any portion of the Township:

- A. A sign displaying intermittent lights intended to attract attention or which resemble flashing lights customarily used in roadway traffic signals or by police, fire, ambulance or rescue vehicles.
- B. A sign using the words, "Stop", "Danger", or other word or phrase that interferes with, misleads, or confuses the driver of a motor vehicle.
- C. A billboard located within one hundred (100') feet of any dwelling.
- D. Any sign that obstructs ingress or egress from a door, window, emergency exit, or obstructs driver vision in any manner.

- E. Signs located in a public street right of way or in a recorded private easement.
- F. Portable, projecting and roof signs as defined in Section 2.2.0. (13)-(15).

.07 EXEMPT SIGNS

The following listed signs are exempt and shall not be required to obtain a sign permit:

- A. Real Estate Sale, for rent or lease signs or less than nine (9) square feet of display area when located in any residential or agricultural zoning district, or not exceeding thirty-five (35) square feet of display area when located in any other zoning district.
- B. Building Construction or Land Development signs not exceeding fifty (50) square feet of display area during the period of construction. Signs designating "the future site of" a proposed use or establishment shall not be considered eligible under this subsection.
- C. Political Campaign Signs not exceeding fifty (50) square feet of display area.
- D. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- E. Private No Hunting or No Trespassing signs less than three (3) square feet in area.
- F. Non-commercial on-premise directional signs not exceeding four (4) square feet of display area and directional pavement markings.
- G. Signs one square foot in area or less bearing only identifying a building address, post box numbers, and/or name of occupant(s).
- H. Historic Markers authorized by the State of Michigan.
- I. Official public notices by any governmental agency not to exceed six (6) square feet of display area.
- J. Signs located on the same lot or parcel as farming operations which advertise the name, owner's name, product sold, crop or livestock raised, or specialized farming activities, but excluding the sale of farm equipment and implements.
- K. Any sign, insignia, flag or pennant owned by and placed by a local, county, state or federal governmental agency, or a non-profit service club, not to exceed fifty (50) square feet of display area.
- L. Integrated architectural features of buildings, except letters, trademarks, or other clearly discernible commercial representation, which shall be regulated under this ordinance. Any moving sign parts or moving lights are prohibited.
- M. Agri-tourism businesses-At up to 6 locations within the township, 1-off premise sign, not to exceed 8 square feet each, may be erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public or when an agricultural tourism use is in operation or is planned to be in operation within 30 days. Signs facing in the same direction of travel shall be at least 1,000 feet apart. Permission from the property owner upon which said sign is to be placed shall be provided upon request by zoning administrator. Said signs shall not be located within a road right-of-way and are limited to 4 feet in height. Said signs may be permanently displayed for permitted uses that are authorized to operate on a year-round basis.

.08 SIGN SETBACK AND HEIGHT REQUIREMENTS

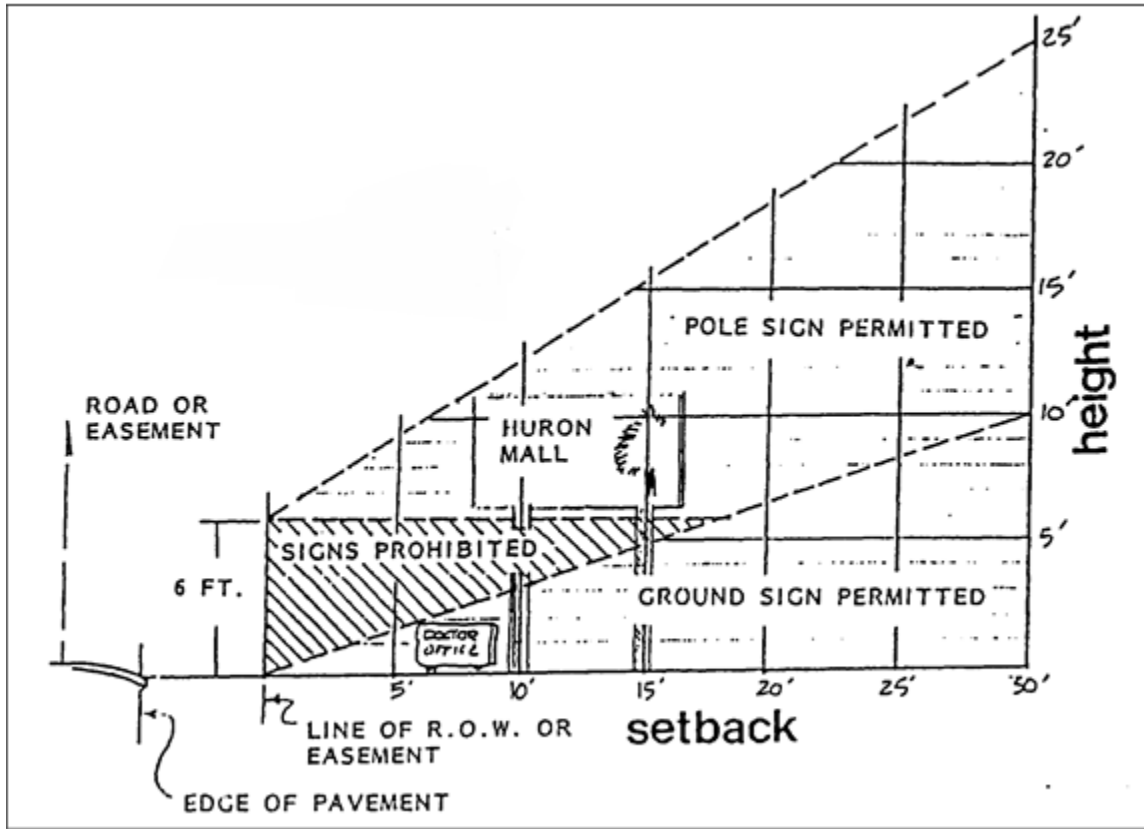
Sign setbacks for all zoning districts shall be required as shown in Figure 11. Maximum height of signs may be increased one additional foot for each additional foot of setback over thirty feet.

.09 REQUIREMENTS FOR PERMANENT SIGNS

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM # OF SIGNS
School, Church, Cemetery, Public Buildings, Child Care Center, Clinic, Medical or professional office, Golf Course, Airport, Mining, Agri-business	32 square feet	Ground	8 feet	Identification or Business	One per lot or parcel
Manufactured Housing Community ¹ , Subdivisions, Condominiums, Planned Unit Development, Multiple Family Development	32 square feet	Ground	8 feet	Identification	One per public street entrance
Home Occupations	8 square feet	Ground	4 feet	Identification	One per lot or parcel
Free-standing office and retail commercial businesses not located on the same lot or parcel with another business	15% of front wall area of building in which business is located	Wall	Not above front roof line	Identification or Business	One per office or business establishment
	80 square feet	Ground	12 feet	Identification or Business	One per office or business establishment
Shopping Center or businesses on the same lot or parcel, attached or detached, from another business	15% of front wall area of establishment served by sign	Wall	Not above front wall	Identification or Business	One per establishment
	300 square feet	Pole	18 feet	Identification or Business	One pole sign per center or per group of separate buildings on a lot or parcel
Automobile service station, automobile and truck sales, camper and recreational vehicle sales and service, commercial garage	15% of front wall area of establishment served by sign	Ground	12 feet	Identification or Business	One per establishment
	100 square feet	Wall	Not above front wall	Identification or Business	One per establishment
Individual industrial establishments	15% of front wall area of establishment served by sign	Wall	Not above front wall	Identification	One per establishment
	80 square feet	Ground	12 feet	Identification	One per establishment
Off-premises signs and billboard are not within the Township unless located within a commercial or industrial zoning district and they comply fully with requirements herein. All such signs, prior to erection or use, shall have been issued a permit under Public Act 106 of 1972	360 square feet	Pole or billboard	20 feet	Advertising	An off-premises sign or billboard may not be located closer than five-hundred (500) feet to another off-premises sign or billboard

¹ See Section 3.8.0, .13

Figure 11: Sign Setback and Height Requirements



.10 SIGN DEFINITIONS: (See Chapter 2, Section 2.2.0.)

Section 3.21.0 — Septage Waste Services

All septage waste services performed within the Township shall comply with provisions of Public Act 181 of 1986, as amended, said Act commonly referred to as the Septage Waste Services Act, and all rules and regulations promulgated there under, excluding industrial liquid wastes regulated under Public Act 136 of 1969, as amended.

Section 3.22.0 — Gun and Hunt Clubs, Shooting and Archery Ranges

Gun & hunt/Shooting & archery clubs, whether operated for profit or not, may be permitted in Residential and Agricultural Districts only, after review by the Planning Commission as a use permitted subject to special conditions provided the following conditions are met:

- .01 All such facilities must be situated on a parcel of land not less than forty (40) acres in area and having a minimum of one thousand three hundred twenty (1,320') foot road frontage.
- .02 Such parcel of land must be adequately fenced, that being a fence of at least four (4') feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50') feet apart.
- .03 Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".
- .04 All federal, state, county and township codes and ordinances in regard to firearms shall be strictly adhered to.
- .05 In no instance shall a firearm be discharged closer than one thousand (1,000') feet to an existing residence.
- .06 In no instance shall a firearm be discharged on any range in any gun club without the presence of a range officer of the gun club for supervision.
- .07 A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Chapter 15 and clearly indicating all safety provisions to assure that any missile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
- .08 Any other provision which the Township Board and Planning Commission deem necessary to assure the health, safety and general welfare of the inhabitants of Lexington Township and adjacent communities.
- .09 All ingress and egress from said parcel must be directly from a public road.
- .10 Off road parking must be provided.
- .11 No on road parking shall be permitted.
- .12 All new gun and hunt 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.
- .13 Operations shall not begin before 8:00 a.m., nor continue beyond 9:00 p.m. Noise levels at the property lines shall not exceed 40 dba. Sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U. S. Department of Standards.

Section 3.23.0 — Site Development Standards for All Buildings and Structures

The following SCHEDULES A through F contain site development standards for principal and accessory buildings and structures in all zoning districts contained within the Ordinance. SCHEDULES A through F are adopted as a part of this Ordinance and shall have the same force and effect as though written out as text within this Ordinance. In the event of any conflict between provisions written in text of this Ordinance and the content of SCHEDULES A through F, the provisions within the text shall apply.

SCHEDULE A: SITE DEVELOPMENT STANDARDS FOR A-1, A-2 ZONING DISTRICTS

SITE DEVELOPMENT STANDARD		ZONING DISTRICT	
		A-1	A-2
Minimum Lot Area		2 Acres	2 Acres
Minimum Lot Width		165 Feet	165 Feet
Minimum Lot Depth		200 Feet	200 Feet
Minimum Required Setbacks for Principal Buildings	Front	50 Feet	50 Feet
	Side	25 Feet	25 Feet
	Rear	50 Feet	50 Feet
Maximum Lot Coverage		10 Percent	10 Percent
Maximum Building Height		35 Feet	35 Feet
Minimum Floor Area Per Dwelling Unit	Single family 1 Story	1,280 Square Feet at Grade	
	Single family 1 ½ Story	1,000 Square Feet at Grade	
	Single family 2 Story	900 Square Feet at Grade	
	Single family Split & Bi-Level	1,000 Square Feet at Grade	

SCHEDULE B: SITE DEVELOPMENT STANDARDS FOR R-1, R-2, R-3 AND LFRRR ZONING DISTRICTS

Site Development Standards	Use		Zoning Districts			
			R-1	R-2	R-3	LFRRR
Minimum Lot Area	Single Family		30,000 SF	20,000 SF	20,000 SF	20,000 SF
	Two Family		N.A.	30,000 SF	30,000 SF	30,000 SF
	Multiple Family		N.A.	N.A.	40,000 SF	N.A.
	Mfg. Housing Community		N.A.	N.A.	1 Acre	N.A.
	Condominium Development		Ref. Section 3.51.0			
	Parks/Campground/Recreational Areas		N.A.	N.A.	N.A.	10 Acres
Minimum Lot Width	Single Family		100 Feet	100 Feet	1000 Feet	100 Feet
	Two Family		N.A.	120 Feet	120 Feet	120 Feet
	Multiple Family		N.A.	N.A.	200 Feet	N.A.
	Mfg. Housing Community		N.A.	N.A.	N.A.	N.A.
	Condominium Development		Ref. Section 3.51.0			
	Park/Campground/Recreational Areas		N.A.	N.A.	N.A.	300 Feet
Site Minimum Lot Depth	Development Standards for Zoning Districts--- All Lots		200 Feet	200 Feet	200 Feet	200 Feet
Minimum Required Setbacks for Principal Buildings	Single Family	Front	75 Feet (6)	75 Feet (6)	75 Feet (6)	60 feet (3) (4) (5) (6)
		Side	10 Feet	10 Feet	10 Feet	10 Feet
		Rear	35 Feet	35 Feet	35 Feet	35 Feet
	Two Family	Front	N.A.	75 Feet	75 Feet	(3) (4) (5)
		Side	N.A.	8 Feet	10 Feet	10 Feet
		Rear	N.A.	30 Feet	35 Feet	35 Feet
	Multiple Family	Front	N.A.	N.A.	75 Feet	N.A.
		Side	N.A.	N.A.	30 Feet	N.A.
		Rear	N.A.	N.A.	40 Feet	N.A.
	Mfg. Housing Community/Condo Development	Front	N.A.	N.A.	N.A.	N.A.
		Side	N.A.	N.A.	N.A.	N.A.
		Rear	N.A.	N.A.	N.A.	N.A.
	Parks/Campground/Recreation Area	Front	N.A.	N.A.	N.A.	(3) (4) (5)
		Side	N.A.	N.A.	N.A.	40 Feet
		Rear	N.A.	N.A.	N.A.	35 Feet

CONTINUED SCHEDULE B: SITE DEVELOPMENT STANDARDS FOR R-1, R-2, R-3 AND LFRRR ZONING DISTRICTS

Site Development Standards	Uses		Zoning Districts			
			R-1	R-2	R-3	LFRRR
Maximum Lot Coverage	All Uses		30%	30%	40%	30%
Minimum Floor Area Per Dwelling Unit	Single Family	One Story	1,280 Square Feet at Grade			
		1 ½ Story	1,000 Square Feet at Grade			
		2 Story	900 Square Feet at Grade			
		Split/Bi-level	1,000 Square Feet at Grade			
	Two Family		N.A.		700 Sq. Feet per Dwelling Unit	
	Multiple Family		N.A.	N.A.	700 SF/DU	N.A.
	Manufactured Home		N.A.	N.A.	760 SF/DU	N.A.
	Guest Cottage		N.A.	N.A.	N.A.	250 SF
	Guest House		N.A.	N.A.	N.A.	750 SF
Maximum Building Height	All Uses		35 Feet			
<ol style="list-style-type: none"> 1. Minimum lot areas per dwelling unit in square feet: Efficiency, 4,200, One bed-room, 4,400, Two Bed-room, 4,800, Three Bed-room, 5,200. Plans presented that include a den, library, or extra/bonus room shall have such extra room counted as a bedroom for the purposed of this ordinance. 2. In the case of Mfg. Homes, housing or Communities or Manufactured Condo sites, requirements apply to the total site not the individual dwelling site or lot. (See Sections 3.8.0 & 3.9.0) 3. All structures abutting the lake front must be set back in accordance with the High Risk 'erosion standards and must obtain a permit from the applicable state, county and/or local agencies. 4. Dwellings erected on lots fronting on both Lakeshore Rd(M-25) and on Lake Huron shall utilize Lake Huron as front footage if built on east half of lot. If dwelling is erected on west half of lot, shall utilize Lakeshore Rd(M-25) as front footage and shall have a front setback of 75'. 5. In the case of existing buildings situated on contiguous parcels – at no time shall a new building block the view of the neighboring property, unless existing buildings are setback at least 125' from the bluff, then the lesser setback of the two contiguous parcels shall be applied, however in no event shall the setback be less than 60' from the bluff. This setback shall apply to any addition to an existing structure. 6. If it is a private road then the setback is 50'. 						

SCHEDULE C: SITE DEVELOPMENT STANDARDS FOR THE OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

SITE DEVELOPMENT STANDARD		ZONING DISTRICT		
		OFFICE	COMMERCIAL	INDUSTRIAL
Minimum Lot Area		15,000 SF	15,000 SF	5 Acres
Minimum Lot Width		100 Feet	100 Feet	400 Feet
Minimum Required Setbacks for Principal Buildings	Front	75 Feet	75 Feet	150 Feet*
	Side	15 Feet each side	20 Feet each side	25 Feet each side
	Rear	20 Feet	20 Feet	25 Feet
Maximum Lot Coverage		40%	40%	40%
Maximum Building Height		75 Feet	75 Feet	75 Feet
* From center line of highway required.				

SCHEDULE D: MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS UNDER CERTAIN CONDITIONS

When Zoning District in Column "A" Abuts Zoning District in Column "B"			Required setback from Abutting Lot Line for Principal Buildings in Zoning District in Column "A"
"A"		"B"	
Office and Commercial District	ABUTS	A-2, R-1, R-2 or R-3	50 Feet
Industrial District	ABUTS	A-2, R-1, R-2 or R-3	100 Feet
Multiple Family Building in R-3	ABUTS	A-2, R-1, or R-2	50 Feet
Agricultural Enterprise District	ABUTS	A-2, R-1, R-2 or R-3	75 Feet

SCHEDULE E: SITE DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS IN ALL ZONING DISTRICTS

Site Development Standards		ZONING DISTRICT									
		A-1	A-2	R-1	R-2	R-3	LFRRR	O	C	I	
Maximum Building Size Accessory to:											
Single Family Dwelling		1 & 2	1 & 2	1 & 2	1 & 2	1	1&2	NONE			
Two Family Dwelling		1 & 2	1 & 2	1 & 2	1 & 2	1	1&2				
Multiple Family Dwelling		1 & 2	1 & 2	1 & 2	1 & 2	1	N.A.				
Manufactured Housing Community, Manufactured Housing Condo Develop.		N.A.	N.A.	N.A.	N.A.	3	N.A.				
Minimum Required Setbacks		Front	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	4 & 8	
		Side	15 Ft	12 Ft	5 Ft	5 Ft	5 Ft	5 Ft	15 Ft	20Ft	25 Ft
		Rear	25 Ft	25 Ft	5 Ft	5 Ft	5 Ft	(4)	20 Ft	20 Ft	25 Ft
Maximum Building Height		7	7	1 & 2	1 & 2	1 & 2	7	7	7	7	
<ol style="list-style-type: none"> The accessory building first floor area shall not exceed 3% of the lot area or 2,000 SF, whichever is less, and have a maximum height that shall not exceed the height of the primary residence. If there is no primary residence constructed within the allotted time in R-1, R-2, R-3, A-1, A-3 and LFRRR districts then the height shall be limited to 18 feet. Parcels 5 acres or over. The accessory building shall not exceed 10,000 SF and have a maximum height of 35 feet. See Section 3.8.0 and 3.9.0. No accessory building shall be permitted in a front yard unless it is set back at least 200 ft. from view from the street right-of-way. In the case of the LFRRR District where Lake Huron is being used as the front yard any accessory building shall be setback at least 200' from the street right away unless the lot size makes the 200' setback impossible then the setback shall be the greatest distance from the street-right-of-way that makes construction possible. However, in no event shall the setback be less than 75' from the street-right-of-way. In the event that Lake Huron is being used as the rear yard the accessory building must be set back at least 200' from the bluff. If a garage is constructed after the primary dwelling is built, it may be attached to the primary if it meets the Michigan Building Code standards. An accessory structure may not be located in any required buffer zone. An accessory structure is not to exceed the height of the principal building or 35 feet whichever is less. However architectural features listed in Sec. 21.4.0 shall not be used to determine principal building height. For corner lots, no accessory building shall be permitted in a front yard unless it is set back at least two hundred (200) feet from the street right-of-way. Accessory buildings shall be set back no less than seventy-five feet (75) from the remaining front lot line. However, if there is a residence within three hundred (300) feet of the proposed accessory building, then the set back from said remaining lot line shall not be constructed so that it breaks the front plane, running parallel to the road, of said residence unless it is at least two hundred (200) feet from, and fully screened from view, from the street right-of-way. 											
Revised 10/6/2014 sf											

SCHEDULE F: SITE DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENTS IN R-1, R-2, AND R-3 ZONING DISTRICTS

SITE DEVELOPMENT STANDARD	USE	ALL RESIDENTIAL ZONING DISTRICTS		
		R-1	R-2	R-3
Minimum Lot Area	Single Family Dwelling	NONE		
	Two Family Dwelling			
	Multiple Family Dwelling			
Minimum Lot Width	Single Family Dwelling	60 Feet		
	Two Family Dwelling	60 Feet		
	Multiple Family Dwelling	NONE		
Minimum Required Setbacks for Principal Buildings	Front	20 Feet		
	Side	NONE		
	Rear	NONE		
Maximum Lot Coverage	All Uses	NONE		
Minimum Floor Area Per Dwelling Unit	All Uses	As Required in Schedules A and B		
Maximum Building Height	All Uses	40 Feet		
		R-1	R-2	R-3
Maximum Residential Density (Dwellings Per Acre)	Single Family Dwelling	1.5	2.2	3.5
	Two Family Dwelling	N.A.	3.0	4.0
	Multiple Family Dwelling	N.A.	N.A.	5.0 ⁽¹⁾
(1) service to the PUD site and service to each building will permit the proprietor to increase maximum permitted PUD density in the R-3 Residential District by thirty (30%) percent		Public sanitary sewer		

Section 3.24.0 — Flood Hazard and High Risk Erosion Areas

The purpose of these regulations is to prevent the placement of structures in areas of high risk erosion and flood hazard consistent with the Shoreland Protection and Management Act, Public Act 245 of 1970, as amended. The specific objectives of these regulations are as follows:

- .01 Establish minimum setback line for principal structures from an eroding bluff which, based on erosion studies and information documented by the Michigan Department of Natural Resources, is intended to provide a minimum of thirty (30) years protection from shoreland erosion.
- .02 Minimize the economic hardship which property owners and the Township may endure in the case of land or building loss due to erosion of soil or flooding and, to prevent individuals from using land unsuitable for building placement due to significant flood or erosion risk, and
- .03 Restrict or prohibit use of land which is dangerous to public health, safety and general welfare during periods of flooding or erosion of shorelands, and
- .04 Require that uses and structures vulnerable to flood or erosion at the time of establishment are protected and regulated under this Ordinance, and
- .05 To facilitate qualification for flood insurance under provisions of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended and as regulated by the National Flood Insurance Program of the Federal Emergency Management Agency.

Section 3.24.1 — Definitions

.01 BLUFFLINE

The line that is the edge or crest of the elevated segment of the shoreline above the beach that normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluffline, the line of perennial vegetation may be considered the bluffline.

.02 EROSION

The collapse or subsidence of land along the shore of a lake or waterbody, including drains, creeks, streams, and rivers, as a result of soil removal or undermining caused by waves or currents of water.

.03 FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of drains, creeks, streams, rivers, lakes or other inland body of water or abnormally high or rising coastal water proximately caused by strong wind, heavy rains, tidal action, or tsunamis.

.04 HIGH RISK EROSION AREA

An area designated as a high risk area due to shoreland erosion identified by the Michigan Department of Natural Resources under provisions of Public Act 245 of 1970, as amended.

Section 3.24.2 — Areas Affected: Flood Hazard

Generally, these areas are those lands bordering on and adjacent to the Freeman Drain, Acheson Drain, Mills Drain, Kott Drain, Croswell Drain, Sherk Drain, Arnot Drain, Mills and McClelland Drain, Rosentel Drain, County Road Drain #3, County Road Drain #2, Johnsons Drain, Jenny Drain, Pomeroy Drain, Mill Creek, Mills Creek, Arnot Creek, Black River and Lake Huron. These areas are identified specifically on Flood Hazard Area Maps prepared and published by the Federal Emergency Management Agency, a copy of which is available for public inspection in the Office of Township Clerk during regular business hours.

Section 3.24.3 — Areas Affected: Shoreland Erosion

The boundaries of those stretches of shoreland subject to high risk erosion shall be as determined by the Michigan Department of Natural Resources and depicted on the Official Zoning District map. These areas extend landward from the ordinary high water mark of Lake Huron to the minimum setback line for principal structures. The minimum setback requirement shall be measured landward from the bluffline and shall be construed as running parallel to the bluffline. Whenever the bluffline moves landward, the setback line of the high risk erosion area shall also be construed to have moved landward a distance equal to the movement of the bluff line.

Section 3.24.4 — Schedule of Regulations

Within the high risk erosion area established by this Section and depicted on the Official Zoning District Map, no principal structure shall be located between the ordinary high water mark and the line defining the minimum setback distance shown on the Official Zoning District map. Setback requirements for high risk erosion areas shall be as shown below:

DESIGNATED HIGH RISK EROSION AREA	REQUIRED SETBACK FROM BLUFFLINE	MINIMUM SETBACK BY VARIANCE
Area A: Shown on Official Zoning District Map	85 Feet	55 Feet
Area B: Shown on Official Zoning District Map	80 Feet	65 Feet
Area C: Shown on Official Zoning District Map	55 Feet	40 Feet
Area D: Shown on Official Zoning District Map	115 Feet	85 Feet

Section 3.24.5 — Accessory Buildings and Structures

Accessory buildings and structures designed and built to be easily and economically relocated prior to erosion damage are exempt from setback requirements of the table in Section 3.24.4.

Section 3.24.6 — Certificate of Zoning Compliance

A Certificate of Zoning Compliance shall not be issued by the Zoning Administrator for any use, building or structure proposed to be located in a Flood Hazard or High Risk Erosion Area until the following information is submitted by the property owner and determined to be in compliance with all requirements of this Ordinance.

- .01 Elevation proposed for the use, building or structure. This elevation, including basement, must be at least two (2') feet above the established flood level.
- .02 A description of materials to be used in the building or structure. These materials and the design must be capable of withstanding flood pressure and be water-resistant.
- .03 The use, building or structure shall be located so that it will not obstruct the flow of surface water nor precipitate flooding on adjoining property.
- .04 The water supply system is designed to eliminate filtration of flood water into the system.
- .05 The waste water disposal system is designed and located to avoid impairment of and contamination from the system during flooding.
- .06 The use, building or structure is not located on any bluff or bank subject to erosion, regardless of compliance with required setback.
- .07 Where a parcel has insufficient depth for any building or structure to meet the minimum required setback within Table 3-2, the Zoning Board of Appeals may permit a variance in accordance with Table 3-2 or by variance may permit construction of a seawall or other structure designed to inhibit erosion or flooding.

Section 3.24.7 — Zoning Administrator's Duties

In all areas of High Risk Erosion or Flood Hazard, the Zoning Administrator shall:

- .01 Follow requirements of Chapter 22, and
- .02 Follow requirements of Section 3.4.0, and
- .03 Review all applications for a Certificate of Zoning Compliance to insure requirements of this Ordinance are complied with in full.

- .04 Any use, building or structure requiring site plan approval under provisions of Chapter 15, shall be forwarded to the Planning Commission for action prior to issuance of a Certificate of Zoning Compliance.

Section 3.25.0 — Splitting of Property Descriptions

.01 NOTIFICATION TO TOWNSHIP

The Township Planning Commission shall be notified of all property divisions. The owner of any parcel of property shall file with the Zoning Administrator, a proposed site plan of split. If approved by the Zoning Administrator, a Certified Survey with total property description must be done and presented to the Zoning Administrator before any further action takes place on the property.

.02 SPLITTING OF PLATTED PROPERTY PROHIBITED

- A. The division of a lot in a recorded plat is prohibited unless an application (with reason) for splitting the platted parcel has been filed with the Township Zoning Administrator and the division has been approved by the Township Board.
- B. No land use permit or building permit shall be issued, or any construction commenced unless the suitability of the land for building sites has been approved by the Sanilac County Health Department and the lot division has been approved by the Township Board.
- C. Each resulting parcel which is ten (10) acres or less in size shall have a depth which is not more than four (4) times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision.
- D. All divisions shall comply with the requirements of the Michigan Land Divisions Act (MCL 560,101, 1967 PA 591 and later)

.03 EXCEPTIONS

The division of a platted parcel of property that results in not more than two subsized lots may be permitted only for the purpose of expanding the adjacent lots.

.04 MINIMUM WIDTH

No division of property may result in a parcel or parcels, which at any location is less in width than the minimum frontage requirement as specified in each district.

.05 MINIMUM LOT DEPTH

Minimum lot depth shall be in accordance with Schedules A & B.

.06 FRONTAGE AND ACCESS

Any division of property shall provide minimum frontage (as specified in each district) that is contiguous to either:

- A. The right-of-way of a public road, or,
- B. An easement of not less than 33 feet in width, which, shall as a covenant in the title to lands conveyed, shall be maintained pursuant to the terms of a recorded agreement.

.07 EXPLANATION

Application shall be accompanied by an explanation for the division.

Section 3.26.0 — Noise Ordinance

An Ordinance to regulate and prohibit certain noises and to provide a penalty for the violation thereof within the Township of Lexington.

Section 3.26.1 — Purpose:

The purpose of this Ordinance is to regulate or prohibit noise that either annoys, injures, or endangers the comfort, repose, health, or safety of others unless the making and continuing of the noise is necessary for the protection or preservation of property or the health, safety, life or limb of a person.

Section 3.26.2 — Definitions:

.01 CONSTRUCTION

Any site preparation, assembly, erection, substantial repair alteration, or similar action, but excluding demolition, for or on public or private right-of-way, structures, utilities, or similar property,

.02 dB(A)

The sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI A 4-1971.

.03 EMERGENCY WORK

Any work performed for the purpose of preventing or alleviating the physical trauma of property damage threatened or caused by an emergency.

.04 MOTOR VEHICLE

Every vehicle defined as a motor vehicle in the traffic ordinance.

.05 MOTORCYCLE

Every vehicle defined as a motorcycle in the traffic ordinance.

.06 MOTOR-DRIVEN CYCLE

Every vehicle defined as a motor-driven cycle in the traffic ordinance.

.07 NOISE

Any sound which annoys or disturbs or which causes or tends to cause an adverse psychological or physiological effect on humans.

.08 NOISE DISTURBANCE

Any sound which:

- A. Endangers or injures the safety or health of humans or animals;
- B. Annoys or disturbs a reasonable person of normal sensitivities;
- C. Endangers or injures personal or real property.

.09 PERSON

Any individual, association, partnership, or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

.10 PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, highway, sidewalk or alley.

.11 REAL PROPERTY BOUNDARY

The property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another.

Section 3.26.3 — General Provisions:

In addition to the specific prohibitions outlined in this ordinance, no person shall unreasonably make, continue, or cause to be made, continued or permitted, any noise disturbance. The restriction in this ordinance does not prohibit speech of any kind. This ordinance shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way for which permission has been obtained.

Section 3.26.4 — Specific Prohibitions:

The following acts, and the causing or permitting thereof, are hereby declared to be in violation of this ordinance:

.01 CONSTRUCTION

The operating of any tools or equipment used in construction, drilling, or demolition work between the hours of 9:00 p.m. and 7:00 a.m. such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or operation of road maintenance equipment.

.02 EXPLOSIVES, FIREARMS AND SIMILAR DEVICES

The use or firing any explosives, firearms, or similar devices which creates impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a permit.

.03 ANIMALS, BIRDS, ET CETERA

The keeping of any animal or bird that creates frequent or long continued noise unreasonably disturbing the comfort or repose of any persons in the vicinity.

Section 3.27.0 — Nuisance

Section 3.27.1 — Definition

Any condition or use of premises or of building exteriors that is unsightly or detrimental to the property of others, which causes or tends to cause diminution in the value of other property in the neighborhood, or which repeatedly offends or annoys members of the neighborhood shall also be considered as a nuisance in fact.

Section 3.27.2 — Examples

- .01 Exposed storage or keeping or depositing on the premises any of the following (except as provided under Section 3.50.0):
 - A. Lumber & building materials.
 - C. Junk, trash or debris.
 - D. Highway vehicles (e.g. trucks, trailers, semi-tractors, automobiles and semi-trailers) that are unlicensed, unused, junked, dismantled, disabled or otherwise not in good and safe operating condition. No more than one (1) unlicensed vehicle allowed.
 - E. Vehicles, boats, implements, machinery and other property that is no longer safely usable for the purpose for which it was manufactured.

- F. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, boats, freezers, cans, containers or other boxes with or without outside latches.
- .02 All uncovered basements, abandoned wells, shafts or similar excavations.
- .03 Abandoned, unsafe or non-functional docks or jetties.
- .04 Accumulation of ashes, rubbish, litter, boxes, lumber, shavings, or straw so as to create, increase or enhance danger of fire or accumulate in such a manner as to hinder or obstruct fire control operations.
- .05 Creation or maintenance of any noxious odors, gases, noises or smoke that exceeds the Performance Standards listed in this chapter.
- .06 Causing adverse changes (quantity, direction, quality) to the natural flow of surface water on adjacent premises, concentrating run-off from roofs, damming run-off, routinely pumping sub-surface water into surface run-off (e.g. open well heat sinks). (Also See Sections 3.41 & 3.42.)

Section 3.27.3 — Abatement of Nuisance by Owners, Exception

The owners, tenants or occupants of any property upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property or cessation of offensive activity. Licensed junkyards shall be exempt from this section.

Section 3.27.4 — Cost of Abatement

When property has been removed and placed in storage by the Township, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the Township for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Township treasury for the owners' use.

Section 3.27.5 — Enforcement Procedure

.01 INITIATION

Nuisance violation remedies may be initiated by:

- A. Citizen complaint to the Township Board, Planning Commission or Zoning Administrator, or
- B. Observations by Township Trustees or Planning Commission Members, or
- C. Observations of Zoning Administrator, Building Inspector, Electrical Inspector, Plumbing or Mechanical Inspector.

.02 TOWNSHIP BOARD HEARING ON ABATEMENT OF NUISANCE

The Township Board of Trustees may proceed with a hearing and determination as follows:

- A. Whenever said owners, tenants or occupants have continued a nuisance in violation of this ordinance, the Township Board of Trustees may schedule, post and hold a hearing to have the respondents show cause why the Township should not abate the nuisance, the expense therefore to be billed to said owners, tenants, etc. jointly and severally.
- B. Notice of violation and the Board's hearing to show cause to abate, shall be sent to the owners, occupants and tenants of the premises by registered mail at least fifteen (15) days prior to the hearing.
- C. At the hearing, witnesses may be called, evidence presented and Board members may relate their personal observations.
- D. If the Township Board determines that a violation of the nuisance provisions of this ordinance has occurred and the owners and/or Tenants failed to abate the nuisance prior to the hearing, then the cost of hearing and the expenses of abatement shall be imposed against the property tax roll as a single lot special assessment.

.03 COURT ACTION

- A. The Board of Trustees, Planning Commission, Inspectors, Zoning Administrator, Township Attorney or other designated authority may initiate a Circuit Court action to abate the nuisance.
 - 1. Written notice and description of the violation or potential violation shall be sent to owners and/or occupants of premises at least fifteen (15) days prior to filing of the legal action.
 - 2. If the Zoning Administrator, Police Officer or other authorized official determines that a violation of this section constitutes an emergency hazard to the health, safety or welfare of individuals or the community, he or she may immediately initiate remedial action.
- B. The initiating official(s) shall present the evidence to the Township Attorney who shall file the complaint and schedule a show cause hearing in the Circuit Court for the earliest available date.
- C. At the hearing, the Township Attorney shall present proofs and request abatement, abatement costs, enforcement and court costs and attorney fees, fines and/or damages and the entry of a lien against the premises as a single lot special assessment.

Section 3.28.0 — Junk Yards/Salvage Yards

An Ordinance to provide for the regulation of junkyards and places for the dismantling and wrecking of automobiles and the disposal of junk and automobile parts.

Section 3.28.1 — Purpose

An Ordinance to provide for the regulation of junk shops, junkyards and places for the decimating and wrecking of automobiles and the disposal of junk and automobile parts within the Township of Lexington and provide a penalty for violations.

Section 3.28.2 — Definitions

.01 JUNK

Used, secondhand or salvaged articles including articles composed of metals or their compounds or combinations, and used, secondhand or salvaged ropes, bags, paper, rags, glass and rubber articles.

.02 JUNK DEALER

Any person engaged in the business of buying, selling, exchanging, storing, receiving or disposing of junk, or in the business of decimating, wrecking and disposing of the junk or parts or refuse material of automobiles.

Section 3.28.3 — Application and Fee

Application shall be made in conformance with provisions of this Lexington Township Ordinance.

Section 3.28.4 — Premises

Any premises area or piece or parcel of land licensed and used as a junkyard shall:

- .01** Have no more than two (2) entrances and two (2) exits each of which shall not exceed fifteen (15') feet in width at the perimeter of the premises.
- .02** All junk and all vehicles or machinery used in the operation of the business shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire or combination thereof with a minimum height of eight (8') feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding one hundred (100) square feet in size.
- .03** Be kept and maintained at least three hundred (300') feet back and away from the nearest line of any public road or highway.
- .04** Shall not be located upon any premises contrary to building or zoning restrictions.
- .05** Shall not be established any closer than seven hundred fifty (750') feet to a dwelling house.

Section 3.28.5 — Vehicles

Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

Section 3.29.0 — Interpretation of the Ordinance

If the ordinance is silent or unclear on a particular point, interpretation can be sought before the Zoning Board of Appeals (ZBA). See Section 19.2.0. Jurisdiction of the ZBA. If a permitted or special land use is not similar to others already listed in the ordinance, a text amendment may be the most appropriate action for an interested party to seek.

Section 3.30.0 — (Reserved for Future Use)

Section 3.31.0 — Reimbursement for the Cleanup of Dangerous or Hazardous Materials

An Ordinance to require reimbursement for the cleanup of certain dangerous or hazardous material.

