

Lyndon Township

Zoning Ordinance



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Amendments through February 8, 2022

**LYNDON TOWNSHIP ZONING ORDINANCE
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CHAPTER 1

TITLE AND PURPOSE

SECTION 1.01

SHORT TITLE

This Ordinance shall be known as the "Lyndon Township Zoning Ordinance."

SECTION 1.02

PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with Public Act 110 of 2006 as amended, as well as with their character and most suitable use; to limit the improper use of land and resources; to provide reasonable terms under which the lawful use of **nonconforming buildings**, structures, and land may be continued; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and **buildings** hereafter erected or altered; to lessen congestion on the public roads and **streets**; to protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

SECTION 1.03

THE EFFECT OF ZONING

A. This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the

minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

- B. For the purpose of this Ordinance, except as hereafter specifically provided, no **lot**, land or premises shall be used, maintained or occupied, and no **building** or **structure** or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations for the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.
- C. In case any land, **building**, **structure**, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such use of land, **building** or **structure** shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and **buildings** or **structures** may be required to be vacated, torn down, or abated by any legal means and such land, **building**, or **structure** shall not be used or occupied until brought into conformance.
- D. If construction on a **building** or **structure** is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such **building**, provided that actual construction is being diligently carried on, and further provided that such **building** shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- E. **Nonconforming buildings, uses, and lots** shall be governed by the provisions of Section 3.24 of this Ordinance.

**SECTION 1.04
VALIDITY AND SEVERABILITY CLAUSE**

If a court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

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

**SECTION 1.05
CONFLICT WITH OTHER LAWS,
REGULATIONS AND AGREEMENTS**

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

**SECTION 1.06
VESTED RIGHT**

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm, or corporation any vested right, license, privilege or permit.

CHAPTER 2

DEFINITIONS

SECTION 2.01

RULES APPLYING TO TEXT

- A. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are declared to be severable.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- F. A "building" or "structure" includes any part thereof.
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity. Gender related words, such as "he" and "him" include "she" and "her," or other similar uses of gender.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.
- J. The particular shall control the general.
- K. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- L. The phrase "used for" includes "arranged for", "intended for", "designed for", "maintained for", or "occupied for".
- M. Terms not herein identified shall have the meaning customarily assigned to them.
- N. Defined terms used in this Ordinance are highlighted in bold typeface, except for the terms in this Chapter.

SECTION 2.02
DEFINITIONS - A

ACCESSORY BUILDING

A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

ACCESSORY DWELLING UNIT

An accessory habitable living unit added to or created within an existing single family dwelling, that provides basic requirements for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit may be attached or detached from a single-family dwelling. (Amended, 4-14-2020)

ACCESSORY USE

A use or activity naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the land or building.

ADULT DAY-CARE FACILITY

A. *Adult Family Day-Care Home* – A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

B. *Adult Group Day-Care Home* – A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less

than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

C. *Adult Day-Care Center* – A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

ADULT FOSTER CARE FACILITY

A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not required continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 40.701, et. seq.: MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance:

A. *Adult Foster Care Family Home* – A private residence with the approved capacity to receive six (6) or fewer adults to be provided

supervision, personal care, and protection in addition to room and board, twenty-four (24) hour a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

B. *Adult Foster Care Small Group Home* – An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

C. *Adult Foster Care Large Group Home* – A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adult to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

D. *Adult Foster Care Congregate Facility* – An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT USES

Includes all of the following:

A. *Adult Book or Supply Store* - An establishment having twenty percent (20%) or more of its stock in trade or its sales devoted to the distribution, display or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

B. *Adult Cabaret* - An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, erotic

dancers, strippers, male or female impersonators, or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.

C. *Adult Motion Picture Theater* – An enclosed building or establishment wherein still or motion pictures, video tapes, or similar materials is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

D. *Adult Motion Picture Theater, Adult Live Stage Performing Theater* – An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

E. *Adult Physical Culture Establishment* - An “Adult Physical Culture Establishment” is any establishment club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:

1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
2. Electrolysis treatment by a licensed operator of electrolysis equipment;

3. Continuing instruction in material or performing arts or in organized athletic activities;

4. Hospitals, nursing homes, medical clinics or medical offices;

5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.

F. *Body-Piercing* – The perforation of human tissue other than an ear for a non-medical purpose.

G. *Body-Piercing Establishment* – An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.

H. *Brand or Branding* – The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.

I. *Burlesque Show* – An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.

J. *Escort Agency* – Any business, agency, or person, who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

K. *Nude Artist and Photography Studio* - Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

L. *Specified Anatomical Areas* - Specified anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

M. *Specified Sexual Activities* - Specified sexual activities means and includes any one (1) or more of the following:

1. The fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy;
3. Human masturbation, actual or simulated;
4. Human excretory functions as part of, or as related to, any one of the activities described above; and
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.

N. *Tattoo, Tattooed, Tattooing* – Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin or production of scars or scarring, other than by branding.

O. *Tattoo Parlor* – An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation

AGRICULTURE

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

AGRICULTURAL LAND

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees and other similar uses and activities.

AGRIBUSINESS

Agribusiness is an agriculturally-based operation or activity that brings visitors to a farm or ranch. These businesses are an accessory use to the farm operation on the site. (Amended, 8-11-2020)

ALTERATIONS

Any change, addition or modification in construction or type of use of occupancy; any change or rearrangement in the supporting structural parts of a building, whether by increasing the height or extension of diminution; or the moving of a building from one location to another.

ARCHITECTURAL FEATURES

Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments, such as recesses, projections, wall insets, arcades, window display areas, awnings, window projections, landscape structures or other features that complement the design intent of the structure. Architectural features shall not be attached directly to the ground and must be attached to the structure. (Amended, 11-13-18)

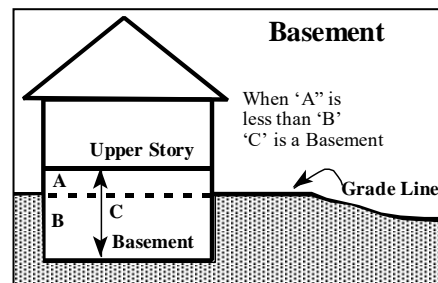
AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

**SECTION 2.03
DEFINITIONS - B**

BASEMENT OR CELLAR

A portion of a building having more than one-half (1/2) of its height below grade.



BED AND BREAKFAST ESTABLISHMENT

A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BOARD, TOWNSHIP

As used in this Ordinance, this term means the Lyndon Township Board of Trustees.

BUILDABLE AREA

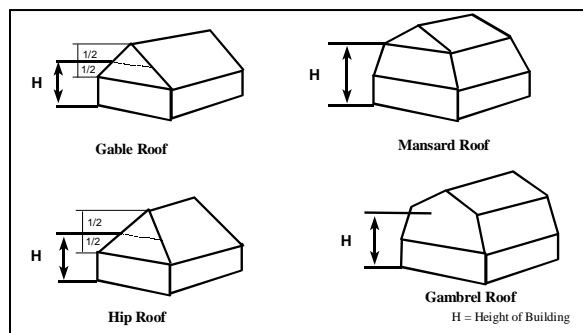
The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

BUILDING

An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, or chattels, or carrying on business activities or other uses. When any building portion is completely separated from every other part by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT

The building height is the vertical distance measured from the finished grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.