Section 3.31.1 — Purpose

The purpose of this ordinance is to enable the Township of Lexington to require reimbursement of costs of abatement, containment, cleanup, disposal and restoration from property owners or those responsible for the leaking, spilling or otherwise allowing certain dangerous or hazardous substances or materials to escape containment.

Section 3.31.2 — Dangerous, Hazardous Substances or Materials

Dangerous, hazardous substances or materials is defined as any substance which is spilled, leaked or otherwise released from its container, which in the determination of the Fire Chief or his authorized representative, is dangerous or harmful to the environment or human or animal life, health or safety, or shall include, but not be limited to such substances as chemicals and gases, explosive, radioactive materials, petroleum or petroleum products or gases, poisons, etiologic (biologic) agents, flammables or corrosives.

Section 3.31.3 — Duty to Remove and Clean-Up

It shall be the duty of any property owner or any person or any other entity which causes or controls leakage, spillage, or any other dissemination of dangerous or hazardous substances or materials to immediately remove such and clean-up the area of such spillage in such a manner that the area involved is fully restored to its condition prior to such happening.

Section 3.31.4 — Failure to Remove and Clean-Up

- .01 Any property owner of the area involved or any such person or entity which fails to comply with Section 3.31.3 hereof shall be liable to and shall pay the Township for its costs and expenses, including the cost incurred by the Township to any party which it engages, for the complete abatement, containment, clean-up, disposal and restoration of the affected area. Cost incurred by the township shall include, but not necessarily be limited to, the following: actual labor costs of Township personnel (including worker compensation benefits, fringe benefits, administration overhead, cost of equipment operation), cost of materials obtained directly by the Township and the cost of any contract labor and materials.
- .02 Costs under this section shall not include actual fire suppression services that are normally or usually provided by the Township.

Section 3.31.5 — Enforcement

If any person or entity fails to reimburse the Township as provided, and such person or entity is the owner of the affected property, the Township shall have the right and power to add any and all costs of cleanup and restoration to the tax roll as to such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property. The Township shall also have the right to confiscate any vehicle and its contents where said costs cannot be added to the tax roll. The township shall also have the right to bring an action in the appropriate court to collect such costs if it deems such action to be necessary.

Section 3.31.6 — Equipment Operation Costs

A schedule of equipment operation cost shall be adopted by a vote of the Township board of Trustees and be on file in Township Clerk's Office as public record.

Section 3.32.0 — Yard Sale Ordinance

An Ordinance to promote the general public safety and to conserve and protect property and property values. To define and control (yard sales, garage sales) and such casual sales of merchandise to the general public from residential or unauthorized commercial sites. To provide for "Yard Sales"; permits, penalties for non-compliance, and administration of this Ordinance.

Section 3.32.1 — Definitions

.01 YARD SALES

For the purpose of this Ordinance, the general term "YARD SALE" means: yard sale, garage sale, lawn sale, flea market, auction, barn sale, residence sale, and ANY such similar casual sale of more than five (5) items of merchandise being offered for sale to the general public on property which is:

- A. Zoned residential, or
- B. Occupied as residential, or

- C. Zoned commercial or industrial, is not otherwise being used as a permanent, year-round commercial sales location for the types of items or merchandise which are being sold outside a commercial structure.

.02 MOVING SALE

For the purpose of this Ordinance, the term MOVING SALE means: due to the change of residence from the premises.

Section 3.32.2 — Prohibition

- .01 It shall be unlawful for any person to conduct a "yard sale" or moving sale as above defined, without a written permit issued by the Zoning Administrator or authorized personnel.
- .02 *Exception:* "Yard Sales" as defined above, may be conducted without a permit on:
 - A. Memorial Day Weekend (Friday through Monday) and,
 - B. Friday before July 4th through Sunday following July 4th inclusive.
 - C. Labor Day weekend (Friday through Monday).
 - D. Court ordered sales are exempt.

Section 3.32.3 — Permits

- .01 Moving Sale permits will be issued for a maximum of two (2) weeks.
- .02 The fee for a "yard sale" or "moving sale" shall be set by the Lexington Township Board in its Annual Fee Resolution.
- .03 "Yard Sale" permits may be issued under the following conditions:
 - A. Not more than two (2) sale permits shall be issued to any individual, participant or organization, or for the same address, during any twelve month period.
 - B. Each "Yard Sale" shall not exceed three (3) days in a ninety-six (96) hour period.
 - C. The "Yard Sale" permit will be prominently displayed on the premises where the sale is conducted throughout the entire period of the sale.
 - D. The permit applicant will assure that sale clients do not block public right-of-way or create a vehicle traffic safety hazard, and on Peck road (M-90) that vehicles do not park on or across the bike path.
 - E. All advertising signs shall be removed within twenty-four (24) hours following the end of the permitted sale period.
 - F. Size of sign shall be no more than nine (9) square feet.

- .04 All permits will be issued in the Township Office during regular business hours. Permits may be issued by the Zoning Administrator or any duly authorized personnel of the Township.
- .05 Record of permits will be kept at the Lexington Township Clerk's Office.

Section 3.32.4 — Violations and Penalties

- .01 Upon notice to any participant, a "Yard Sale" or "Moving Sale" being conducted without a permit will be immediately closed and remain closed until a permit is properly issued.
- .02 Each and every day of violation of this Ordinance shall be considered as a separate civil infraction against the People of the Township of Lexington, Sanilac County, State of Michigan, citable as a civil action in the 73rd District Court, Division B. Further, the attorney for the Township may pursue any other remedies, including but not limited to Injunctive and other actions.
- .03 Violation of this Ordinance shall be punishable by a fine of not less than \$25 nor more than \$100 for each offense plus costs of prosecution.

Section 3.32.5 — Severance Clause

All prior Lexington Township Ordinances, or parts of Ordinances, in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3.33.0 — Performance Standards

All applications for land use permits and building permits for structures and uses located in industrial districts and all Special Land Use applications shall be accompanied by a statement or assessment describing the environmental impact of the project and actions that will be taken to avoid adverse environmental effects.

- .01 The Statement shall be prepared by personnel with applicable environmental expertise.
- .02 The Zoning Administrator or Planning Commission may also require Environmental Impact Statements for Commercial and Manufactured Home Subdivision district applications and others when deemed necessary.

Section 3.34.0 — Building Restrictions and Land Use Permits

- .01 A land use permit for the alteration of land or the construction, alteration or placement of structures shall be obtained from the Zoning Administrator as further set forth in Section 3.23.0. All applications for said permit shall be accompanied by a site plan and the non-refundable land use permit fee (unless exempted).
- .02 Residential, commercial, industrial or other construction, including manufactured housing placement, shall be commenced only after a building permit has been obtained in accordance with the Building, Plumbing or

Electrical Code applicable within the Township and/or the United States Department of Housing and Urban Development, Manufactured Home construction and Safety Standards (24 CFR 3280). Further, construction shall meet all requirements of this Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements etc. as specified for the particular zoning district in which said structure is to be located.

- .03 A residential structure (including manufactured homes) shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.
- .04 Residential structures (including manufactured homes) shall:
 - A. Comply with construction and site plans and be installed pursuant to the manufacturer's setup instructions.
 - B. Be placed upon a foundation wall, pier or slab that meets the Michigan Building Code applied in Sanilac County.
 - C. Be secured to the premises by an anchoring system or device compatible with those required by the applicable building code or the Michigan Manufactured Home Commission.
 - D. Have exterior walls finished with wood, aluminum or vinyl siding and/or back bracing. All siding must be placed in the same direction except that minor variations for styling purposes may be approved by the Zoning Administrator.
 - E. Comply with all roof snow load and strength requirements imposed by the building code or the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Standards, and
 - F. Have windows that shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements. All family dwellings shall have a roof overhang of not less than 6 inches.
- .05 The placement, use and appearance of any structure, (whether residential, commercial or industrial) in any district within the Township of Lexington shall be aesthetically compatible with the other structures and uses in the neighborhood, as determined by the Zoning Administrator.
- .06 No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Building Official.

Section 3.34.1 — Land Use Permit Required

- .01 A land use permit for the alteration of land or the construction, alteration or placement of structures in compliance with the provisions of this ordinance in general and Sec. 3.23.0 in particular shall be obtained from the Zoning Administrator.
- .02 No land development, structures, excavation or any other improvements to the land or exterior dimensions of structures shall commence unless the owner has first obtained a land use permit and, if necessary, a building permit.

- .03 Land Use permits shall be effective for a period of one year from date of issuance, by which time the permittee shall apply for an occupancy permit.
- .04 Owners of projects not completed within one year may obtain a land use permit extension by submitting a new application and a \$500 performance bond which would be refunded upon compliance with renewed permit unless forfeited to the Township if the project is not completed by the end of the second year.

Section 3.35.0 — Swimming Pool Permits

.01 PERMITS

All in-ground and above-ground pools, including outdoor hot tubs, require a Land Use Permit. An accurate site plan will be required and all requirements as defined in the Michigan Building Code will be enforced.

Exception – Pools that measure two (2') foot or less in height, containing no more than twenty-one (21") inches of water, are above ground, and require no electrical service, shall not require a Permit.

.02 SETBACKS

All swimming pools shall be located in the rear yard, not less than ten (10') feet from any existing structure or lot line. There will be no encroachment permitted on the easement or right-of-way from any utility company use. Swimming pools installed on lakefront property may be located in the front, side, or rear yard providing all the appropriate permits are secured and the required setbacks are in compliance.

.03 ELECTRICAL

An electrical permit will be required and must conform to the Building and Electrical Code requirements of the State of Michigan. A pool cannot be located any closer than thirteen (13') feet to utility lines. If a service drop, conductors or other utility wires cross over a proposed pool site, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued.

.04 FENCING

If a pool is less than four (4') feet above ground level, a minimum of a four (4') foot high fence shall be constructed so as not to have openings, holes or gaps larger than four (4") inches in any direction. The fence shall be equipped with a gate having a self-latching closing device.

.05 LADDERS

Pools that are four (4') feet above ground or more shall be equipped with a retractable ladder with a safety latch.

.06 INFLATABLE POOLS

Pools of the inflatable variety shall require a permit and a site plan and are subject to all of the restrictions contained herein. Because of the temporary nature of this type of pool, removal and reinstallation in the same footprint on a yearly basis is permitted, providing the owner notifies the Township prior to resetting the pool each season.

.07 PENALTY

Failure to apply for and secure the proper permits shall result in a penalty as set forth by the Lexington Township Board of Trustees.

Section 3.36.0 — Pond Permits

.01 PERMITS

All ponds shall require a Land Use Permit and an accurate site plan. Ponds being dug for the purposes of obtaining fill dirt for on-site construction shall be permitted in any district subject to the provisions below.

.02 DEPARTMENT OF NATURAL RESOURCES PERMIT

No pond shall be constructed without first obtaining a permit from the Michigan Department of Natural Resources if such a pond would be:

- A. Five acres or greater in area.
- B. Be connected to an existing lake or stream.
- C. Be located within five hundred (500') feet of the ordinary high water mark of an existing inland lake or stream.

A Soil Erosion Permit is also required when the digging of a pond disturbs one (1) acre of ground or more.

.03 All ponds constructed after the effective date of this amendment shall comply with the following regulations.

- A. Excavated earth material created by the construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed or sold and taken from the property in compliance with an approved site plan and the following requirements. If the applicant proposed that any excess excavated earth is to be removed from the property, he/she shall first provide a written statement of the cubic yards to be removed. The applicant shall be limited to the stated volume to be removed; any amount in excess of the stated volume to be removed must first be approved as an amendment to the site plan. Any amendments thereto shall either be noted on the site plan or physically attached to the site plan and shall be considered a part of the plan for purposes of review, approval or denial. Further, any excess excavated earth, shall be removed within three (3) months after excavation, except under unusual circumstances (i.e., an extended period of inclement weather as might occur in the spring or winter months) then the applicant may apply to the Planning Commission for one (1) extension of the permit not to exceed ninety (90) days.
- B. Excavations undertaken primarily for the purpose of commercial soil, gravel or mineral removal and Not primarily for the purpose set forth in this section above shall not be considered as "Ponds" but instead shall be considered as "quarries" and subject to Section 14.7.0.D of this Ordinance.
- C. The pond shall not be greater than twenty-five (25') feet in depth.
- D. The pond may occupy up to a maximum of twenty (20%) percent of the lot upon which it is constructed.

- E. The pond shall be a minimum of fifty (50') feet from any dwelling, any septic field or any well. This requirement shall take precedence over the setback requirement specified below.
- F. Ponds are not permitted in the front yards of parcels less than two and one half (2.5) acres. On parcels two and one half (2.5) acres and over, the pond must be one hundred (100') feet from the front property line.
- G. The pond bed within twenty (20') feet of the low water line shall be constructed and maintain a twenty-five (25%) percent grade (a 1 to 4 slope). Beyond twenty (20') feet for the low water line, the bed may be constructed to a maximum grade of fifty (50%) percent (a 1 to 2 slope).
- H. The pond shall be constructed and maintained such that a minimum set back of twenty (20') feet shall be provided between the high water line and any property line. This shall not prevent a shared pond between properties, provided the property owners enter into a written agreement to provide for the ponds construction and maintenance to meet the above requirements. A signed copy of this agreement shall be attached to the site plan. A notation shall be made on the registered deed as to the shared maintenance agreement of the pond.
- I. The pond shall be located so as to prevents sewage or run off from barnyards from draining into the pond.
- J. Failure to apply for and/or secure the proper Permits shall result in a penalty as established by the Lexington Township Board of Trustees.

Section 3.37.0 — Lake Huron & M-25 Frontage Lots

Dwellings erected on lots fronting on both Lakeshore Road (M-25) and on Lake Huron, will utilize Lake Huron as front footage if built on east half of lot. If built on west half of lot, will utilize Lakeshore Road (M-25) as front footage.

Section 3.38.0 — Exterior Lighting

- .01 All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- .02 All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- .03 All lighting in non-residential districts used for the external illumination of buildings, so as to feature said building, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
- .04 Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

- .05 There shall be no flashing, oscillating or intermittent type of illuminated sign or display in any residential district or within one hundred (100') feet of any residential district, street intersection or railroad intersection with a street.
- .06 MAXIMUM PERMITTED HEIGHT
- .07 Within all developments, the height of light standards shall not exceed thirty (30') feet for parking lots and private roadways, nor fifteen (15') feet for pedestrian ways. These restrictions shall not apply in the industrial district where, except as otherwise permitted, the height of light standards shall be limited to the height limit for structures in the district.
- .08 ILLUMINATION IN RESIDENTIAL AND AGRICULTURAL/RESIDENTIAL DISTRICTS
- .09 Artificial lighting illuminating contiguous residential or agricultural/residential zoned properties shall not exceed 5 candlepower at the common property line.

Section 3.39.0 — Residential Entranceway

- .01 In A-1 Districts and in the A-2, R-1, R-2, and R-3 Residential Districts entranceway structures including, but not limited to walls, columns, and gates marking entrances to one-family residential or multiple family residential developments may be permitted and be located in a required yard, except as provided in Section 3.14.0.02, Clear Vision Areas, provided that entranceway structures shall comply with all codes and Ordinances of the Township and Sanilac County Road Commission with proper permits issued.
- .02 Entranceway structures shall refer only to the development on the land upon which it is located.

Section 3.40.0 — Facing Materials

- .01 NON-RESIDENTIAL BUILDINGS AND ACCESSORY BUILDINGS

In any case where a non-residential building or accessory building is erected or placed so that it is visible from a public or approved private street, the front walls of said building or accessory building which face said street shall be constructed of masonry building materials such as face brick, stone, or pigmented decorative block (i.e. scored, fluted, split and the like), or other material approved by the Planning Commission as equivalent in quality and appearance to the above materials. No building so situated shall be constructed of tarred paper, tin, corrugated metal, non-pigmented and non-decorative concrete or concrete block, plywood, or any form of pressed board or felt or similar material.

- .02 REVIEW BY PLANNING COMMISSION

For those buildings requiring site plan review (excluding single-family, two-family, and farm buildings), the Planning Commission shall review and approve the proposed facing materials during site plan review. The proposed exterior facing materials shall be noted on the building elevation drawings. So as to promote the conservation of property values and the general and appropriate trend and character of buildings and development for each zoning district, the Planning Commission shall find that the architectural plans

achieve an acceptable uniform or complimentary contrast between building materials in the overall appearance of the building, and an architectural style which is appropriate for that particular zoning district.

.03 RESIDENTIAL BUILDING AND ACCESSORY BUILDINGS

The front, and those sides visible from the public road, of new residential buildings and accessory buildings shall be constructed of finished siding materials such as; stone, face brick, painted or pigmented stucco, painted or stained wood siding products, vinyl siding, pre-finished aluminum siding, or other material approved by the Zoning Administrator as equivalent in quality and appearance to the above materials. No building so situated shall be constructed of tarred paper, painted or unpainted non-decorative plywood or wood product board, tin, corrugated metal, non-pigmented and non-decorative concrete or concrete block, or any form of pressed board or felt or similar material; except that:

- A. Not more than three block courses or twenty-four inches of wall and/or siding material immediately above and adjacent to grade may be constructed of non-decorative and non-pigmented concrete or concrete block.
- B. Accessory buildings constructed of corrugated metal siding panels containing a factory pre-finish (baked-on enamel, anodized, or mill finish) shall not be subject to the above limitations.
- C. Farm building when part of a bona fide farm operation of thirty (30) acres or more (and when the building does not function as a retail store) may be constructed of non-pigmented and non-decorative concrete or concrete block.

Section 3.41.0 — Drainage of Property

- .01 No person may alter, divert or block, hinder the water flow of, or cause to be altered, diverted, blocked, or hindered the water flow of, any drain, drainage course, ditch, watercourse, or body of water whether natural or artificial, public or private, which causes or which is likely to cause an increase in the runoff of water onto adjacent properties beyond that which would occur without the proposed action, except as may be regulated and conditioned under this Section 3.41.0.
- .02 All applications for permits under this section shall be accompanied by a written description of the proposed action, the reason for the proposed action, a plan drawn to scale prepared by a registered professional engineer showing the existing and proposed drainage patterns, and payment of the required inspection fee.
- .03 All plans submitted, except those in connection with single-family dwellings, two-family dwellings, or farm buildings, shall be prepared by a registered professional engineer.
- .04 Prior to the issuance of a permit, the Zoning Administrator shall examine the application and plan, make a site inspection of the property involved and make a determination that the proposed action will not cause an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed action. (Also see Sections 3.4.0 & 3.42.0). In making his determination, the Zoning Administrator shall refer to the County Drain Map for the Township as prepared by the County Drain Commissioner, the USGS Quadrangle Maps covering the Township, Official Flood Hazard Boundary & Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency (FEMA), and other applicable sources of information regarding drainage patterns. In cases where an engineered plan would not normally be required, the Zoning Administrator may nevertheless require a plan, prepared by a registered professional engineer, to be submitted if the Zoning Administrator deems such information essential in making a determination.

- .05 Upon completion of the proposed action, the Zoning Administrator shall make an additional visit to the site and make a determination that the proposed action was completed in accordance with the terms of the permit and, if satisfactory, shall issue a Certificate of Completion.
- .06 In no case shall a Certificate of Zoning Compliance or Certificate of Completion be issued when, in the determination of the Zoning Administrator, the proposed action is likely to cause, or the completed action causes, an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed or completed action.
- .07 In cases involving official county drains, sole jurisdiction shall rest with the County Drain Commissioner.
- .08 In case involving county road ditches, sole jurisdiction shall rest with the Board of County Road Commissioners.
- .09 Nothing contained herein shall be construed to prohibit or interfere with the installation or alteration of normal, proper, and generally accepted agricultural drainage methods and systems when part of a bona fide farm, provided that the proposed action will not cause any adverse effect upon adjacent properties.
- .10 Fees for applications made pursuant to this Section shall be paid at the time of application for a permit. The amount of such fees shall be established by the Township Board and shall cover the costs necessary to conduct and complete said reviews and inspections, including any needed engineering or other consultant participation on behalf of the Township.

Section 3.42.0 — Establishing Grades

In establishing the grade on a lot or parcel for the purpose of any construction thereon, the following conditions shall control:

- .01 Where there is existing development in the area or where the adjacent lands are subdivided, the grades about the new development or construction shall be set to conform to the grades of existing development or subdivision.
- .02 All new development shall be accomplished as to contain all runoff on the site or direct runoff to an approved outlet without crossing abutting developed or platted lands.
- .03 Except as provided by subsections 3.42.0.D. and 3.42.0.E. below, the finish grades of any site may be raised a maximum of eighteen (18") inches above the crown of an abutting public road if such increase in grade does not cause runoff onto abutting property, other than onto a dedicated public right-of-way.
- .04 When a new building is constructed on a vacant parcel between two (2) existing developed properties, the finish grades about the new development shall be set to conform to the average of the finish grades of the existing developed properties on both sides.
- .05 In special cases where unusual topographic or natural features exist, or where existing soil conditions or other constraints requires the Sanilac County Health Department to establish a finish grade in excess of the above requirements, it shall be the responsibility of the property owner to utilize whatever means are necessary to contain all storm water on the premises, or to direct such stormwater to an outlet approved by

the Zoning Administrator. Such containment and/or disposal mechanisms may include, but are not limited to the following: earthberms, containment and redirection of roof conductors through perimeter drains, retention ponds, swales, open drains, enclosed drains, or artificial lift and discharge means. All costs associated with providing these required improvements are the responsibility of the landowner implementing the grade alteration. The proposed method of drainage is subject to the review and written approval of the Zoning Administrator providing the specifics of his/her approval. The method of drainage selected shall not be less than that which is required to direct runoff away from adjacent properties, and which is necessary to protect the public health, safety and welfare of the Township. It shall be unlawful for any person to interfere with or obstruct the flow of natural drainage water across any property except as part of an approved plan.

- .06 For all uses, except single-family dwellings, two-family dwellings, and farm buildings, where the grade on a site is in any way to be increased above existing grade, the owner of the property shall, upon application for a building permit, submit a certification signed and sealed by a Registered Land Surveyor or a Civil Engineer licensed to practice in the State of Michigan stating the existing and proposed grades and that conditions set forth in items A through D below are met. Owners of proposed single-family dwellings, two-family dwellings, and farm building shall submit such documentation as the Zoning Administrator determines necessary to determine adequate compliance with items A through D below, and may waive the provisions of this Section where he/she determines them unnecessary.
- .07 This certification shall be accompanied by a drawing that contains at least the following information:
- A. A property line survey showing lot shape and dimension, drawn to a scale of at least 1 inch = 10 feet on lots eighty-five (85') feet in width or less and 1 inch = 30 feet on lots greater than eighty-five (85') feet.
 - B. A topographic map shall be drawn (may be superimposed on item a. above) at a contour interval of not greater than one foot. Elevations of abutting properties and the crown of abutting road pavement shall be shown.
 - C. Proposed changes in grade shall be shown through the use of proposed contour lines.
 - D. The first floor elevation of the proposed construction shall be shown.
- .08 Fees for inspection of the new grade shall be paid at the time of application for a permit and the amount of such fees shall be established by a resolution of the Twp. Board and shall cover the costs necessary to conduct and complete said reviews and inspection(s).

Section 3.43.0 — Buildings to Be Moved

Any building or structure which has been wholly or partially erected on any premises located within the Township shall not be moved to and placed upon any other premises in this Township until a Certificate of Zoning Compliance permit for such removal shall have been secured from the Zoning Administrator, and until other permit(s) as required from the Building Inspector have been obtained. Any such building or structure shall fully conform to all the provisions of the Ordinance in the same manner as a new building or structure.

Section 3.44.0 — Conflicting Regulations

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

Section 3.45.0 — Excavations or Holes

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

Section 3.46.0 — Lots, Yards, And Open Spaces

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this ordinance, may by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

Section 3.47.0 — Wind Energy Conversion Systems and Meteorological Towers Definitions

The following definitions and standards shall apply to all Wind Energy Conversion Systems (hereinafter referred to as WECS), Commercial Wind Energy Conversion Systems (hereinafter referred to as CWECS), Wind Energy Conversion Facilities (hereinafter referred to as WECF), Meteorological Towers (hereinafter referred to as MET).

.01 DEFINITIONS

A. Ambient:

Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

B. ANSI:

American National Standards Institute

C. Authorized Factory Representative:

Any individual with technical training of a WECS, CWECS and/or WECF who has received factory installation instructions and is certified in writing by the manufacturer of the WECS, CWECS and/or WECF.

D. Commercial Wind Energy Conversion System:

CWECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.

E. dB(A):

The sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

F. Decibel:

The unit of measure used to express the magnitude of sound pressure and sound intensity.

G. Decommissioning:

Within six (6) months of the happening of the following events, the owner/operator of a WECS, CWECS and/or WECF shall deconstruct and remove the WECS, CWECS and/or WECF and concrete base to four feet below grade level and restore the property to the condition it was in immediately prior to construction:

1. The WECS, CWECS and/or WECF has been unused for a period of twelve (12) consecutive months. The owner/operator of a WECS, CWECS and/or WECF shall notify the Township Clerk in writing when any period of non-use commences and if and when it terminates;
2. The permit issued by the Township for any WECS, CWECS and/or WECF is revoked;
3. The owner/operator of the WECS, CWECS and/or WECF is ordered to cease operations for a period of time in excess of twelve (12) consecutive months by any agency or authority having jurisdiction to do so.

H. FAA:

The Federal Aviation Administration.

I. Facility Abandonment:

A WECS, CWECS and/or WECF out of production for a period of time not less than one (1) year.

J. Habitable Structure:

Any structure usable for living or business purposes, which includes, but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

K. Hub Height:

When referring to a WECS, CWECS and/or WECF the distance measured from ground level to the center of the turbine hub. Hub height is defined as the height from the Ground Level (GL) at which the hub of the windmill or the hub of the propeller blades of the wind energy generator is situated.

L. IEC:

International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

M. ISO:

International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

N. Manual and Automatic Controls:

Manual and Automatic Controls give protection to power grids and limit rotation of WECS, CWECS blades to below the designed limits of the conversion system.

O. Met Tower:

A meteorological tower used for the measurement of wind speed.

P. Non-Participating Parcel:

A parcel of real estate that is not under lease, license or other property agreement with the owner/operator of a CWECS, WECF or MET. For purposes of establishing setback requirements under this ordinance a non-participating includes a parcel that is not under lease license or other property agreement with the owner/operator of a CWECS, WECF or MET for the full duration of any such agreement in effect on an adjoining parcel on which a CWECS, WECF or MET is constructed.

Q. Occupied Structure:

A structure including, but not limited to, a home, office, church, school, hospital or place of business intended for human occupation and not unoccupied on a permanent basis on the date a permit for a CWECS, WECF or MET is issued. This definition shall not include agricultural buildings and shall not include manufacturing or other places of business where the noise limits established in this ordinance are regularly exceeded by the normal operations of those places excluding sound generated by a CWECS, WECF or MET.

R. On Site Wind Energy Systems:

This system is intended to primarily serve the needs of the consumer, and is considered an accessory building.

S. Participating Parcel:

A parcel of real estate which is under lease, license or other agreement with the owner or operator of a WECS, CWECS, WECF or MET. A participating parcel may consist of parcels owned by different owners.

T. Private/Agricultural Wind Energy Conversion System:

1. Private WECS shall mean any WECS that is an accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use which is intended to primarily reduce on-site consumption of utility power. The maximum height of a Private WECS is eighty (80) feet.
2. Agricultural WECS shall mean any WECS that is an accessory to a permitted farm or agricultural operation, and is designed and built to serve the needs of the farm or agricultural operation.

U. Professional Engineer:

Any licensed engineer registered in the State of Michigan.

V. Shadow Flicker:

Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window in a dwelling.

W. Sound Pressure:

Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

X. Sound Pressure Level:

The sound pressure mapped to a logarithmic scale and reported in decibels (dBA).

Y. Survival Wind Speed:

The maximum wind speed a WECS and/or CWECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

Z. Tower Height:

When referring to a WECS and/or CWECS, the distance measured from the furthest vertical extension of the rotor to the ground.

AA. Utility Scale:

All wind farms that produce greater than fifty (50) kilowatts of energy.

BB. Wind Energy Conversion Systems (hereinafter referred to as WECS):

Any device such as a wind charger, windmill, or wind turbine, tower and air pumper mills that convert wind energy to a form of usable energy.

CC. Wind Energy Conversion Facility, (WECF), or Wind Energy Facility:

An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

DD. Wind Energy Facility Site Permit:

A permit issued upon compliance with the standards enunciated in this Section.

EE. Wind Site Assessment:

An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

FF. Wind Rotor:

The blades plus hub to which the blades are attached used to capture wind for purposes of energy conservation.

Section 3.47.1 — Private/Agricultural Wind Energy Conversion Systems

.01 DEFINITIONS

See definitions listed in 3.47.0.01

.02 PERMITTED ZONES

In any zoning district, the Zoning Administrator shall have the power to grant a land use permit to allow wind energy conversion systems, subject to the restrictions contained within this Ordinance.

.03 APPLICABILITY OF ORDINANCE

The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be the one main building and its accessory buildings only.

For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

.04 STANDARDS FOR AND REGULATION OF WECS

A. Construction:

Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to same.

B. Electric-Magnetic Interference (EMI):

Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.

C. Setbacks:

The structural design shall be signed and sealed by a professional engineer, registered in the state of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one (1) to one and one-half (1-1/2) ratio with tower height.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5') feet of utility lines.

D. Maximum Height:

The maximum height permitted (without variance from the Zoning Board of Appeals) shall be eighty (80') feet unless otherwise prohibited by any state or federal statutes or regulations.

E. Minimum Blade Height:

The minimum distance between the ground and any rotating blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.

F. Labeling Requirements:

A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.

1. The maximum power output of the system and the wind speed at which it is achieved.
2. Nominal voltage and maximum current.
3. Manufacturer's name and address, serial number and model number.
4. Maximum survival wind speed and the emergency and normal shut down procedures.

G. Utility Company Notification:

The utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.

H. Safety:

The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

I. Noise:

The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dB(A) scale, measured at the property line.

.05 MISCELLANEOUS

- A. All electric line/utility wires shall be buried under ground except in A-1, A-2, and I Districts.
- B. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. The supporting tower shall also be enclosed with a six (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
- C. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
- D. The tower and generating unit shall be kept in good repair and sound condition. In the event a private/ Agricultural wind energy system which has been granted a

- E. land-use permit or Administrative Approval is abandoned, unused, or damaged so as to be unusable for a period of one (1) year (unless an extension is granted by the appropriate township body upon application by owner prior to expiration of said one (1) year period, the owner of the wind energy system or land shall promptly remove the private/Agricultural wind energy system and all related equipment within sixty (60) days. Failure to remove the private/Agricultural wind energy system and related equipment in accordance with the forgoing shall subject the private/Ag wind energy system and land owner to fines established by the Township Board. In addition, by accepting a land use permit for the private/AG wind energy system the applicant and the land owner agree that in the event the tower and equipment is not removed as required, after thirty (30) days notice from the Township, the Township may undertake such removal and bill the costs to the applicant and the land owner plus administrative fees of fifteen (15%) which, if not paid within thirty (30) days shall be assessed against the land on which the Private/Ag wind energy system and related equipment is located and collected in the same manner as delinquent taxes.
- F. No private/AG WECS shall display visible signage, such as advertisement, on its face and should be painted a neutral grey, white or light blue. Other neutral colors may be approved by the Zoning Administrator.

Section 3.47.2 — Commercial Wind Energy Conversion Systems

.01 DEFINITIONS

See definitions listed in Section 3.47.0.01.

.02 APPROVAL REQUIRED

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any CWECs project within Lexington Township unless a special land use permit has been obtained pursuant to this Ordinance.

Procedure: The Planning Commission review of a Special Land Use Permit application for a CWECs or WECF is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Chapter 14. The second step, which may occur at a separate meeting for a utility scale wind energy system, is the site plan review process by the Planning Commission as described in Chapter 15. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), underground electrical lines, junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).

Application for special use permit required by this Section shall be made on forms provided by Lexington Township and shall contain the following, in addition to the requirements of Section 14.1.0, Special Land Use:

- A. Company contact information (telephone numbers and e-mail addresses), including name and address of company, name of project, key company contacts with titles, EIN (Employer Identification Number).
- B. A narrative describing the proposed UGWES, CWECs and/or WECF, including an overview of the project.
- C. Site plan (GIS shape file overlay, electronic file and paper copy) of the property showing:
 1. the project area boundaries

2. location, height, and dimensions of all existing and proposed structures and fencing
 3. location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road
 4. existing topography,
 5. water bodies, waterways, wetlands, and drainage channels, and
 6. all new infrastructure above ground related to the project.
- D. Details or drawings shall show features in the design of a typical tower and its base, that upon removal of said tower will allow restoration of the soil at the site to a depth of four (4') feet.
- E. Certifications:
- Certification that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
- F. Environmental Impact Analysis Report
- G. Avian and Wildlife Impact Analysis Report
- H. Sound Pressure Level Analysis and Report
- I. Electromagnetic Interference Report
- J. Shadow Flicker Analysis Report
- K. Proof of the applicant's public liability insurance
- L. Manufacturers' Material Safety Data Sheet(s):
- Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- M. Decommissioning:
- Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- N. Complaint Resolution:
- Description of the complaint resolution process.
- O. Fire Suppression Plan
- P. Anticipated construction date and anticipated completion date.
- Q. The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgment is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the

lessor or an "Acknowledgement Letter" that documents this understanding and has been signed by the lessor.

- R. A permit fee for each CW ECS and/or WECF as set by the Lexington Township Board must accompany the application.

.03 GENERAL STANDARDS

The following standards shall apply to all CW ECS and/or WECF in Lexington Township.

A. Annual Inspection:

1. Every CW ECS and or WECF project must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Lexington Township and considered a part of a continuing special land use permit. The credentials of the entity performing the inspection must be submitted with said inspection including the inspector's name, address, telephone number and email address.
2. Per the provisions of the Special Land Use Permit (Section 14.4.0.03 E), the zoning administrator or his designee may complete periodic inspections of the CW ECS or WECF. Such inspection shall be recorded on a Lexington Township form and all costs associated with the inspection shall be borne by the CW ECS and or WECF project owner and invoiced annually.

B. Avian and Wildlife Impact:

The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

1. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
2. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
3. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
4. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

C. Visual Impact:

CWECS or WECF projects shall use tubular towers and all CWECS or WECF in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any parts of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan. There shall be no illumination other than that required of the FAA.

D. Environmental Impact:

1. The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.
2. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the CWECS or WECF.

E. Complaint Resolution:

The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.

F. Compliance with FAA:

It shall be the responsibility of the person in charge of the CWECS project to complete the proper FAA applications and obtain the proper permits for the CWECS project. It shall also be the responsibility of the person in charge of the CWECS project to obtain a determination of no significant impact to air navigation from the FAA.

G. Construction Codes, Towers, and Interconnection Standards:

CWECS or WECF including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. CWECS or WECF including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et

seq.), and local jurisdiction airport overlay zone regulations. CWECs or WECF shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

H. Lighting:

The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.

I. Compliance with Township Ordinances:

All CWECs projects shall be in compliance with all Lexington Township Zoning Ordinance requirements and other applicable ordinances.

J. Decommissioning Plan and Escrow:

1. The CWECs and/or WECF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
2. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.
3. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
4. The Decommissioning Plan shall also include an agreement between the applicant and the Township as part of the Special Land Use Application and prior to the beginning of construction that:
 - a) The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Lexington Township and shall be in an amount of at least one hundred fifty thousand dollars (\$150,000.00) per turbine and shall contain a replenishment obligation. Evidence of decommissioning bond shall be in the form of an escrow account, surety bond, letter of credit subject to approval of the Lexington Township Planning Commission to guaranty decommissioning of an abandoned site. If surety bond is utilized, it must be pursuant to US Treasury bond list.
 - b) The Township shall have access to the escrow account funds, performance bond and/or equivalent financial instrument for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of the project life or facility abandonment as defined.
 - c) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - d) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow, performance bond and/or equivalent financial instrument and to file a lien against any real estate owned by the applicant or applicant's successor,

or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

- e) The applicant agrees to all the terms of this Ordinance.

K. Safety:

The safety of the design of all CW ECS towers and/or WECF shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.

All Utility Grid wind energy systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

L. Distribution / Transmission Lines:

1. Underground and/or overhead collection lines or collection line systems are required to obtain a separate special land use permit from the Township.
2. Distribution and/or Transmission lines shall be installed underground whenever practicable and at a depth of no less than eight (8) feet.
3. GPS mapping shall be submitted to the township showing location and depth of all underground distribution and/or transmission lines.
4. Surface markers shall be placed to indicate the location of the underground lines and a map will be placed on the tower indicating the same.
5. Membership and participation in the MISS DIG Systems Inc of Michigan shall be required. Proof of membership shall be provided upon request.

M. Fees:

An applicant for a CW ECS and/or WECF developer, owner and/or operator shall remit an application fee and a fee per megawatt of nameplate capacity to the Township included with all applications in the amount specified in the annual fee schedule which shall be set by resolution of the Lexington Township Board. This fee is based on the cost to the Township of the review. The fee may be adjusted from time to time, and shall include, but not be limited to, such costs as meeting expenses, publication and notification expenses, related legal, planning, engineering and other consultant fees, and other costs as may be incurred by the Township during the application and review process. The applicant or developer shall also pay any documented expenses or costs related to the project that are incurred by the Township throughout the life of the CW ECS and/or WECF including but not limited to attorney fees, meeting costs, and emergency services to be billed within 60 days of occurrence. Said fees shall be paid within 60 days of the Township billing for such fees.

N. Fire Risk:

All CW ECS and/or WECF projects must remove fuel sources, such as vegetation, from the immediate vicinity of electrical gear and connections.

O. Height:

CW ECS projects shall be exempt from the height requirements of the Ordinance, subject to the provisions of Special Land Uses, Article 14.1.0, and compliance with FAA regulations.