BUILDING INSPECTOR

The person(s) designated by the Township

BUILDING LOT COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. (Amended, 8-11-2020)

BUILDING, MAIN

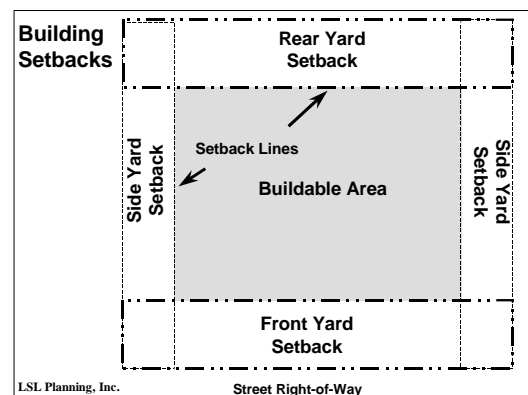
A building where the principal use of the lot occurs.

BUILDING PERMIT

A written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Township/County Building Code.

BUILDING SETBACK LINES

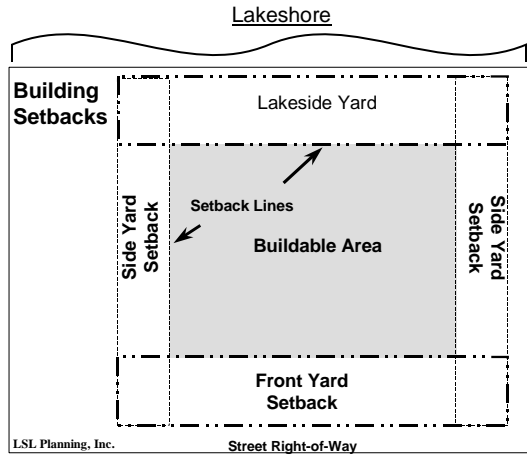
Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.



A. *Front Building Setback Line.* The line marking the setback distance from the front lot line or street easement line, as applicable, which establishes the minimum front yard setback area.

B. *Rear Building Setback Line.* The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.

C. *Side Building Setback Lines.* Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.



D. *Waterside Setback Lines.* Lines marking the setback distance from the water side of a lot on a waterbody which establish the minimum setback from the waterbody.
(Amended, 11-13-18)

**SECTION 2.04
DEFINITIONS - C**

CLINIC

One or more buildings where more than one (1) health professional, such as a physician or dentist, examines and/or treats human patients.

COMMERCIAL

The use of property for the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices, recreation, amusement enterprise, or garage/yard sales operating more than twelve (12) days during any one (1) twelve (12) month period.

COMMERCIAL RECREATION ESTABLISHMENTS

A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities either indoors, (within an

enclosed building) or outdoors (outside of an enclosed building) operated as business and for use by the public for a fee.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMMISSION, PLANNING

As used in this Ordinance, this term means the Lyndon Township Planning Commission.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

A CSA is a marketing strategy in which a farm produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest. Typically the farm members receive their share once a week, sometimes coming to the farm to pick up their share; other farms deliver to a central point.
(Amended, 8-11-2020)

CONDOMINIUM

A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

A. *Condominium Documents* – The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

B. *Condominium Lot* – The land in a condominium unit, together with the land in the adjacent and appurtenant limited common

element, if there is such a limited common element.

C. *Condominium Subdivision Plan* – The drawings and information prepared in accordance with Section 66 of the Condominium Act.

D. *Condominium Unit* – The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

E. *Consolidating Master Deed* – The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

F. *Contractible Condominium* – A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

G. *Expandable Condominium* – A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

H. *General Common Elements* – A portion of the common elements reserved in the master deed for the use of all of the co-owners.

I. *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.

J. *Master Deed* – The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference and the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

K. *Notice of Proposed Action* – The notice required by Section 71 of the Condominium Act,

to be filed with the Township of Lyndon and other agencies.

L. *Site Condominium* – A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

CONSERVATION EASEMENT

A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or public body.

CONSTRUCTION

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

CORNER CLEAR ZONE

The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm) or plantings to ensure sufficient visibility for motor vehicles.

**SECTION 2.05
DEFINITIONS - D**

DAY CARE FACILITY

A. *Family Day Care Facility* - A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

B. *Group Day Care Facility* - A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

C. *Commercial Day Care Facility* - A facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

DECK

A platform commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

DENSITY

The number of dwelling units developed on an acre of land.

DEPTH TO WIDTH RATIO

The ratio of the lot depth to the lot width.

DEVELOPMENT

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

DISTRICT, ZONING

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

DRIVE-THROUGH ESTABLISHMENT

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples include banks, cleaners, and restaurants, but not including automobile service stations.

DRIVEWAY

A paved or unpaved road intended for vehicular access to an individual lot. A circular and/or continuous drive with up to two (2) access points shall be considered a single driveway.

DWELLING, OR DWELLING UNIT

A dwelling unit is any building or portion thereof having cooking and housekeeping facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, garage, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit and shall comply with the applicable provisions of this Ordinance.

DWELLING, MULTIPLE FAMILY

A building or portion thereof, used or designed for use as a residence for three (3) or more

families living independently of each other and each doing their own cooking and housekeeping.

DWELLING, TWO-FAMILY

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking and housekeeping. It may also be termed a duplex.

DWELLING, SINGLE FAMILY, DETACHED

A detached building used or designed for use exclusively by one (1) family.

**SECTION 2.06
DEFINITIONS - E**

EASEMENT

A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

ENFORCEMENT OFFICIAL

The Enforcement Official is the person or persons designated by the Township Board as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance, the Enforcement Official may be referred to as the Building Official, Township Planner, Public Safety Official, Township Engineer, or other agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

ERECTED

The word "erected" includes built, constructed, reconstructed, moved upon, or any physical

operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of the term “erect” or “erected.”

ESSENTIAL SERVICES

A. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare.

B. Essential services does not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment

EVENT BUSINESS

A business that involves the utilization of land, residence, or accessory buildings for the purpose of hosting events for profit including music concerts, off roading, weddings, celebrations, and other gatherings deemed by the Zoning Administrator.

EXCAVATING

Excavating shall be the removal of soil below the average grade of the surrounding land or street grade, whichever shall be highest, excepting common household gardening.

EXTRACTIVE OPERATION

Premises from which any rock, water, gravel, sand, topsoil or earth in excess of five hundred (500) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**SECTION 2.07
DEFINITIONS - F**

FAMILY

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and employees of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are living as a single nonprofit housekeeping unit.

C. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARMER’S MARKET

A “farm market” is a place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50% of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five year time frame) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state, and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions when allowed by applicable local, state, and federal regulations. (Amended, 8-11-2020)

FARM OPERATION

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, and storage of farm products, and includes, but is not limited to:

- A. Marketing produce at roadside stands or farm markets.
- B. The generation of noise, odors, dust, fumes, and other associated conditions.
- C. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

- D. Field preparation and ground and aerial seeding and spraying.
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- F. The use of alternative pest management techniques.
- G. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- H. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- I. The conversion from a farm operation activity to other farm operation activities.
- J. The employment and use of labor.

FARM PRODUCT

Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, carvidae, livestock, including breeding and grazing, equine, fish, and other products, bees and bee products, berries, herbs, fruit, vegetables, flowers, seeds grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture.

FENCE

A constructed permanent or temporary barrier or screen which encloses partially encloses, screens or borders an area or part of an area. Such fence shall not be considered a structure and shall not

be subject to the structure setback requirements of the zoning district. (Amended, 11-13-18)

FENCE, AGRICULTURAL

A fence constructed and used to enclose an area of land for commercial farm operation purposes. (Amended, 8-10-2021)

FLOOD INSURANCE STUDY

The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN

That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

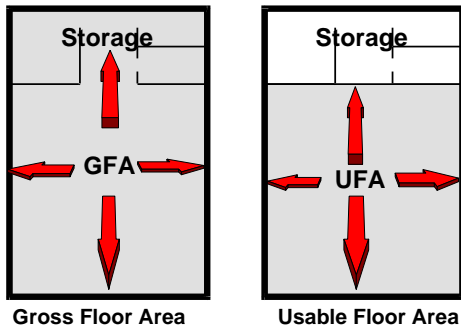
FLOODWAY

The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study that must be reserved in order to discharge the base flood.

FLOOR AREA, GROSS (GFA)

A. The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half (1/2) of the basement height is above finish lot grade. (See Basement.)

Floor Area



B. Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.

FLOOR AREA, USABLE (UFA)

A. 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; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area.

B. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE (See Lot Width)

**SECTION 2.08
DEFINITIONS - G**

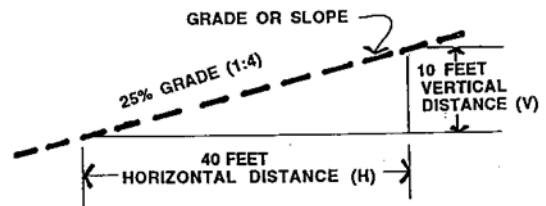
GARAGE

A building used primarily for the storage of self-propelled vehicles for the use of the

occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

GRADE

The degree of rise or descent of a sloping surface.

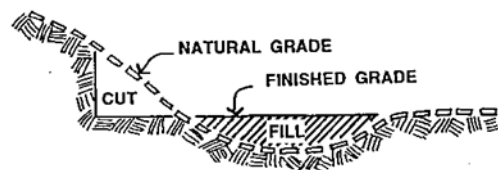


GRADE, FINISHED

The final elevation of the ground surface after development.

GRADE, NATURAL

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



**SECTION 2.09
DEFINITIONS - H**

HABITABLE SPACE

Space in a structure for living, sleeping, eating or cooking, Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HAZARDOUS SUBSTANCE

Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of State Police, Fire Marshall Division; hazardous materials as defined by the U.S. Department of Transportation; and critical material, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

HEIGHT

When referring to a tower or other structure not a building, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including any base pad and any antenna.

HOME-BASED BUSINESS

A home-based business is the use of residential property, including the use of the land, residence or accessory building(s), to provide a service, produce a product, sell merchandise or engage in any activity which generates taxable income under IRS regulations that is incidental and secondary to the primary residential use of the property.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

**SECTION 2.10
DEFINITIONS - I**

IMPERMEABLE SURFACE LOT COVERAGE

The percent of the lot (excluding wetlands or water bodies) occupied by any surface or structure that cannot be effectively and easily penetrated by water, thereby increasing the potential for runoff. Examples include but are not limited to buildings, driveways, parking areas, storage yards, streets or roads, patios, terraces, porches, decks, sidewalks and other structures as deemed by the Zoning Administrator. (Amended, 8-11-2020)

IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

INOPERATIVE VEHICLES

Any motor vehicle currently not capable of being started and moved under its own power.

INTENSIVE LIVESTOCK OPERATIONS

A. A total of seven hundred and fifty (750) dairy cattle (all classes); or seven hundred and fifty (750) slaughter or feeder cattle, or one thousand eight hundred (1,800) swine (all classes), or one hundred thousand (100,000) poultry (all classes); or five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or

B. A population per acre of at least nine (9) dairy cattle, or nine (9) slaughter or feeder cattle, or twenty (20) swine, or one thousand two hundred fifty (1,250) poultry, sixty (60) sheep or goats, or four (4) horses.

**SECTION 2.11
DEFINITIONS - J**

JUNK

For the purpose of this Ordinance, this term shall mean any motor vehicle, machinery, appliance, product, or merchandise with parts missing; scrap metal or material that is damaged or

deteriorated; vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

JUNK YARD

The term "junk yard" includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

**SECTION 2.12
DEFINITIONS - K**

KENNEL

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

**SECTION 2.13
DEFINITIONS - L**

LANDSCAPING

The following definitions shall apply in the application of this Ordinance:

- A. Berms – A landscaped mound of earth which blends with the surrounding terrain.
- B. Buffer – A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C. Conflicting non-residential land use - Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. Conflicting residential land use – Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

E. Greenbelt – A landscaped area, established at a depth of the minimum required setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

F. Opacity – The state of being impervious to sight.

G. Plant Material – A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

H. Screen – A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

LARGE SOLAR ENERGY SYSTEM

A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW). (Amended, 11-13-18)

LOADING SPACE

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

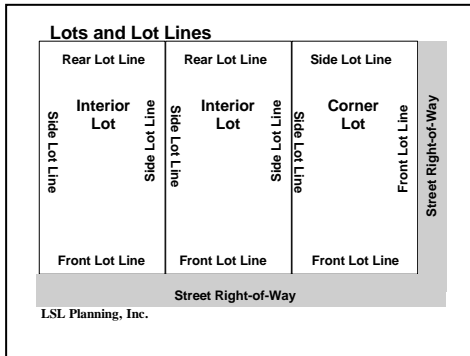
LOT

A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended

for separate or limited ownership or use.

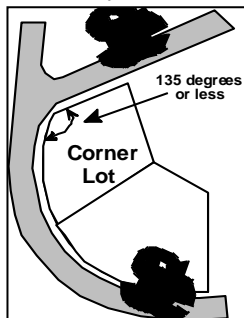
LOT AREA

The total horizontal area within the lot lines of a lot including street right-of-way where the lot line is located on or near the centerline of the street right-of-way.



LOT, CORNER

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less.



LOT, DEPTH

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

LOT, DOUBLE FRONTAGE (THROUGH)

A lot other than a corner lot having frontage on two (2) more or less parallel streets.

LOT, INTERIOR

A lot other than a corner lot with only one (1) lot line fronting on a street.

LOT LINES

The property lines or other described lines bounding the lot.