P. Installation Certification:

The Professional Engineer shall certify that the construction and installation of the CW ECS and/or WECF project meets or exceeds the manufacturer's construction and installation standards.

Q. Electromagnetic Interference:

No CW ECS or WECF shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No CW ECS or WECF shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

R. Noise Levels:

1. Audible noise or the sound pressure level from the operation of the CW ECS and/or WECF shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater for more than ten percent (10%) of any sixty (60) minute interval, measured at any residence, school, hospital, church or public building existing on the date of approval of any CW ECS and/or WECF special use permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the CW ECS and/or WECF to demonstrate compliance with this standard.
2. In the event audible noise from the operation of the CW ECS and/or WECF contains a steady pure tone, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA.
 - a) a constant pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of the five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred twenty-five (125) Hz.
3. Ambient noise levels shall be measured at the property lines of potentially affected existing residences, schools, hospitals, churches and public building.
 - a) Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone.

- b) Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
- 4. Any noise level falling between two (2) whole decibels shall be the lower of the two.
- 5. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the CW ECS or WECF will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the CW ECS or WECF sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 90 days of the commercial operation of the project.

S. Setbacks/Separation:

- 1. **Non-Participating Property Lines:** All CW ECS projects must be setback from property lines and above ground utility lines and above ground public transmission lines at a distance equal to or greater than 1.2 times the total height of the structure, measured from the base of the structure to the highest reach of the blade. No part of the wind system structure, including guy wire anchors, may extend within the required setbacks.
- 2. **Participating Property Lines:** No setback is required from any adjacent participating property.
- 3. **Habitable Structure:** Each CW ECS and/or WECF shall be set back from the nearest habitable dwelling, school, hospital, church, public or municipal building, a distance no less than one thousand three hundred twenty (1,320) feet.
- 4. **Public Roads:** Each wind turbine shall be set back from the nearest public road a distance no less than 1.2 times the total height of the structure determined at the nearest centerline for such public road.

T. Wind Turbines and Access Roads:

Wind related facilities shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines.

U. Shadow Flicker:

The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be

submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

V. Substation:

Any substation shall be located at a distance of no less than one thousand three hundred twenty (1,320) feet from any residence, school, hospital, church or public building. A lesser setback may be approved if the intent of this Ordinance would be better served thereby. A lesser setback shall be considered only with written approval from the owner of the inhabited structure.

W. Transfer of ownership:

Any transfer of ownership or operation or otherwise of a CWECs and/or WECF shall be reported in writing to Lexington Township within ten (10) days of said transfer by the transferor or transferee. Failure to so notify said township of ownership transfer shall result in the assessment of a fine as established by the Township board.

X. Warnings:

A visible warning sign of "High Voltage" shall be required to be placed at the base of all CWECs and or WECF projects. The sign must have at a minimum, six-inch letters with 3/4 inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

Y. Waste:

All solid waste, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the CWECs and/or WECF, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner. All hazardous waste generated by the operation and maintenance of the CWECs and/or WECF, including, but not limited to, lubricating materials, shall be removed from the site immediately and disposed of in a manner consistent with all local, state, and federal rules and regulations and recorded on a waste disposal plan on a semi-annual basis submitted to the township office.

Z. Conflicting Provisions

In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Utility-Scale Wind Energy Systems, the provisions of this section shall control.

.04 HOLD HARMLESS AND INDEMNIFICATION

To the extent allowed by law, an applicant for any permit required by this Ordinance shall agree to defend, pay on behalf of, indemnify, and hold harmless Lexington Township from claims, damages, administrative enforcement actions or civil fines or orders or other claims arising out of or associated with an application and/or applicant's activity under issuance of the land use/permit.

.05 REVOCATION OF PERMIT

A permit issued pursuant to this Ordinance may be revoked upon violation of any provision of this Ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the WECS, CWECs and or WECF at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has thirty (30) days to correct the violation. If the violation is not corrected within the thirty (30) day time period, the revocation of the permit shall be placed on the agenda of a Township Planning Commission. The Township shall give the owner/operator at least seven (7) days written notice of the date time and place of said meeting. The

owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township Planning Commission shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

.06 ENFORCEMENT

A violation of this Ordinance is declared to be a public nuisance and the Township may enforce the same by injunction or other remedy including the right to correct the violation and recover the cost of making the necessary correction from the owner/operator. In the event the Township obtains a judgment against the owner/operator pursuant to this section, the Township shall be entitled to an award of all reasonable and necessary costs incurred including actual attorney fees.

.07 PENALTY

Violators of the provisions of this Ordinance shall be subject to a Grade 4 municipal civil infraction penalties for each and every day of non-compliance.

.08 SEVERABILITY

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision.

.09 REPEALER

All ordinances and parts of Ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict, to the extent that this Ordinance conflicts with any other Ordinance this Ordinance shall control (supersede).

Section 3.47.3 — Meteorological Towers (MET)

.01 DEFINITIONS

See definitions listed in Private/Agricultural Wind Energy Conversion Systems and Meteorological Towers at 3.47.0.01.

.02 APPROVAL REQUIRED

Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any MET Tower project within Lexington Township unless a special land use permit has been obtained pursuant to this Ordinance.

Application for special use permit required by this Section shall be made on forms provided by Lexington Township and shall contain the following, in addition to the requirements of Section 14.1.0, Special Land Use:

- A. Company contact information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles, EIN (Employer Identification Number).
- B. A narrative describing the proposed MET tower, including an overview of the project.

- C. Site plan (GIS shape file overlay, electronic file and paper copy) of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, county drains, land use, zoning district, ownership of property, location of proposed MET tower (with required setbacks, exclusion zones and non-participating properties), underground and overhead wiring (including depth underground), access roads (including width), substations, and accessory structures.
- D. Details or drawings shall show features in the design of a typical MET tower and its base, that upon removal of said MET tower will allow restoration of the soil at the site to a depth of four (4') feet.
- E. Anticipated construction date and anticipated completion date.
- F. The lessor must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this ordinance. This acknowledgment is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an "Acknowledgement Letter" that documents this understanding and has been signed by the lessor.
- G. A permit fee for each MET tower as set by the Lexington Township Board must accompany the application.

.03 GENERAL STANDARDS

The following standards shall apply to all MET towers in Lexington Township.

- A. MET towers shall be mounted on tubular towers with solid exteriors.
- B. MET towers and accessory structures shall be painted a non-reflective, non-obtrusive color. The exterior shall be maintained in good condition and the MET tower shall be repainted whenever rust, corrosion or peeling or flaking paint becomes visible.
- C. MET towers shall not be lighted unless so required by statute, ordinance, rule or regulation.
- D. MET towers shall contain no letters, numbers or symbols other than the name of the manufacturer and the name of the owner/operator unless otherwise required by this ordinance or any other statute, ordinance, rule or regulation. Any such letters, numbers or symbols may not exceed six (6") inches in height. Every MET tower must have a sign or lettering identifying its owner/operator and contain contact information.
- E. All guy wires and anchors must be clearly visible to a height of six (6') feet above ground level and marked as established by the Planning Commission.
- F. Design Safety Confirmation:
The safety of the design of all MET towers shall be certified by a Professional Engineer registered in the State of Michigan. The standard for certification shall be included with the permit application.
- G. Compliance with Township Ordinances:
All MET towers shall be in compliance with all Lexington Township Zoning Ordinance requirements and other applicable ordinances.
- H. Setbacks:

All MET towers must be setback from property lines at a distance equal to, or greater than one hundred fifty percent (150%) of the height of the structure, measured from the base of the structure to the highest reach. No part of the MET tower, including guy wire anchors, may extend within the required setbacks.

I. Height:

MET towers shall be exempt from the height requirements of the Ordinance, subject to the provisions of Special Land Uses, Article 14.1.0, and compliance with FAA regulations.

J. Installation Certification:

The Professional Engineer shall certify that the construction and installation of the MET tower meets or exceeds the manufacturer's construction and installation standards.

K. Climbing Prevention:

All MET towers must be un-climbable by design or protected by anti-climbing devices.

L. Waste:

All solid waste, whether generated from supplies, equipment parts, packaging, operation, or maintenance of the MET tower, including old parts and equipment, shall be removed from the site immediately and disposed of in an appropriate manner.

M. Color and Signage:

MET towers shall be painted any neutral color that is acceptable to the Lexington Township Board or otherwise required by law, nor shall there be any signage, such as advertisement, other than as provided in this ordinance.

N. Compliance with FAA:

It shall be the responsibility of the person in charge of the MET tower project to complete the proper FAA applications and obtain the proper permits for the MET tower project. It shall also be the responsibility of the person in charge of the MET tower project to obtain a determination of no significant impact to air navigation from the FAA.

O. Compliance with Additional Regulations:

It shall be the responsibility of the person in charge of the MET tower project to contact the FCC and FAA regarding additional permits necessary or any other applicable federal or state regulation for the installation, prior to Lexington Township granting a special land use permit.

P. Temporary Structures:

MET towers are intended to be temporary measuring device structures and will be permitted up to one (1) year unless an extension is granted prior to the expiration of one (1) year, by the Planning Commission.

Q. Decommissioning Plan and Escrow:

The MET tower project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.

Decommissioning shall include: Removal of all structures (including transmission equipment, guy wires, and fencing), and debris to a depth of four (4') feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The Decommissioning Plan shall also include an agreement between the applicant and the Township that:

1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Lexington Township.
2. The Township shall have access to the escrow account funds for the express purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of project life or facility abandonment as defined by decommissioning.
3. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
4. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make MET towers unfeasible.

.04 REVOCATION OF PERMIT

A permit issued pursuant to this ordinance may be revoked upon violation of any provision of this ordinance. If a violation is alleged, the Township shall send written notice of said violation to the owner/operator of the MET tower at the address on file with the Township. Said notice shall set forth the nature of the violation and shall notify the owner/operator that it has thirty (30) days to correct the violation. If the violation is not corrected within the thirty (30) day time period, the revocation of the permit shall be placed on the agenda of a Township Board meeting. The Township shall give the owner/operator at least seven (7) days written notice of the time and place of said meeting. The owner/operator may attend and present such information as it deems appropriate regarding the revocation. The Township Board shall determine if a violation exists and shall determine a timetable for either correcting the violation or revoking the permit.

.05 ENFORCEMENT

A violation of this ordinance is declared to be a public nuisance and the Township may enforce the same by injunction or other remedy, including the right to correct the violation and recover the cost of making the necessary correction from the owner/operator. In the event the Township obtains a judgment against the owner/operator pursuant to this section, the Township shall be entitled to an award of all reasonable and necessary costs incurred including actual attorney fees.

.06 SEVERABILITY

If any provision of this ordinance is held invalid by a court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision.

.07 REPEALER

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict, to the extent that this ordinance conflicts with any other ordinance this ordinance shall control (supersede).

Section 3.48.0 — Independent Senior Housing

A senior housing development, which is for the exclusive use of individuals sixty-two (62) years of age or older, or for a couple where at least one (1) of the individuals is over the age of sixty-two (62), or where the resident has a disability and is required by federal or state housing laws to be included in senior housing programs, may be permitted in certain districts as specified in this Ordinance, subject to the following:

- .01 All vehicular ingress and egress shall be directly onto a County Primary Road as designated on the Official Road Map of Sanilac County, or a high road classification.
- .02 The minimum site size shall be two and one-half (2½) acres. The minimum lot width shall be 200 feet.
- .03 All dwelling units in any building shall have at least four hundred fifty (450) square feet of floor area, excluding porches, decks, basement, and closets.
- .04 Buildings proposed within the senior housing project site may exceed the maximum building height required in Schedule B, however, for each one (1') foot of additional height, the minimum required front, side and rear setbacks shall be increased two (2') feet.
- .05 The density shall not exceed twelve (12) dwelling units per acre.
- .06 There shall be an outdoor recreation area for the use of residents. Said outdoor area may be located in such areas as gardens, patios, decks, open space, walking paths, and the like. Recreation space must be fully accessible to residents and of barrier-free design meeting national ADA standards.
- .07 Retail uses and service uses may be permitted on the site only if such uses are accessory to the senior housing use. All such uses shall be contained in a principal residential building. No exterior signs within thirty-five (35') feet of the senior housing site boundary shall be permitted.

Section 3.49.0 — Streets, Alleys & Railroad Rights-Of-Way

All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

Section 3.50.0 — Open Parking and/or Storage of Motor Vehicles, Recreational Vehicles, Boats, And Similar Vehicles

.08 PROHIBITION

No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of junk motor vehicles, and therefore, it shall not apply to any motor vehicle ordinarily used, but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Zoning Administrator or their designee may grant the owner a reasonable time, not to exceed six (6) months, to procure such license.

Likewise, no old, rusty, and unsightly machinery, machines, or parts of machines not suitable for use upon the premises, nor quantities of old and used building materials, shall be kept or stored outside a building: provided, however, that building materials fit to be used to improve the premises may be kept if it is piled off the ground so as not to become a rat and rodent harbor.

.09 NON-OCCUPANT OWNED RECREATIONAL VEHICLES

The open parking and/or storage of a recreational vehicle, snowmobile, off-road motorcycle, boat, or similar vehicle, or a trailer used or meant to be used to haul such vehicles not owned by the occupant of the premises, for periods exceeding twenty-four (24) hours on lands not approved for said parking or storage shall be expressly prohibited, except that the Zoning Administrator may issue temporary permits allowing the parking of such vehicles in a rear yard on private property not to exceed a period of two (2) weeks.

.10 OCCUPANT-OWNED RECREATIONAL VEHICLES

All recreational vehicles, snowmobiles, off-road motorcycles, boats, and similar vehicles owned by the occupant of the premises and stored on the premises shall not be stored within any front yard and shall further respect the requirements applicable to accessory buildings insofar as distances from principal structures, lot lines, and easements are concerned.

.11 OCCUPANCY OF RECREATIONAL VEHICLES

Any recreational vehicle parked on lands not approved for campgrounds shall not be connected to sanitary facilities, and shall not be occupied. Provided however, the owner of a vacant residential parcel or lot that is not approved for campgrounds shall be limited to camping not more than 14 days within any calendar year. Said owner shall not create a nuisance of any kind and shall provide for their own fresh water and sanitary sewer disposal off site.

.12 DISPLAY OF VEHICLES FOR SALE

In any residential district, not more than one operable private passenger vehicle, owned and licensed by the occupant of the premises may be displayed for sale at a time. Any such vehicle must be located outside of any clear vision areas, any road right-of-way, and any required side yard setback. Parking or storing of an inoperative vehicle(s), except within a garage or other permanent accessory storage building, is prohibited.

Section 3.51.0 — Regulation of Condominium Developments

The following regulations shall apply to all condominium developments within Lexington Township.

.01 INITIAL INFORMATION

Concurrently with notice required to be given Lexington Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium development shall provide the following information:

- A. The name, address and telephone number of:
 1. All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 2. All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium development.
- B. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
- C. The acreage content of the land on which the condominium development will be developed.
- D. The purpose of the development (for example, residential, commercial, industrial, etc.)
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. Whether or not a community water system is contemplated.
- G. Whether or not a community septic system is contemplated.

.02 INFORMATION TO BE KEPT CURRENT

The information shall be furnished to the Township Building Official and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to Michigan Building Code.

.03 SITE PLANS FOR NEW PROJECTS

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Chapter 15 of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

.04 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Chapter 15 of this Ordinance.

.05 MASTER DEED, RESTRICTIVE COVENANTS AND "AS-BUILT" SURVEY TO BE FURNISHED

The condominium development developer or proprietor shall furnish the Building Official with the following: One (1) copy of the recorded Master Deed; one (1) copy of all restrictive covenants and two (2) copies of an

"as-built survey". The "as-built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board of Trustees.

.06 MONUMENTS REQUIRED

All condominium developments that consist in whole or in part of condominium units, which are building sites, manufactured housing sites, or recreational sites, shall be marked with monuments as provided in this subsection.

- A. All monuments used shall be made of solid iron or steel bars at least one-half inch (1/2") in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
- B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- C. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- D. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch (1/2") in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches (8").
- E. All required monuments shall be placed flush with the ground where practicable.
- F. All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch (1/2") in diameter, or other approved markers.
- G. The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not-to-exceed one (1) year on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to the Township of Lexington, whichever the proprietor selects in an amount to be established by the Township Board of Trustees, by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

.07 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

All condominium developments shall comply with federal and state statutes and local ordinances.

.08 OCCUPANCY

The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check or an irrevocable bank letter of

credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

.09 SINGLE-FAMILY DETACHED CONDOMINIUMS

- A. Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board of Trustees following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board of Trustees, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, development layout and design and compliance with all requirements of the Condominium Act and Township Zoning Ordinance.
- B. A single-family detached condominium development shall be subject to all of the requirements and standards of the applicable A-1, A-2, R-1, R-2, or R-3 District or approved Planned Unit Development (PUD) Plan.
- C. The design of a single-family detached condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance. Streets shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Design Layout Standards Article of the Township Subdivision Ordinance and other conditions set forth by the Township Board and Sanilac County Road Commission. Streets within the proposed condominium may be dedicated to the Sanilac County Road Commission or may be retained as private streets provided they are included as a common element and their maintenance is effectuated within the condominium agreement.

1. Location Arrangement and Design of Streets.

- a) The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
- b) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- c) Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- d) Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Commission may require the location of a street approximately paralleled to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- e) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Commission finds it will be practicable to require the

dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.

- f) Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage-way, the Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water-borne vehicles.

2. Right-of-Way and Pavement Widths.

Street right-of-way and pavement widths shall conform to at least the following minimum requirements:

- a)

STREET TYPE	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH
All types of streets	66'	24'
Cul-de-sac	75' Radius	45' Radius

- b) No on-street parking shall be allowed.
- c) Minimum length for residential cul-de-sac streets shall be 140 feet. Maximum length for residential cul-de-sac streets shall be 1,500 feet.
- d) Access to streets across all ditches shall be provided by the proprietor with the Sanilac County Road Commission's specifications and procedures for driveway installation.

3. Easements.

- a) Location of utility line easements shall be provided as necessary for utility lines. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each parcel.
- b) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
- c) Easements six feet (6') in width, three feet (3') from each parcel shall be provided where needed along side condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: "The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company)".

4. Condominium Units.

Condominium units within detached condominium developments shall conform to the following standards:

- a) Condominium units situated on corners in residential subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance.
- b) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- c) Every condominium unit shall front or abut on a street.
- d) Side condominium unit lines shall be at right angles or radial to the street lines.
- e) Condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
- f) Condominium units shall have a front-to-front relationship across all streets where possible.
- g) Where condominium units border upon bodies of water, the front yard may be designated as the waterfront side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side.

5. Blocks.

- a) Maximum length for blocks shall not exceed one thousand three hundred feet (1,300') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- b) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

6. Natural Resources.

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved, the preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

7. Walkways.

Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet (5') in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

8. Street Trees and Landscaping.

- a) Street trees shall be provided in the ratio of at least one (1) per dwelling unit, shall be placed along the right-of-way and shall not be less than eight feet (8') in height.
- b) The following trees are prohibited:
 - i. Box Elder
 - ii. Soft Maples (Red, Silver)
 - iii. Elms
 - iv. Poplars
 - v. Willows
 - vi. Horse Chestnut (nut bearing)
 - vii. Tree of Heaven
 - viii. Catalpa
- c) All unimproved surface area of the site shall be planted with grass, ground cover, shrubbery or other suitable landscape materials, except that patios, terraces, decks and similar site features may be allowed.

9. Utilities.

- a) An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all developments.
- b) A sewage disposal system shall be required as regulated by the Sanilac Co. Health Dept.
- c) A water supply system shall be required as regulated by the Sanilac Co. Health Dept.
- d) The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely through out the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township Engineers and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations that traverse privately held property shall be protected by easements granted by the proprietor.

D. Final Documents to be Provided.

After submittal of the condominium plan and bylaws as part of the Master Deed, the proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10-1/2" x 14").

Section 3.52.0 — Open Space Preservation Development (Residential Clustering Option)

.01 STATEMENT OF PURPOSE

The purpose of this section is to provide an optional mechanism for development of single-family residences, where permitted, which assists in meeting the following goals: maintain the character of the area, maintain an image of open space, permanently preserve open space and natural resources, protect a portion of lands for agriculture and farming, and achieve a balance between farming, open space and residential growth. Specifically, Lexington Township recognizes:

- A. That the preservation of wetlands, woodlands, open space and agricultural land in the township is necessary to the conservation of local, state, and national economic resources and is necessary, not only to the maintenance of the economy of the state, but also for the assurance of desirable living conditions for present and future residents of the township;
- B. That the discouragement of unnecessary conversion of open space and agricultural land to urban uses is a matter of public interest and will be of benefit to the township residents overall in that it will discourage noncontiguous urban development patterns, which unnecessarily increase the costs of services to community residents;
- C. That development under the open space preservation development option provisions of this Section is a primary goal of the township. Development under the provisions of this option is intended to provide the preferred alternative to lot splitting or conventional subdivision or site condominium development in many areas of the township;
- D. That single-family residential developments approved through this development method shall:
 - 1. Maintain the township's open space and rural setting;
 - 2. Allow greater flexibility and encourage a more creative approach to residential development;
 - 3. Preserve the township's natural resources, including woodlands, wetlands, floodplains, prime agricultural land, and similar natural assets;
 - 4. Create a more desirable living environment through the preservation and conservation of the natural character of open fields, stands of trees, wetlands, brooks and streams, farmland and other similar assets;
 - 5. Provide open space that directly benefits the residents of the development and the township; and
 - 6. Protect the rural character of the district, retain rural vistas by requiring optimum setbacks of residential development from rural highways and improve traffic safety by prohibiting direct access from individual home sites to such highways.

.02 ELIGIBILITY UNDER THE TOWNSHIP ZONING ACT (PA 184 of 1943 as amended.)

To utilize this development option, a site without public sewer service shall be located within a zoning district that has a one half (1/2) acre [21,280 sq.ft.] or larger minimum lot size or a site with public sewer service shall be located within a zoning district that has a one third (1/3) acre [14,520 sq.ft.] or larger minimum lot size. In Lexington Township the Open Space Preservation Development (Residential Clustering) Option shall be a use permitted by right in the A-1, A-2, and R-1 Districts.

.03 METHOD OF LAND DIVISION

Home sites developed under this option shall be developed as a subdivision or a site condominium. Other forms of land division are prohibited.

.04 OPEN SPACE RETAINED

To the greatest extent possible, all the natural features of the property such as large trees, natural groves, wetlands, floodplains, watercourses, natural drains and stream channels and similar assets that will add attractiveness and value to the property and will promote the health and welfare of the community shall be preserved. Retained open space and other protected resource areas shall be reasonably contiguous (not fragmented).

A. Primary Conservation Areas:

This category consists of:

- 1. Wetlands, lands that are generally inundated (under ponds, lakes, creeks, etc.), land within the 100-year floodplain, slopes exceeding 25%, and soils subject to slumping. These sensitive lands are deducted from the total parcel acreage to produce the "Adjusted Tract Acreage," on which density shall be based (for both conventional and conservation subdivisions). [These areas are deducted because as a rule they would not be buildable lands under traditional development.]
- 2. Land that would be required for street rights-of-way (a minimum 10% of the net tract area) and land under permanent easement prohibiting future development (County Drain easements, existing and planned public road ROWs, utility easements, etc.) shall also be deducted.

B. Secondary Conservation Areas:

In addition to the Primary Conservation Areas, at least fifty (50%) percent of the remaining land shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site.

This category typically includes all or part of the following kinds of resources: mature woodlands, significant wildlife habitat areas, prime farmland, historic, archaeological, scenic views into the site from public roads.

C. Protected areas:

Protected areas shall be outside the boundaries of the proposed lots.

.05 METHOD OF PRESERVATION

The areas in open space, recreation, agriculture, or commons shall be perpetually protected from development. The open space shall be preserved using one or a combination of the following methods, subject to the review and approval of the Township Attorney and the Township Planning Commission:

A. Home Owners Association (HOA):

Title to the open space lands and other protected resource areas may be held by a homeowner's association with required participation of all residents within the development. If an HOA is to hold title, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

B. Protective Covenants.

The covenants of the subdivision may include the preservation of lands within them. The exact locations of the open space and other protected resource areas shall be defined within this document. These covenants shall also state the types of uses that would be allowed in such open spaces and other protected areas. Covenants may be used with a home owners association but a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

C. Condominium Association.

All elements that are reserved for open space and other protected resource areas shall be preserved as common elements as shown on the site plan, except those areas that may be dedicated to a unit of government. Any alteration to the open space and other protected areas under common element status shall require the submittal of a new site plan and approval by the appropriate bodies. If a condominium association is to hold title to any open space and/or other protected areas, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

D. Fee Simple Dedication to a Unit of Government:

The open space lands are dedicated to a unit of government (township, village, city, school district, county, state, or federal, etc.). This dedication may have provisions within it that state that in no way shall the unit of government be obligated to any cost due to the acquisition, and that the municipality has ample access to all areas of the open space for adequate maintenance purposes should they ever be needed. There shall also be deed restrictions preventing the unit of government from selling the property or using it for development purposes. If dedication to the township or another governmental body is to be used, a recognized independent conservation organization shall be granted a conservation easement(s) covering all land areas to be protected.

E. Conservation Easements.

The easement over the open space lands and other protected resource areas shall be held by a legal owner/holder, such as a conservation agency, and that owner shall have the right to enforce any aspect of the easement. The easement shall state the uses that are allowed within the open space areas and other protected resource areas and which uses are disallowed. The agreement shall be as specific as possible as to what is allowed and where it is allowed to take place. If the easement is granted to any party other than a recognized independent conservation organization, the easement shall be co-signed by a recognized independent conservation organization to ensure a checks and balance system. Whichever organization holds the legal rights to the easement, they shall visit the site a minimum of once per year to inspect and record any violations that may be occurring within

the open space areas and other protected resource areas and create and file a report of what is observed.

F. Public Trust.

The open space lands and other protected resource areas may be dedicated to a public trust. This shall include the accompaniment of money with it to provide funds for the trust to conduct annual surveys on the land to turn into State agencies which may require these reports. The two entities shall enter into an agreement which states that the trust, whose only purpose is to protect open lands and other protected resource areas, shall protect these spaces within the development.

G. Conveyance of Any Un-used Development Rights:

Any unused development rights of the subject property may be conveyed to a unit of government or a conservation agency while allowing present and future owners of the open space lands to continue to maintain farming activities or open lands for their own use but permanently giving up the right to ever develop it.

.06 DENSITY LIMIT

The number of dwellings permitted to be constructed shall not exceed the number that would be permitted under conventional zoning regulations as determined by gross parcel area less primary conservation areas as defined in the paragraphs under .04 A. above, divided by the minimum lot area set forth in the schedule of regulations for the district involved. The permitted density may be modified if a density bonus(es) is approved by the Planning Commission.

.07 DENSITY BONUS

A. General:

To encourage developers to utilize this development option where a large amount of open space is permanently preserved instead of conventional forms of land division where little or no usable open space remains, the Planning Commission may permit the number of dwelling units to be increased by up to 30% depending upon the physical characteristics of the site and upon a determination by the Commission that the plan is well designed and that proposed development complies in all respects with the intent and purpose of this Section, provided all other requirements of this Section are met.

Proceeds from the sale of bonus lots are to be used to provide a conservation endowment (50%) and to provide an incentive (50%) to the developer. Spending from this conservation endowment fund shall be restricted to interest from such fund and shall be used to offset continuing open space monitoring and maintenance costs.

B. Public Access:

To encourage appropriate and desirable lands to be set aside for public access to a portion of the site, a bonus of one (1) additional potential lot may be granted to the developer in exchange for a written and recorded easement to a unit of government for each five (5) acres of public access land provided.

[Note: Land for connecting public paths or trails and adjoining buffer areas are one type of public access that may be desired. Public access to or along water bodies may be desired. Historic, archaeological, or cultural features, rare or unusual plants, or habitats are examples of other potential candidate resources for public access.]

Fifty (50 %) percent of the proceeds from the sale of the bonus lot(s) shall be set aside for a public access endowment. The interest from the endowment shall be used to cover the additional public liability insurance requirements and cover other protection, maintenance, and inspection costs.

.08 MINIMUM LOT SIZE

The conventional minimum lot area and width requirements set forth in the Schedule of Regulations shall not apply. The minimum lot area and width shall be large enough for anticipated rural or very low density suburban household activities and shall also be determined by land area and distances required to comply with yard and setback requirements and County Health Department on-site sewage disposal and well requirements (including isolation distances and sufficient land area for replacement septic fields).

.09 FRONTAGE ON INTERNAL ROAD

All lots shall front only upon a road that is internal to the development. No lots may be created which front upon existing public roads.

.10 ROAD STANDARDS

All internal roads shall be designed and constructed to meet all requirements of the Sanilac County Road Commission (SCRC) and as may be set forth in the Township Subdivision Regulations or the Township Site Condominium requirements.

.11 CLUSTERED HOMESITES.

A. General Evaluation Criteria:

1. Protects and serves all floodplains, wetlands, and steep slopes.
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and creates sufficient buffer areas.
3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads.
4. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
5. Designs around existing tree lines and hedgerows between fields or meadows, and minimizes impacts on large woodlands (greater than 5 acres).
6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern.
9. Designs around and preserves sites of historic, archaeological, or cultural value, their environs, and their related features (e.g. stones walls, earthworks, and burial grounds).

10. Protects rural roadside character.
11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
13. Includes a safe internal pedestrian circulation system, ideally connected to community pedestrian/bicycle system. The system must be integrated with open space, recreation, preservation areas, and provide convenient access from home sites.
14. Provides open space that is reasonably contiguous. (Design and Management Handbook for Preservation Areas, by the Natural Land Trust is a good reference resource.)

B. Specific Criteria:

1. Location of House Sites.

House sites should generally be located not closer than 100 feet from Primary Conservation Areas, but may be situated within 50 feet of Secondary Conservation Areas to provide buffering distances and afford enjoyable views. The building “footprint” of proposed residences may be changed in any direction by less than 50 feet without approval. Changes involving 50 feet or more may be changed with approval from the Planning Commission.

2. Street and Lot Layout.

When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the County and to facilitate easy access throughout the development. Single-loaded residential access streets may maximize the number of homes with enjoyment of open space views, but may require more land to be disturbed.

3. Lot Lines.

These are generally drawn midway between adjacent house locations. Lots may be irregularly shaped, including L-shaped “flag-lots”.

.12 SETBACKS

Dwellings shall be located in compliance with all yard and setback requirements of the District in which it is located. Dwelling units and structures shall be setback a minimum of fifty (50') feet from any perimeter lot line of the parent parcel, except that they shall be setback at least two hundred fifty (250') feet from any existing public road that borders the perimeter of the project site. Dwelling unit clusters shall be spaced an appropriate distance apart from another cluster, as determined by the Planning Commission, compatible with the surrounding community character and to discourage a suburban subdivision appearance.

.13 LANDSCAPING

To maintain the rural or very low density suburban character of the district, the frontage along the perimeter public road(s) shall be heavily landscaped to screen clustered home sites from view of the public

to the greatest extent feasible. Scenic vistas from the perimeter public road(s) shall be maintained (and perhaps enhanced) to the greatest extent feasible. A landscape plan for such areas shall be reviewed and approved by the Planning Commission. Existing natural screens, or new screens may be used. The Planning Commission may require the installation of a landscaped berm where necessary to meet the intent of this Section.

.14 SEWAGE DISPOSAL AND WATER SUPPLY

Use of on-site wells and septic systems are anticipated in Lexington Township. However, community septic systems or package treatment plants and community wells in lieu of individual wells and septic fields may be permitted if approved by the County and/or State Health Department. Public water and sewage disposal systems shall not be extended to serve projects developed under this Section if the site lies beyond an urban services area boundary, as may be set forth within the Master Plan, except in such instances where such utilities already are located at the perimeter of the site.

Portions of the open space may be used, if approved by the Planning Commission and the County Health Department for individual or community wells, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten (10%) percent of the required minimum open space.

.15 PEDESTRIAN LINKAGES TO OPEN SPACE

To the greatest extent feasible, the open spaces should be located and interwoven with the dwelling unit clusters so as to be easily accessible to residents of the development, except in cases where the open space to be preserved is not intended for the use of the residents (as in the case of active farming or protection of endangered species). Linking pedestrian trails shall be provided within the open space(s).

.16 SITE PLAN.

Approval under this section requires that a site plan meeting the requirements of Chapter 15 be reviewed and approved by the Planning Commission. In addition to a site plan, the Planning Commission may require the submittal of additional documents as specified or called for herein.

.17 SITE CONDOMINIUM, SUBDIVISION APPROVAL, OR LAND DIVISION.

A project approved under this section shall also comply with all requirements of the township, county, and state for a site condominium, subdivision, or land division as may be applicable, and shall follow all such steps and procedures for approval required therein. [Under the land division act, the number of permitted new divisions may be less than (thus limiting) what might otherwise be desired and permitted under this Section for optional Open Space Preservation Development.]

If clustering under land division is intended, documentation of the potential number of new parcels out of the parent parcel must be submitted.

.18 APPLICATION AND APPROVAL PROCESS.

A. Preliminary Approval:

The applicant shall prepare and present the following exhibits to the Planning Commission for review and approval. The Planning Commission shall submit the applicant's exhibits to the Township Planner for a recommendation. As may be necessary or advisable, a recommendation from the Township Engineer may also be sought during the preliminary approval process.

1. Applicant prepares and presents a “yield plan” for review and approval of the Planning Commission. The “yield plan” shall identify all primary conservation areas as defined in the paragraphs under 4. A. above, and shall accurately demonstrate the maximum number of lots or parcels which could be created if the property was developed conventionally.
 2. Applicant submits conceptual preliminary plan with all basic existing *and* proposed land features and structures shown separately. Aerial photos and simple transparencies may be used.
 3. Applicant submits conceptual landscape plan with all basic existing *and* proposed topography and vegetation features shown separately. Photos and simple transparencies may be used.
 4. A site walkabout may be scheduled for the applicant, planning commissioner(s), and the local government’s staff and/or consultants.
- B. Planning Commission site plan review procedures (see Chapter 15) are required in all eligible districts (A-1, A-2, and R-1) for this principal permitted use. All required steps shall be scheduled with a determination of approval, approval with conditions, or disapproval to follow accordingly.
- C. Any legal instruments (easements, covenants, etc.) pertinent to the effectuating of the proposed open space preservation development must be reviewed and approved by the township attorney. Any approved easements, covenants, or other legal instruments which run with the land are to be recorded with the county register of deeds. No zoning compliance permit or building permit shall be issued until this has been accomplished.

Example

Parcel Size: 80 acres (A site like this with various natural limitations can be made more buildable under this development option.)

Normal Zoning – A-2, Agricultural/Residential District: 2.0-acre minimum lot size

Calculation of allowable number of lots:

80 acres = gross area

less 15% for internal roadways (12.0 acres)

less 2 acres for planned County Road ROW (parcel legal description running to the center of the road).

less 3.5 acres for a County Drain easement.

less 12.5 acres of regulated wetland, also 100 year floodplain, adjacent to county drain (a Primary Conservation Area)

80 – 12.0 acres – 2.0 acres – 3.5 acres – 12.5 acres = 50 acres [Adjusted Tract Acreage]

50 net acres/ 2.0 acre minimum lot size = 25.0

So...Twenty-five (25) lots allowed [result of lot “yield plan”]

Adjusted Tract Acreage eligible for development minus 50% preservation = Net amount of land to be developed.

50 acres – 25 acres = 25 net acres [25 acres of Secondary Conservation areas to be permanently conserved]:

- 15 acres on north side of parcel to be retained by original farm owner for farming together with adjacent 160 acre cropland.
- 5 acres of upland woods and trout stream to be held in common by resident owners.
- 5 acres on east side to be dedicated for public access. See bonus below.]

25 acres = net developable area

less 10% for roadway (reduced need)

25 x 0.90 = 22.5 net acres

Area per buildable home site:

22.5 net acres/ 25 allowable units

typical home site = 0.9 acre (39,204 sq.ft.)*

* Note: Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph .14 for potential well and/or septic field placement option.

Potential Bonus Lots (Section 3.52.0, .07, A. Density Bonus)

Allowable units X (maximum 30% bonus) = Potential Bonus Lots

25

X

0.30

=

+ 7.5

(fractions 0.5 &

over rounded up)

Potential Total: 25 + 8 = 33 Lots*

Potential Bonus Lots (Section 3.52.0, .07, B. Public Access Bonus)

3 acres for 50 ft. buffer area surrounding portions of wetlands

+ 1.5 acres for county trailway

+ 0.5 acre for wetland observation site and interpretative displays

5.0 acres open to the general public (out of 15 acres of site conservation area.)

5 Acres Public Access = 1 Additional Bonus Lots

Potential Total 25 + 8 + 1 = 34 Lot(s)*

22.5 net acres/ **34 allowable units**

typical home site = 0.66 acre (28,826 sq.ft.)*

* Note: Actual typical home site size may vary due to on-site conditions affecting well and septic placement as well as health department requirements. See paragraph .14 for potential well and/or septic field placement option.

Section 3.53.0 — Outdoor Furnaces

.01 SPECIFIC REQUIREMENTS

A. Permitted Fuel

Only solid fuel is permitted to be burned in any Outdoor Furnace. Only firewood, untreated lumber, or corn shall be permitted to be burned. The burning of any other fuel in an Outdoor Furnace is expressly prohibited until reviewed and approved by the Lexington Township Planning Commission.

B. Secondary Fuel

Back up fuel sources shall include; natural gas, propane and/or fuel oil.

C. Location

Outdoor Furnaces shall be located in the rear yard, seventy-five (75) feet from the nearest dwelling.

D. Chimney Height

Chimneys shall not be less than fifteen (15) feet tall from the ground level.

E. Spark Arresters

All outdoor furnaces shall be equipped with properly functioning spark arrestors.