A. *Front Lot Line.* In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.

B. *Rear Lot Line.* Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot.

1. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot, parallel to, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
2. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

C. *Side Lot Line.* Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot, or lots is an interior side lot line.

D. *Street Lot Line.* A lot line or easement line separating the lot from the right-of-way of a street or an alley.

LOT OF RECORD

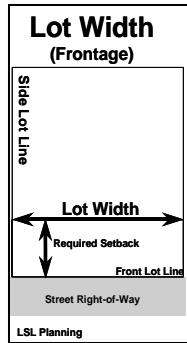
A lot which exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, which has been so recorded as required by law.

LOT, WATERBODY

A lot contiguous to a lake, river, or otherwise formed impoundments of water.
(Amended, 11-13-18)

LOT WIDTH (Frontage)

The horizontal distance between the side lot lines, as measured at the front yard setback line.



**SECTION 2.14
DEFINITIONS - M**

MANUFACTURED HOME

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which two (2) or more manufactured 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the placement of one (1) manufactured home.

MASTER PLAN

The Master Plan, or General Development Land Use Plan currently adopted by Lyndon Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

MOTEL

A series of attached, semi-attached, or detached buildings providing overnight lodging and open to the traveling public for compensation.

MOTOR HOME

A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and recreational usage. This term does not include manufactured homes.

**SECTION 2.15
DEFINITIONS - N**

NATURAL FEATURES

Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NON-CONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

NON-CONFORMING LAND

A **parcel** that conformed with all Township zoning requirements at the time of its creation but which no longer conforms to the requirements for lot area or lot width, and which has not been subdivided or reduced in size.

NON-CONFORMING USE

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

NON-HABITABLE

A building or portion of a building which is not a habitable space.

NONRESIDENTIAL DISTRICT

The NC, LI and MU Zoning Districts.

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: sound, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people – particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right to Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State law.

**SECTION 2.16
DEFINITIONS - O**

OPEN AIR BUSINESS

Uses operated substantially in the open air, including, but not limited to:

A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, rental, or storage services.

B. Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools, and similar activities.

C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

D. Tennis courts, archery ranges, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses (transient or permanent).

OPEN SPACE

Any parcel or area of land including wetland that is unimproved and set aside, dedicated, designated, or reserved for preservation purposes, and /or public or private use or enjoyment.

In addition to unimproved area, open space may also include the following:

A. Stormwater detention or retention ponds and facilities meeting the Low Impact Design criteria of the Washtenaw County Water Resources Commission. In addition, to be considered open space all stormwater detention or retention ponds and facilities must be constructed using vegetation native to this area and in a way that appears to be a natural feature of the subject site.

B. Outdoor recreation facilities including but not limited to bike paths, trails, golf courses, community swimming pools, playgrounds, ball fields, court games, and picnic areas.

C. All buffer and greenbelt areas. Required setbacks for individual residential parcels shall not be included as open space.

ORDINARY HIGH WATER MARK

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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

OUTDOOR RECREATION

Those activities that involve outdoor recreation such as athletic fields, parks, playgrounds, tennis courts, and other recreational activities.

**SECTION 2.17
DEFINITIONS - P**

PARCEL

A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate recorder. This includes a lot, lot of record, or a piece of land created through other methods.

PARK, PRIVATE

A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include, but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds nature trails, driving ranges, etc.

PARK, PUBLIC

A parcel of land use for recreation purposes by the community-at-large, which may include

similar activities as outlined under “Private Parks.”

PARKING LOT

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

PARKING SPACE

A space of at least one hundred sixty two (162) square feet, exclusive of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PERMITTED USE

Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON

Person shall include any individual, firm, association, partnership, joint venture, corporation, Limited Liability Company or other entity.

PERSONAL SERVICE ESTABLISHMENTS

Any commercial business conducting services that are performed primarily on the premises.

PHOTOVOLTAIC DEVICE

A system of components that generate electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. (Amended, 11-13-18)

PLANNED UNIT DEVELOPMENT (PUD)

A development of land planned and developed as a whole in a single development or series of

phases. The PUD may include streets, utilities, buildings, open spaces, and other site features and improvements.

PLANNER, TOWNSHIP

The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township Administration, Township Board and Planning Commission on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

PORCH, OPEN

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

PRACTICAL DIFFICULTIES

See ZONING VARIANCE definition.

PREMISE

All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley, and upon which is located a residence or place of business.

PRINCIPAL BUILDING OR STRUCTURE

The main building or structure in which the primary use is conducted.

PRINCIPAL USE

The primary or chief purpose for which a lot is used.

PROPERTY LINE

The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (except cellular telephone or commercial wireless communications towers), telegraph, transportation, sewer, or water services.

**SECTION 2.18
DEFINITIONS - R**

RECREATION FACILITIES

Recreational facilities shall include the following:

A. Active Recreation – An area of land dedicated to recreational activities that required intensive development of facilities and often involves cooperative or team activities.

B. Passive Recreation – An area of land dedicated to recreational activities that requires a low-level of development and preservation of natural areas, and often involves solitary or small group, unstructured activities.

RECREATION VEHICLE OR EQUIPMENT

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT

In this document, the residential districts include W-R, RR, R-1, LR, LC, PUD and MHP Zoning Districts.

RESTAURANT

A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume 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:

A. *Restaurant, Carry-out* – A carry-out restaurant is a restaurant whose method of operation involves 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 of the premises.

B. *Restaurant, Drive-In/Drive-Through* – A drive-in/drive-through restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

C. *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 at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for

consumption off the premises, but not in a motor vehicle at the site.

D. *Restaurant, Sit Down* – A standard restaurant whose method of operation involves either the delivery of prepared food by waiters and 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 within a completely enclosed building.

E. *Bar/Lounge* – A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

RIGHT-OF-WAY, PRIVATE

Any road which is to be privately maintained and has not been accepted for maintenance by the Township, Washtenaw County or the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the Township in accordance with the Private Road Ordinance.

RIGHT-OF-WAY, PUBLIC

A legally dedicated public strip or area of land which may be of varying widths allowing the right of passage and upon which a public road may be constructed, and having the minimum width as depicted on the Right-of-Way Master Plan adopted by the Washtenaw County Road Commission.

ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

**SECTION 2.19
DEFINITIONS - S**

SALVAGE YARD

An space where waste, surplus, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking, structural steel materials, equipment and auto wrecking.

SATELLITE DISH ANTENNA, OR DISH ANTENNA

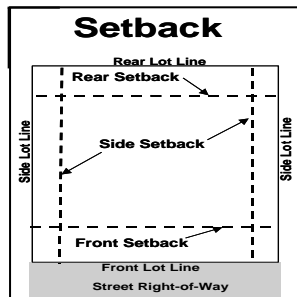
An apparatus capable of receiving communications from a transmitter or a transmitter relay location in planetary orbit.

SEASONAL USE

Tempoary land uses and activities that are seasonal in nature. (Amended, 4-13-2021)

SETBACK; SETBACK AREA

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.