F. Penalties for Violation

Persons violating this ordinance shall be responsible for a Grade "A" civil infraction. Each and every day of noncompliance is a separate violation.

G. Severability Clause

Should any provision or section of this ordinance be held for any reason, such holding shall not be construed as affecting the validity of any remaining portion or section of this ordinance, it being the legislative intent that this Ordinance shall remain in effect, notwithstanding the invalidity of any such portion.

Section 3.54.0 — Home Occupation

Purpose: The purpose of this ordinance is to allow residents to utilize their homes for economic means without altering the makeup or enjoyment of the residential areas in which they live. Home occupations shall be allowed in any zoning districts within the township.

.01 The home occupation shall take place at a dwelling or accessory building owned by the resident and where the resident engaging in the home occupation lives on a full time basis.

.02 The home occupation shall be accessory to the principal use of the property.

.03 A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, storage and/or keeping of any toxic material, or the like, involved in or resulting from such home occupation.

- .04 Traffic generated by a home occupation shall not exceed the volume that would normally be expected in the residential zone in which the home occupation is conducted. Customer visitation, truck deliveries, or pick-ups associated with the home occupation shall be permitted only between 7 a. m. and 7 p.m.
- .05 Exterior storage of materials, equipment or refuse shall be prohibited.
- .06 Home occupation uses shall not occupy more than 25% of the dwelling's square footage or 500 square feet whichever is greater; but not more than 750 square feet. This occupation may be utilized in either the primary dwelling or an approved accessory building or both, but the total use of dwelling and/or accessory building together shall not exceed the square footage guidelines.
- .07 Retail or personal services such as or similar to auto, engine or machinery repair, equipment rental, or open storage of junk, scrap or salvage, shall not be considered as a home occupation.
- .08 Home occupations shall not employ more than 1 full time equivalent employee in addition to resident members of the family occupying the principal structure.
- .09 Home tutoring and/or music lessons shall be limited to 4 students simultaneously.
- .10 No retail or other sales shall be permitted unless they are clearly incidental and directly related to the conduct of the home occupation.
- .11 A sign as permitted by Section 3.20.0, .09, Figure 11, said sign shall not be illuminated.

Section 3.55.0 — Solar Energy Facilities

.01 Purpose

The purpose of the Ordinance is to facilitate the construction, installation and operation of a Solar Energy Facilities (SEFs) in Lexington Township in a manner that protects public health, safety and welfare and avoids significant impacts to protected resources such as important agricultural lands, endangered species, high value biological habitats and other protected resources. It is the intent of this ordinance to encourage solar facilities that reduce reliance on foreign petroleum supplies, increase local economic development and job creation, reduce greenhouse gas emissions, and/or promote economic development diversification.

.02 Definitions

- A. "Applicant" is the Landowner, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility under this Ordinance.
- B. "Landowner" means the persons or entities possessing legal title to the Parcel(s) upon which a SEF is located
- C. "Parcel" means all land within a legally established parcel.

- D. “Practicable” means it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.
- E. “Protected Lands” means, for the purpose of this chapter only, lands containing resources that are protected or regulated by established regulatory standards of local, state, and federal agencies, conservation easements or other contractual instruments in such a way that prohibits or limits development of those lands.
- F. “Renewable Energy Combining Zone” means a zoning district that may be combined with other base zoning and applied to specific geographic areas within the County, where the County has determined the land is suitable for a specified variety of Solar Energy Facilities and where permitting for such facilities may be expedited if specified conditions are met.
- G. “Review Authority” means applicable county or city land use decision-making body as determined by local ordinance and appeal procedures.
- H. “Solar Energy Facility (SEF)” means an energy facility, an area of land, or a structural rooftop principally used to convert solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems.
- I. “Solar Electric System (SES)” means the components and subsystems that, in combination, convert solar energy into electric or thermal energy suitable for use, and may include other appurtenant structures and facilities. The term includes, but is not limited to, photovoltaic power systems, solar thermal systems, and solar hot water systems.
- J. “Uses Allowed” means one of the following:
 - a. Accessory Use – a SEF designed primarily for serving on-site needs or a use that is related to the Primary Use of the property.
 - b. Direct Use – a SEF designed and installed to provide on-site energy demand for any legally established use of the property.
 - c. Primary Use – a SEF that uses over 50% of the Parcel(s) and is devoted to solar electric power generation primarily for use off-site.
 - d. Secondary Use – a SEF that is not the Primary Use of the property and uses less than 50% of the Parcel(s) land area.

.03 Applicability

- A. This Ordinance applies to the construction of any new SEF within the Township.
- B. A SEF legally established or permitted prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, however:
 - a. Physical modification or alteration to an existing SEF that materially alters the size, type or components of the SEF shall be subject to this Ordinance. Only the modification or alteration is subject to this Ordinance;
 - b. Substantial conformance review determinations are not major amendments to a project's existing permits; and
 - c. Routine operation and maintenance or like-kind replacements do not require a permit.

.04 Permit Required

The type of permit required for SEFs shall be as shown in Table 1 Permit Requirements

Table 1. Permit Required

	Accessory Use	Direct Use	Primary Use	Secondary Use
Agricultural/ Residential	P	P	SLU	SLU
Commercial/ Office	P	P	SLU	SLU
Industrial	P	P	SLU	P

P: Permitted Use SLU: Special Land Use

.05 Parcel Line Setbacks

The following setbacks from the Parcel line to the closest part of the SEF shall be established as shown in Table 2. Fencing, roads and landscaping may occur within the setback.

Table 2. Setbacks

	Accessory Use	Direct Use	Primary Use	Secondary Use
Setback from All Property Lines	Per Zoning for that District		75 feet	75 feet

.06 Height

For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

Table 3. Height Limits

Zoning District	Accessory Use/ Direct Use	Secondary Use	Primary Use
Ag or Residential	Roof – 5’ above roof ridge	Roof –5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’
	Ground – 15’		

Commercial, Office, or Industrial	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’	Roof – 5’ above roof surface not to exceed the roof ridge and may project above the height limit Ground – 15’
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.07 General Requirements (apply to all SEF Uses unless otherwise noted)

A. Building Permits Are Required –

- a. Nothing in this chapter modifies the minimum building standards required to construct a SEF, consistent with applicable building and fire codes. The SEF components and all accessory equipment shall comply with the most recently adopted Building Code as determined by the Building Official and Fire Code as determined by the Fire Official.
- b. A site plan shall be provided at the time of the Building Permit application demonstrating compliance with the setbacks in Tables 1 and 2.
- c. The Building Permit shall include review by local permitting departments including, but not limited to, the local Fire Authority, for Health and Safety Requirements.

B. Supplemental Information Required-

- a. The manufacturers or installer’s identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.
- b. On site power lines between solar panels and inverters shall be placed underground.
- c. If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state and federal requirements regulating outdoor battery storage have been met.
- d. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township.
- e. An affidavit or evidence of an agreement between the lot owner and the facility’s owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.
- f. A description of the proposed technology to include type of solar panel and system, fixed mounted verses solar tracking, number of panels, and angles of orientation.
- g. An information sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the operator.
- h. For ground mounted SEF, a description of the ground covering of native Michigan plantings beneath the solar panels (i.e. grass, plantings) and a plan for maintaining the ground cover.

C. Off-Site Facilities – When the SEF is located on more than one Parcel, there shall be proper easement agreement or other approved methods for the notification of all impacted parties.

D. Glare – Any glass, plastic, or metal panels must not produce glare that is visible from the street or any neighboring home.

E. Septic System Avoidance – The SEF shall not be located over a septic system, leach field area or identified reserve area unless approved by the Department of Environmental Health;

F. Floodplain Avoidance – If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall

be located above the base flood elevation; and, shall not otherwise create a fire or other safety hazard as determined by the Building Official.

- G. Conform to Development Standards for Underlying Zone – The SEF shall be ground mounted, or when located on structures, the SEF shall conform to the development standards for a principal structure in the zone in which such facilities and structures are to be located, except as otherwise provided herein;
- H. Visibility
 - a. All solar energy facilities located in a residential area shall have a minimum landscape buffer of 25 feet. The buffer shall contain evergreen trees or bushes planted no more than 8 feet apart and at least 4’ tall at time of planting. The buffer shall obtain a height of 10 feet within 3 growing seasons. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required between a solar energy facility and an industrial or commercial use. A planted buffer will not be required if an opaque fence is installed. The Planning Commission has the authority to reduce the buffer requirements based on site conditions.
 - b. All Areas - Additionally, all ground mounted facilities shall:
 - i. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto the adjacent Parcel or the night sky;
 - ii. Not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the facility owner;
 - iii. Be sited behind existing vegetation (which shall be supplemented with landscaping where not adequate to screen the project) or be sited using the natural topography to screen the project; and
 - iv. Be enclosed by a fence, barrier, barbwire, or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the Parcel(s). Fences or barriers shall incorporate wildlife friendly design. No barrier shall be required where projects employ full-time security guards or video surveillance.
- I. Locations Requiring Special Land Use Approval– The following principles shall apply to the Review of Primary and Secondary Use locations: No portion of the SEF or their structures shall occupy Protected Lands. Protected Lands that are potentially incompatible locations, requiring Special Land Use permits, include:
 - a. Floodways.
 - b. Wetlands, wetland transition areas, riparian corridors, or open water.
 - c. Properties enrolled in the Michigan Farmland Preservation Program.
 - d. Habitat of special status, threatened, endangered, candidate, or fully protected species, species of special concern, or species protected local, State, and Federal agencies.
 - e. Lands within easements where SEF is a prohibited use.
- J. Abandonment
 - a. A SEF that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Director or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SEF.

- b. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SEF and restore the site to its condition prior to development of the SEF within three hundred and sixty (360) days of notice by the Planning Director or his designee.
 - c. If the responsible party (or parties) fails to comply, the Planning Director or his designee may remove the SEF, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SEF and restore the site to a nonhazardous pre-development condition.
 - d. Facilities deemed by the Township to be unsafe and facilities erected in violation of this section shall also be subject to this Section. The code enforcement officer or any other employee of the Planning and Building Departments shall have the right to request documentation and/or affidavits from the Applicant regarding the system's usage, and shall make a determination as to the date of abandonment or the date on which other violation(s) occurred.
 - e. Upon a determination of abandonment or other violation(s), the Township shall send a notice hereof to the Applicant and/or Landowner, indicating that the responsible party shall remove the SEF and all associated facilities, and remediate the site to its approximate original condition within ninety (90) days of notice by the Township, unless the Township determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means short of removing the SEF and restoration of the site, the Township may advise the Applicant and/or Landowner of such alternative means of resolving the violation(s).
 - f. If the Applicant and/or Landowner do not comply, the Township may remove the SEF and restore the site and may thereafter (a) draw funds from any bond, security or financial assurance that may have been provided or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.
- K. Decommission Plan
- a. The SEF project must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abandonment.
 - b. Decommissioning shall include: Removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.
 - c. The Decommissioning Plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited.
 - d. The Decommissioning Plan shall also include an agreement between the applicant and the Township as part of the Special Land Use Application and prior to the beginning of construction that:
 - e. The applicant shall post a performance bond or equivalent financial instrument for decommissioning. The bond shall be in favor of Lexington Township and shall be in an amount of at least two hundred fifty thousand dollars (\$250,000.00) and shall contain a replenishment obligation. Evidence of decommissioning bond shall be in the form of an

escrow account, surety bond, letter of credit subject to approval of the Lexington Township Planning Commission to guaranty decommissioning of an abandoned site. If surety bond is utilized, it must be pursuant to US Treasury bond list.

- f. The Township shall have access to the escrow account funds, performance bond and/or equivalent financial instrument for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of the project life or facility abandonment as defined.
 - g. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - h. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow, performance bond and/or equivalent financial instrument and to file a lien against any real estate owned by the applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
 - i. The applicant agrees to all the terms of this Ordinance.
- L. Aviation Notification
- a. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of Michigan. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.
 - b. For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, notification of intent to construct an SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, coordinates, address, or parcel ID), technology (i.e. roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the area of system (e.g. 5 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given 30 days for review.

.08 Solar Energy Facilities- Accessory Use

- A. **General Requirements.** Accessory Use Solar Energy Facilities are ground mounted SEFs that provide energy primarily for on-site use, or rooftop systems that provide energy for any use. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a SEF. In addition to the General Requirements in Section 7, the following standards shall apply to all Accessory Use SEFs, notwithstanding the development standards for the underlying zone:
- a. Lot Coverage – Rooftop systems can be any size, ground mounted systems may not exceed ½ an acre;

- b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2.
- c. Height Limits – Facilities shall conform to the height limits of Table 3, unless demonstrated by a structural engineer to meet public safety standards.
- d. Floodplain - An Accessory Use SEF shall not be located in a Floodplain.

.09 Solar Energy Facilities- Direct Use

- A. **General Requirements.** Direct Use SEFs provide energy for on-site use. In addition to the General Requirements in Section 7, the following standards shall apply to all Direct Use SEF, notwithstanding the development standards for the underlying zone:
 - a. Lot Coverage – Allowable lot coverage varies by the underlying zoning district.
 - b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2.
 - c. Height Limits – Facilities shall conform to the height limits of Table 3.
 - d. Floodplain - A Direct Use SEF shall not be located in a Floodplain.
- B. **Biological Resources.** The protection of high value biological resources is an important consideration. Direct Use SEF projects shall not be located on lands that support listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.

.10 Solar Energy Facilities- Primary and Secondary Uses

- A. **General Requirements.** Primary or Secondary Uses that provide energy for on-site or off-site use as shown in Table 1 subject to a special land use permit. In addition to the General Requirements in Section 7, the following standards shall apply to all Primary and Secondary SEF, notwithstanding the development standards for the underlying zone:
 - a. Lot Coverage – Allowable lot coverage varies by underlying zoning district;
 - b. Setbacks – Ground mounted structures shall conform to the setbacks as shown in Table 2 and whenever an SEF abuts an agricultural operation or agricultural zone, an agricultural buffer on the SEF Parcel shall be established at a minimum of 100 feet. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided;
 - c. Height Limits – Facilities shall conform to the height limits of Table 3;
 - d. Michigan Farmland Preservation Program – A Primary or Secondary SEF may not be located on a property enrolled in the Michigan Farmland Preservation Program. An Applicant must successfully terminate their Farmland Development Rights Agreement with the Department of Agriculture and Rural Development to be eligible to apply for SEF approval.
 - e. Grading - Grading within the Township shall be limited to only that necessary to construct access roads and install equipment, unless the areas are determined to be chemically or physically impaired.
- B. **Biological Resources –** The protection of high value biological resources is an important consideration. Primary or Secondary Use SEF projects shall not be located on lands that support

listed, candidate or other fully protected species, species of special concern, or species protected by local, State, or Federal agencies.

- C. Soil Stabilization, Erosion Control and Ground Water Management – For Primary and Secondary Use SEFs, the following requirements shall apply:
- a. To the extent feasible and compatible with the climate and pre-project landscaping of the property the site shall be restored with native vegetation. The re-vegetation plans shall be reviewed and approved by the Township and Sanilac County. All areas occupied by the facility that are not utilized for access to operate and maintain the installation shall be planted and maintained with a native shade tolerant grass or other vegetation for the purpose of soil stabilization or other methods approved by the Planning Department.
 - b. A storm water management plan showing existing and proposed grading and drainage demonstrating no net increase in runoff shall be provided subject to approval by the review authority.
 - c. A maintenance plan shall be submitted for the continuing maintenance of the SEF, which may include, but not be limited to, planned maintenance of vegetation or ground cover, equipment maintenance, and plans for cleaning of solar panels if required.
 - d. Prior to issuing a final Building Permit, an as-built grading and drainage plan, prepared by a licensed professional surveyor or other approved qualified professional shall be submitted to the reviewing agency's engineer for review and approval. The plan shall show that the as-built conditions are substantially the same as those shown on the approved grading and drainage plan.

.11 Severability

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this Ordinance are severable.

CHAPTER 4:

Zoning Districts—General

4

Section 4.1.0 — Establishment of Districts

- .01 The Township of Lexington is hereby divided into the following zoning districts, to be known as having the names and symbols shown:
- Agricultural Enterprise District (A-1)
 - Agricultural/Residential District (A-2)
 - Low Density Residential District (R-1)
 - Moderate Density Residential District (R-2)
 - Medium Density Residential District (R-3)
 - Office District (O)
 - Commercial District (C)
 - Industrial District (I)
 - Lakefront Residential, Recreational, and Resort District (LFRRR)

Section 4.2.0 — Official Zoning Map

- .01 The zoning districts are identified and located on a map entitled "Official Zoning District Map of Lexington Township". Said map, with all information thereon, is hereby made a part of this Ordinance.
- .02 The Official Zoning District Map shall be identified by the signature of the Township Supervisor, attested by the Clerk, and bear the following words: "This is to certify that this is the Official Zoning District Map referred to in the Lexington Township Zoning Ordinance together with the effective date of this Ordinance.
- .03 Whenever an amendment to this Ordinance includes a change in a zoning district boundary, such change shall be entered on the Official Zoning District Map by the Zoning Administrator or other person so authorized by the Township Board. A date shall be affixed to the Official Map for each change thus made. No other changes shall be made to the Official Map, except if the Zoning Board of Appeals shall provide an

interpretation of any district boundary that requires a correction to the Official Map. Any such correction ordered by the Zoning Board of Appeals, shall be noted by date on the Official Map by the person authorized to do so.

- .04 In the event that the Official Map is damaged, destroyed or lost, or difficult to interpret due to changes made, the Township Board may, by ordinance, adopt a new Official Zoning District Map to supersede the prior Official Map.
- .05 Regardless of the existence of reported copies of the Official Zoning District map which may, from time to time be made or published, the Official Zoning District Map shall be located in the office of the Township Clerk and open for public inspection, shall be the final authority as to current status of zoning on any parcel of land within the Township.

Section 4.3.0 — Rules for Interpretation of Official Map

- .06 Whenever uncertainty exists as to the boundaries of zoning districts shown on the Official Zoning District Map, the following rules for interpretation shall apply:
 - A. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
 - B. A boundary indicated as approximately following a recorded lot or parcel boundary shall be construed as following such line.
 - C. A boundary indicated as following a shoreline shall be construed as following such shoreline or the actual shoreline if the shoreline is changed by any means.
 - D. A boundary indicated as following a centerline of a stream, river, canal, lake or other waterbody shall be construed as following such centerline.
 - E. Whenever a natural or man-made feature on the ground is at variance with that shown on the Official Map, or in any circumstances not covered by this Section, Zoning Board of Appeals shall interpret the location of the zoning district boundary.
 - F. A distance not specifically indicated on the Official Map shall be determined by the scale of the map to the nearest foot by the Zoning Administrator.

CHAPTER 5:

**Lakefront Residential,
Recreational, and Resort
(LFRRR)**

5

Section 5.1.0 — Intent

This district has the intent of providing all properties East of Michigan Highway 25 within the Township, wherein the proper use of such areas will principally serve and protect the economic, social, and recreational needs and interests of the residents of the Township, and secondarily visitors in the form of seasonal residents, tourists, vacationers and travelers. It is the further purpose of this district to retain the general scale of the present variety, type, and character of development in terms of their spacing, bulk, height, and density so as to prevent the obscuring of the view of the lake by excessively high and closely spaced, large bulk and excessively dense structural developments from inland areas.

The Lakefront Residential, Recreational, and Resort (LFRRR) District is being established in line with the above purposes. In particular, the LFRRR is intended to serve the following goals:

- .01 Realize the full economic potential of the lakefront for residential and recreational purposes due to its unique location.
- .02 Preserve the recreational functions of the lakefront.
- .03 Provide for development consistent and supportive of the overall concept and theme of the area.
- .04 Promote development that protects, and is enhanced by, the unique features of the lakefront.
- .05 Promote a harmonious relationship with the surrounding community and nearby established institutions and facilities.
- .06 Promote coordination of public and private efforts in planning, financing, and development of needed infrastructure improvements.
- .07 Provide for orderly and integrated planning, so as to avoid fragmentary, short term, and speculative investments, and avoid delay in achieving the highest and best use of the area.
- .08 Prevent long-term vacancy, decay, blight and abandonment.
- .09 Provide for an efficient and harmonious relationship between vehicular and pedestrian circulation systems.

Section 5.2.0 — Uses Permitted by Right

- .01 Single Family Dwelling.
- .02 Two family dwellings.
- .03 Day parks, playgrounds and playfields.
- .04 Family day care homes.
- .05 Foster family homes (1-4 children) and Foster group homes (5-6 children).
- .06 Hobby farms as regulated under 6.2.0 I.
- .07 Pedestrian walkways and promenades.

Section 5.3.0 — Special Land Uses

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 14:

- .01 Restaurants, including sit down restaurants, outdoor patio restaurants, and bar/lounge restaurants, providing direct view and access to the waterfront, but specifically excluding carry-out restaurants and fast food restaurants (see Section 2.20 for definitions of restaurant types).
- .02 Planned Unit Developments (*see Section 14.9.08*).
- .03 Public and Semi-public Institutional Buildings and Uses.
- .04 Group Day Care Homes (*see Section 14.8.0.11*).
- .05 Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity (*see Section 14.7.0.08*).
- .06 High pressure gas or high voltage electric transmission lines (*see Section 14.7.0.07*).
- .07 Historical or Nautical Themed Museums. All exhibits and displays shall be of a theme and content compatible with community standards as determined by the Planning Commission.
- .08 Campgrounds (*see Section 14.15.0.01*).
- .09 Wineries or Vineyards (*see Section 14.15.0.02*).
- .10 Lodging facilities (Hotel / Motel / Motor Inn) (*see Section 14.15.0.03*).
- .11 Bed and Breakfast Establishments (*see Section 14.8.0.06*).
- .12 Guest Cottages/Guest House (*see Section 14.15.0.04*).

Section 5.4.0 — Accessory Uses

Refer to the definition of accessory uses set forth in the Township Zoning Ordinance Section 2.2.0, Section 3.12, and Section 3.24, including specifically Section 3.24.5.

Accessory uses shall include those uses customarily incidental to any of the above permitted uses or special uses when located on the same parcel.

Section 5.5.0 — Site Development Standards

The following regulations shall apply in all LFRRR Districts:

- .01 All applicable requirements of Sections 3.12, 3.23, and 3.24 shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.
- .07 Maintaining portions of the natural shoreline is extremely important in preserving water quality, preventing pollution, preserving fish and wildlife habitat and for natural scenic beauty.

Any shoreline development and construction or modification, including accessory buildings, rip-rap or retaining walls between the set back from the bluff line and bluff line to the Ordinary High Water Mark (OHWM) shall require a special permit prior to such undertaking and development, construction or modification. The consideration or factors to be considered in granting such a permit include, but are not limited to:

- A. Permits as may be required by: MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan.
- B. Minimizing of soil erosion and silt run off through use of fencing as may be required, by construction code.
- C. Minimal clearance of vegetation, shrubbery, and trees to accommodate access to water from principal dwelling.

Application for such a permit must be accompanied by a detailed plan as required for site plan review and shall be processed pursuant to subsection .05 above.

- .08 Development of non-conforming lots. Site development shall comply with Zoning Ordinance Section 20.4.0.

CHAPTER 6:

**Agriculture Enterprise
District (A-1)**

6

Section 6.1.0 — Intent

It is the intent of this Chapter to provide for agriculture as a land use by maintaining land values and property taxes at levels which farming operations can support. This district is designed to regulate the establishment of disruptive non-agricultural uses in prime agricultural areas and to maintain land area of sufficient size for legitimate farming uses.

Section 6.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the Agricultural Enterprise District:
- A. Single-family dwellings.
 - B. Foster family homes (1-4 children) and Foster group homes (5-6 children).
 - C. Family day care homes.
 - D. Public or private access forest preserve, game refuge, passive use park and non-commercial recreation area.
 - E. Public or privately owned areas and structures for development, protection, and conservation of open space, watershed, water, soil, forest, or wildlife resources.
 - F. Plant nurseries, raising and harvest of trees, Christmas trees, shrubs, and plants.
 - G. Farm operations.
 - H. Raising, breeding and keeping of livestock (but not including feedlots).

- I. Hobby farming¹ on Non-Farm Lots outside of an existing residential plat, subdivision, and condominium development.

Raising of livestock and farm animals (but not including feedlots) **on parcels of land less than ten (10) acres in area** shall be limited to one (1) animal unit² for the first five (5) acres, plus one additional animal unit for each two (2) acres. Such use shall be accessory to an existing residence located on the same lot or parcel. Animals kept for a 4-H project are included under this permitted use. No livestock or animal buildings or pens shall be located closer than fifty (50') feet from any abutting property line. All livestock and farm animals shall be kept within a fenced enclosure. All livestock or animal buildings and enclosures shall be kept in a well-maintained condition, and waste products shall not create a health hazard or a public nuisance. Storage or piling of waste products shall be confined to areas where animal buildings and quarters are permitted (accessory building) and away from wells, water bodies, and drainage ways. Notwithstanding the below table, offspring of said animals may be kept on the premises for the time period which is customary for the species involved.

A plot plan only (not a full site plan) is required for this use.

On five, seven, or nine acre parcels the following equivalent number of animals would be allowed. [1 slaughter or feeder cattle = 1 animal unit] One (1) animal unit is allowed on a 5.0–6.99 acre parcel, 2 animal units are allowed on a 7.0–8.99 acre parcel, and 3 animal units are allowed on a 9.0–9.99 acre parcel.

Type of Animal	Number of Animals Allowed On		
	5–6.99 Acres	7–8.99 Acres	9–9.99 Acres
BASE – Cattle (slaughter & feeder)	1	2	3
Horses	2	3	4
EQUIVALENTS³			
Mature Dairy cattle (milked or dry)	–	1	2
Swine ⁴	2	5	7
Sheep, lambs, goats	10	20	30
Turkeys	55	110	165
Laying hens	30	60	90
Ducks	5	10	15
Ostrich, emu, llama	2	4	6

- J. Sale of agricultural related items such as seeds and fertilizers when carried on entirely within the dwelling or accessory buildings and when carried on as an accessory use to a farm.

¹ This hobby farming use was developed to provide rural residents on small parcels with an opportunity to raise and maintain some farm animals, but to control the numbers in such a manner as to balance animal waste generation, potential nuisance creation, protection of residential wells, and the need to maintain private septic systems. In developing this use, State GAAMPS (June 2000) and other similar twp. zoning provisions were analyzed.

² Except horses. All other animal types not in the table below are to be calculated as one thousand pounds live weight equals one animal unit.

³ The animal equivalents shown here are based on U.S. Code of Federal Regulations: 40 CFR 122, Appendix B (§122.23)

⁴ Each weighing over 25 kilograms, approx. 55 lbs.

- K. General and specialized farming of agricultural products and agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals, products and foodstuffs. Any building or structure may be located thereon and used for the day to-day operation of such activities, for the storage or preservation of said crops or animals, products and collection, distribution, or processing, and for the incidental sale of crops, products and foodstuffs raised or grown on said parcel or in said building or structure.
- L. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is a permitted use in a farming operation if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
- M. Cider mills or wineries selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
- N. Direct marketing of produce in a farm market, on-farm market or roadside stand no greater than 1200 square feet in building area.
- O. Seasonal U-pick fruits and vegetables operations.
- P. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
- Q. Food sales/processing, processing any fruits/produce.
- R. Uses L through P listed above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses so long as the general agricultural character of the farm is maintained and the income from these activities represents less than 50 percent of the gross receipts from the farm.
 - 1. Value-added agricultural products or activities such as education tours or processing facilities, etc.
 - 2. Bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 50 percent).
 - 3. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
 - 4. Petting farms, animal display, and pony rides.
 - 5. Wagon, sleigh and hayrides.
 - 6. Nature trails.
 - 7. Open air or covered picnic area with restrooms.
 - 8. Educational classes, lectures, seminars.
 - 9. Historical agricultural exhibits.
 - 10. Kitchen facilities, processing/cooking items for sale.
 - 11. Gift shops for the sale of agricultural products and agriculturally related products.
 - 12. Gifts shops for the sale of non-agriculturally related products such as antiques or crafts, limited to 25 percent of gross sales.

- S. Open Space Preservation Development (Residential Clustering) as provided in Section 3.52.0.
- T. Wireless communication collocation equipment:
 - 1. collocation of new transmission equipment;
 - 2. removal of transmission equipment; or
 - 3. replacement of transmission equipment per Public Act 110 of 2006, (Zoning Enabling Act) as amended.

Section 6.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 14:
 - A. Public and semi-public institutional structures and uses.
 - B. Outdoor commercial recreation establishments.
 - C. Extractive use, including quarry.
 - D. Landfill, sanitary.
 - E. Veterinarian establishment, including animal clinic and boarding.
 - F. Bulk feed, seed, fertilizer sales and/or distribution establishment.
 - G. DELETED
 - H. Kennels.
 - I. Feedlots.
 - J. Agricultural processing operations.
 - K. Airports, public or private.
 - L. Group Housing for Migrant Labor.
 - M. Gun and Hunt Clubs, Shooting Ranges and Archery Ranges (see page 3-19, Section 3.22.1).
 - N. Recreational Vehicle and Camp Park developments (See Section 2.2.0 Definitions – Campground & Recreational Vehicle Park).
 - O. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - P. Communication towers.
 - Q. High pressure gas or high voltage electric transmission lines.
 - R. Bed and Breakfast
 - S. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than 1200 square feet in building area.

- T. Restaurant operations related to the agricultural use on the site.
- U. Non-agriculturally related uses may require a special use permit.
 - 1. Small-scale entertainment (e.g. music concert, car show, art fair).
 - 2. Family oriented animated barns (e.g. fun houses, haunted houses, or similar) and small mechanical rides.
 - 3. Organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - 4. Designated, permanent parking for more than 20 vehicles.
- V. Commercial Wind Energy Conversion Systems.

Section 6.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedule A.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.

CHAPTER 7:

**Agricultural / Residential
District (A-2)**

7

Section 7.1.0 — Intent

It is the intent of this district to provide for agriculture by maintaining land values and property taxes at levels which farming operations can support. This district is designed to regulate non-agricultural uses in areas suitable for agriculture, yet permit placement of single family dwellings on large lots therein.

Section 7.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the Agricultural/Residential District:
- A. All uses by right listed in Section 6.2.0.

Section 7.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following by Special Land Use approval, subject to the applicable general specific requirements and standards of Chapter 14:
- A. Public and semi-public institutional structures and uses.
 - B. Outdoor commercial recreation establishments.
 - C. Veterinarian establishment, including animal clinic and boarding.
 - D. DELETED
 - E. Group day care homes.
 - F. Recreational Vehicle Park and Campground developments (See Section 2.2.0 Definitions – Campground & Recreational Vehicle Park).
 - G. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.

- H. Communication towers.
- I. High pressure gas or high voltage electric transmission lines.
- J. Bed and Breakfast provided that such use is part of a bona fide farm.
- K. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales area is greater than 1200 square feet in building area.
- L. Restaurant operations related to the agricultural use on the site.
- M. Non-agriculturally related uses listed as permitted uses in the zone but which include any of the following ancillary uses may require a special use permit.
 - 1. Small scale entertainment (e.g., music concert, car show, art fair).
 - 2. Family oriented animated barns (e.g., fun houses, haunted houses, or similar) and small mechanical rides.
 - 3. Organized meeting space for use by weddings, birthday parties, or corporate picnics.
 - 4. Designated, permanent parking for more than 20 vehicles.
- N. Airports, public or private.
- O. Commercial Wind Energy Conversion Systems

Section 7.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedule A.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.

CHAPTER 8:

Low Density Residential District (R-1)

8

Section 8.1.0 — Intent

It is the intent of this district to provide for low density residential development in those portions of the Township that will not be served by public water supply and wastewater disposal system in the foreseeable future. This district should remain rural in character.

Section 8.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the R-1, Low Density Residential District:
 - A. Single-family dwellings.
 - B. Non-commercial parks and playfields.
 - C. Family day care homes.
 - D. Foster family homes (1-4 children) and Foster group homes (5-6 children).
 - E. Hobby farms as first regulated under 6.2.0.I.
 - F. Open Space Preservation Development (Residential Clustering) as provided in Section 3.52.0.

Section 8.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the applicable general and specific requirements and standards of Chapter 14:
 - A. Public and semi-public institutional structures and uses.
 - B. Golf courses, public or private, not including miniature golf facilities.
 - C. DELETED
 - D. Bed and breakfast establishments.

- E. Group day care homes.
- F. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- G. High pressure gas or high voltage electric transmission lines.
- H. Planned Unit Developments.

Section 8.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules B and D.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20 .0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.

CHAPTER 9:

**Medium Density
Residential District (R-2)**

9

Section 9.1.0 — Intent

It is the intent of this district to provide for medium density residential neighborhoods which may, in the future, be serviced with public water supply and sanitary sewer. These neighborhoods shall be protected from undue interference of non-residential uses and proximity to major thoroughfares. Essentially, this district will permit residents quiet enjoyment of their dwellings.

This district provides for development of limited non-residential uses that can provide convenient service while preserving the overall residential character within the district.

Section 9.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the Medium Density Residential District:
- A. Single-family dwellings.
 - B. Two family dwellings.
 - C. Non-commercial parks, playgrounds and playfields.
 - D. Family day care homes.
 - E. Foster family homes (1-4 children) and Foster group homes (5-6 children).
 - F. Hobby farms as regulated under 6.2.0.01.I

Section 9.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Uses approval, subject to the applicable general and specific requirements and standards of Chapter 14:
- A. Planned Unit Developments.
 - B. Public and Semi-public Institutional Buildings and Uses.

- C. Bed and Breakfast Establishments.
- D. Group Day care homes.
- E. DELETED
- F. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
- G. High pressure gas or high voltage electric transmission lines.

Section 9.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules B and D shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.

CHAPTER 10:

High Density Residential District (R-3)

10

Section 10.1.0 — Intent

It is the intent of this district to provide for high density residential development in portions of the Township likely to be served by public water supply and sanitary sewers in the future. Moreover, this district provides for a mixture of housing structural types while maintaining essential residential character.

This district also provides for limited non-residential uses that provide convenient service to residents while preserving the overall residential environment of the neighborhood.

Section 10.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the High Density Residential District:
- A. Single-family dwellings.
 - B. Two family dwellings
 - C. Multiple family dwellings
 - D. Independent Senior Housing or Congregate Housing, subject to the requirements of Section 3.48.0.
 - E. Manufactured housing communities (also formerly known as mobile home parks), subject to the requirements of Sections 3.7.0, 3.8.0, and 3.9.0.
 - F. Non-commercial parks, playgrounds and playfields.
 - G. Family day care homes (1-6 children).
 - H. Foster family homes (1-4 children) and Foster group homes (5-6 children).
 - I. Hobby farms as regulated under 6.2.0.01.I

Section 10.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to applicable general and specific requirements and standards of Chapter 14:
 - A. Public and semi-public institutional buildings and uses.
 - B. Planned unit developments.
 - C. DELETED
 - D. Convalescent or rest homes, and assisted living.
 - E. Group day care homes (7-12 children).
 - F. Child care centers.
 - G. Bed and Breakfast.
 - H. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - I. High pressure gas or high voltage electric transmission lines.

Section 10.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules B and D.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15 is required for all Special Land Uses.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0.

CHAPTER 11:
Office District (O)

11

Section 11.1.0 — Intent

It is the intent of this district to provide for a variety of office uses as well as compatible ancillary uses. It is the further intent to provide office use access to primary roadways in the Township and avoid office use traffic within residential neighborhoods. The regulations contained in this district are designed to assure and encourage a harmonious relationship between Office District uses and abutting land uses.

Section 11.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the Office District:
- A. Office establishments that perform business and professional services.
 - B. Medical clinics.
 - C. Administrative offices.
 - D. Mortuaries and funeral homes, excluding crematories.
 - E. Banks, credit unions, and savings banks without drive through facilities.
 - F. Personal service establishments when located within an office building. The total floor area occupied by personal service establishments shall not exceed twenty-five (25) percent of the gross floor area of the office building in which they are located. Examples of such uses are barber and beauty shops, tailor and dressmaker, shoe repair and shine, dry cleaning and laundry pick-up station, lunch counter or walk-up auto-teller banking machine.
 - G. Wireless communication collocation equipment:
 - 1. collocation of new transmission equipment;
 - 2. removal of transmission equipment; or
 - 3. replacement of transmission equipment per Public Act 110 of 2006 as amended.

Section 11.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 14:
 - A. Planned shopping centers.
 - B. Hotels and Motels.
 - C. Public and semi-public institutional buildings and uses.
 - D. Restaurants, not including drive-through facilities.
 - E. Bank, credit unions and savings banks with drive-through facilities.
 - F. Membership organizations, including private clubs, meeting halls and other service club facilities.
 - G. Child care centers.
 - H. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - I. High pressure gas or high voltage electric transmission lines.
 - J. Communication towers.

Section 11.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules C and D shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with the requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0 and Schedule F.

Section 12.1.0 — Intent

It is the intent of this district to provide for a wide array of commercial enterprises designed to provide community-wide shopping and services. These regulations are designed to encourage development of cohesive, coordinated business areas providing service drives between establishments and safe, convenient ingress and egress to business establishments. Providing a balance between business development and public safety along major thoroughfares is the objective of this district.

Section 12.2.0 — Uses Permitted by Right

- .01 Land and/or buildings may be utilized for the following uses by right in the Commercial District:
- A. General retail business conducted entirely within an enclosed building.
 - B. Personal service establishments.
 - C. Office establishments.
 - D. Medical clinics and hospitals.
 - E. Restaurants, not including drive-through facilities.
 - F. Mortuaries and funeral homes.
 - G. Banks, credit unions, savings banks and other money lenders, not including drive-through facilities.
 - H. Bars and taverns.
 - I. Indoor commercial recreation establishments.
 - J. Veterinary clinics, including kennels, provided that all activities are conducted within an enclosed building or outdoor area enclosed completely by a six foot high opaque, brick or masonry wall.
 - K. Hotels and motels, rooming houses, and tourist homes.
 - L. Building equipment and supply businesses, provided all materials stored outdoors shall be completely screened by buildings or by an opaque wall not less than the height of materials stored.
 - M. Adult related businesses as defined and regulated in Section 3.19.0, A, B and C.