SHED

A detached accessory building that is less than 200 square feet and does not have a permanent foundation. (Amended, 11-13-18)

SIGNIFICANT NATURAL FEATURE

Any area designated as such by the Planning Commission, Township Board, the Michigan

Department of Natural Resources, or other governmental agency, and which exhibits unique topographic, ecological, hydrological, or historical characteristics, or other notable natural features.

SINGLE OWNERSHIP

Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

SITE PLAN

A scaled drawing which shows the intended and/or existing location and dimensions of improvement or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities, utilities or similar physical improvements.

SOLAR ARRAY

Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy. (Amended, 11-13-18)

SPECIAL LAND USE

A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered to be a nonconforming use.

STABLE, PRIVATE

An accessory structure that is used for the shelter, riding and care of horses, llamas, mules or donkeys which are kept or boarded for the

sole enjoyment of the owners, and does not include the renting or hiring of the above mentioned animals on a commercial basis or the renting of stable space. Private stables shall be accessory to a residential use. (Amended, 8-11-2020)

STABLE, PUBLIC

A structure that is used for the shelter and care of horses, llamas, mules or donkeys which are rented, hired, or used on a commercial basis for compensation also to include the renting of stable space, for the above mentioned animals not owned by the owner/proprietor(s) of a commercial stable.

STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

A. A State Licensed Residential *Family* Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.

B. A State Licensed Residential *Group* Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar

shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

STORY, HALF

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet and has a clear height of at least seven feet at its highest point.

STREET, PRIVATE

A privately owned and maintained thoroughfare meeting the requirements of the Lyndon Township Private Road Ordinance.

STREET, PUBLIC

A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, or any change in the width or number of exits or any substantial change in the roof.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT

A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value

of the structure before improvement or repair is started. If the structure has been damaged and is being restored, the value shall be that which existed before the damage occurred.

B. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

C. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

**SECTION 2.20
DEFINITIONS - T**

TEMPORARY BUILDING OR USE

A structure or use subject to approval by the Zoning Administrator or Planning Commission as appropriate, to exist during periods of construction of the main building or for special events . (Amended, 5-11-2021)

LARGE TEMPORARY EVENT

A temporary event allowing 76 or more participants in attendance at the same time at any point throughout the event, subject to Planning Commission Approval. An individual large temporary event may take place permitted no more than 2 days in its entirety, with a maximum of 2 large events permitted per year. (Amended, 4-13-2021)

SMALL TEMPORARY EVENT

A temporary event with greater than 50, but no more than 75 participants in attendance at the same time through the entirety of the event, permitted by the Zoning Administrator. An individual small temporary event may take place no more than 2 days in its entirety, with a

maximum of 12 permitted per year. (Amended, 4-13-2021)

TOWNSHIP BOARD

The duly elected legislative body of the Township of Lyndon.

TRAVEL TRAILER

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, generally not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

**SECTION 2.21
DEFINITIONS - U**

UNNECESSARY HARDSHIP

See "Zoning Variance".

U-PICK OPERATION

A U-pick operation is a farm that provides the opportunity for customers to harvest their own farm products directly from the plant. Also known as pick-your-own or PYO, these are forms of marketing farm products for customers who go to the farm and pick the products they wish to buy. (Amended, 8-11-2020)

USE, PRINCIPAL

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

**SECTION 2.22
DEFINITIONS - V**

VALUE-ADDED AGRICULTURAL PRODUCTS

A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam), the production of a product in a manner that enhances its value, as demonstrated through a business plan (such as organically produced products), and/or the

physical segregation of an agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system). As a result of the change in physical state or the manner in which the agricultural commodity or product is produced and segregated, the customer base for the commodity or product is expanded and a greater portion of revenue derived from the marketing, processing or physical segregation is made available to the producer of the commodity or product. (Amended, 8-11-2020)

VARIANCE

See “Zoning Variance”.

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION

A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

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

**SECTION 2.23
DEFINITIONS – W**

WALL

An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

WETLAND

Wetland shall mean land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, fen, swamp, marsh or wet or wet/mesic prairie.

WIND ENERGY SYSTEM (WES)

LARGE-SCALE: A large-scale WEIS that is exclusively designed and built to provide electricity to the electric utility’s power grid as an ongoing commercial enterprise or for commercial profit. (Amended, 4-13-2021)

SMALL-SCALE – A small wind energy system of a wind turbine, a tower, and associated, control or conversion electronics, which has a rated capacity of not more than 3,000 watts and which is intended to primarily reduce on the consumption of utility power. Small-scale wind energy systems may be building-mounted or grounded-mounted. (Amended, 4-13-2021)

**SECTION 2.24
DEFINITIONS - Y**

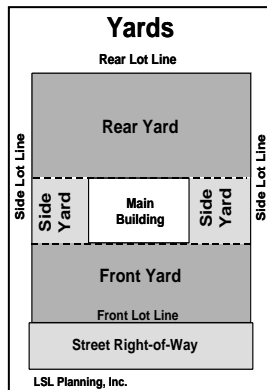
YARD

A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. A *Front Yard* is an area extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

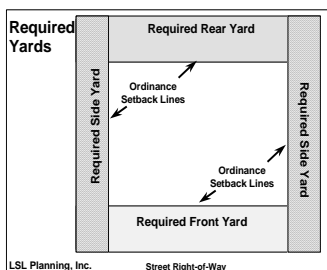
B. A *Rear Yard* is an area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.

C. A *Side Yard* is an area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



YARD, REQUIRED

The required yard shall be that set forth in the applicable chapters of the Lyndon Township Zoning Ordinance as the minimum yard requirement for each zoning district.



**SECTION 2.25
DEFINITIONS - Z**

ZONING ACT

The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING APPEAL

An entreaty or demand for a hearing and/or review of facts and/or actions conducted by the Zoning Board of Appeals in accordance with the duties and responsibilities specified in this Ordinance.

ZONING BOARD OF APPEALS, OR BOARD.

The Zoning Board of Appeals of Lyndon Township.

ZONING DISTRICT

A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance and designated on the Zoning District Map.

ZONING INTERPRETATION

A review which is necessary when the provisions of this Ordinance are not precise enough to all applications without interpretation, and such review of the provisions of this Ordinance are therefore required in accordance with the procedures and provisions of this Ordinance.

ZONING VARIANCE

The term “variance” shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance

is granted. The crucial points of a variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements. A variance is not justified unless all elements are present in each case. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted on the respective zoning districts.

A. *Practical Difficulties* – Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense

of these characteristics from other more typical lots located in the same zoning district.