- N. Membership organizations, including private clubs, meeting halls and other service club facilities.
- O. Wireless communication collocation equipment:
 1. collocation of new transmission equipment;
 2. removal of transmission equipment; or
 3. replacement of transmission equipment per Public Act 110 of 2006 as amended.

Section 12.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 14:
 - A. Outdoor commercial recreation establishments.
 - B. General retail business establishments, any portion of which is conducted on the premises outside of an enclosed building, including but not limited to display of merchandise outdoors.
 - C. Restaurants with drive-through facilities.
 - D. Banks, credit unions, savings banks, or other money lender with drive-through facilities.
 - E. Automobile service station providing repair services, including mechanical and auto body repairs.
 - F. Automobile, truck or other vehicle washing facilities.
 - G. Shopping Center.
 - H. Mini-warehouse facilities.
 - I. Child care centers.
 - J. Amusement arcade.
 - K. Recreational vehicle and camping parks (See Section 2.2.0 Definitions – Campground & Recreational Vehicle Park).
 - L. Marinas, boat launching facilities and similar water related uses operated on a commercial basis.
 - M. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (but not including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - N. Communication facility studios and offices, with communication towers only as a supporting use.
 - O. High pressure gas or high voltage electric transmission lines.

Section 12.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules C and D shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion Requirements.
- .05 Site plan review In accordance with Chapter 15.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0 and Schedule E.

Section 13.1.0 — Intent

It is the intent of this district to encourage and facilitate the development of general and intensive industrial enterprises in a setting appropriate to such uses. Land conducive to the intent of this district is limited in availability and is therefore reserved primarily for industrial use.

Section 13.2.0 — Uses Permitted by Right

.01 Land and/or buildings may be utilized for the following uses by right in the Industrial District:

- A. Warehousing, storage or transfer buildings, excluding storage of bulk petroleum in above ground tanks.
- B. Truck terminals, including maintenance and service facilities.
- C. Manufacture, compounding processing, packaging, treating and assembling of materials and goods in the production of:
 - 1. Food products, including meat, dairy, fruit, vegetables, seafood, grain, confectionery, beverage and kindred food products.
 - 2. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.
 - 3. Apparel and other finished products made from fabrics, leather, fur, canvas, and similar materials.
 - 4. Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging.
 - 5. Furniture and fixtures.
 - 6. Paperboard containers, building paper, building board and bookbinding.
 - 7. Printing and publishing.
 - 8. Chemical products, such as plastics, perfume, and synthetic fibers.

- 9. Manufacture of engineering, optical, measuring, medical, lenses, photographic and similar instruments.
- 10. Manufacture of jewelry, silverware, toys, athletic, office, tobacco goods, musical instruments, signs, displays and similar products.
- D. Wholesale establishments, including automotive parts, drugs, chemicals dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, furnishings, lumber, and building products.
- E. Research and development establishments, including testing and experimental laboratories.
- F. Trade and industrial schools.
- G. Tool and die manufacturing establishments.
- H. Central dry-cleaning plants.
- I. Mini-warehouses.
- J. General fabrication and assembly operations.
- K. Wireless communication collocation equipment:
 - 1. collocation of new transmission equipment;
 - 2. removal of transmission equipment; or
 - 3. replacement of transmission equipment per Public Act 110 of 2006 as amended.

Section 13.3.0 — Special Land Uses

- .01 Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 14:
 - A. Retail sales incidental to any use by right in the Industrial District.
 - B. Automobile service stations, auto repair, and auto body repair.
 - C. Junk Dealers and Yards (see general provisions).
 - D. Correctional facility.
 - E. Open storage of any material.
 - F. Public utility buildings, telephone exchange buildings, electric transformer stations, and substations, (including storage yards); when operation requirements necessitate the locating within the district in order to serve the immediate vicinity.
 - G. Communication towers.
 - H. High pressure gas or high voltage electric transmission lines.
 - I. Any industrial use not expressly included as a use by right.

Section 13.4.0 — Site Development Standards

- .01 All applicable requirements of Section 3.23.0, Schedules C and D shall be met.
- .02 Parking shall be provided in accordance with the requirements of Chapter 18.
- .03 Signs shall be provided in accordance with requirements of Section 3.20.0.
- .04 Compliance with Flood Plain and High Risk Erosion requirements.
- .05 Site plan review in accordance with Chapter 15.
- .06 Accessory buildings and structures shall comply with regulations contained in Section 3.12.0 and Schedule E.

Section 14.1.0 — Intent

The intent of this chapter is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of special problems presented by such uses or their particular location in relation to neighboring properties, require a strict, careful level of review. Accordingly, these uses should not be permitted without consideration of relevant conditions or restrictions being imposed which address unique characteristics or location of such special land uses.

Section 14.2.0 — Application Procedures

- .01 Any person owning or having an interest in such property may file an application for one or more special land use permits as provided for in this Ordinance.
- .02 The following materials shall be submitted to the Zoning Administrator at least forty-five (45) days prior to the meeting at which the Planning Commission first considers the special land use application.
 - A. Payment of a fee, the amount of which shall be established by the Township Board from time to time.
 - B. A completed application form provided by the Zoning Administrator.
 - C. Not less than ten (10) copies of a site plan meeting the requirements of Chapter 15.
 - D. If requested by the Planning Commission an analysis of the planning implications of the proposed development shall be required. The methodology of how the planning implications were determined must be included. This analysis shall be carried out by qualified individuals and shall include, but need not be limited to:
 - 1. Estimated population holding capacity of any residential land uses to be included in the proposed development and general impact on community facilities.
 - 2. A traffic analysis that relates the trip generation of the proposed development to existing and projected traffic capacities, traffic volumes and traffic patterns on surrounding public and private streets.

Section 14.3.0 — Approval Procedures

- .01 The Planning Commission shall consider all special land use applications and shall have final decision authority.
- .02 Following the submission of the required application materials, the Planning Commission shall hold a public hearing, giving notice as required by Public Act 184 of 1943, as amended.
- .03 Following the public hearing, the Planning Commission, at any regular or special meeting, shall formulate a motion to approve, approve with conditions, or denial of the special land use application.
- .04 The motion of the Planning Commission shall include a statement containing conclusions relative to the special land use under consideration that specifies the basis for its action, and any conditions to be imposed if the special land use is approved.
- .05 Upon approval of an application for special land use permit, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the permit approval are adhered to, as well as all applicable requirements of this Ordinance.

Section 14.4.0 — Review and Approval of Special Land Uses

.01 GENERAL STANDARDS

Prior to approving a special land use application, the Planning Commission shall require that the following general standards, as well as specific requirements of this Chapter, shall be satisfied. The proposed use or uses shall:

- A. Be compatible and in accord with existing Township plans for development and promote the intent of the zoning district in which the use(s) is proposed.
- B. Be designed, constructed, and maintained so as to be compatible with the existing and intended character of the general vicinity and not cause a change in the essential character of the area in which it is proposed.
- C. Be designed to be fully compatible with adjoining land and uses thereon and will not interfere with or impair adjoining lands.
- D. Be served adequately by essential public facilities and services, including roads and streets, police and fire protection, drainage structures, wastewater disposal, water supply, public schools, quasi-public utilities, and related public services.
- E. Not involve any use, activity, process, storage, operation or condition that will be detrimental or a nuisance to, or cause a negative impact on the natural environment, adjoining uses and properties, public streets, or the public health, safety and general welfare.

.02 SITE PLAN REVIEW

All lots or parcels on which an application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Chapter 15.

.03 CONDITIONS OF APPROVAL

- A. Subject to granting any special land use permit, the Planning Commission may impose where applicable, any additional conditions and limitations as are necessary for protection of property, health, safety, or general welfare.
- B. Such conditions, when imposed, shall relate to and ensure that the review considerations of Section 14.4.0.01, A–E, and the applicable requirements of Section 14.5.0 and Sections 14.6.0 through 14.15.0 are met.
- C. Approval of a special land use permit, including conditions made as part of the approval, shall attach to the property described in the permit, regardless of changes in ownership.
- D. A record of the permit and conditions imposed shall be maintained. No changes in the permit or conditions shall be made unless an amendment to the special land use permit is approved using the procedure required in Section 14.4.0.06.
- E. The Zoning Administrator shall make periodic inspections of the use or development authorized in the special use permit to ensure compliance with all requirements of this Ordinance and the special use permit. If non-compliance is discovered, the Zoning Administrator shall notify the property owner and the Planning Commission. The Commission may hold a public hearing at any regular Planning Commission meeting to determine and verify the non-compliance. Following such hearing, the Planning Commission may terminate the special land use permit and order the use(s) approved under the permit terminated.

.04 VALIDITY OF SPECIAL LAND USE PERMIT

- A. In cases where actual and substantial physical construction to accommodate the use(s) permitted under a special land use permit has not commenced within twelve (12) months following the date of issue, and written application for extension has not been filed, the special land use permit shall automatically become null and void and all rights thereunder shall cease.
- B. Upon written application filed during the initial twelve (12) month period for any special land use permit, the Planning Commission may grant an additional twelve (12) month period. An extension may be granted only when there is a reasonable likelihood of commencement of construction during the extension period.
- C. Each decision is permanent. Uses cannot be approved for a limited period of time unless the use itself is, by its nature, temporary. Decisions run with the land, not with a person. Any decision is transferable to new owners; they do not expire or require renewal because the property ownership changes.

.05 RESUBMITTAL

No application for a special land use permit which has been denied in whole or part shall be resubmitted to the Planning Commission, except on the grounds of changed conditions relating to all the reasons noted for the denial.

.06 AMENDMENTS TO THE SPECIAL LAND USE PERMIT

- A. Whenever a change in the terms of a special land use permit is proposed, the person intending the change shall notify the Zoning Administrator in writing, describing in detail the change contemplated. The Zoning Administrator shall refer this information to the Planning Commission, which shall determine whether the proposed change constitutes a minor or major amendment to the permit. A

major amendment to a special land use permit shall consist of, but need not be limited to, the following proposed actions:

1. A change to a different special land use,
 2. The addition of another permitted land use or special land use,
 3. A change in any required buffering, greenbelt, and/or landscaping,
 4. A substantial change in intensive of use,
 5. A change requiring additional parking and/or loading spaces,
 6. A change in ingress or egress,
 7. Any change regarding a required condition.
- B. All major amendments as determined by the Planning Commission shall comply with application and review requirements of this Chapter.
- C. If the proposed change is determined to be a minor amendment by the Planning Commission, then the Commission shall approve the change and direct the Zoning Administrator to issue an amended Special Land Use permit. The Zoning Administrator shall maintain a written record of all minor amendments. A minor amendment to a special land use permit may consist of, but need not be limited to, the following proposed actions:
1. Change to non-required elements (extra landscaping, extra parking),
 2. Any change to voluntarily provided (non-required) exterior aesthetics of the site,
 3. Relocation of parking, sign(s), waste receptacle enclosure, or other accessory elements of a use, which would not have a discernible adverse effect beyond the site boundaries.

Section 14.5.0 — Special Land Use Specific Requirements

The general standards and requirements of Section 14.4.0.01, A–E, are basic to all uses authorized by special land use approval. The following sections identify specific requirements that shall be complied with by individual special land uses, in addition to the general standards and requirements.

Section 14.6.0 — Appeal of Planning Commission Decision

An appeal of a Special Land Use decision made by the Planning Commission shall only be made to a court of competent jurisdiction.

Section 14.7.0 — Agricultural (A-1) District Special Land Uses

.01 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS AND USES

- A. Such uses shall include the following:
 - 1. Institutions for human care such as hospitals, clinics, sanatoriums for the treatment of human ailments, nursing and convalescence homes, philanthropic and charitable institutions, and halfway houses.
 - 2. Religious institutions such as churches or other places of worship, and housing for clergy.
 - 3. Educational institutions such as public and private schools for elementary, high school and higher education.
 - 4. Cemeteries.
- B. Parking areas shall be subject to a required front yard setback of thirty-five (35) feet.
- C. Parking lots which abut a residential district or a lot of less than one (1) acre on which a single family dwelling is located shall be effectively screened by a buffer zone level A as provided in Chapter 16. The buffer strip shall be designed so it does not obstruct vision of drivers when entering or leaving the site.
- D. Such uses shall front on and only have access to a public street that is either a state highway or classified as a county primary road.

.02 OUTDOOR COMMERCIAL RECREATION ESTABLISHMENTS

- A. Such uses shall include, but not be limited, to the following:
 - 1. Recreational fields, rinks, courts for football, softball, soccer, tennis, basketball, ice skating, and similar activities.
 - 2. Miniature golf.
 - 3. Swimming pools open to the public or for a private group.
 - 4. Archery and shooting ranges and clubs.
 - 5. Music concert pavilions and bandshells.
 - 6. Public golf courses and driving ranges.
 - 7. Recreational vehicles and camping parks.
 - 8. Uses accessory to the above uses, such as refreshment stands, maintenance buildings, office for management functions, spectator seating, and related service areas.
- B. The site shall be accessible solely from a county primary road or state trunkline.
- C. No building or activity area shall be located closer than 100 feet from any property line.
- D. All exterior lighting shall be installed so that it is deflected away from any adjacent property and so that it does not impede vision of drivers on any public street.

- E. The site shall be maintained free of debris and litter and such material shall not be permitted to accumulate on adjacent properties. Refuse containers of adequate size and numbers shall be provided on-site.
- F. Provisions shall be taken, at the discretion of the Planning Commission, to insure that the use(s) do not create a nuisance to adjoining properties in respect to excess noise, dust, traffic, lighting or glare, trespass, or other condition.

.03 EXTRACTIVE USES, INCLUDING QUARRIES

- A. All vehicles used for transport of materials from the site shall travel to and from the site on a route that minimizes adverse impact on adjoining properties and residential neighborhoods.
- B. All public roads used by vehicles transporting materials from the site shall be kept reasonably clear of mud, dirt and debris created by the operation of the extractive use.
- C. Sanilac County Road Commission shall, prior to approval of a special land use permit for an extractive use, approve use of county roads for transport of extracted materials and may require a bond for maintenance and repair of nearby county roads damaged by operation of transport vehicles. If the Road Commission does not require a maintenance bond, the Planning Commission may require a bond.
- D. The final slopes, following extraction of materials, shall not exceed a slope of 3:1 (3 feet horizontal to 1 foot vertical) and shall be stabilized at completion of final grades by use of seed with cover mulch. Where permanent surface water result from the extraction activity, the required maximum slope of 3:1 shall extend at least five feet into the waterbody from the edge of water.
- E. If extracted materials are processed on the site, any equipment used for such processing shall be located a minimum of five hundred (500) feet from the nearest land not owned by the operator.
- F. A plan of restoration of the site shall be submitted with the special land use application. This plan shall include data required in Chapter 16 and shall indicate the proposed location of processing equipment, phasing of extraction, and details of progressive restoration as each phase is completed.
- G. If any activity in connection with the extractive use presents a dangerous condition if left unprotected, the Planning Commission may require fencing of the activity area.
- H. A bond in accordance with provisions of Chapter 22 shall be required to ensure completion of site restoration within each phase of extraction.
- I. No portion of the extractive use site may be used to landfill or deposit materials that did not originate on the site.

.04 DELETED

.05 KENNELS

- A. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to an existing dwelling unit on adjacent properties and shall not be located in any required setback area.
- B. Parking shall be subject to a front yard setback of not less than forty (40) feet.

.06 LANDFILL, SANITARY (PUBLIC OR PRIVATE)

- A. All vehicles transporting materials to the landfill site shall travel to and from the site on a route that minimizes adverse impacts on residential neighborhoods.
- B. Public streets within 1500 feet of the landfill entrance shall be kept clear of debris, mud and dirt deposited by vehicles using the landfill.
- C. Deposit of materials into the landfill shall not occur within one hundred fifty (150) feet of any property not owned by the landfill operator.
- D. Provisions of Public Act 641 of 1978, as amended and rules promulgated by the State of Michigan pursuant thereto shall be complied with for any landfill located within the Township as a condition of the approved special land use permit.

.07 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES

High pressure gas transmission lines, petroleum products transmission pipelines, and high voltage electric transmission tower lines may be permitted in any district subject to the following regulations:

A. General Regulations.

- 1. All such utility lines shall follow existing utility corridors, where possible and reasonable, as determined by the Planning Commission.
- 2. The loss of any active agricultural use on property shown as Prime or Unique Farmland on the Soil Conservation Service's Important Farmland Map of Sanilac County shall be minimized to the greatest extent feasible consistent with the public interest and common good as determined by the Planning Commission.
- 3. Selective clearing techniques shall be used throughout a utility corridor or property for installation of towers, lines, pipelines, service roads, drainage facilities, and similar facilities. Existing vegetation shall be maintained, whenever possible, throughout the remainder of the corridor not affected by the actual installation of approved facilities.
- 4. Non-compliance with any part of this Ordinance, or any other Township Ordinance, shall be grounds for the Township acting to withdraw its approval or conditional approval of any use regulated hereunder and to order such use to be discontinued.
- 5. Prior to commencement of construction, any approvals granted here-under are not transferable to others or to successors in interest, without first applying for such to the Planning Commission.
- 6. The person or company granted privileges hereunder shall inform the Township Clerk on a continuing basis of the name, address and phone number of its employee who is responsible for receiving complaints and communications from the Township.
- 7. The existence of one line or facility approved hereunder does not imply permission to erect any other lines or facilities other than those originally permitted.

B. Requirements for High Voltage Electric Transmission Lines of 120kV or Greater:

- 1. High voltage electric transmission lines of more than 345 kV shall not be located closer than five hundred (500') feet to occupied residences. Existing 345 kV lines shall not be energized

at a higher voltage level when located closer than five hundred (500') feet to occupied residences.

2. Corridor width shall be a minimum of two (2) times the proposed tower height for all voltages so that accidental collapse of any tower will be confined to the utility right-of-way.
3. Where operating voltages will exceed 345 kV, the Township shall evaluate an area one quarter (1/4) mile on either side of the proposed electric corridor. The existing density of occupied dwellings per square mile shall not exceed one hundred (100) in any two (2) mile segment of this area. The applicant shall provide maps showing all information necessary to determine compliance with this standard.
4. The electric field strength for all voltage levels shall not exceed 0.8 kV per meter, as measured at the edge of the corridor right-of-way.
5. No such line or system shall cause radio or TV interference within residential dwellings in the Township, and if such happens, it will be considered a public nuisance, subject to abatement.
6. "Danger-No Trespassing" signs shall be placed at all road crossings and the Planning Commission, may require fencing at those road crossings which it determines are in need of additional protective measures.
7. Any area destroyed by necessity in the construction of such approved facilities may be subject to conditions imposed by the Planning Commission for its immediate restoration by replanting or similar techniques.
8. Noise levels at the edge of the corridor right-of-way, that is the pressure level of sounds, shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Use in Following District	Where Measured
40dBA	R-1, R-2, R-3	Common Property Line
40dBA	A-2	Common Property Line
60dBA	O, C	Common Property Line
75dBA	A-1, I	Common Property Line

The sound levels shall be measured using a weighted decibel measurement (referenced to 20 micropascals) and with a type of audio output meter approved by the U.S. Bureau of Standards. Where noise levels will exceed the above standards for the corridor width proposed, a widening of the corridor, consistent with these requirements, will be necessary.

9. During the construction or repair of any facilities approved hereunder, the following shall be required:
 - a) All internal roads shall be kept dust free by chemical treatment.
 - b) Any damage to public or private roads, fences, structures or facilities shall be repaired immediately.
 - c) No wastes or spoils of any kind, such as tree stumps, construction wastes, trash and the like, shall be left after construction or repair operations are complete.
 - d) All construction operations shall be confined to daylight hours—Monday through Saturday—unless permitted in writing by the Planning Commission.

10. At the time a request is made for approval under this section, the person, partnership, corporation or public utility shall submit an estimated timetable for completion of the construction plans to the Planning Commission, and specifications of all equipment and facilities proposed for installation. The Planning Commission, may require a performance bond with surety or an irrevocable bank letter of credit as a guarantee of completion of all approved facilities, and an agreement to indemnify, defend and hold harmless the Township from any claims arising out of the construction or operation of a project approved herein.
11. When such lines or systems interfere with a public road by crossing such or paralleling such, any person or company, upon five (5) days notice, shall be required to raise such lines for necessary passage of any barn, building, house, or other object over the public ways.
12. If any Court or the Michigan Public Service Commission or other governmental body finds that such lines and systems are not necessary, such shall, upon exhaustion of appeals, be dismantled under regulation by the Planning Commission.
13. The Township may make reasonable requests to require the person or company granted privileges hereunder to file written reports of the current status of research on high-voltage electricity, and such reports shall be true and complete. Any privilege granted hereunder is subject to a continuing representation by the holder of such that such lines and systems are safe and have no chance of being detrimental to the health or safety of any person or the environment.
14. After the construction of the line is completed and before regular operation is begun, the operating company shall retain the services of an independent testing laboratory, which shall test said line for compliance with the standards contained herein, and submit a report of the test results to the Township.

.08 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS, (BUT NOT INCLUDING STORAGE YARDS); WHEN OPERATION REQUIREMENTS NECESSITATE THE LOCATING WITHIN THE DISTRICT IN ORDER TO SERVE THE IMMEDIATE VICINITY

These uses may be permitted in all districts subject to the following additional standards:

- A. There is no public business office nor any storage yard or storage building operated in connection therewith.
- B. The exchanges, transformer stations or transformer mats are located not less than fifteen (15') feet from any interior side property line, twenty-five (25') feet from its front property line, and thirty (30') feet from its rear property line.
- C. All required yards are to be landscaped and maintained.

.09 COMMUNICATION TOWERS

Communication towers shall be allowed in the A-1, A-2, O, C, and I districts subject to the following Special Approval Requirements:

- A. Towers shall be centrally located on a parcel of at least ten (10) acres occupied exclusively by tower and tower user equipment.
- B. The tower must be setback from all property lines a distance equal to its height for reasons of safety and aesthetics. Except that the setback may be reduced if the developer submits evidence that the

tower is designed in the event of failure, to collapse within a more confined distance, and the Planning Commission with adequate consideration of aesthetic circumstances approves.

- C. Towers shall be of the freestanding type without guy wires.
- D. Accessory structures are limited to uses associated with the maintenance of the tower and may not be located any closer to any property line than thirty (30') feet.
- E. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- F. All buffer yard requirements within the zoning ordinance shall be met.
- G. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
- H. The plans of the tower construction shall be certified by a registered structural engineer.
- I. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- J. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- K. Communication towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a public or private airport or 1/2 mile radius of a helipad.
- L. All facility components accessory to a tower or antenna shall comply with all regular setback requirements for the district in which located. However, in no case shall said accessory components be located within thirty (30') feet of a property line.
- M. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- N. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
- O. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- P. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
- Q. Towers shall be located so that they do not interfere with reception in nearby areas. If problems occur after construction, the tower owner or lessee shall provide a remedy.
- R. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- S. The base of the tower shall occupy no more than five hundred (500) square feet.
- T. Minimum spacing between tower locations shall be two (2) miles (without respect to municipal boundaries) in order to prevent a concentration of towers in one area.
- U. Height of the tower, including antennae, shall not exceed one hundred eighty (180') feet from grade.
- V. Towers shall not be artificially lighted, it being the intent of the Township to encourage the use of towers of such height that does not require lighting that may adversely affect nearby properties.

However, if required by the FAA in the future, lighting shall be of the dual mode day/night type (red at night, strobe during the day) and be designed to refract up so as to limit ground scatter to a maximum of seventy five (75) candela.

- W. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- X. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
- Y. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
- Z. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- AA. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- BB. All parking and drive areas must be paved as provided in this ordinance. All driveway entrances shall meet the requirements of the Sanilac County Road Commission and permits shall be obtained from the Road Commission for each driveway entrance.
- CC. Except for the driveway opening, along the entire perimeter of the tower, including its related structures and fencing, and within the area leased or owned by the applicant, the developer shall plant a landscaping buffer, which the lessee or owner shall subsequently maintain. The buffer, at a minimum, shall consist of two (2) staggered rows of trees that are a minimum of six (6') feet tall when planted with a height at maturity of at least twenty (20') feet. Trees shall be planted on twenty (20') foot centers. Trees shall be eighty (80%) percent evergreens and twenty (20%) deciduous, mixed in species, using only species approved by the American Nurserymen's Association or a similar organization which may be specified elsewhere by Township ordinance.

The Planning Commission may waive this requirement if the site is buffered by adequate existing natural vegetation.
- DD. The tower shall be dismantled and the site shall be restored down to three (3') feet below the grade level by the property owner within six (6) months after all users terminate. Each tower owner shall post bond of at least \$15,000 to guaranty restoration.
- EE. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the co-location of communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - 1. All new and modified communication towers shall be designed and constructed so as to accommodate co-location.
 - 2. A special land use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible co-location opportunity is not already available for the coverage area and capacity needs.
 - 3. Notwithstanding anything herein to the contrary, a special land use permit shall not be required for any wireless communication equipment as long as the applicant satisfies all the requirements of Public Act 143 of 2012. See Addendum A.

FF. The following communication facilities are exempt from the above provisions, provided that they meet the requirements of the zoning district in which they are located and provided that the maximum height of these facilities shall be sixty (60') feet:

1. Citizen band radio facilities
2. Short wave facilities
3. Ham and amateur radio facilities
4. Television reception antennae
5. Satellite dishes
6. A farmer's communication system
7. Government facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

.10 VETERINARIAN ESTABLISHMENT, INCLUDING ANIMAL CLINIC AND BOARDING

- A. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district or any building used by the general public.
- B. All principal use activities shall be conducted within an enclosed building.
- C. Parking areas shall be subject to a minimum front yard setback of thirty-five (35) feet.
- D. Parking lots shall be no closer than fifty (50) feet to a residential district or established residential lot, shall be effectively screened by a buffer strip, wall or fence at least three (3) feet above the highest elevation within the parking lot which it screens.

.11 BULK FEED, SEED, FERTILIZER SALES, AND/OR DISTRIBUTION ESTABLISHMENT

- A. Parking areas shall be subject to a required minimum front yard setback of thirty-five (35) feet. Driveway access to the site shall be sufficient to serve vehicles entering and exiting the site, but in no case shall each driveway exceed a width of forty (40) feet.
- B. Parking lots shall be no closer than fifty (50) feet to a residential district or established residential lot, shall be effectively screened by a buffer strip, wall or fence at least three (3) feet above the highest elevation within the parking lot which it screens.
- C. Exterior storage of equipment, accessory items, materials, displays, goods, or supplies shall not take place in any required setback area.

.12 FEEDLOTS

- A. Feedlots may be permitted upon special approval in the A-1, Agricultural Enterprise Districts subject to the following conditions:
 1. Any pen, corral, or structure where livestock and/or farm animals are maintained as a feedlot, or where swine are raised shall be sited in accordance with the Michigan "generally accepted agricultural and management practices" (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met.

2. The raising of fowl, poultry, quail, or other game birds or their by-products shall be conducted within an adequately fenced area or an enclosed building and shall be sited in accordance with the Michigan “generally accepted agricultural and management practices” (GAAMPS) under PA 261 of 1999. The applicant shall demonstrate in his site plan that GAAMPS standards are to be met. The killing and dressing of fowl are permitted provided that the operation is conducted within a building. All waste parts or offal must be immediately disposed of and no outdoor storage of offal shall be permitted.
- B. The raising of fur bearing animals including mink and rabbit, may be permitted upon special approval in the A-1, Agricultural Enterprise District when located on a continuous parcel of land ten (10) acres or more in area with all buildings and outdoor runs setback one hundred (100') feet or more from all property lines; with the exception of raising mink which shall be conducted on a continuous parcel of land forty (40) acres or more in area, with all outdoor runs or breeding areas enclosed on all sides by a fence not less than four (4') feet in height and setback from all property lines a minimum distance of four hundred (400') feet.

.13 AGRICULTURAL PROCESSING OPERATIONS

Example agricultural processing facilities: livestock feed production, fruit juice & cider pasteurization and packaging, seed drying, sorting, & packaging, preserved fruits and vegetable manufacturing.

- A. These uses may only be located upon a site where abutting lands are zoned A-1 or non-residential purposes on all sides. For a site side zoned A-2 all processing buildings, fixed equipment, machinery, and stored raw materials and product shall be located at least two hundred (200') feet from said site side lot line.
- B. The classification of the road from which access is sought shall be determined by the Planning Commission to be appropriate to the scale and nature of the operation proposed. The proposed operation shall be determined not to generate excessive car and/or truck traffic through residential areas.
- C. The operator may be required to file with the Sanilac County Road Commission a bond for maintenance of and dust control on the public road(s) providing access to the site. A truck route may also be designated if determined necessary.
- D. Ingress/egress. There shall be not more than one (1) entrance way to the facility property for each five hundred (500') feet of road frontage.
- E. Parking. All parking shall be provided as off-street parking within the boundaries of the development.
- F. Truck standing/loading. No vehicle shall be permitted to wait or to stand within a dedicated road right-of-way.
- G. Waste products, liquid or solid, from the processing operation shall be stored and disposed of in a safe and sanitary manner. Adequate provision for disposal of wastewater shall be made and documented with the appropriate governmental authority. Such food processing or storage shall not be conducted as to cause the pollution by any material of any subsurface, water course, or waterbody outside the lines of the property on which such use shall be located.

- .14 BED AND BREAKFAST
Same as requirements for Section 14.8.0.06
- .15 DIRECT MARKETING OF PRODUCE, FARM MARKET, ON-FARM MARKET OR ROADSIDE STAND IF THE SALES AREAS IS GREATER THAN 1200 SQUARE FEET IN BUILDING AREA.
- .16 RESTAURANT OPERATIONS RELATED TO THE AGRICULTURAL USE ON THE SITE.
 - A. Menu shall consist of food grown primarily on site, with the exception of food stand items (e.g. hot dogs, hamburgers etc).
 - B. Drive through restaurants are prohibited.
- .17 NON-AGRICULTURALLY RELATED USES LISTED AS PERMITTED USES IN THE ZONE BUT WHICH INCLUDE ANY OF THE FOLLOWING ANCILLARY USES MAY REQUIRE A SPECIAL USE PERMIT.
 - A. Small scale entertainment (e.g. music concert, car show, art fair)
 - B. Family oriented barns (e.g. fun houses, haunted houses, or similar) and small mechanical rides
 - C. Organized meeting space for use by weddings, birthday parties, and corporate picnics.
 - D. Designated, permanent parking for more than 20 vehicles.
- .18 COMMERCIAL WIND ENERGY CONVERSION SYSTEMS
See Regulations in Section 3.47.2

Section 14.8.0 — Agricultural/Residential (A-2) District Special Land Uses

- .01 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL STRUCTURES AND USES
Same requirements as Section 14.7.0.01.
- .02 OUTDOOR COMMERCIAL RECREATION ESTABLISHMENTS
Same requirements as Section 14.7.0.02.
- .03 EXTRACTIVE USES
Same requirements as Section 14.7.0.03.
- .04 DELETED
- .05 KENNELS.
Same requirements as Section 14.7.0.05.

.06 BED AND BREAKFAST ESTABLISHMENTS

- A. The bed and breakfast establishment shall be adequately serviced by water supply and wastewater disposal facilities. A certification that the existing or proposed facilities meet this requirement shall be supplied to the Township prior to approval of a special land use permit. Said certification shall be issued by the Sanilac County Health Department.
- B. No such establishment shall be permitted where there exists more than one (1) other such establishment within one-thousand (1000') feet, measured between nearest property lines.
- C. Such uses shall not be established in any two family or multiple family dwelling.
- D. One parking space per room available for rent shall be provided on the premises, in addition to the parking required for a single family dwelling. The parking shall be located so as not to pose negative impact on adjacent properties. The Planning Commission may require screening of the parking area using standards set forth in Chapter 16.
- E. Kitchen facilities are permitted, but must comply with building code and state health department requirements for fire safety and public health.
- F. Additions or exterior modifications to a structure for the purpose of accommodating additional guests shall be prohibited. Interior modifications may be permitted to accommodate handicapped persons or to comply with building, fire and public health codes.
- G. Exterior solid waste storage facilities beyond those needed for a single family dwelling are prohibited.
- H. One sign shall be permitted not to exceed thirty-two (32) square feet in display area. The sign may be illuminated. The sign shall be setback from the nearest right of way line a minimum of twenty-five (25) feet and shall not exceed six feet in height.
- I. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, who shall live on the premises while the establishment is open for business.
- J. Retail and service uses shall be prohibited within a bed and breakfast establishment, including but not limited to gift shop, antique shop, restaurant, bakery or apparel sales.
- K. Meals may be served only to overnight guests, employees or the resident family and a separate fee or charge for meals consumed is prohibited.

.07 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES

Same requirements as Section 14.7.0.07.

.08 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS

Same requirements as Section 14.7.0.08.

.09 COMMUNICATION TOWERS

Same requirements as Section 14.7.0.09.

.10 VETERINARIAN ESTABLISHMENTS, INCLUDING ANIMAL CLINIC AND BOARDING

Same requirements as Section 14.6.0.10.

.11 GROUP DAY CARE HOME WITH 7 TO 12 CHILDREN (AS DEFINED UNDER PUBLIC ACT OF 116 OF 1973, AS AMENDED)

- A. Adequate ingress and egress, parking and circulation shall be provided on the site.
- B. The lot or parcel on which such use is located shall be located no closer than 1,500 feet to any of the following:
 - 1. Another group day care home.
 - 2. An adult foster care group home licensed by the Michigan Department of Social Services.
 - 3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more persons, licensed by the Michigan Office of Substance Abuse Services.
 - 4. A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- C. Fencing having a minimum height of five (5) feet shall be provided around all outdoor areas accessible to children and mentally impaired.
- D. The property shall be maintained and operated in a manner that is compatible with the existing character of the adjoining neighborhood.
- E. The hours of operation may be determined by the Planning Commission.
- F. The construction and use shall be licensed by the Michigan Department of Social Services prior to beginning operation that has minimum regulations and requirement regarding play space.

.12 ROADSIDE STAND FOR RETAIL SALE OF PRODUCE

Same requirements as Section 14.7.0.13.

.13 COMMERCIAL WIND ENERGY CONVERSION SYSTEMS

See Regulations in Section 3.47.2.

Section 14.9.0 — Low Density Residential (R-1) District Special Land Uses

.01 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL STRUCTURES AND USES

Same requirements as Section 14.7.0.01.

.02 GOLF COURSES.

- A. The site shall access directly to a county primary road or state trunkline highway.
- B. No building or spectator seating shall be located within one hundred (100') feet of any property line.
- C. Exterior lighting shall be designed, located and installed in a manner that deflects light away from adjacent residential property and abutting public streets.
- D. The site shall be kept clean of refuse and debris so that such material does not blow onto or accumulate on adjacent properties.
- E. Private access drives and parking areas required shall be surfaced with paving or other dust free material. Any such drive or parking area located within one hundred-fifty (150) feet of an existing residence shall be screened with a landscape berm, fence or wall not less than three (3) feet in height along the side(s) facing such residence.
- F. Overflow parking on a public street is prohibited.
- G. All course boundaries shall be conspicuously signed to prevent golfers from trespassing on adjoining private property. The Planning Commission may require fencing of those portions of the course boundary where fairway abut adjoining private property.

.03 DELETED

.04 BED AND BREAKFAST ESTABLISHMENT

Same requirements as Section 14.8.0.06.

.05 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES

Same requirements as Section 14.7.0.07.

.06 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS

Same requirements as Section 14.7.0.08.

.07 GROUP DAY CARE HOMES

Same requirements as Section 14.8.0.11.

.08 PLANNED UNIT DEVELOPMENTS

- A. The following uses shall be permitted within a Planned Unit Development. Those uses that are special land uses must comply with all requirements of this Chapter applicable to such use.

1. Single family detached dwelling.
 2. Single family zero lot line dwelling (i.e. may be attached to another single family dwelling on one side only).
 3. Public and semi-public institutional structures and uses.
 4. Group day care homes.
 5. Child care center.
- B. The minimum site for a Planned Unit Development (PUD) shall be ten (10) contiguous acres. This minimum area requirement shall be construed to mean the site area for the PUD in whole and not for each use proposed therein.
- C. Utility provisions:**
1. The PUD shall provide underground installation of on-site utilities, including but not limited to, wastewater disposal, water supply, electric, gas, telephone, cablevision and storm drainage.
 2. A special land use permit for a PUD shall not be granted unless the County or State Health Department has approved the proposed means of wastewater disposal.
 3. The storm water system for the PUD site may include water detention or retention facilities only if these facilities are connected by a recorded public easement with an established county drain.
- D. Circulation system:**
1. The arrangement of pedestrian and vehicle circulation shall be coordinated with other existing or planned facilities in the area.
 2. When designated in the Township Comprehensive Plan or by the Sanilac County Road Commission, any street within the PUD intended for future extension shall be dedicated for public use and constructed to the required standards of the Sanilac County Road Commission.
 3. The Township Board upon advice of the Planning Commission, may require a pedestrian circulation system within the PUD and, if required, designed to ensure connection with public sidewalks or adjoining pedestrian facilities.
 4. All streets within a PUD shall be built to public streets standards and dedicated to the public, unless the township Board upon advice of the Planning Commission, determines the private roads are acceptable in whole or in part within the PUD. In making this determination, the Township will consider the amount of future traffic, whether any PUD street should be extended in the future to connect with other streets, and topographic conditions which may warrant use of private streets to preserve valuable site resources such as trees, wetlands, bluffs, scenic areas and vistas and the like.
 5. All private streets shall comply with provisions of Section 3.2.0. The PUD plan submitted for approval shall include a proposed private street cross-section and materials specifications.

E. Required common open spaces:

1. The minimum required area of common open space within a PUD shall be fifteen (15) percent of the gross lot area of the PUD, excluding public right-of-way existing prior to the PUD.
2. The area within twenty (20) feet of any building, public or private street, or parking area shall not be considered as common open space.
3. Common open space may include the 100-year flood plain, however PUD buildings may not be located in the 100-year flood plain, high risk erosion area, or wetland.
4. Open space shall consist of a minimum of 4,000 square feet of contiguous area and shall not have any dimension less than twenty (20) feet.
5. PUD open space areas shown on the final site plan shall be preserved and maintained in accordance with Section 14.10.0.01.I herein.
6. Open space area shall be separate and distinct from area included in buildable lot boundaries within the PUD.

F. Site development standards:

Minimum lot area, minimum lot width, minimum required setback for principal buildings, maximum building height and minimum floor areas shall be in accordance with Schedule F.

G. Permitted residential density:

Permitted dwelling unit density in any PUD shall be determined in accordance with Schedule F, as adjusted by any density increase permitted by Section 14.09.0.08.H.

H. Density increases:

Whenever a PUD site is served by public sanitary sewer or alternative wastewater disposal system approved by the Michigan Department of Public Health and Department of Natural Resources, permitted dwelling unit density within the PUD may be increased above the maximum density shown in Schedule F, when compensated for with one or more of the following techniques:

1. Open Space Preservation.

A density increase shall be granted any applicant for PUD for the preservation and maintenance of common open space in accordance with the following requirements:

- a) The open space shall comply with criteria in Section 14.09.0.08.E. Open space required by Section 14.09.0.08.E.1 shall not apply toward any density increase.
- b) Open space areas for which a density increase is granted shall be subject to the preservation and maintenance requirements of Section 14.09.0.08.I.

2. Public Use Dedication.

A density increase shall be granted to an applicant for the dedication of land to the Township, public utility or other governmental body, except for public utility easements, in accordance with the following standards:

- a) The dedication in fee title of land for necessary public facilities of any governmental unit or agency.

- b) In the case of park land dedication, it shall be improved with basic sanitary and support facilities, such as parking and access, prior to conveyance to a governmental unit.
3. The density increase permitted in a PUD shall be determined by the total percentage of the gross site area, excluding existing public right-of-way, which is designated open space in accordance with the following schedule:

Percentage of Gross Lot Area in designated open space and/or dedicated for public use.	Percent increase in density permitted.
less than 15%	0%
15% to 16.99%	16%
17% to 18.99%	19%
19% to 20.99%	22%
21 % to 22.99%	25%
23% to 24.99%	27%
25% to 26.99%	29%
over 27%	31%.

4. Dwelling unit density calculations shall be based on the net buildable lot area of the PUD, as defined in Chapter 2 of this Ordinance.

I. Preservation and Maintenance of Open Space

- 1. Prior to site plan approval for the PUD, an open space agreement shall be provided to the Planning Commission by the applicant/project developer. The open space agreement shall comply with the terms and conditions of the special land use permit and this Ordinance.
- 2. The open space agreement shall include:
 - a) a legal description and map depicting the project site.
 - b) a legal description of the lands to be retained as "common open space" per Section 14.09.0.08.E.1 herein as well as common open spaces used for density increase per Section 14.09.0.08.H herein.
 - c) a narrative plan for maintenance of the proposed common open space and other yards areas of the PUD.

J. Approval procedure for PUD.

- 1. At the time of submitting an application for a special land use permit for PUD, the applicant shall also submit a preliminary site plan of the entire PUD site meeting requirements of Chapter 15. Final site plans shall be submitted for each phase of the PUD.
- 2. Following approval of any PUD by the Planning Commission, amendments to the approved PUD site plan or special land use permit shall be processed as required by Section 14.4.0.06.
- 3. An appeal of a Planned Unit Development decision made by the Planning Commission shall only be made to a court of competent jurisdiction.

Section 14.10.0 — Medium Density Residential (R-2) District Special Land Uses

- .01 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS AND STRUCTURES
Same requirements as Section 14.7.0.01.
- .02 PLANNED UNIT DEVELOPMENTS
Same requirements as Section 14.9.0.08.
- .03 DELETED
- .04 BED AND BREAKFAST ESTABLISHMENTS
Same requirements as Section 14.7.0.06.
- .05 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES
Same requirements as Section 14.7.0.07.
- .06 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS
Same requirements as Section 14.7.0.08.
- .07 GROUP DAY CARE HOMES
Same requirements as Section 14.8.0.11.

Section 14.11.0 — High Density Residential (R-3) District Special Land Uses

- .01 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS AND USES
Same requirements as Section 14.7.0.01.
- .02 PLANNED UNIT DEVELOPMENTS
Same requirements as Section 14.09.0.08.
- .03 DELETED
- .04 GROUP DAY CARE HOMES
Same requirements as Section 14.8.0.11.

.05 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES

Same requirements as Section 14.7.0.07.

.06 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS

Same requirements as Section 14.7.0.08.

.07 CHILD CARE CENTERS

- A. The child care center shall be licensed by the Michigan Division of Child Day Care Licensing, which includes minimum outdoor play area requirements.
- B. The minimum net lot area shall be thirty thousand (30,000) square feet.
- C. The child care center shall be served by public sanitary sewer and water supply or by an approved on-site wastewater disposal system and water supply.
- D. Adequate ingress and egress, parking and circulation shall be provided on the site, including a drop-off/pick-up area for children outside of any public right of way.
- E. Landscaping and screening for view and sound reduction purposes shall be required on a site side adjoining any dwelling or a residential district. At a minimum, a buffer zone level C shall be required (See Section 16.3.0.03.)

Section 14.12.0 — Office (O) District Special Land Uses

.01 PLANNED SHOPPING CENTERS

- A. All uses by right in the Commercial district may be located within a planned shopping center.
- B. A preliminary site plan for the entire site shall be submitted with the special land use application and shall include all information required by Chapter 15.
- C. Restaurants, including drive through facilities, may be located on the shopping center site, subject to requirements of Section 14.13.0,C.
- D. Banks, credit unions, savings banks, and other money lenders may be located on the shopping center site, subject to requirements of Section 14.12.0,F.
- E. Automobile service stations and repair facilities may be located on the shopping center site, subject to requirements of Section 14.13.0,E.
- F. **Site development standards:**
 - 1. In order to be approved as a shopping center, the total gross floor area of the principal building on the site shall be at least thirty-five thousand (35,000) square feet.
 - 2. Shopping centers shall only be located with direct access to a state trunkline highway.
 - 3. The site must be served by public wastewater disposal and water supply or approved alternative, storm drainage and adequate police and fire protection services.

.02 HOTELS AND MOTELS

- A. The minimum lot area for hotels and motels shall be three (3) acres and the minimum lot width shall be two hundred (200) feet.
- B. Outdoor facilities, such as swimming pools, patios and play areas shall be enclosed with an opaque fence or wall not less than six (6) feet in height. The location and arrangement of the fence enclosure shall not interfere with the access for emergency vehicles.

.03 PUBLIC AND SEMI-PUBLIC INSTITUTIONAL BUILDINGS OR USES

Same requirements as Section 14.7.0.01.

.04 RESTAURANTS, NOT INCLUDING DRIVE THROUGH FACILITIES

The building housing the restaurant shall have at least one (1) common wall with a building housing a permitted use within the Office district.

.05 BANKS, CREDIT UNIONS, SAVINGS BANKS, AND OTHER MONEY LENDERS, INCLUDING DRIVE THROUGH FACILITIES

Sufficient stacking capacity for the drive through portion of the operation shall be provided on site to ensure that traffic does not back up or extend onto a public street or on site required parking isle. A minimum of four (4) stacking spaces shall be provided for each outdoor teller operation, whether manned or automatic.

.06 MEMBERSHIP ORGANIZATIONS, INCLUDING PRIVATE CLUBS, MEETING HALLS, AND OTHER SERVICE CLUB FACILITIES

.07 CHILD CARE CENTERS.

Same requirements as Section 14.11.0.07.

.08 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES.

Same requirements as Section 14.7.0.07.

.09 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS

Same requirements as Section 14.7.0.08.

.10 COMMUNICATION TOWERS

Same as required in Section 14.7.0.09.

Section 14.13.0 — Commercial (C) District Special Land Uses

.01 SHOPPING CENTER

Same requirements as Section 14.12.0.01.

.02 OUTDOOR COMMERCIAL RECREATION ESTABLISHMENTS

Same requirements as Section 14.7.0.02.

.03 GENERAL RETAIL BUSINESS ESTABLISHMENTS, ANY PORTION OF WHICH IS CONDUCTED ON THE PREMISES OUTSIDE OF AN ENCLOSED BUILDING, INCLUDING BUT NOT LIMITED TO THE DISPLAY OF MERCHANDISE OUTDOORS

- A. Any area used for outdoor storage or display of goods shall be covered with 4 inches of washed stone or paved.
- B. Any display area outdoors shall not extend into any required yard area, occupy required landscape area, parking area or private access drive on the site.
- C. Lighting of outdoor display areas shall be shielded so as to deflect light from any residential district or public street right of way.
- D. Total outdoor display area shall not exceed the lesser of either (a) building floor area for the business displaying the goods or material or, (b) 15% of the gross lot area. The Planning Commission may adjust this limitation upward for outdoor display area to permit a larger display area, but only when the display involves motor vehicles, large equipment, or building materials.

.04 RESTAURANTS WITH DRIVE THROUGH FACILITIES

- A. Sufficient stacking capacity for the drive through portion of the operation shall be provided to ensure that traffic does not back up or extend to a public street or required parking aisle. A minimum of ten (10) stacking spaces in advance of the ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and ingress/egress for the site by vehicles.
- B. In addition to requirements of Chapter 18, at least three (3) parking spaces shall be provided in close proximity to the pick-up window of the drive through to allow customers waiting for delivery of orders.

.05 BANKS, CREDIT UNIONS, SAVINGS BANKS, AND OTHER MONEY LENDERS

Same requirements as Section 14.12.0.05.

.06 AUTOMOBILE SERVICE STATION PROVIDING REPAIR SERVICES, INCLUDING MECHANICAL AND AUTO BODY REPAIRS

- A. All equipment and activities associated with vehicle repair shall be within an enclosed building, except air and water hoses.
- B. Inoperative vehicles left overnight on premise shall be stored within an enclosed building or in an outdoor area enclosed by an opaque fence not less than six (6) feet in height.
- C. There shall be no outdoor storage of loose auto body parts, mechanical or engine parts, tires, trash, supplies, equipment, used motor oil, and other materials.

- D. If retail sales of convenience grocery and other goods are conducted on the premises, parking for such uses shall be required in addition to parking spaces required for gasoline islands and related activities.
- E. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided the fascia of the canopy shall be at least twelve (12) feet above grade. No advertising display shall be permitted on any part of the canopy.

.07 AUTOMOBILE, TRUCK OR OTHER VEHICLE WASHING FACILITIES

- A. Sufficient stacking capacity shall be provided to ensure that traffic to the site does not back up onto any public street or private access drive. A minimum total of fifteen stacking spaces shall be provided. For self-service washes, at least two stacking spaces shall be provided on front of each wash stall and one at the exit of each stall.
- B. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential lot line. Wash bays for self-service washes shall be at least fifty (50) feet from any residential lot line.
- C. Should self-service wash bays be arranged so the longest dimension of each bay is perpendicular to an abutting street right-of-way, then the bays shall be screened or buffered as required by the Planning Commission.

.08 MINI-WAREHOUSE FACILITIES

- A. The minimum lot area shall be two and a half (2½) acres.
- B. Mini-warehouse buildings shall be arranged on the site to prevent dead end aisles.
- C. Other commercial uses are prohibited on the same lot or parcel with mini-warehouse use.
- D. A residence may be permitted for security or management personnel on the lot or parcel.
- E. Parking and circulation requirements:
 1. One parking space shall be provided for each ten (10) rental storage units on the site.
 2. Two parking spaces shall be provided for the residence on the premises, exclusive of other parking required.
 3. If a rental office is located on the lot, including any portion of the residence, there shall be provided not less than ten (10) parking spaces to serve customers.
 4. All driveways, parking, loading, outdoor storage, and vehicle circulation areas shall be paved with adequate storm water drainage.
 5. Access aisles between storage buildings shall be a minimum of twenty four (24) feet in width and shall accommodate two-way flow of vehicles.
 6. Parking lanes may be provided between buildings. In addition to required access aisle width, parking lanes shall be a minimum of ten (10) feet in width.

.09 CHILD CARE CENTERS

Same requirements as Section 14.11.07.

- .10 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES
Same requirements as Section 14.7.0.07.
- .11 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, AND GAS REGULATOR STATIONS
Same requirements as Section 14.7.0.08.
- .12 COMMUNICATION TOWERS
Same as required in Section 14.7.0.09.
- .13 MARINAS, BOAT LAUNCHING FACILITIES, AND SIMILAR WATER RELATED USES
 - A. Buildings, docks, and parking areas shall be located no closer than thirty-five feet to the property line nor closer than fifty feet to any residential property line.
 - B. Uses accessory to the above uses, such as sale of refreshments, fuel, bait, and related items shall occupy no more than four hundred (400) square feet of building floor area and shall not occur outdoors.

Section 14.14.0 — Industrial (I) District Special Land Uses

- .01 RETAIL SALES INCIDENTAL TO ANY USE BY RIGHT IN THE INDUSTRIAL DISTRICT
 - A. Any area used for outside storage or display or equipment shall be paved and drained so as to prevent collection of water.
 - B. Any outdoor display shall not occupy a rear setback area.
 - C. Lighting of the display shall be shielded to deflect light from any residential district or public street right-of-way.
 - D. The area within an enclosed building devoted to the retail outlet shall not exceed twenty-five (25) percent of the gross floor area.
- .02 AUTOMOBILE SERVICE STATIONS, INCLUDING MECHANICAL AND AUTO BODY REPAIR
Same requirements as Section 14.13.0.06.
- .03 JUNK DEALERS AND YARDS (SEE GENERAL PROVISIONS)
 - A. An application for special land use permit to establish, enlarge, or alter a salvage yard shall be accompanied by a detailed proposal regarding the type of salvage material(s) to be received, methods of separation and/or recycling, the destination of waste or recycled materials, and a site maintenance program. The application shall also include information outlining measures to comply with applicable local, county, state and federal law and regulations.

B. Site development standards:

1. The net site area shall be a minimum of twenty (20) acres.
2. The site shall have direct access to an existing county primary road or state trunkline.
3. No portion of the salvage yard or open storage shall be located closer than two hundred (200) feet to any residential lot line.
4. Outdoor storage shall be completely enclosed by an opaque fence or wall constructed with durable material. The fence or wall shall have no more than two (2) gates, also constructed of durable and opaque material. The fence or wall shall be maintained in good condition. The fence or wall shall be of a sufficient height to completely screen stored materials.
5. Stored materials shall be stacked no higher than ten (10) feet.
6. The fence or wall enclosing outdoor storage areas shall meet all applicable building setback requirements in this Ordinance.
7. A management office shall be provided on the site. A residence may be permitted for security personnel or on-site operator.
8. The outdoor storage area shall be maintained to control and minimize hazards of fire and threats to public health, including control of hazardous liquids leaching into the ground.

.04 CORRECTIONAL FACILITY

.05 OPEN STORAGE OF ANY MATERIALS

- A. Open or outdoor storage in connection with any use by right or special land use within the Industrial District, except displays in connection to retail sales regulated in Section 14.14.0,A shall be completely screened by an opaque fence or wall six (6) feet in height.
- B. The materials or equipment located in the open storage area shall not create a hazard of fire and threats to public health, including control of hazardous liquids that could leak into the ground.
- C. Whenever outdoor storage of materials and equipment is proposed in the Industrial District, except as otherwise regulated in this Section, the Township Board may, upon advice of the Planning Commission, require measures to address one or more of the following:
 1. Screen view of the storage area from any public street right of way or abutting property.
 2. Control of access to/from the storage area.
 3. Height and/or size or materials or equipment stored outdoors.
 4. Existing/proposed site grades.
 5. Any other issue relating to the outdoor storage use on the site.

.06 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS, AND SUBSTATIONS SUBJECT TO THE REQUIREMENTS UNDER 14.7.0.08 AND INCLUDING STORAGE YARDS SUBJECT TO THE REQUIREMENTS OF 14.14.0.05 ABOVE

.07 COMMUNICATION TOWERS.

Same as required in Section 14.7.0.09.

.08 HIGH PRESSURE GAS OR HIGH VOLTAGE ELECTRICAL TRANSMISSION LINES

Same requirements as Section 14.7.0.07.

.09 ANY INDUSTRIAL USE NOT EXPRESSLY INCLUDED AS A USE BY RIGHT

Section 14.15.0 — Lakefront Residential, Recreational, and Resort (LFRRR) District

Note: The Planning Commission and the Township Board have examined the demonstrated need for recreational boating and fishing facilities including those providing boat rentals, fishing and boating cruises and boat sales, maintenance and repairs with respect to the requirements of the Michigan Zoning Enabling Act, Act 110 of 206 (specifically MCL 125.3207) and have made a finding and determination that all reasonable demonstrated need for these land uses is being adequately fulfilled by similar facilities and uses currently located within the borders of Lexington Township located in the Village of Lexington.

.01 CAMPGROUNDS

A. General requirements:

1. Minimum campground size shall be ten (10) acres. The overall density of the campground shall not exceed five (5) camping sites per acre, with a maximum of fifty (50) sites per ten (10) acres. The campground shall provide direct vehicular access to public roads where the requirement of direct access is reasonable, the direct access will not decrease pedestrian or vehicular traffic safety, and the access route minimizes any adverse impact on the site or surrounding natural resources compared to other reasonable route alternatives.
2. Each campground may have an area designated for travel trailers, cabins, camping trailers, motor homes, truck campers, or tents pursuant to the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended. Also, each campground may have a separate area designated for tent camping only. Each site designated for travel trailers, cabins, camping trailers, motor homes and truck campers shall be provided with individual electrical outlets. All sites shall have a picnic table and a designated place for fires. Only one (1) tent, cabin, travel trailer, camping trailer, motor home or truck camper shall occupy any site.
3. Public stations, housed in all weather structures, containing adequate water outlets, flush toilets, waste containers, electricity and shower facilities shall be provided uniformly throughout the campground at a ratio of not less than one (1) such station per twenty (20) sites. Separate toilet and bathing facilities shall be provided for each sex.
4. Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
5. Occupant parking space for two (2) vehicles shall be provided on each site, except tent sites may have parking for only one (1) vehicle which may be remote from the tent sites provided it is connected by a trail or path. Also, each campground shall provide an additional dust-

controlled parking area for site occupants and guest parking which is separate from any parking available at the sites. Parking spaces equal in number to fifty percent (50%) of the sites shall be provided in this area; each parking space shall be at least 180 square feet in area.

6. Each site shall contain a minimum of 1,500 square feet, except that the minimum size for sites specifically designated for tents shall be at least 2,500 square feet. Each site shall be set back from any right-of-way or property line at least one hundred (100) feet.
7. A common use area shall be provided on each campground at a ratio of not less than 1,000 square feet of area for each site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. This area shall be at least fifty (50) feet from any road or area used by motor vehicles.
8. Each site used by travel trailers, camping trailers, motor homes, or truck campers shall have direct access to a dust-controlled roadway of at least twenty (20) feet in width for two-lane traffic or twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designed for and only used for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked with a pedestrian pathway access. Motor vehicles shall not be allowed on any portion of the campground other than designated streets, roads or parking areas.
9. Any swimming pool or beach area shall comply with Michigan law and the regulations promulgated under the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended, and the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972, as amended.

B. Campground setbacks:

1. Minimum shoreline setback of campsites from the Ordinary High Water Mark of 125 feet.
2. Notwithstanding the setback requirement set forth herein, there shall be a minimum shoreline vegetation protection area consisting of the area within 75 feet of the ordinary high water mark. Within such area, the removal of trees, shrubs and ground cover and land disturbing activities are prohibited unless authorized by the governmental agency having jurisdiction to do so for such purposes as negotiation erosion control or shoreline restoration, or if such actions are necessary for the removal of dying, or diseased vegetation, or vegetation creating a safety hazard (poison ivy or poison oak), and except that one or more portions of the shoreline vegetations protective area are not exceeding, in total, 10% of the total frontage, and located at environmentally appropriate locations, may be developed for access to the water including a boat launch, swimming beach, and/or picnic area.
3. The number of campsites otherwise allowable under this section may be reduced by conditions in the permit authorizing the campground, depending on size, topography, nautical features, adjacent land uses and/or other pertinent factors.

- C. Campground buffering requirements: Fences, screening or landscaping, may be required by the Planning Commission, subject to the following standards:
1. The requirement is reasonably necessary to protect the general welfare, value or development of the adjacent properties or districts which may be developed or to fulfill the intent of this Ordinance.
 2. The requirements are reasonably necessary to screen or fence common areas, roads, buildings, or use intensive recreation areas of the campground.

D. Campground performance standards:

1. No commercial enterprises shall be permitted to operate on the campground, except that a convenience store is allowed providing it is clearly incidental to the needs of the occupants while residing in the campground.
2. Any lighting shall be down shielded and directed away from camping sites and surrounding adjacent property, no arc lights or high-intensity lighting shall be used. All electrical lines and gas lines shall be installed underground.
3. The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for each five (5) camp sites and meet all requirements of the MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan governing trash removal. The Campground shall be kept free of litter, trash and debris.
4. The campground shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between the hours of 10:00 PM and 7:00 AM so as not to be audible at other sites or adjoining units. Dogs and other pets shall be kept on a leash not more than ten (10) feet in length.
5. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County Public Health Regulations and the Michigan Public Health Code, Act 368 of 1978, Part 125 Campgrounds, Swimming Areas, and Swimmer's Itch (MCL333.12501-12563), as amended.
6. The development of the entire campground is subject to all applicable requirements of the MDNR, MDEQ, local ordinances, and laws promulgated by the State of Michigan.
7. No mobile home or trailer coaches designed for permanent habitation shall be allowed. No vehicle, cabin, or tent shall be used for habitation by any person or party for longer than fourteen (14) consecutive days nor for more than thirty (30) days in any one year. All cabins shall contain less than 700 sq. ft. in gross floor area and shall not be eligible to qualify under the zoning ordinance as a dwelling unit, nor shall be occupied as such except when located within a state licensed campground with occupancy being strictly limited to the time periods prescribed herein. All such cabins shall be removed from the premises with 180 days following discontinuance or lapse of the state campground license.
8. No more than one (1) permanent dwelling shall be allowed in a campground, which shall only be occupied by the owner, manager, or an employee.
9. The Planning Commission may approve the location of common use area, roadways, streets, and buildings for the purpose of minimizing any impact on the site or surrounding natural resources.

10. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development.

11. Each campsite shall have a picnic table and designated place for fires.

.02 WINERIES / VINEYARDS:

Wineries with primary processing and on-site fermentations are permitted only when it can be shown that they significantly contribute to tourist oriented development of the area, provided.

- A. Traffic and commercial handling activities do not disrupt vehicle and pedestrian traffic that is
- B. Crushing and fermentation shall be managed such that the by-products are contained and disposed of in a manner that does not generate spill onto adjacent property or the public right-of-way.
- C. Proper mitigation of environmental effects of noise, odors, insects and use of water resources.
- D. Testing facilities and events held therein shall be specified in the permitting process including frequencies, hours, and days. Such events shall be restricted to the capacity of the building, parking and street improvements.

.03 LODGING FACILITIES (Hotel / Motel / Motor Inn)

- A. **Setback:** A landscaped setback of not less than fifty (50) feet shall be provided to the extent it abuts a public or private street or freeway.
- B. The minimum parcel size for a waterfront lodging facility is two (2) acres.
- C. **Building Landscaping.** A five (5) foot minimum landscaped area shall be provided to separate ground floor units from pedestrian walkways, project amenities and drive aisles/parking areas.
- D. **Restaurant.** A restaurant, including sit down restaurant, outdoor patio restaurant, and bar/lounge restaurant, but specifically excluding carry-out restaurants and fast food restaurants (see Section 2.20 for definitions of restaurant types) may be provided with the facility, providing it is clearly accessory and incidental to the main use.

.04 GUEST COTTAGES/GUEST HOUSES

- A. An adequate water system as approved by the County Environmental Health Department is available to serve the guest cottage/guest house.
- B. An adequate sewage disposal system as approved by the County Environmental Health Department is available to serve the guest cottage/guest house.
- C. The guest cottages shall be a minimum of 250 square feet on the main floor. The guest house shall be a minimum of 750 square feet on the main floor. Both shall conform to the height, setback, off-street parking and other zoning requirements generally applicable to residential construction within the zone in which the guest cottages/guest houses are located.
- D. The guest cottages/guest houses shall comply with appropriate local building code requirements.
- E. The dwelling area shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided for trash removal. The guest cottage/guest house area shall be kept free of litter, trash and debris.

- F. The property owner shall post regulations that all radios or other noise-making equipment shall be turned off or reduced in volume between the hours of 10:00 PM and 7:00 AM so as not to be audible at other sites or adjoining units and adjacent property. Dogs and other pets shall be kept on leashes not more than ten (10) feet in length.
- G. No mobile homes or trailer coaches may be utilized as a guest cottage or guest home or otherwise stored on site.
- H. The Planning Commission may approve the location of common use areas, road-ways, streets and buildings for the purpose of minimizing any adverse impact on the site or surrounding natural resources.
- I. Only one (1) Guest House permissible per primary parcel.
- J. The number of Guest Cottages permissible per primary parcel shall be determined by the County Health Department regulations.

Section 15.1.0 — Intent

It is the intent of this Chapter to require site plan review and approval for certain buildings, structures, and land development that can be expected to impact on natural resources, traffic patterns, abutting lots or parcels, or the character of future development in an area.

Section 15.2.0 — Uses Subject to Site Plan Review

- .01 Site Plan review and approval by the Township Planning Commission is required for all uses by right or by special land use permit in the Office, Commercial and Industrial Districts.
- .02 Any use which does not require site plan review under Section 15.2.0,A shall be reviewed by the Zoning Administrator to determine compliance with the provisions of this Ordinance.

Section 15.3.0 — Preliminary Site Plan Review

(For Manufactured Housing Communities see Sections 3.7.0., 3.8.0., & 3.9.0.)

- .01 Any use or development which occupies five (5) or more acres or which is intended to be developed in phases, may seek preliminary site plan approval, the purpose of which is to indicate the general design and layout of the project site, uses and buildings.
- .02 Application for preliminary site plan approval shall consist of the following items and information:
 - A. A completed application form.
 - B. Ten copies of the preliminary site plan at a scale of not less than one (1”) inch equals one hundred (100’) feet depicting: property dimensions, topographic elevation at two feet intervals, significant vegetation, water courses and water bodies, wetlands, 100 year flood plain, high risk erosion areas, existing public right of way, pavements, and/or private easements, existing and proposed buildings and structures, zoning classification of abutting properties, and the name of the person or firm who prepared the preliminary site plan.

- .03 The Zoning Administrator shall forward the preliminary site plan to the Township Planning Commission for first consideration.
- .04 If the preliminary site plan accompanies a special land use permit application, it shall be considered along with said application in accordance with procedures in Section 14.3.0.
- .05 If the preliminary site plan is independent of a special land use permit application, the Planning Commission shall review the site plan and approve, approve with conditions, or deny the plan, stating the reason(s) for denial.
- .06 Approval of the preliminary site plan is valid for a period of twelve (12) months. If a final site plan for the development or portion thereof has not been submitted during the twelve (12) month period, approval of the preliminary site plan shall become null and void. The time limit may not be extended.

Section 15.4.0 — Final Site Plan Review

(For Manufactured Housing Communities final site plan review and approval is conducted by the Michigan Manufactured Housing Commission.)

- .01 An application for final site plan review shall consist of the following items and information:
 - A. A completed application form supplied by the Zoning Administrator.
 - B. Nine (9) copies of a final site plan shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a minimum scale of 1"=20' if the subject property is less than three (3) acres and 1" = 50' if three (3) acres or more. Included on the site plan will be all dimensions and the following:
 - 1. **General Information.**
 - a) Proprietor's name, address, and telephone number.
 - b) Name, address, and telephone number of the person or firm whether architect, engineer, surveyor, landscape architect, or planner (with professional seal) who prepared the final site plan.
 - c) Date (month, day, year), including revisions.
 - d) Title block.
 - e) Scale.
 - f) North point.
 - g) Location map drawn at a scale of 1" = 2000' with north point indicated.
 - h) Existing lot lines with dimensions, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100') feet of the site including those located adjacent on the opposite side of a public street right-of-way.
 - i) Proposed lot lines with dimensions, property lines and all structures, parking areas, etc., within the site, and within one hundred (100') feet of the site.

- j) Centerline and existing and proposed right-of-way lines.
- k) Zoning classification of petitioner's parcel and all abutting parcels.
- l) Required building setback lines and yard dimensions.
- m) Gross acreage figure.
- n) Proximity to major thoroughfare and/or section corners and abutting public and private streets.

2. Physical Features.

- a) Proposed locations of access drives, street intersections, driveway locations, sidewalks, signs, curbing, and acceleration, deceleration, and passing lanes.
- b) Location of existing and proposed service facilities above and below ground, including:
 - i. storage, loading, and disposal areas for chemicals, hazardous substances, salt, and fuels.
 - ii. water main, hydrants, pump houses, sandpipers, and building services and sizes.
 - iii. sanitary sewers and pumping stations.
 - iv. storm water control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways, and other facilities, including calculations for sizes.
 - v. location of all easements.
- c) All buildings with dimensioned floor plans and typical elevation views of proposed structures.
- d) Dimensioned parking spaces and calculations, handicapped parking spaces, drives, and method of surfacing.
- e) Location and dimensions of any directional pavement markings, traffic control signs or devices.
- f) Exterior lighting locations and illumination patterns.
- g) Location and description of all existing and proposed landscaping, berms, fencing, and walls.
- h) Sidewalks, bike paths, and any proposed common open space and recreational facilities
- i) Trash receptacle pad location and method of screening.
- j) Transformer pad location and method of screening.
- k) Dedicated road or service drive locations.
- l) Entrance details including sign locations and size.
- m) Designation of fire lanes.

- n) Any other pertinent physical features.

3. Natural Features.

- a) Existing topography with a maximum contour interval of two (2) feet indicated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated.
- b) A grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
- c) Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, 100-year flood plain elevation and limits, and ordinary high water mark, any location of high risk erosion areas on the site.
- d) Location of other natural resource features, including woodlands.

4. Additional Requirements for Multiple-Family and Planned Unit Development Projects.

- a) Density calculations by type of unit by bedroom count.
- b) Designation of units by type of unit in each building.
- c) Carport locations and details where proposed.
- d) Specific amount of recreation space and locations.
- e) Type of recreation facilities to be provided in recreation space.
- f) If proposed, details of community building and fencing of swimming pool.

5. Additional Requirements for Commercial and Industrial Developments.

- a) Loading/unloading areas.
- b) Gross and useable floor area.
- c) Number of employees in peak usage.

C. The final site plan for developments that have been proposed in phases shall generally conform to the approved preliminary site plan.

D. The Planning Commission may require written statements and analysis relative to the impacts of a development included on a final site plan for the following:

- 1. Streets, traffic flow, traffic safety, service drive feasibility, and need for traffic control devices.
- 2. Fire protection, police protection, water supply, wastewater disposal, site drainage outlet, school enrollment, or environment.

.02 REVIEW OF FINAL SITE PLAN

The Planning Commission shall receive and review all final site plans. It shall approve, approve with conditions, or deny the site plan. Whenever a final site plan is denied, the reasons for the denial shall be stated and included in the minutes of the meeting at which the action is taken.

.03 APPROVED FINAL SITE PLANS

The Zoning Administrator, following final site plan approval, shall sign and mark the final site plan as approved, including the date of approval thereon. A copy of the approved site plan shall be maintained in the Township files and a copy shall be returned to the applicant.

Section 15.5.0 — Validity of Approved Final Site Plan

- .01 Approval of any final site plan is valid for a period of one (1) year. If physical construction on the site has not begun within the period, the final site plan approval shall become null and void. Minor site grading shall not be considered physical construction pursuant to the approved final site plan.
- .02 Upon written application to the Planning Commission prior to the end of the one (1) year period, a single extension shall be granted for good cause shown.

Section 15.6.0 — Standards for Site Plan Approval

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and other requirements of this Ordinance are met, the site plan shall be approved:

- .01 For new uses or reuse of lots or parcels having frontage on a state trunkline highway, the number, design and location of access driveways and other access provisions shall comply with Sections 3.1.0 and 3.2.0.
- .02 Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with requirements of Chapter 16.
- .03 All elements of the site plan shall be designed to take account of the site's topography, the site size, and the character of buildings and uses on adjoining property. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property.
- .04 The existing landscape shall be preserved in its natural state in so far as is practical.
- .05 The site plan shall provide for reasonable visual privacy for dwelling units located or to be located thereon. Fences, walls, barriers, and landscaping shall be used to accomplish this purpose.
- .06 All buildings or groups of buildings shall be arranged to permit ready access of emergency vehicles as required by the Township Fire Department.
- .07 There shall be provided a pedestrian circulation system that is separate from the vehicular circulation system. In order to provide for pedestrian safety, special measures such as crosswalks may be required in the vicinity of schools, public playgrounds, shopping centers or other use that generates considerable pedestrian movement.
- .08 All streets or pedestrian facilities on site shall be designed and located to permit connection with present or future similar facilities in the vicinity.

- .09 Appropriate measures shall be taken to ensure that removal of surface storm water runoff will not adversely affect adjoining properties or existing public storm drainage systems. The use of retention or detention ponds may be required where the public storm drainage outlet for the site is inadequate to accommodate part or all of the new storm water flow. Surface water on all paved areas shall be collected at regular intervals so that it will not obstruct movement of vehicles or pedestrians.
- .10 All loading and unloading areas and outdoor storage, including storage of refuse, shall be screened by an opaque fence, wall or landscape screen of not less than six (6) feet in height.
- .11 All building materials in conformity, including but not limited to Section 3.40.0.

Section 15.7.0 — Conditions of Site Plan Approval

- .01 As part of an approval for any site plan, the Planning Commission may impose additional conditions or limitations as in its judgment may be necessary for protection of public health and safety, general welfare or public interest.
- .02 Such conditions or limitations shall relate to and ensure that the review standards contained in Section 15.6.0 are met.
- .03 A record of conditions imposed shall be affixed to the approved final site plan and a copy maintained in the office of Township Clerk, all approved site plans and conditions, if any, shall attach to the real property, regardless of ownership. Conditions shall remain unchanged unless an amendment to the site plan is approved.
- .04 The Zoning Administrator shall make periodic inspections of developments for which a final site plan has been approved. Noncompliance of the development with the approved site plan shall be enforced by the Zoning Administrator using the procedure set forth in Section 14.4. 0.03.E.

Section 15.8.0 — Amendments to Approved Site Plans

Whenever a change to the approved site plan is proposed, the Zoning Administrator shall determine if the change constitutes a major or minor amendment using criteria as follows:

- .01 A major amendment to the site plan shall require approval of the body first granting approval. Major amendments shall include:
 - A. The addition of land to the area included in the approved site plan.
 - B. The establishment of an additional use(s).
 - C. The addition of more interior floor area, dwelling(s), or outdoor display area.
 - D. An expansion or increase in the intensity of use(s).

- .02 Any change not involving items included in Section 15.8.0.01, A – D above, shall be reviewed by the Zoning Administrator for compliance with this Ordinance. If approved, the Zoning Administrator shall make a record of such approval and place a copy in the office of the Township Clerk.

Section 15.9.0 — Appeal of Final Site Plan Decisions

- .01 Any person aggrieved by the decision of the Zoning Administrator or the Planning Commission in granting or denial of a final site plan shall have the right to appeal the decision to the Zoning Board of Appeals (ZBA). The appeal shall be filed with the Township Clerk within five (5) days of the decision. The appeal shall state in writing the aggrieved party's grounds for appeal. The appeal shall act to stay any certificate of zoning compliance, building permit, or construction of improvements on the property.
- .02 The ZBA shall hold an appeal in accordance with Section 19.3.0.
- .03 An appeal of a ZBA decision concerning a final site plan shall be to the Sanilac County Circuit Court.

Section 16.1.0 — Intent

It is the intent of this Chapter to require buffer zones and landscape screening to reduce negative impacts between potentially incompatible land uses and to provide landscaping within parking lots. It is further intended to preserve and enhance aesthetic qualities, privacy, and land values of the Township.

Section 16.2.0 — Buffer Zones Required

- .01 A buffer zone shall be required on the subject lot or parcel between zoning districts as indicated on the Table on the next page. For manufactured housing community development proposals see Section 3.8.0.10.
- .02 A buffer zone shall be required, even if the abutting parcel is unimproved land.
- .03 Whenever a developed parcel of land changes to a more intense use, the use expands, or site plan approval is required, a buffer zone shall be established in accordance with requirements of this chapter.
- .04 If existing conditions on the lot or parcel are such that compliance with the buffer zone requirements are not possible, then the Planning Commission shall determine the character of the buffer zone to be required based on the following criteria:
 - A. Traffic impacts.
 - B. Increased building or parking coverage on the parcel.
 - C. Increased outdoor display area.
 - D. Physical characteristics of the site, such as topography, existing building locations, and site access.
 - E. Other physical conditions that prevent or impede the ability to place the required buffer zone.
- .05 If two zoning districts requiring a buffer zone are separated by a public street, the design of the buffer zone shall be determined by the Planning Commission based on criteria in Section 16.2.0.04 A–E.