B. *Unnecessary Hardship* – Shall mean that a permitted principal or accessory use, because of its specific limitations by normal definition, is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

**CHAPTER 3
GENERAL PROVISIONS**

**SECTION 3.01
REQUIRED AREA, SPACE, AND USE
CONDITIONS AND EXCEPTIONS**

- A. Unless otherwise provided in this Ordinance, all uses, buildings, and structures shall conform to the area, placement, and height regulations of the zoning district in which located.
- B. No yard or lot existing at the time of adoption of this Ordinance shall be divided, altered or reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein except as otherwise provided in this Ordinance.
- C. The main **building** on a **lot** shall be located so that it meets the **yard setback** requirements of the Zone District in which it is located.
- D. Existing **lots** of record.
 - 1. An existing lot of record, to which the owner has rights of ingress and egress, is created by common ownership of contiguous combinations of:
 - a) Complete lot(s) of record, and/or
 - b) Portion(s) of lot(s) of record, and/or
 - c) Parcel(s) of land described by metes and bounds of record,
 - 2. If two or more lots or combinations of lots and portions of lot, which are contiguous and in single ownership, are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall

be considered to be an undivided parcel for the purposes of this ordinance.

- 3. Contiguous lots are adjacent or separated by not more than the width of a public or private road or easement.

**SECTION 3.02
HEIGHT EXCEPTIONS**

- A. The following **buildings** and **structures** shall be exempt from **height** regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, and penthouses housing necessary mechanical appurtenances.
- B. Television and radio reception and transmission antennas, and towers for **commercial wireless telecommunication services** which do not exceed one-hundred (100) feet in **height** shall also be exempt from height requirements. Those structures exceeding one-hundred (100) feet in **height** shall be subject to a Special Land Use, as indicated in the appropriate **zoning districts**.

**SECTION 3.03
PRINCIPAL USE**

- A. No **lot** or parcel of land shall contain more than (1) **main building** or one (1) **principal use**.
- B. Land and **buildings** may be considered a **principal use** collectively if the following conditions are met.
 - 1. The land and **buildings** are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.

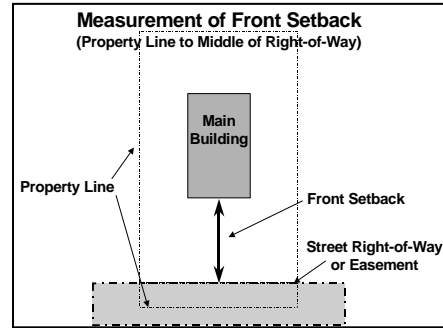
2. All uses, if not the same, shall be similar in function and/or operation.

**SECTION 3.04
STREET ACCESS**

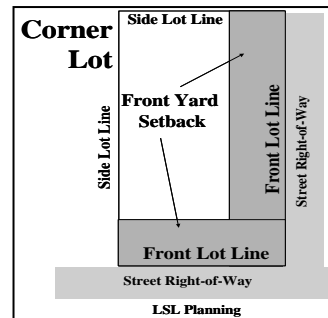
- A. In any district, every use, building or structure shall be upon a lot or parcel of land adjoining a public street or private road, or have access to a public street or private road by means of an exclusive access easement or shared residential driveway. (Amended, 11-10-2020)
- B. Private roads shall be established, constructed, and maintained as approved by the Lyndon Township Board under the terms and provisions of the Lyndon Township Private Road Ordinance. (Amended, 11-10-2020)
- C. Exclusive access easements and shared residential driveways must meet all applicable standards of the Township’s Private Roads Ordinance including Section IX. Exclusive Access Easement for One Single Family Residence and Section X. Shared Residential Driveways. (Amended, 11-10-2020)

**SECTION 3.05
BASIS OF DETERMINING FRONT YARD REQUIREMENTS**

- A. The **front yard setback** line shall be measured from the right-of-way or easement line for **lots** having the property line extend to the center of the **street** right-of-way, or the front lot line in all other cases, to an imaginary line across the entire **width** of the **lot** drawn at the minimum **required front setback** distance for that **district**, except as noted in Section 3.05, B.

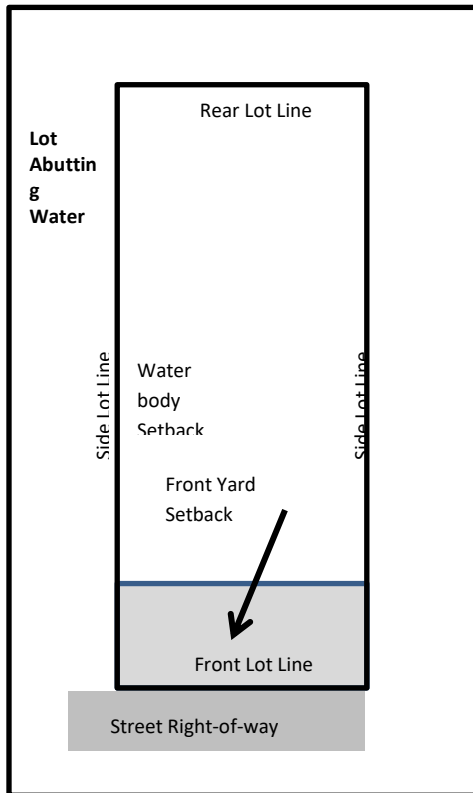


- B. In cases where the front yard setback of one (1) or both of the lots immediately adjacent to the subject property on the same side of the street is less than that which is required for the district, the front yard setback on the subject property may be reduced to a distance equal to the average of the two (2) immediately adjacent lots.
- C. On **corner** and **double frontage lots**, the **front yard** requirements shall apply on both **streets**.



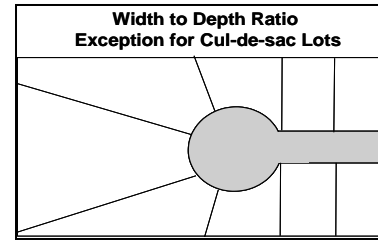
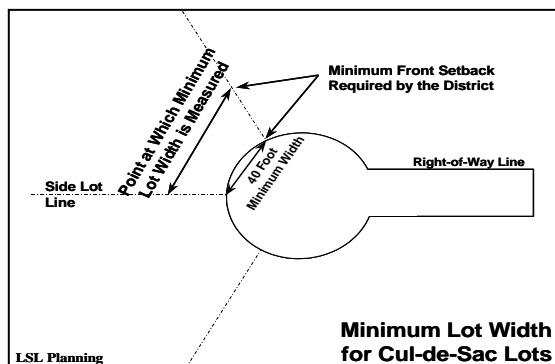
- D. In the case of a row of **double frontage lots**, one (1) **street** will be designated as the front **street** for all **lots**.

A setback shall apply to lots on a waterbody and located within the Lake Residential and Lake Conservation Districts. The setback is not considered a front yard setback. (Amended, 11-13-18)



**SECTION 3.06
MINIMUM LOT WIDTH FOR CUL-DE-SAC AND IRREGULAR SHAPED LOTS**

The minimum **lot width** for a **lot** on a cul-de-sac or other irregularly shaped **lot** shall be measured at the **front yard setback line** and shall not be diminished throughout the rest of the **lot**. These **lots** shall have a minimum width of forty (40) feet at the **front property line**.