LANDSCAPE BUFFER MATRIX

		ADJACENT ZONE							
		A-1	AR	R-1	R-2	R-3	O	C	I
SUBJECT ZONE	A-1								
	AR								
	R-1								
	R-2								
	R-3		C	C	C				
	O		B	B	B	B			
	C		B	B	B	B	C		
	I	A	A	A	A	A	A	A	
<p>LEGEND</p> <p>A = Buffer Zone A B = Buffer Zone B C = Buffer Zone C</p> <p><input type="checkbox"/> No Buffer Required</p>									

Section 16.3.0 — Buffer Zone Development Standards

Required buffer zone shall comply with the following standards:

.01 BUFFER ZONE LEVEL A (SEE FIGURE 11)

- A. Fifty (50') ft. minimum width.
- B. The equivalent of one (1) canopy tree per twenty (20') linear feet of buffer zone length.
- C. Six (6') ft. high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- D. If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.
- E. If a screen wall or fence is used for all or part of the buffer zone, then;
 - 1. The equivalent of four (4) shrubs are required per twenty (20') linear feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting.
 - 2. All required plant materials shall be on the exterior side of the buffer strip.
- F. All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- G. All applicable standards in Section 16.8.0.

.02 BUFFER ZONE LEVEL B (SEE FIGURE 12)

- A. Thirty (30') ft. minimum width.
- B. The equivalent of one (1) canopy tree per thirty (30') linear feet of buffer zone length.
- C. Six (6') ft. high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- D. If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.
- E. If a screen wall or fence is used for all or part of the buffer zone, then:
 - 1. The equivalent of four (4) shrubs are required per twenty (20') linear feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting.
 - 2. All required plant materials shall be on the exterior side of the buffer strip.
- F. All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- G. All applicable standards in Section 16.8.0.

.03 BUFFER ZONE LEVEL C (SEE FIGURE 13)

- A. Ten (10') ft. minimum width.
- B. The equivalent of one (1) canopy tree per twenty (20') linear feet of buffer zone length.
- C. Six (6') ft. high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- D. If berming is used for all or part of the buffer zone, then;
 - 1. All required plant material shall be placed on the top and slope facing the exterior of the site.
 - 2. The minimum buffer zone width shall be increased as needed to accommodate a maximum slope of three ft. horizontal to one ft. vertical.
- E. If a screen wall, or fence is used for all or part of the buffer zone, then:
 - 1. The equivalent of four (4) shrubs are required per twenty (20') linear feet of wall or fence with at least fifty (50%) percent being twenty-four (24") inches high at the time of planting.
 - 2. All required plant materials shall be on the exterior side of the buffer strip.
 - 3. All applicable standards in Section 16.8.0.

Figure 12: Buffer Zone – Level A

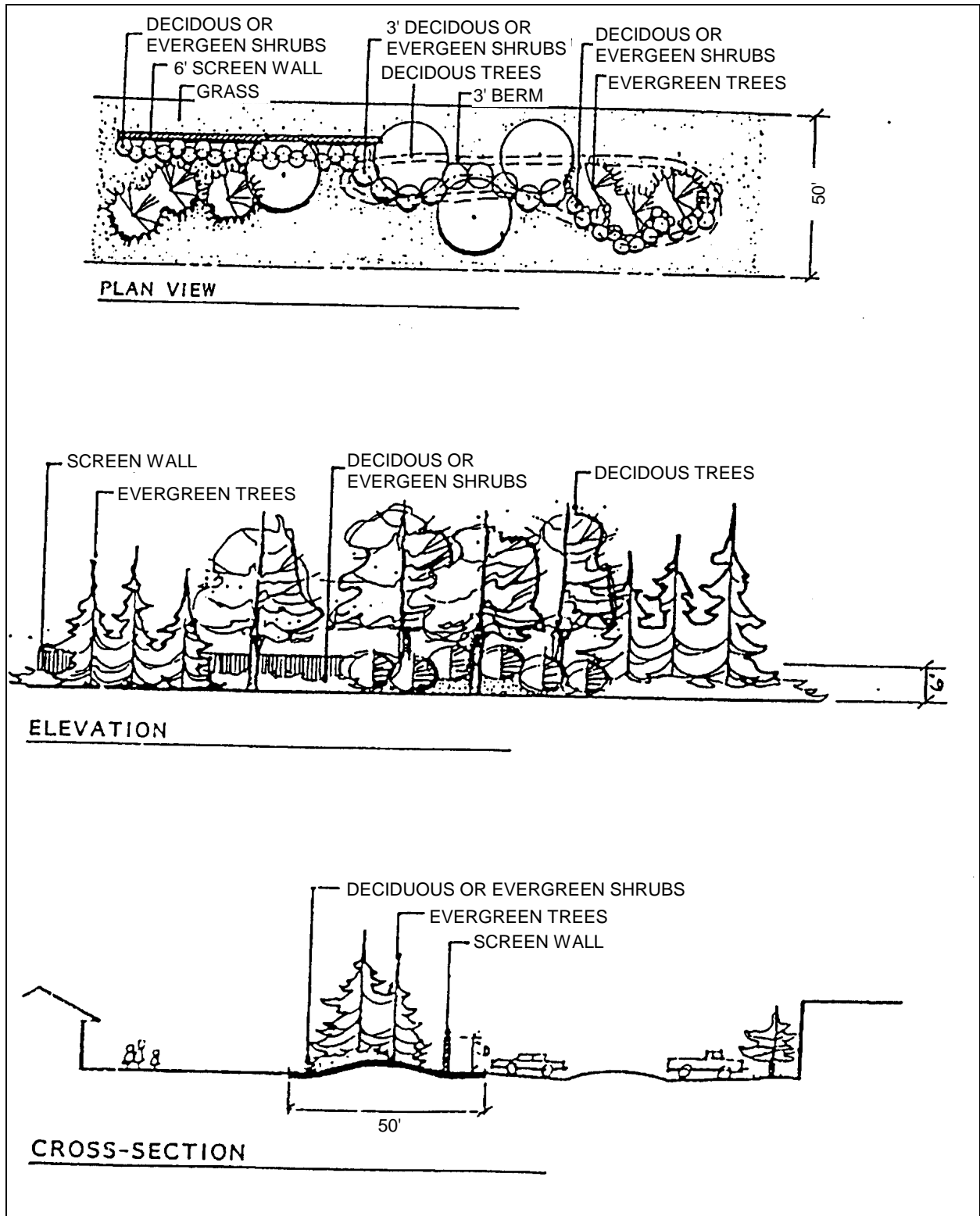
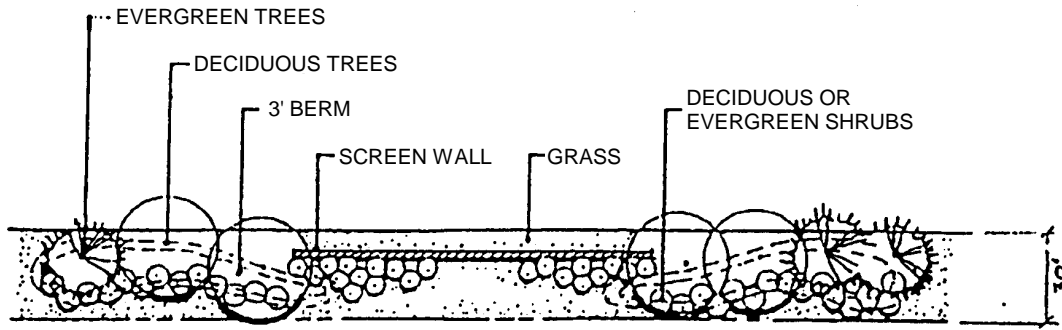
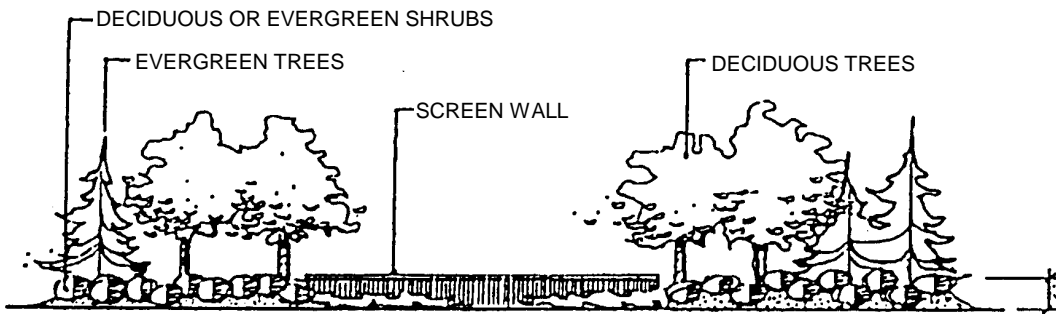


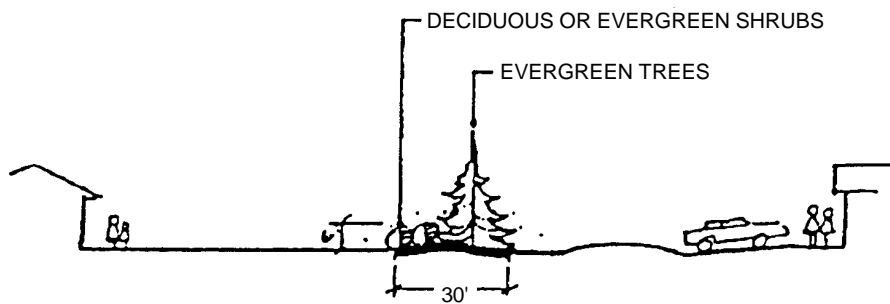
Figure 13: Buffer Zone – Level B



PLAN VIEW

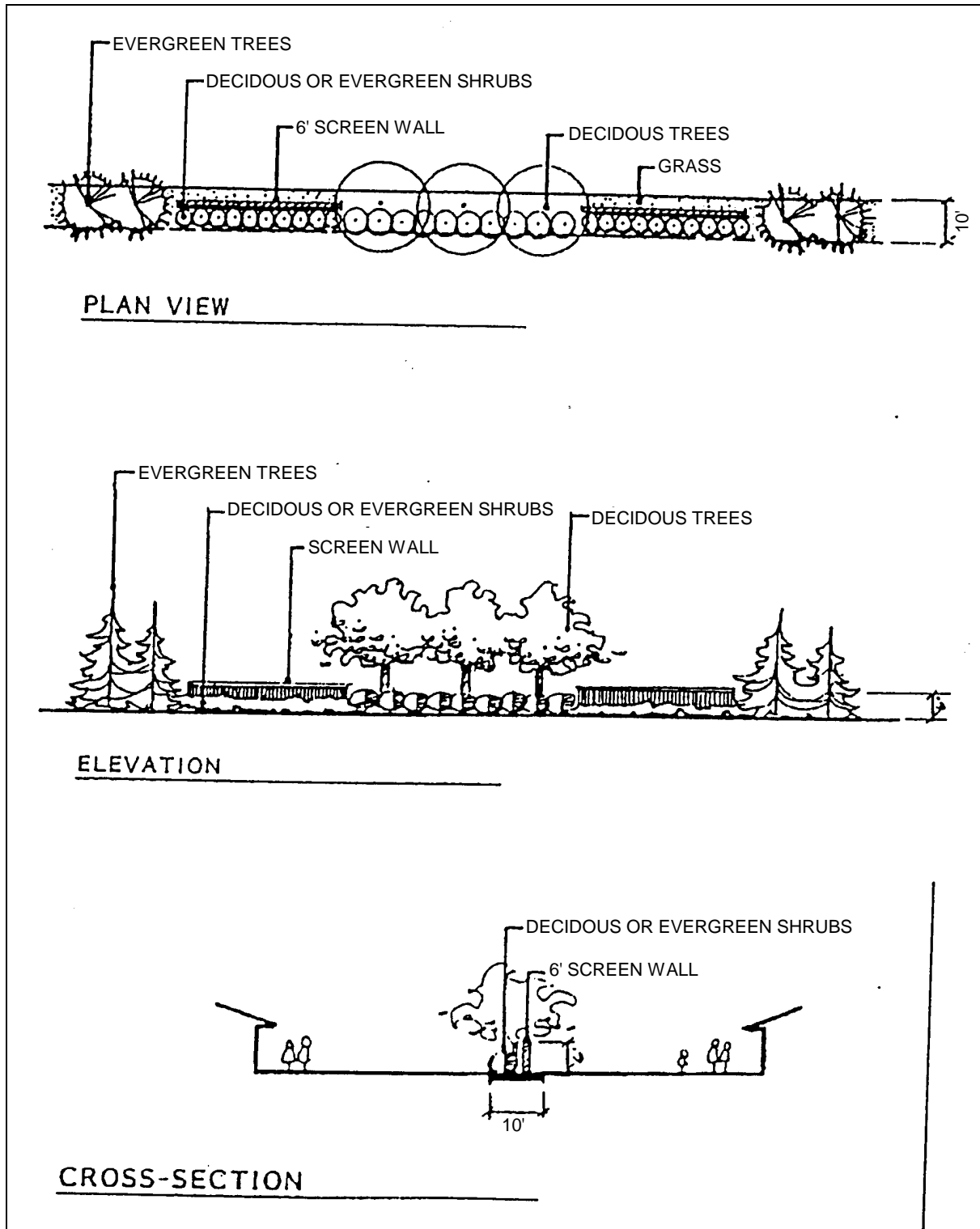


ELEVATION



CROSS-SECTION

Figure 14: Buffer Level – Zone C



Section 16.4.0 — Off-Street Parking Areas (See Figures 14 & 15)

.01 Off-street parking areas containing eight (8) or more parking spaces shall be provided with landscaping in accordance with the following:

8–50 spaces: 1 canopy tree
and 100 sq. ft. of landscape area per 8 spaces.

51–100 spaces: 1 canopy tree
and 100 sq. ft. of landscape area per 10 spaces.

101 + spaces: 1 canopy tree
and 100 sq. ft. of landscape area per 12 spaces.

.02 In no case shall any buffer zone or greenbelt required in Sections 16.2.0, 16.3.0, and 16.6.0 be considered a substitute for off-street parking landscape area.

Figure 15: Landscape Standards for Greenbelt and Off-Street Parking

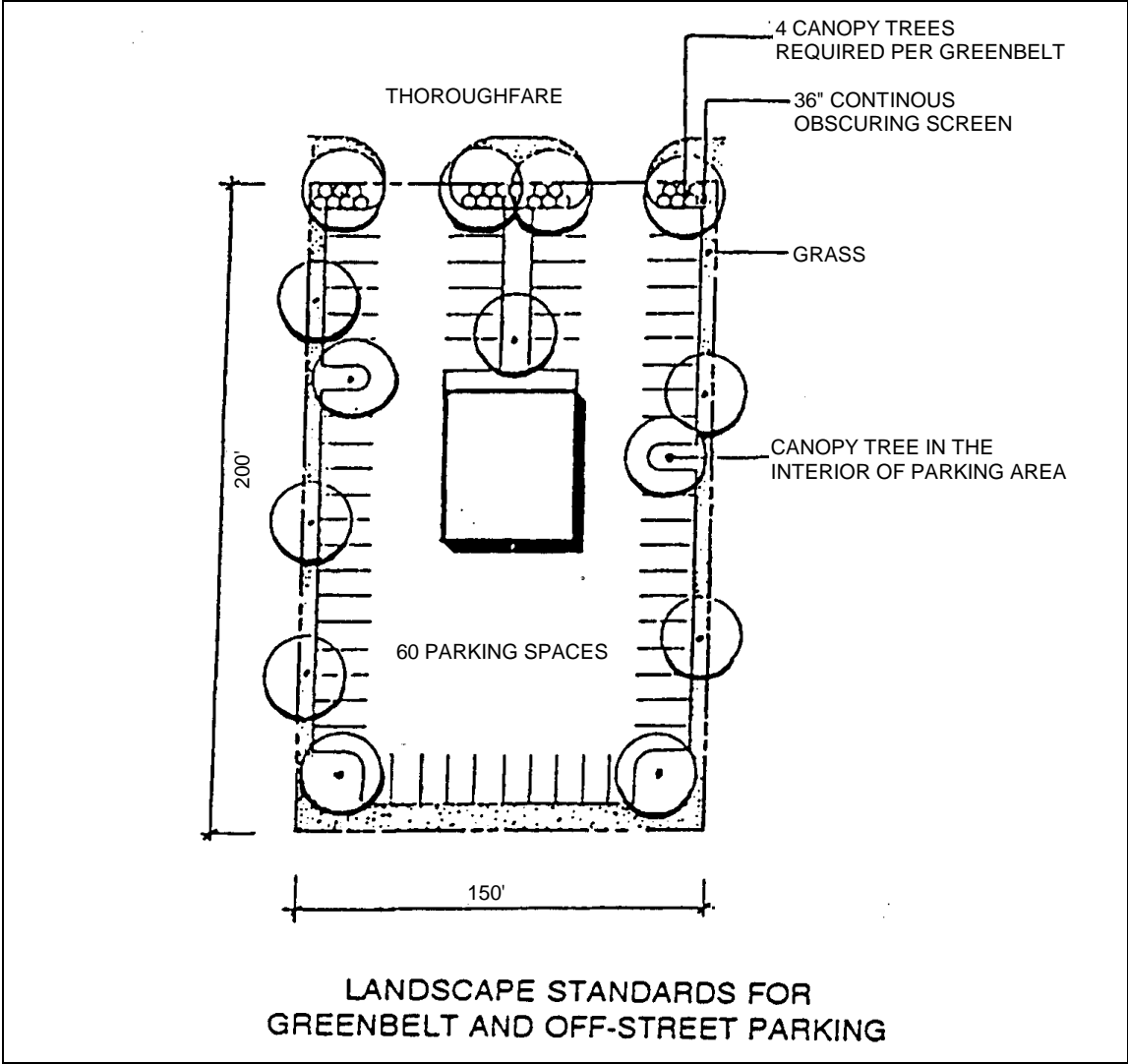
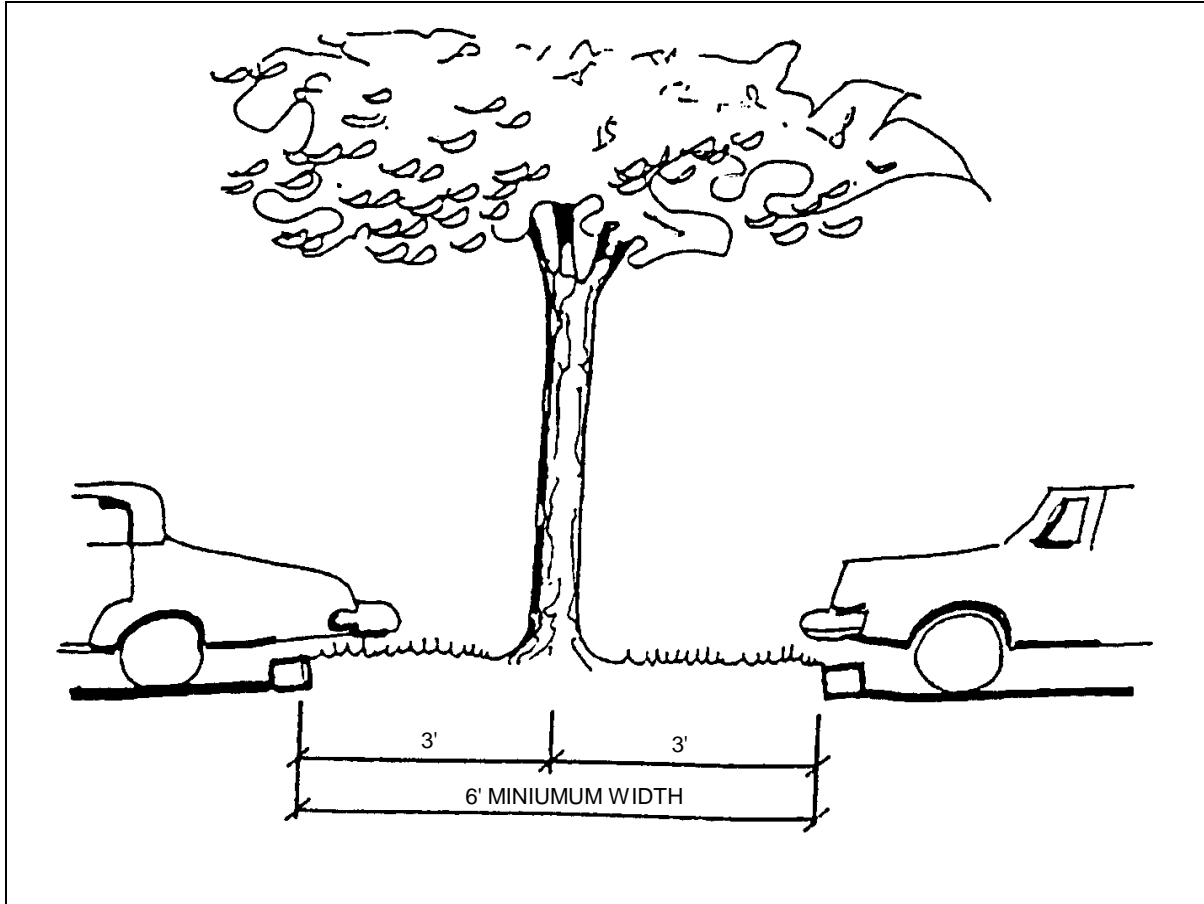


Figure 16: Typical Off-Street Parking Landscape Area



Section 16.5.0 — Off-Street Parking Area Landscape Standards

Required parking lot landscape areas shall comply with the following:

- .01 The minimum size of a landscape area shall be 60 sq. ft. and 6 ft. wide.
- .02 All landscaped areas shall be covered by grass, shredded bark, stone, or a living ground cover.
- .03 All landscape areas shall contain at least one canopy tree. The tree shall be located to prevent damage by motor vehicles.
- .04 Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces and shall not obscure traffic signs or fire hydrants.
- .05 At least twenty-five (25%) percent of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten (10') ft. from the boundary of the parking lot.
- .06 All landscape area shall be protected by raised curbs or similar barrier.

- .07 Where any parking area, excepting areas serving one or two family dwellings, abuts or faces a public right of way, a three (3') foot high continuous obscuring screen shall be required between the parking area and the public road right of way line. The screen may be comprised of plant material, berming, or any combination of these elements.
- .08 All applicable standards in Section 16.8.0.

Section 16.6.0 — Greenbelts

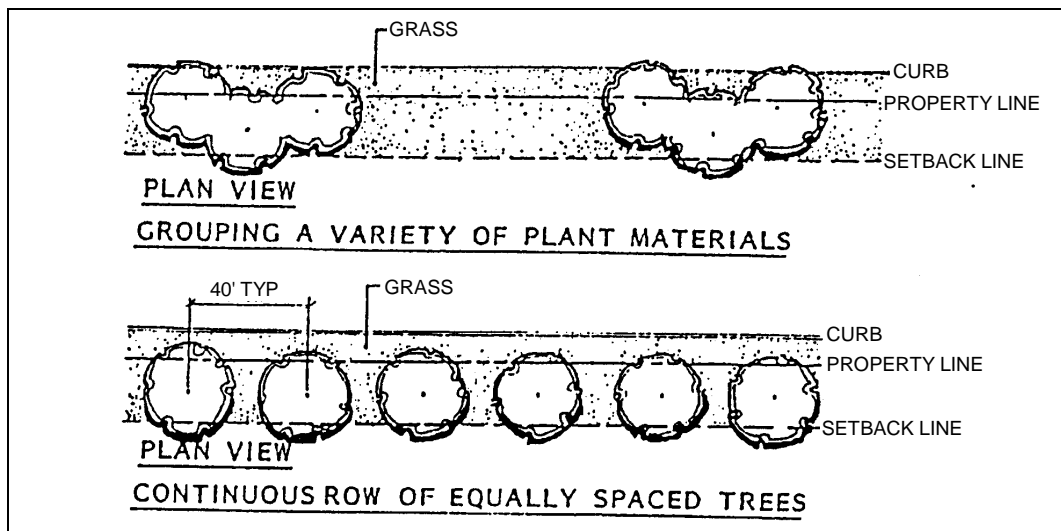
- .01 Greenbelts shall be required where any developed parcel abuts or faces a public right of way in the Office, Commercial or Industrial Districts.
- .02 If a buffer zone is required along a public right of way, then the greenbelt requirement shall be waived.

Section 16.7.0 — Greenbelt Development Standards

All greenbelts shall comply with the following standards:

- .01 One canopy tree for every forty (40) linear feet of frontage abutting a public right of way.
- .02 All greenbelts shall be covered by grass.
- .03 The width of the greenbelt shall correspond to the required front setback requirements for off-street parking areas contained in Chapter 18.
- .04 All applicable standards in Section 16.8.0.

Figure 17: Greenbelts

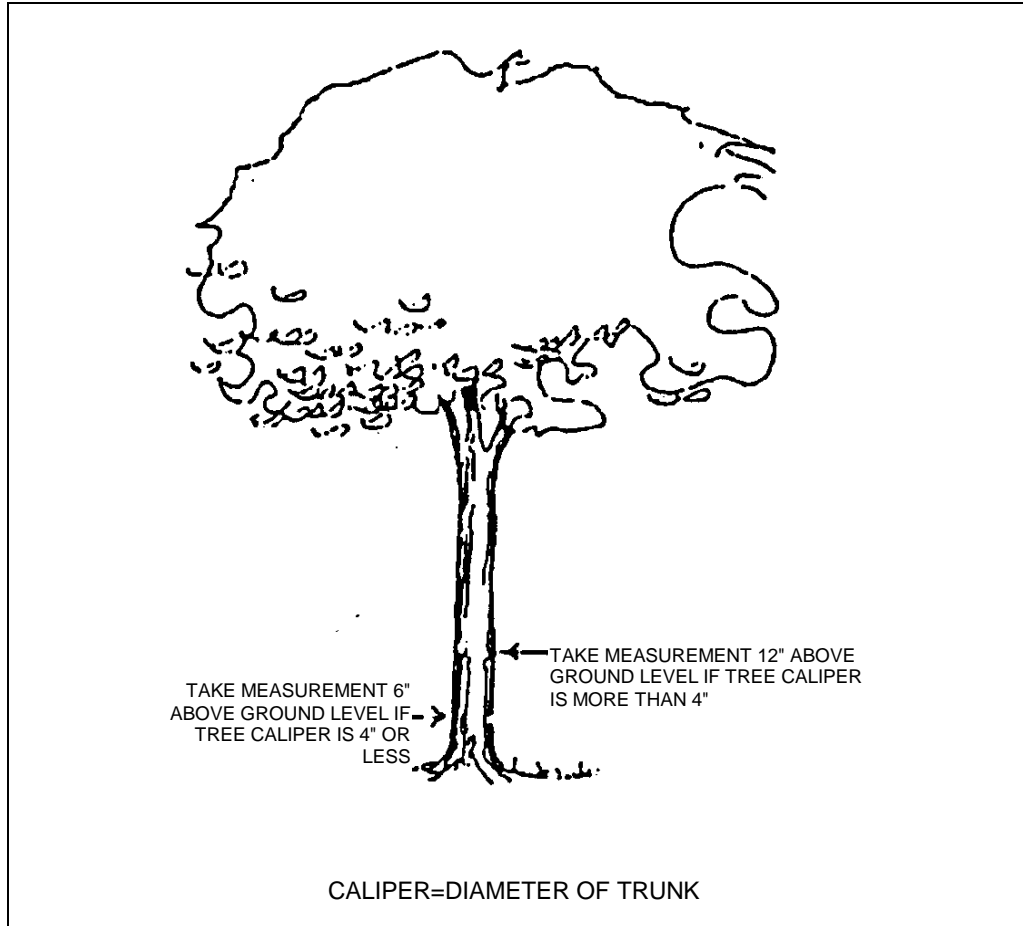


Section 16.8.0 — General Landscape Development Standards

.01 MINIMUM PLANT MATERIAL STANDARDS

- A. All plant material shall be hardy to Sanilac County, free of disease and insects.
- B. All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.

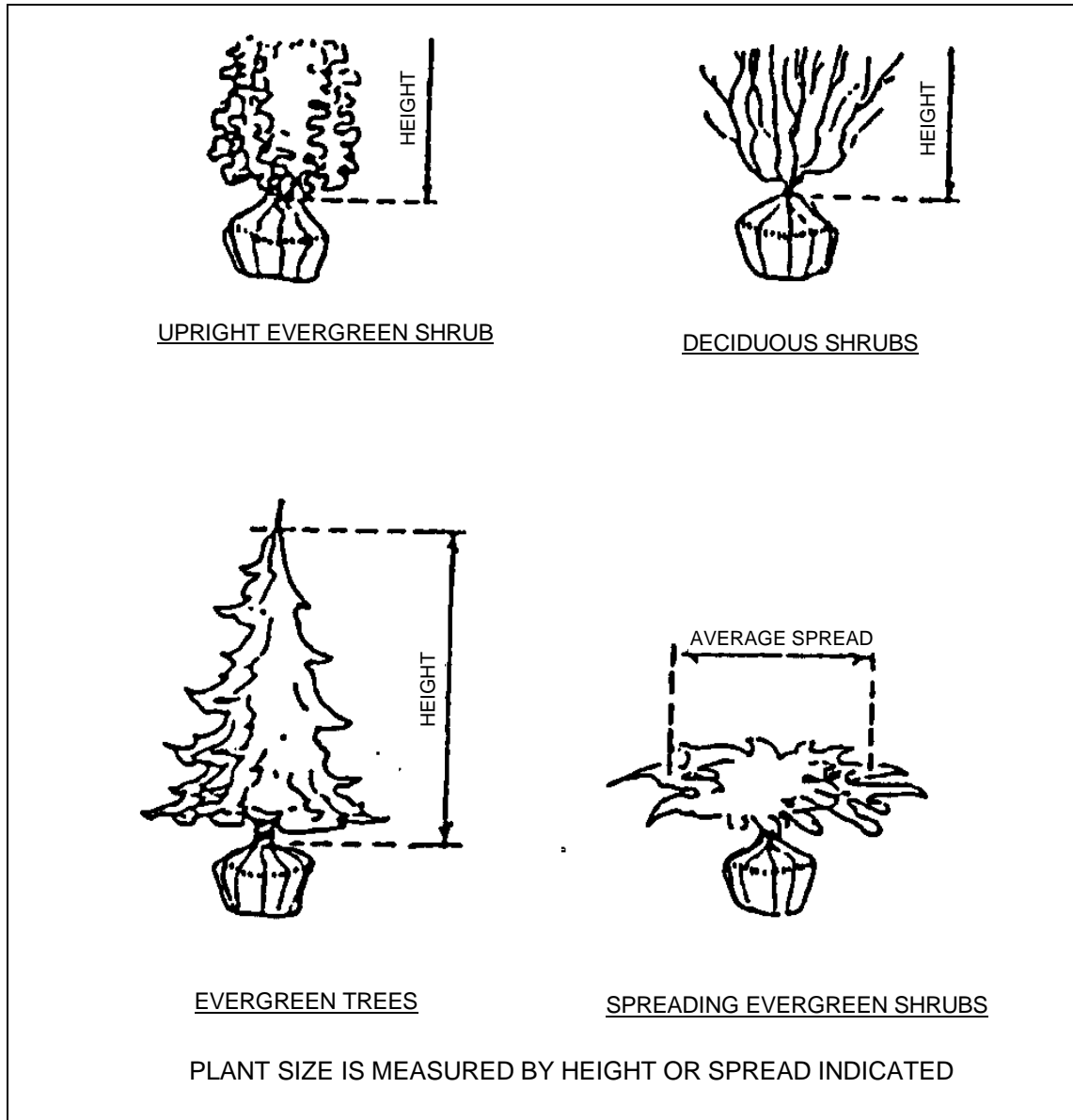
Figure 18: Tree Caliper Measurements



C. Minimum plant size at time of planting (See Figures 18 and 19):

Deciduous canopy tree:	2½" caliper
Deciduous Ornamental tree:	2" caliper
Evergreen Tree:	6' height
Deciduous shrub:	2' height
Upright evergreen shrub:	2' height
Spreading evergreen shrub:	18" spread

Figure 19: Plant Sizes

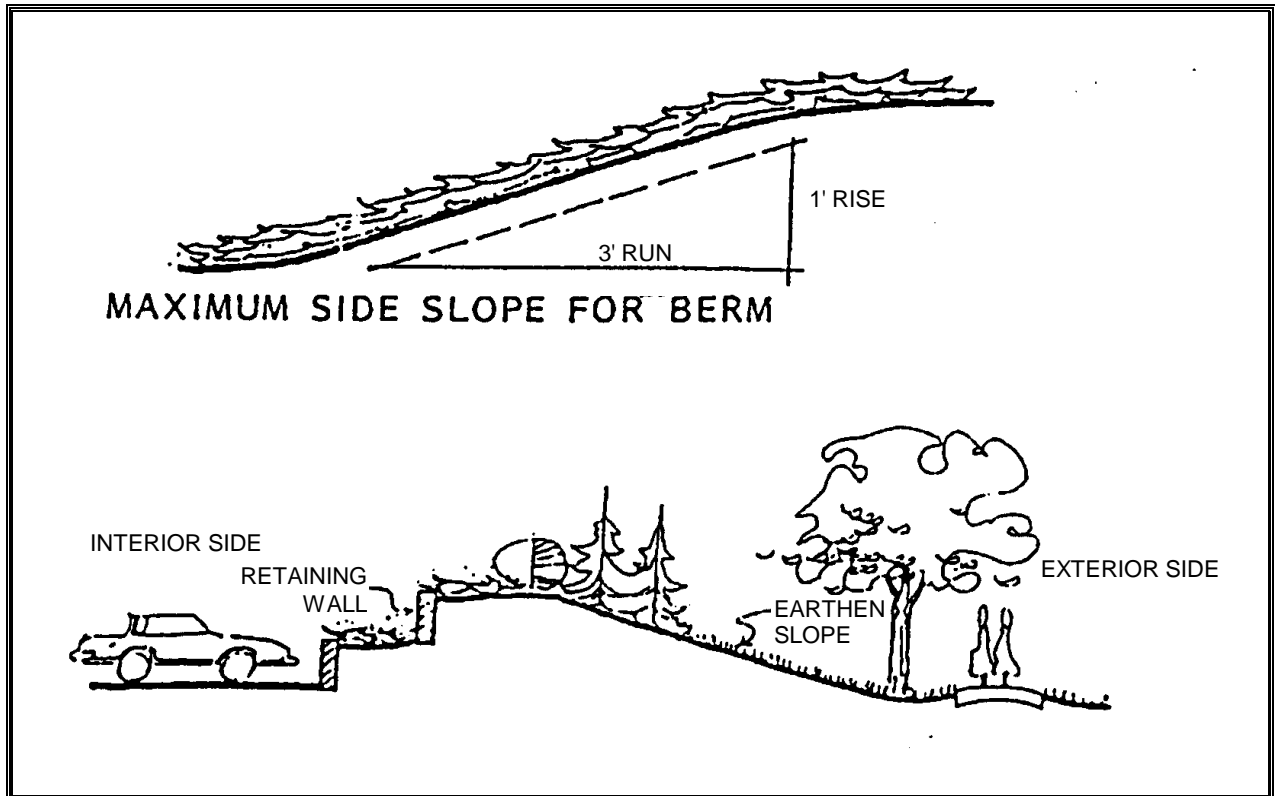


- D. Existing plant material which complies with the standards of this Chapter may be retained and shall count as credit toward meeting the standards of this Chapter.

.02 MINIMUM STANDARDS FOR BERMS

- A. Berms shall be constructed so as to maintain a side slope not to exceed a one (1') ft. rise to three (3') ft, horizontal ratio. (See Figure 20).
- B. Berm areas not containing plants shall be covered with grass or other living ground cover.
- C. Berms shall be constructed so as not to alter drainage patterns on site or an adjacent properties.
- D. If the berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

Figure 20: Berm with Retaining Walls



.03 MINIMUM STANDARDS FOR SCREEN WALLS AND FENCES

- A. All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- B. The wall or fence may be constructed with opening(s) that do not exceed twenty (20%) percent of the wall surface. The opening(s) shall allow passage of air but shall not reduce the obscuring effect of the wall.
- C. Screen walls or fences shall be constructed so as not to alter drainage patterns on site or on adjacent properties.

.04 Storm water detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.

.05 Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six (6') feet in height.

.06 REQUIREMENTS FOR PROJECTS DEVELOPED IN PHASES

If a land development is constructed in phases, required landscaping may also be installed in phases. Buffer zones or screening necessary to obscure and protect abutting uses may be required in their entirety within the first phase.

.07 INSTALLATION AND MAINTENANCE PROVISIONS

All landscape materials required by this Ordinance shall be maintained in good condition. No required plant materials or landscape area shall be eliminated from the site. Dead or diseased plant materials shall be replaced within one growing season.

CHAPTER 17:

Reserved for Future Use

17

Section 18.1.0 — Scope of Regulations

- .01 Any time a building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- .02 No parking space or loading area that exists at the time of adoption of this Ordinance shall be reduced or eliminated in any manner below the requirements of this Ordinance.

Section 18.2.0 — Location of Parking and Loading Areas

- .01 Off-street parking and loading areas required by this Ordinance shall be located on the same lot or parcel as the use for which parking or loading areas are required.
- .02 \Where two or more contiguous lots or parcels are under one ownership, parking and loading areas may be located on any one or more of these lots or parcels.