**SECTION 3.07
PROJECTIONS INTO YARDS**

A. Architectural features may project a maximum of four (4) feet into a **front or rear yard setback** area, and may project a maximum of two (2) feet into the **side yard setback**. (Amended, 11-13-18)

B. **Porches**, terraces, decks, balconies,, patios and similar **structures** which are open on three (3) sides, unenclosed, and uncovered and project six (6) inches or more above the surrounding grade: (Amended, 11-13-18)

1. May project a maximum of ten (10) feet into a **front yard setback** area;
 2. May project a maximum of fifteen (15) feet into a **rear yard setback** area;
 3. Shall not project into a **side yard setback** area; nor
 4. Shall not be placed closer than ten (10) feet to any **front or rear lot line**.
3. Porches, terraces, decks, balconies, patios, driveways and similar structures which are open on three (3) sides, unenclosed, and uncovered and do not project six (6) inches or more above the surrounding grade may be built up to the property lines. (Amended, 11-13-0)

C. If porches, terraces, decks, balconies, patios and similar structures are permanently enclosed on any side or covered in any manner they must meet all the required setback of the zoning district they are located within. (Amended, 11-13-18)

**SECTION 3.08
ACCESSORY BUILDINGS AND USES**

- A. Except for **buildings** related to active farming operations and sheds, an **accessory building** or use shall only be permitted on a **lot** which contains a **principal use** or **main building**. (Amended, 11-13-18)
- B. No part of an **accessory building** shall be used as a **dwelling** for living purposes except as permitted elsewhere in the zoning regulations. (Amended, 11-13-18)
- C. Accessory Structures in residential zoning districts
 - 1. Attached Accessory Buildings:
 - i. An accessory building that is attached to a dwelling or other main building, including enclosed porches or garages, shall be deemed a part of the main building and shall be subject to all regulations of the district in which it is located including but not limited to setbacks, height and size regulations. (Amended, 11-13-18)
 - 2. Detached Accessory Buildings:
 - i. An **accessory building** that is detached from the main dwelling shall meet all required building setbacks of the district in which it is located except it may be set back at least five (5) feet from any side or rear yard and must be separated by at least ten (10) feet from another building or structure. (Amended, 11-13-18)
 - ii. A shed may be located within the front yard as long as the shed is a minimum of five (5) feet from any property line. (Amended, 11-13-18)
 - iii. Height and Sizes
 - a. The total area for all **detached accessory buildings** shall not exceed the floor areas noted below. (Amended, 11-13-18)

Lot Size	Maximum Size	Height*
Less than 1 acre	1200 square feet	14 feet
1 acre but less than 2 acres	2400square feet	22 feet
2 acres or greater	3,000 square feet	22 feet

*The maximum height of a shed is 10 feet. (Amended 11-13-18)

- b. There is no size limit for detached accessory buildings that are accessory to agricultural operations- (Amended, 11-13-18)
- c. No detached accessory buildings other than sheds are allowed in a Manufactured home park. (Amended 11-13-18)
- d. Accessory Structures in zoning districts other than residential zoning districts shall be subject to all regulations of the district in which it is located including but not limited to setbacks, height and size regulations. (Amended, 11-13-18)

**SECTION 3.09
REGULATIONS APPLICABLE TO ALL
SINGLE FAMILY DWELLINGS**

It is the intent of this Section to establish minimum standards of construction and appearance for all **single-family dwellings** placed in the **Township**, whether constructed on a **lot** or a **manufactured home**. Construction and placement of a **single-family dwelling** on any **lot** or parcel shall be permitted only if the **dwelling** complies with all of the following standards:

- A. If the **dwelling unit** is a **manufactured home**, the **manufactured home** must either be:

1. New and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
 2. Used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition, safe and fit for residential occupancy.
 3. If the **dwelling unit** is a **manufactured home**, it shall be installed with the wheels and towing mechanism removed.
 4. The foregoing standards shall not apply to a **manufactured home** located in a **manufactured home park** licensed by the Michigan Manufactured Home Commission and approved by the **Township** according to the provisions contained in Chapter 9 of this Ordinance, except to the extent required by state or federal law.
- B. Any **dwelling unit** shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the County or **Township**, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with the standards or regulations shall be provided to the Building Inspector.
- C. Any **dwelling unit** shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the **lot area, lot width, residential floor area, yard, and building height** requirements of the District in which it is located.
- D. Any **dwelling unit** shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the **Township** or County.
- E. Exterior walls shall be finished with natural or simulated natural materials, common to single family dwellings, such as but not limited to, beveled siding, vertical siding, board and batten siding, or brick.
- F. Any dwelling unit shall have a minimum roof pitch of 5:12.
- G. Any **dwelling unit** shall have a minimum horizontal dimension across any front, side or rear elevation of twenty-four (24) feet at time of manufacture, placement or construction. A minimum floor to ceiling height of seven (7) feet shall also be provided.
- H. All single family dwellings shall be served by public sewer and water service, where available, or on-site septic and well systems approved by the Washtenaw County Health Department in the case where public sewer and water service are not available.
- I. All single family dwelling units shall contain inside storage areas equal to ten (10) percent of the square footage of the building, or one hundred (100) square feet, whichever is less. Such storage areas may be located in a basement beneath the dwelling, an attic area, one (1) or more closet areas, or an attached or detached structure with construction standards and materials of equal or greater quality and durability than the principal structure.
- J. Each dwelling unit shall have no less than two (2) exterior doors situated on different elevations of the dwelling, e.g., front and side.
- K. Compatibility Determination
1. In terms of construction standards, character, materials, design, appearance, aesthetics and quality, all dwellings shall be compatible, (i.e. meet equal or greater standards), as compared with existing dwellings in the area. The Zoning Administrator shall make the determination

of compatibility in the first instance, based upon the plans, specification, and elevations that shall be presented upon application for the building permit. Such determination shall be made in view of the following:

- a. The area of consideration. If the dwelling is to be located in a platted subdivision, planned unit development or site condominium development, it shall be compatible with the houses in the plat. If not, it shall be compatible with the dwellings within five hundred (500) feet of the property in question.
 - b. The square footage of floor space.
 - c. The length, width and height of the structure.
 - d. The architectural type and design, including, without limitation, exterior materials, the custom nature of the design, the roof style and like, to the extent that the same would likely bear upon property values.
 - e. The attachment of garages.
2. The Zoning Administrator may request a review by the Planning Commission of any dwelling unit with respect to this section. The Zoning Administrator or the Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of the dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the Township at large.

**SECTION 3.10
TEMPORARY USES OR BUILDINGS**

A. Upon application, the **Zoning Administrator** may issue a permit for the following temporary **buildings** or uses. Each permit shall specify a location for the **building** or use and shall be valid for a period of not more than twelve (12) calendar

months. Permits may be renewed by the **Zoning Administrator** for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose. The Zoning Administrator may request a review by the Planning Commission of any temporary building or use if necessary. Applicants shall pay a fee to the Township Treasurer as determined by the Township Board for the permit. Fees shall also be collected for any extensions granted by the Zoning Administrator. (Amended, 4-13-2021)

1. Temporary office **building** or construction yard incidental and necessary to construction at the site where located.