Section 18.3.0 — Parking and Loading Area Requirements

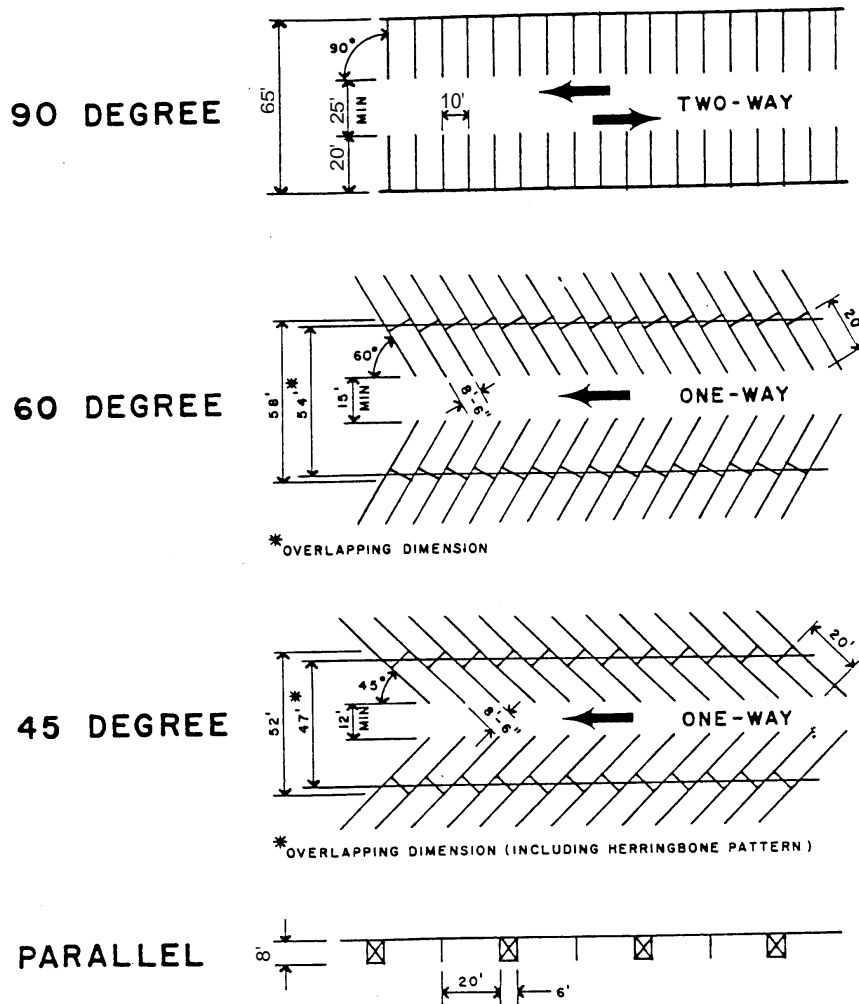
- .01 Plans showing off-street parking and loading spaces shall be provided at the time of application for a Certificate of Zoning Compliance or final site plan approval. Parking and loading space plans shall conform to requirements of Section 15.4.0. All parking and loading spaces required by this Ordinance shall be completed prior to establishment of the use, or occupancy of the building they are intended to serve.
- .02 Every lot or parcel of land used for parking spaces shall be developed in accordance with the following requirements:
 - A. All off-street parking areas shall be drained so as to prevent water run-off onto abutting properties and shall be hard surfaced with asphalt or concrete, excepting parking for single family and two family dwellings, and shall remain dust free.

- B. All off-street parking and loading area that make it necessary for vehicles to back directly onto a public road are prohibited, provided this prohibition shall not apply to single family and two family dwellings.
- C. Parking is not permitted within the first thirty (30') feet of a required front yard in the Office, Commercial and Industrial Districts.
- D. Loading areas may not occupy any front yard setback area in Office, Commercial or Industrial Districts.

Section 18.4.0 — Mixed Use/Joint Parking Facilities

In the case of mixed uses in the same building or on the same lot, the required on-site parking shall be the total sum of the requirements for each use computed separately.

Figure 21: Off-Street Parking Space and Maneuvering Aisle Design Standards



Section 18.5.0 — Parking Space and Maneuvering Aisles

All parking spaces and maneuvering aisles shall comply with the design standards shown in Figure 26.

Section 18.6.0 — Units of Measurement for Determination of Required Off-Street Parking and Loading Areas

.01 FLOOR AREA

- A. Where floor area is the unit for determining the required number of off-street parking spaces and loading spaces, said unit shall mean the gross floor area of the building.
- B. Where net floor area is indicated as the unit of measure, the net floor area shall be determined by subtracting fifteen (15%) percent of the gross floor area from the gross floor area.

.02 PLACES OF ASSEMBLY

In stadiums, sports arenas, church and other places of assembly in which any portion of the seating consists of benches, pews, or similar seating, each eighteen (18") inches of such seating shall be counted as one seat.

.03 EMPLOYEES

For requirements stated in terms of employees, the calculation shall be based upon the largest number of employees likely to be on the premises during any work shift.

Section 18.7.0 — Schedule of Off-Street Parking Requirements

Each use shall provide parking spaces according to the following schedule:

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
.01 RESIDENTIAL	
A. Single-family, two family or multiple family with three or more bedrooms.	Two for each dwelling unit
B. Multiple family with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit
C. Efficiencies.	One for each dwelling unit.
D. Manufactured Home Parks.	Two for each manufactured home or Manufactured home site.
E. Elderly housing.	For independent living units, two for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee.
.02 INSTITUTIONAL	
A. Churches or Temples.	One for each three seats.
B. Hospitals.	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
C. Nursing homes, homes for the aged and convalescent homes.	One for each four beds, plus one for each staff doctor, plus one for each two additional employees.
D. Day care centers.	Two spaces, plus one for every eight children licensed capacity.
E. Elementary and junior high schools.	One per teacher plus one for each additional employee or administrator, plus requirements of the auditorium or assembly hall therein.
F. High schools.	One for each teacher plus one for each ten students, plus one for each employee or administrator, plus requirements of the auditorium or assembly hall therein.
G. Theaters.	One for each four seats plus one for each two employees.
H. Auditoriums and assembly halls.	One for each three seats plus one for each two employees.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
I. Stadiums, sports arenas or similar places of outdoor assembly.	One for each three seats.
J. Dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ballrooms or any similar type of use.	One space for every two persons allowed within the maximum occupancy load as determined by the Michigan Building Code, or one for each 100 square feet.
K. Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs, or similar uses.	One per every four persons of maximum anticipated capacity as determined by the Michigan Building Code.
L. Golf courses open to the general public.	Five for each golf hole and one for each employee, plus amount required for accessory use
.03 BUSINESS AND COMMERCIAL	
A. Retail centers containing between 25,000 and 400,000 square feet.	Four spaces per 1,000 square feet Net Usable Area (NUA).
B. Retail centers containing between 400,000 and 600,000 square feet.	Four and one-half spaces per 1,000 square feet NUA.
C. Retail centers containing greater than 600,000 square feet.	Five spaces per 1,000 square feet NUA.
D. Other retail not otherwise specified herein	Five spaces per 1,000 square feet of NUA.
E. Furniture and home furnishing stores (not including appliance stores).	One for each 800 square feet of NUA.
F. Supermarket, self-service food or beverage shop.	One for each 200 square feet of NUA.
G. Motor vehicle and manufactured home sales establishment	One for each 1,000 square feet NUA, plus one for each employee.
H. Restaurants, taverns, bars nightclubs	One space for each three persons allowed within the maximum occupancy load as established by the Michigan Building Code, plus one for each three employees.
I. Drive-in restaurants and self-service restaurants	One each 2.5 persons allowed within the maximum occupancy, plus one space for each employee on the largest shift.
J. Barber Shops, Beauty Salons.	Two for each barber or beauty operator chair/station plus one for every two employees.
K. Laundromats and coin operated dry cleaners.	One for each two washing machines.
L. Car washes.	One for each employee on the largest shift.
M. Auto-service station.	Two for each service bay, plus one for each employee, plus one for each road service vehicle.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
N. Auto-service station with sale of convenience goods.	The requirements for an auto-service station, plus one space per each fifty square feet of NUA devoted to non-gasoline sales area.
O. Bowling alley.	Five for each bowling lane, plus amount required for accessory uses.
P. Miniature or Par 3 golf course.	Three for each hole, plus one for each two employees.
Q. Video rental stores.	One for each 100 square feet Gross Floor Area (GFA) plus one for each employee on largest shift.
R. Funeral home or mortuary.	One for each fifty square feet in service parlors, chapels and reception areas plus one for each funeral vehicle maintained on the premises.
S. Hotel, motel or other commercial lodging establishment.	One space for each guest room, plus one for each two employees, plus amount required for accessory uses.
.04 OFFICES	
A. Banks, credit unions, and savings and loan establishments	One for each 150 square feet of NUA, plus one for each employee, plus two for each automatic teller machine.
B. Business and professional offices, not otherwise specified herein.	One for each 200 square feet of NUA.
C. Medical and dental offices or clinics.	One for each 150 square feet of NUA.
D. Office space in a retail shopping center occupying greater than 10% of the center's Gross Land Area (GLA).	One for each 500 square feet of GFA.
.05 INDUSTRIAL	
A. Industrial or manufacturing establishment, research and testing labs.	Two for each three employees computed on basis of maximum number employed at one time plus one for each company vehicle stored on the premises.
B. Warehouses, truck terminals.	One for each employee based on shift with most employees.
C. Mini-warehouse, storage.	See Chapter 14, Section 14.13.0,H.

.06 BARRIER FREE PARKING REQUIREMENTS

Barrier free parking spaces shall be provided in accordance with the requirements of the Sanilac County Building Inspector.

.07 Where a use is not specifically listed in Section 18.7.0, the parking requirements of a similar use shall apply. The Zoning Administrator shall make such determination.

.08 AGRICULTURAL TOURISM AND SEASONAL AGRICULTURAL USES

- A. For agricultural tourism and seasonal agriculturally related uses one space for each 500 square feet of retail area and one space for every 1000 square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc.
- B. For uses permitted by right under the agricultural district, parking facilities may be located on a grass or gravel area for seasonal uses such as road side stands, u-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.
- C. For uses permitted by special use permit parking may be either gravel or paved as determined by the Planning Commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the Planning Commission to accommodate seasonal peak demand.
- D. All parking areas shall be located in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
- E. Unpaved parking areas shall not be located in required side and rear parking setback areas. Paved parking areas must meet all design, landscape screening and setback requirements set forth in this zoning ordinance.

Section 18.8.0 — Off-Street Loading Requirements

.01 COMMERCIAL OR OTHER VEHICLES

- A. Parking of commercial vehicles in residential zoning districts that are rated over one ton capacity is prohibited.
- B. Open storage of commercial vehicles over one ton capacity, including semi-trucks and trailers, manufactured homes, tractors, bulldozers, earth movers, or other similar equipment is prohibited in any residential zoning district.

.02 PARKING OF RECREATIONAL VEHICLES AND EQUIPMENT

- A. Unless parked or stored within an enclosed building, all recreational vehicles shall be parked or stored so that they are no closer than twenty (20') feet to the edge of a public road right-of-way nor closer than five (5') feet to any side or rear lot line in any residential zoning district.
- B. Recreational vehicles shall not be parked or stored on a lot in any residential zoning district so as to obstruct vision of a driver entering a public street.

Section 19.1.0 — Membership and Term of Office

- .01 The Zoning Board of Appeals (ZBA) shall consist of five (5) members: a member of the Township Board of Trustees shall serve as either a regular ZBA member or as an alternate, a member of the Planning Commission, and three (3) or (four (4) if the Board of Trustee is an alternate) citizens of the Township appointed by the Township Board who shall be representative of the various interests and population distribution of the Township.
- .02 TERMS OF OFFICE
- A. The members of the Township Board and Planning Commission shall serve terms concurrent with their term on the Board or Commission.
 - B. The three additional members shall serve for three (3) year terms. These three-year terms shall be staggered so that one member is appointed each year.
 - C. A successor shall be appointed by the Township Board not more than 1 month after the term of the preceding member has expired or if a vacancy occurs.
 - D. An elected officer of the Township shall not serve as the chairperson of the ZBA.
 - E. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- .03 The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a regular member of the ZBA in the absence of a regular member if;
- A. The regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the ZBA, or
 - B. The regular member will be unable to attend meetings for a period of more than 30 consecutive days.
- .04 An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

- .05 The ZBA as constituted on the effective date of this Ordinance shall continue and, upon completion of current terms, appointments by the Township Board shall be based upon the manner and terms heretofore set forth.

Section 19.2.0 — Jurisdiction of the Zoning Board of Appeals

- .01 Subject to provisions of this Chapter, the ZBA shall have jurisdiction to decide applications for variance filed as hereafter provided:
- A. Where it is alleged by the appellant that there is an error in any order, requirement, permit, interpretation, decision, or refusal by the Zoning Administrator or other Township official or agency as to enforcement of, or other action under this Ordinance, the ZBA may affirm, modify, or reverse the order, requirement, permit, interpretation, decision or refusal. The ZBA shall have the power of the official from whom the appeal was taken. The authority does not include the power to review ordinance amendments or special land use permits.
 - B. Where, by reason of the shape, topography or other extraordinary situation or condition of the land, building or structure, or use or development of property or area immediately abutting the property, the literal enforcement of requirements of this Ordinance would involve practical difficulties in use of the land, building or structure.
 - C. NON-USE VARIANCE:
The applicant must show PRACTICAL DIFFICULTY.
 - 1. Whether strict compliance with area setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 - 2. Whether a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.
 - 3. Whether the plight of the owner is due to unique circumstances of the property.
 - 4. That the problem is not self created.
- .02 The ZBA shall interpret zoning district boundaries as provided in Chapter 4.
- .03 The ZBA shall consider and decide upon applications for expansion of non-conforming uses, buildings or structures.
- .04 The ZBA shall hear and decide any other matter referred to it by this Ordinance, the Township Board or Planning Commission.
- .05 Zoning Ordinance interpretation.

Section 19.3.0 — Procedures of the Zoning Board of Appeals

- .01 The ZBA shall adopt rules and regulations to govern its procedures and shall determine its own officers, except that the member from the Township Board shall not serve as Chairman.
- .02 Meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may specify in its rules of procedure.
- .03 The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, determination or interpretation of the Zoning Administrator or Planning Commission (except as otherwise provided) or provision of this Ordinance or to decide in favor of an applicant on any matter upon which they are required to pass or effect a variation of this Ordinance.
- .04 All meetings shall be open to the public. All minutes shall be filed in the office of the Township Clerk and shall be made available upon request of interested parties.
- .05 Not Voting On the Same Issue Twice
 - A. Any member of the Appeals Board shall avoid situations where they are sitting in judgement and voting on a decision, which they had a part in making. As used here, sitting in judgement and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:
 - 1. When the appeal is of an administrative or other decision by Planning Commission and the member of the Appeals Board sits both on the Planning Commission and Appeals Board.
 - 2. When the appeal is of an administrative or other decision by the legislative body and the member of the Appeals Board sits both on the legislative body and Appeals Board.
 - 3. When the appeal is of an administrative or other decision by any committee of the Planning Commission, legislative body, other committee, and the member of the Appeals Board sits both on that committee and Appeals Board.

Section 19.4.0 — Application and Hearing Procedures

- .01 FILING OF APPEAL
 - A. An appeal shall be filed by any person or firm aggrieved with the Zoning Administrator on a form provided for that purpose.
 - B. A fee, the amount of which shall be set by the Township Board from time to time, shall be paid at the time of filing the Appeal.
 - C. The filing of an appeal stay all proceedings in furtherance of the action appealed, unless a stay would create imminent peril to life or property.

- .02 PUBLIC HEARINGS
 - A. The Zoning Board of Appeals shall fix a reasonable time and date for the public hearing, not to exceed forty-five (45) days from the date of filing with the Zoning Administrator.
 - B. Public Notices shall follow procedures established in Section 22.2.01
- .03 The Zoning Administrator shall provide the ZBA copies of all papers constituting the record upon which the action appealed was taken.
- .04 The applicant or his agent shall appear at the public hearing in order for the application to receive consideration. If an applicant or his agent does not appear at the public hearing, the ZBA may table the application to a date certain or deny in whole the application.

Section 19.5.0 — Decisions of the Zoning Board of Appeals

- .01 The Zoning Board of Appeals shall have the power to authorize variances from the strict application of requirements contained in this Ordinance.
- .02 A variance shall not be granted by the ZBA unless evidence is submitted demonstrating that all of the following standards of approval are met:
 - A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.
 - B. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.
 - C. That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.
 - D. That granting of a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.
 - E. That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise be detrimental to the public interest.
- .03 A non-conforming use of land, building or structure, whether legally non-conforming or not, shall not solely constitute grounds for granting of a variance.
- .04 The ZBA shall, when granting any variance, determine the variance is the minimum that will make possible the reasonable use of land, building or structure. To this end, the Board of Appeals may grant a lesser variance than that requested by the applicant, provided that the lesser variance also meets the standards of Section 19.5.0.02.
- .05 In granting any variance or any other ruling, the ZBA may prescribe reasonable conditions and safeguards necessary to meet the intent of this Ordinance and ensure proper protection of adjoining properties and the neighborhood.

.06 FINDINGS OF FACT

- A. The minutes of the ZBA shall record all relevant findings of fact, conditions, and other relevant factors, including the vote of each member upon each question.
- B. To this end, the ZBA shall prepare an official record for all appeals and base its decision on this record. The official record shall include the following items as a minimum:
 - 1. The minutes of each meeting.
 - 2. The application for appeal or variance.
 - 3. Such documents, exhibits, photographs or written reports as may be submitted to the ZBA for consideration.
 - 4. A written record of findings of the ZBA, in resolution form, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching the decision, including compliance with standards of Section 19.5.0, B, (1)–(5).

.07 The ZBA shall decide upon all matters within a reasonable time, not to exceed thirty (30) days from the close of the public hearing. The ZBA may adjourn any hearing to a specific date, time and place for any reason.

.08 Decisions of the ZBA shall become effective five (5) days after the decision is reached, unless the Board shall find it necessary to give immediate effect to preserve a substantial property right and so certify in the record.

Section 19.6.0 — Voiding of a Variance

- .01 Whenever actions authorized by a variance are not commenced within one (1) year of the date granted, the variance shall become null and void.
- .02 No application for variance that has been denied in whole or in part shall be resubmitted to the Zoning Board of Appeals within one (1) year of the date of denial, except on grounds of new evidence or proof of changed conditions.

Section 19.7.0 — Appeal of Zoning Board of Appeals Decision

The decision of the Zoning Board of Appeals shall be final. Appeal from decisions of the Board of Appeals shall be to the Sanilac County Circuit Court, as provided by law.

Section 19.8.0 — Limitations on Powers of the Zoning Board of Appeals

- .01 The Zoning Board of Appeals shall have the power to grant a variance for use of land, building or structure.
- .02 The ZBA shall not grant any variance or issue any order that, in effect, results in an amendment to this Ordinance.

Section 19.9.0 — Administrative Variance-Lots of Record

The Zoning Administrator is empowered to consider minor variance applications and approve same if the standards of Section 19.5.0 B are met. The Administrative variance shall be limited to variances in the side or rear yard for principal or accessory structures. The variance granted by the Zoning Administrator shall not exceed ten percent (10%) of the required setback. The administrator shall provide mail notice of the application for administrative variance to residents and property owners in accordance with Section 19.4.0 B (2) and (3). The Zoning Administrator shall not issue the administrative variance unless not less than five (5) days shall have passed since providing mailed notice of the application for variance. The notice shall state the deadline for public comments.

The authority granted hereunder shall apply only to lawfully established nonconforming lots of record.

Section 19.10.0 — Michigan Zoning Enabling Act of 2006

The Michigan Zoning Enabling Act of 2006 supersedes the Zoning Board of Appeals By-Laws.

CHAPTER 20:
Non-Conformities

20

Section 20.1.0 — Intent

It is the intent of this Chapter to provide for regulations governing lots, buildings, structures and uses thereof, which were legal before this Ordinance was enacted, that would be prohibited or restricted under provisions of this Ordinance. It is the intent of this Chapter to permit these uses, lots, buildings or structures to continue until the non-conformity is discontinued or removed.

These non-conformities are declared by this Ordinance to be incompatible with uses, buildings and structures lawfully permitted by this Ordinance. As such, the regulations of this Chapter are designed to ensure that non-conformities will be regulated so as to result in a minimum of disharmony in the zoning district in which they are located.

Section 20.2.0 — Non-Conforming Uses

- .01 Where, on the date of adoption of this Ordinance, a lawful principal use of a lot or parcels exists but is no longer permissible under terms of this Ordinance, such principal use may continue so long as it remains otherwise lawful.
- .02 Non-conforming uses shall not be changes to another non-conforming use, except after approval by the Zoning Board of Appeals (ZBA). The ZBA, prior to granting the change, shall find that the proposed use is more conforming to the intent of the zoning district in which the use is to be located than the existing use. The board may impose reasonable conditions to ensure greater compatibility with other uses in the zoning district.
- .03 Non-conforming uses shall not be enlarged, expanded or increased in any manner as to increase the nature of the non-conformity, including but not limited to the addition of floor space, display area, dwelling units, or other facilities. Nor shall a non-conforming use be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the reproduction cost of the structure.
- .04 Non-conforming uses shall not be resumed if it has been discontinued for a continuous period of at least 9 months or if it has been changed to a conforming use for any period.
- .05 Checklist of ways to support a determination of discontinuance or abandonment:

- A. Evidence of nine months non-use.
- B. Disconnecting of utilities.
- C. Removal of building fixtures needed for use.
- D. Property falling into disrepair and outside appearance such as over grown lawns not maintained.
- E. Removal of signs.

Section 20.3.0 — Non-Conforming Buildings and Structures

- .01 Non-conforming elements of buildings and structures may be structurally altered to increase the non-conformity only after the ZBA has given approval and then, only if it is determined:
 - A. The proposed building or structure alteration complies as nearly as possible with the requirements of this Ordinance and;
 - B. The granting of the approval for the construction of the proposed alteration will not have an adverse impact on neighboring property.
 - C. The literal application of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or in the same zoning district.
 - D. That granting of approval will not confer upon the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.
- .02 REESTABLISHMENT OF NON-CONFORMING BUILDINGS AND STRUCTURES
 - A. Non-conforming building and structures shall not be reestablished in their non-conforming condition after damage or destruction if the estimated expenses of reconstruction exceeds fifty (50%) percent of the reproduction cost of the building or structure. The Zoning Administrator shall make the determination of estimated reconstruction costs and building or structure replacement costs based on information provided by the owner of the building or structure and other information available. Persons aggrieved by the Zoning Administrator's decision may appeal to the Zoning Board of Appeals.
 - B. In cases where the cost does exceed fifty (50%) percent, the non-conforming building or structure shall not be replaced unless the building or structure is rebuilt to conform with requirements of this Ordinance. The ZBA may grant a variance to this requirement, but only to the minimum extent necessary to accomplish a reasonable use of the lot, building or structure.

Section 20.4.0 — Non-Conforming Lots of Record

- .01 Where a non-conforming lot or parcel of record in existence on the effective date of this Ordinance does not conform to requirements of this Ordinance relating to lot area, lot width, or both, such lot or parcel of record may be used as a building site, provided that other provisions of this Ordinance are complied with, except as provided below.

.02 With regard to required minimum setbacks, an applicant must first try to comply to the maximum extent feasible. Then, in the case where it is determined by the Zoning Administrator that it is not practically feasible to fully comply, the Zoning Administrator may allow setbacks to be reduced as follows:

A. Front.

The minimum required front yard setback may be reduced to twenty (20%) percent of the average depth of the lot provided that:

1. It shall not be less than the average of the front setbacks of principal structures on adjacent lots fronting on the same street (or the average front setbacks of principal structures in the block fronting on the same street), and
2. In no instance shall it be less than thirty-five (35') feet.

B. Rear.

The minimum required rear yard setback may be reduced to twenty (20%) percent of the average depth of the lot provided that in no instance shall it be less than twenty-five (25') feet.

C. Side.

The minimum side yard setback requirement for non-conforming lots of record in any zoning district to be reduced to not less than ten (10%) percent of the lot width, but in no case shall the side yard be less than ten (10') feet.

.03 The Zoning Administrator shall note on the final plot plan or site plan any reduction granted under paragraph .02 above, or any ZBA requirements imposed or variances granted on the non-conforming lot or parcel of record before issuing a Certificate of Zoning Compliance under Section 23.3.0.

Section 21.1.0 — Area, Height and Use Exceptions

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

Section 21.2.0 — 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, however, the Township shall reserve the right to review and approve the location of high pressure gas transmission lines and high voltage electric transmission tower lines as provided in Section 14.7.0.G.

Section 21.3.0 — 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 Township or other public election.

Section 21.4.0 — Permitted Height Exceptions

- .01 The following types of structural appurtenances may be permitted to exceed the maximum height limitations of this Ordinance:
- A. Purely ornamental appurtenances such as church spires, belfries, cupolas, domes, towers, flag poles and public monuments.
 - B. Appurtenances such as mechanical or structural functions such as, chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, wind generators, windmills, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, cooling towers, barns and other farm buildings as an accessory structure to a farm enterprise, grain elevators and silos. Satellite dishes shall conform to requirements of Section 3.13.0.

- C. Structural features incorporated in the building design may extend a maximum of five (5') feet above the maximum building height permitted, so long as that portion above the maximum permitted height has no window openings.
- D. Electrical generating plants together with all necessary uses when located within an I, Industrial District.

.02 If any of the items excepted from height under A. through D. immediately above, or the uses that give rise to such height exceptions, require authorization as a special land use the Planning Commission may specify a reasonable height limit. Further, if any of the items generally excepted above, are subject to applicable and specific requirements and standards under Chapter 14, said requirements and standards shall control.

Section 21.5.0 — Yard Regulations

When yard regulations cannot reasonably be complied with, as in the case of a planned development in the R-2, Medium Density Residential District, or where their application cannot be determined on lots ("lots of record") of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals in accordance with the requirements of Chapter 19 and state law.

Section 21.6.0 — Porches

An open, unenclosed porch, paved patio, terrace, balcony, awning, or deck may extend into a required rear yard for a distance not to exceed fifteen (15') feet; into a required front setback for a distance not to exceed ten (10') feet; and into a required side yard for a distance not to exceed three (3') feet, but in no case shall a porch, paved patio, terrace, balcony, awning, or deck be constructed closer than five (5') feet to any lot line. Further, this shall not be interpreted to include or permit fixed canopies.

Section 21.7.0 — Projections into Yards

Architectural features such as cornices, eaves, gutters, chimneys, pilasters and the like, may extend or project three (3') feet into a required front setback; five (5') feet into the required rear yard; and two (2') feet in the required side yard setback area.

Fire escapes and outside stairways, if unenclosed, may project into a required yard to a maximum distance of five (5') feet.

Section 21.8.0 — Access through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further any walk, terrace or other pavement servicing a like function, and not in excess of nine inches (9") above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

Section 21.9.0 — Exceptions Relating to Energy Conservation

- .01 It is recognized that the conservation of energy has become an important national goal; and that new methods of conserving energy in structures are constantly being developed. It is difficult to anticipate in advance the relationship of potential structural changes resulting from energy conservation techniques to local zoning regulations. Therefore, provision for exceptions to certain zoning requirements will be permitted as follows:

Upon written application, the Planning Commission, after notification of property owners and residents within three hundred (300') feet of the property in question and after public hearing, may modify or waive provisions of this Ordinance relating to height, area, placement, and bulk of structures when it is clearly demonstrated by the applicant that the waiver or modification of such provisions will aid in the conservation of energy provided that the resulting structure or use:

- A. Would not be injurious to the public health, safety or welfare.
- B. Would not be likely to depress the value of nearby properties.
- C. Would be compatible and harmonious with existing development.
- D. Would not affect the ability to develop and utilize the adjacent lands as zoned.

CHAPTER 22:
Amendments

22

Section 22.1.0 — Initiation of Amendments

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning District map or the written provisions of this Ordinance, in accordance with law. Amendments to this Ordinance may be requested by the Township Board, Planning Commission or by any resident or property owner within the Township. All proposed amendments shall be referred to the Township Planning Commission for public hearing and recommendation and to the Sanilac County Planning Commission for recommendation prior to consideration by the Township Board.

Section 22.2.0 — Amendment Procedure; Public Hearing/Notices

.01 PUBLIC NOTIFICATION:

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

- A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Planning Commission recording secretary shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township of Lexington and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
 1. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used *such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property*. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. **When and where the request will be considered:** Indicate the date, time and place of the public hearing(s).
4. **Written comments:** Include a statement describing when and where written comments will be received concerning the request. *Include a statement that the public may appear at the public hearing in person or by counsel.*
5. **Handicap access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice

1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, *and the applicant, if different than the owner(s) of the property.*
 - b) Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township of Lexington. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. **Notice by mail/affidavit:** Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. *The Planning Commission recording secretary shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.*

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

.02 Following the public hearing, any proposed amendment must by state law be forwarded to the County Planning Commission (unless the County has waived its right to review) for their review and recommendation. The County Planning Commission has thirty (30) days to provide its recommendation.

- .03 The Township Board receives the recommendations of both the Township Planning Commission and County Planning Commission.
- .04 Following receipt of the Planning Commission recommendation, the Township Board may accept, modify or reject the Planning Commission's recommendation. The Township Board may refer any amendment back to the Planning Commission for further consideration, stating the reasons for the referral in its motion.

Section 22.3.0 — Amendments Initiated by a Resident or Property Owner

- .01 Whenever a resident or property owner in the Township initiates a proposed amendment to this Ordinance, the following information shall be included in the application for amendment:
 - A. A legal description and street address of the subject property.
 - B. A plot plan of the subject property showing dimensions and area of the lot or parcel in square feet or acres.
 - C. The name and address of the property owner and a statement of the applicant's interest, if not the property owner.
 - D. The present master plan designation of the subject property and surrounding properties.
 - E. The present zoning district, the zoning district of surrounding properties, and the zoning district requested.

Section 22.4.0 — Amendments Required to Conform to a Court Decree

Any amendment to this Ordinance for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board, without referral to the Planning Commission or a public hearing.

NOTE FROM TOWNSHIP ATTORNEY REGARDING EFFECTIVE DATE OF AMENDMENTS:

The Township Board has the choice of setting the effective date of an amendment to the Zoning Ordinance.

- .02 Twenty (20) days after date of publication in newspaper is the preferred date.
- .03 Effective immediately upon adoption.
- .04 Effective upon date of publication.

22.4.0

This means — if a court of law says to amend our ordinance we the Township Board must adopt it according to the way the court has determined it to be. There is no reason for the Planning Commission to review it or for a public hearing to be held.

Section 23.1.0 — Authority

The provisions of this Ordinance shall be jointly administered by the Township Planning Commission, Township Board, the Zoning Board of Appeals and the Zoning Administrator in accordance with the Township Rural Zoning Act, Act 184 of 1943, as amended.

Section 23.2.0 — Zoning Administrator

- .01 The Township Board, with recommendation of the Planning Commission, shall employ a Zoning Administrator to administer this Ordinance.
- .02 The Zoning Administrator shall have the power to grant Certificates of Zoning Compliance, certain site plans, and to make inspections of premises necessary to carry out administration and enforcement of this Ordinance.
- .03 The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions. Furthermore, the Zoning Administrator, after giving notice to perfect a violation of the ordinance, shall have the right to revoke a land use permit if the violation is not corrected within a reasonable period of time, but in no event shall the violation exceed 90 days unless an extension is granted by the Planning Commission.

Section 23.2.1 — Appointment of Deputy Zoning Administrator

- .01 The Township Board may appoint a Deputy Zoning Administrator who:
 - A. Shall assist, report to and function under the direction of the Zoning Administrator;
 - B. Shall have the powers of the Zoning Administrator in his/her absence;
 - C. Shall receive such compensation as may be set by the Township board.

Section 23.3.0 — Certificates of Zoning Compliance

- .01 A permit for erection, alteration, moving, or structural repair of any building or structure shall not be issued until a Certificate of Zoning compliance has been issued by the Township Zoning Administrator. Issuance of such a Certificate shall indicate the use(s) and plans for which the permit is requested and shall indicate compliance with this Zoning Ordinance.
- .02 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator.
- .03 The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection.
- .04 Certificates of Zoning Compliance authorize only the use, arrangement, and construction set forth in an approved application and plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this Ordinance and shall require issuance of an amended Certificate of Zoning Compliance.

Section 23.4.0 — Performance Guarantees

- .01 As a condition of any special land use permit or final site plan approval, the Township Planning Commission or Zoning Administrator shall determine a bond or other financial guarantee of a sum sufficient to assure the installation of required on-site improvements. Said bond shall include but shall not be limited to required landscaping, buffer zones and screens, fencing, fencing of refuse containers, driveway access to public street right of way, drainage improvements, sidewalks and similar items.
- .02 Performance guarantees shall be processed in the following manner:
 - A. Prior to filing of a final site plan for approval, the applicant shall prepare an itemized cost estimate of the required improvements listed in Section 21.4.0,A. The cost estimate shall be reviewed by the Zoning Administrator or Planning Commission. The Township Board shall act in finality on each such performance guarantee. The performance guarantee shall cover one hundred (100%) percent of the estimated cost of the required improvements.
 - B. If approved, the Township Clerk or Zoning Administrator shall accept the performance guarantee and the Zoning Administrator shall issue a Certificate of Zoning Compliance.
 - C. The Township Clerk, in request of the party filing the performance guarantee, shall rebate portions of the performance guarantee upon determination of the Zoning Administrator that the improvements for which the rebate is requested have been satisfactorily completed.
 - D. Upon completion of all required improvements, as certified by the Zoning Administrator, all remaining portions of the performance guarantee shall be returned by the Township Clerk to the party filing same.
 - E. A record of all performance guarantees shall be maintained in the office of the Township Clerk.

Section 23.5.0 — Application Fees

Before consideration of any application submitted to the Township in accordance with the requirements of this Ordinance, a fee shall be collected by the Township Clerk or Zoning Administrator. The fee shall be as set by the Township Board from time to time by resolution.

Section 23.6.0 — Violations and Penalties

.01 NOTIFICATION:

If the Zoning Administrator shall discover that any provisions of this Ordinance are being violated, he/she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering action necessary to eliminate it. Written notice shall be personally served or sent by certified mail, return receipt.

.02 APPEARANCE TICKETS:

The Zoning Administrator shall be authorized to issue and serve appearance tickets on any person responsible for a violation of this Ordinance, when the Zoning Administrator has reasonable cause to believe that the person has committed such offense.

.03 PENALTIES:

- A. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of any condition or safeguard established in connection with any approval authorized by this Ordinance, shall constitute a Civil Infraction grade 1, unless otherwise designated.
- B. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon finding of responsibility there of, be fined (pursuant to Civil Infraction Schedule) and in addition, shall pay all cost and expenses incurred by the Township in prosecuting the violator. Each day such violation continues shall be considered a separate offense.
- C. The owner of record of real property, a tenant on any real property, and any builder, architect, contractor or agent or person who commits, participates in, assists in, or maintains such violation may be found responsible of a separate offense and suffer the penalties herein provided.
- D. The imposition of any fine, and/or cost, shall not exempt or relieve the violator(s) from compliance with the provisions of this Ordinance.

Section 24.1.0 — Creation

There is hereby created a Planning Commission which shall perform its duties and exercise its powers as provided by the Township Planning Act (CL125.321-125.333) of the Public Acts of Michigan. By the provision of this Ordinance, the Township Planning Commission is established to the end that the objectives of this Ordinance are observed, public safety, health, morals and general welfare are secured and substantial justice is done.

Section 24.2.0 — Membership

.01 APPOINTMENTS

The Planning Commission shall consist of not less than five (5), nor more than nine (9) members, selected and approved by the Township Board from among the electors residing in the Township.

.02 QUALIFICATIONS

The members shall be selected upon the basis of their respective qualifications and fitness to serve as members and without consideration for their political activities.

.03 OFFICERS

The Planning Commission members shall elect at their first meeting in January from its membership a Chairperson, a Secretary, a Planning Commission member to serve on the Zoning Board of Appeals as representative and such other officers or committees as may be necessary to aid in fully performing the duties of the Planning Commission.

.04 TERMS

The members will be appointed for three (3) year staggered terms. Of the members first appointed, 1/3 of the members will serve for one (1) year, the next 1/3 of the members will serve for two (2) years and the remaining 1/3 of the members will serve for three (3) years, thus providing for staggered expiring terms.

Successors must be appointed within one (1) month after the term ends.

.05 MEETINGS

The Planning Commission must hold at least four (4) regular meetings each year. Special meetings may be called by the Chairperson by making written request to the secretary. The secretary shall send written notice of special meetings to each member at least 48 hours before the meeting, and all meetings are open to the public.

Section 24.3.0 — Removal of Member from Planning Commission

Members of the Planning Commission shall be removed for misfeasance, malfeasance, nonfeasance, misconduct or unexcused consecutive absences of meetings (3 or more) by the Township Board upon written charges and after a public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

Section 24.4.0 — Zoning Board (Not ZBA) Powers Transfer to Planning Commission

The Township Planning Commission is hereby designated as the Commission specified in Section 11 of Act 168 of the Public Acts of 1959 and shall perform the zoning duties of said Commission as provided in

Addendums:

Addendum A: Public Act 143 of 2012

Sec. 3514.

1. Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this act if all of the following requirements are met:
 - A. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - B. The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.
 - C. The proposed collocation will not do any of the following:
 1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - D. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.
2. Wireless communications equipment that meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (d) is a permitted use of property if it receives special land use approval under subsections (3) to (6).
3. An application for special land use approval of wireless communications equipment described in subsection (2) shall include all of the following:
 - A. A site plan as required under section 501, including a map of the property and existing and proposed buildings and other facilities.
 - B. Any additional relevant information that is specifically required by a zoning ordinance provision described in section 502(1) or 504.
4. After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the body or official shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first.
5. If, before the expiration of the 14-day period under subsection (4), the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the body or

official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

6. The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.
7. Special land use approval of wireless communications equipment described in subsection (2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
8. If a local unit of government requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (1)(a) or for a wireless communications support structure, subsections (4) to (6) apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.
9. A local unit of government may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.
10. As used in this section:
 - A. "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
 - B. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
 - C. "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
 - D. "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

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