2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

3. The parking and occupation of a temporary **manufactured home** or recreation vehicle in any **Residential District**. Prior to issuing the permit the **Zoning Administrator** shall make the following determinations (Amended, 4-13-2021)

i. Any **manufactured home** or recreation vehicle will be used only as a temporary use on the same **lot** while the individual is constructing a permanent residence or repairing a damaged residence. (Amended, 4-13-2021)

ii. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary permit. (Amended, 4-13-2021)

iii. All temporary **manufactured home dwellings and recreation vehicles** shall meet the requirements of Washtenaw County and all applicable **Township** ordinances. (Amended, 4-13-2021)

iv. Prior to Township approval of a temporary manufactured home or recreation vehicle, a plan must be provided to the Township delineating intended waste disposal procedures, If public water and sanitary sewer lines or a well and septic tank are already available on site, the temporary structure shall be connected. (Amended, 4-13-2021)

B. Conditions for Approval (Amended, 5-11- 2021)

1. A driveway permit shall be obtained from the Washtenaw County Road Commission or the Michigan Department of State Highways and Transportation, whichever is applicable.

2. In considering authorization for all temporary uses or **buildings**, the **Zoning Administrator** shall consider the following standards and may attach reasonable conditions to temporary uses or **structures** to ensure that the standards of this Section are met. The **Zoning Administrator** shall determine that:

- i. The use or **structure** will not have an unreasonable detrimental effect upon adjacent properties.
- ii. The use or **structure** is reasonably necessary for the convenience and safety of the construction proposed.
- iii. The use or **structure** does not adversely impact the character of the surrounding neighborhood.
- iv. Access to the use area or **structure** is located at a safe location/

C. Temporary Event Standards

1. Small and large events may be approved by the Zoning Administrator or the Planning Commission, as appropriate. Applicants shall pay a fee to the Township

Treasurer as determined by the Township Board for the permit. Fees shall also be collected for any extensions granted by the Zoning Administrator.

2. Each small temporary event shall be permitted to take place on no more than 2 days in its entirety, with a minimum of 12 small temporary events permitted per property each year.

3. Each large temporary event shall be permitted to take place no more than 2 days in its entirety, with a maximum of 2 large temporary events permitted per property each year. If a property owner desires to hold more than 2 large temporary events per year, an application for Planning Commission review may be submitted. Additionally, the requested large temporary event must undergo the public hearing process.

4. In considering authorization for all temporary events regardless of size, the appropriate body (Zoning Administrator or Planning Commission) will consider the following standards and may attach reasonable conditions to ensure that the standards of the Section are met. The following determinations shall be made:

- i. Adequate off-street parking and ingress and egress shall be provided.
- ii. All uses shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- iii. The applicant shall specify the exact duration of the temporary use.
- iv. Electrical and utility connections shall be approved by the Building Official.

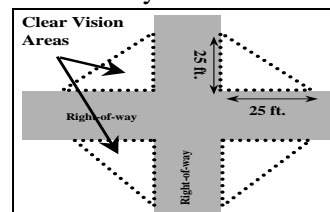
- v. Adequate site and surrounding area clean up shall be done during and following the use.
- vi. All temporary improvements shall be removed from the site at the conclusion of the project.
- vii. Adequate restroom facilities shall be provided. A general guide for this requirement is one toilet for each 50 persons estimated to attend.
- viii. Any signage shall conform to the provisions of the District in which the use is located.
- ix. There will be no gambling or use of alcohol or controlled substances contrary to law.
- x. There will be no generation of bright lights, loud noises, or strong odors at a level or intensity sufficient to create a nuisance to adjacent properties. (Amended, 4-13-2021)

**SECTION 3.11
FENCES**

- A. Fences shall be located entirely on the property of the owner.
- B. Fences shall not be constructed in any public right-of-way or clear vision area
- C. Unless provided for elsewhere in this Ordinance, a fence shall not exceed a **height** of three (3) feet in any **front yard, yard with street frontage**, or any yard that abuts a waterbody and shall be made to be a minimum of twenty-five percent (25%) open.
- D. Fences located in any side yard or rear yard shall not exceed a height of seven (7) feet.
- E. On lots that abut a waterbody, a fence may extend into a yard abutting the waterbody

20% of the distance between the dwelling’s rear façade and the ordinary high water mark of the waterbody, but in no way shall a fence be located within the minimum setback from a waterway.

- F. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes. Barbed wire may be used for security purposes in a **Non-residential District**, or for the protection of public utility structures. The barbed portion of the fence shall be at least six (6) feet from the ground.
- G. On lots greater than 2 acres where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a suitable fence to keep the animals from leaving the premises at will, shall be provided and regularly maintained. If these fences are in the front yard area they can be over 3 feet in height but shall be no greater than 5 feet in height and made to be a minimum of twenty five percent (25%) open.
- H. Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that does not conform with provisions of this Section shall be considered nonconforming structures.
- I. 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.
- J. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot. This can be achieved by placing a gate in the fence if necessary.



K. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

**SECTION 3.12
GREENBELTS AND LANDSCAPING**

A. Where non-residential uses abut residential uses, the Planning Commission may require a landscaped greenbelt buffer as follows:

1. A required greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least ten (10) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting. The greenbelt shall be situated so as to provide an effective sound and visual permanent buffer.

2. A minimum of one (1) evergreen tree shall be planted for each fifteen (15) lineal feet of required greenbelt length.

B. All off-street parking areas shall be screened and landscaped as follows:

1. When a required non-residential parking lot is situated on a parcel which adjoins, or is directly across a roadway from a Residential District, the parking lot shall be set back fifty (50) feet from the property line or right-of-way line.

2. Required non-residential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence, wall, or landscaped equivalent.

3. Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least twenty-five (25) square feet of interior landscaping per parking space.

4. Interior parking lot landscaping islands shall be no less than ten (10) feet in any dimension, no less than two hundred (200) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.

5. A minimum of one (1) tree shall be planted per two hundred (200) square feet or fraction thereof of interior parking lot landscaping.

C. The portion of the landscaped area not covered by plantings shall be kept in a healthy growing condition, neat and orderly in appearance.

D. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

E. Required landscaping shall be kept in a healthy growing condition and any plant materials required as part of the greenbelt which die shall be replaced by the property owner.

F. Privacy hedges and closely spaced shrubs, bushes, or other growing plants shall meet height requirements for fences.

**SECTION 3.13
INSTALLATION OF LANDSCAPING**

A. Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for land areas disturbed as a result of construction and not covered by impervious or graveled surfaces within six (6) months shall be reasonably maintained thereafter or replaced.

B. A performance guarantee as provided in Section 18.11 may be required by the

Township to ensure that landscaping is installed within the six (6) month period.

- C. No landscape materials other than lawn and street trees approved by the Washtenaw County Road Commission\MDOT shall be planted within any public street right-of-way.
- D. All evergreens trees planted as landscape requirements shall be a minimum of ten (10) feet tall. All deciduous trees shall have a minimum DBH (Diameter at Breast Height) of three (3”) inches.

**SECTION 3.14
CLEAR VISION AREAS**

- A. No plantings, fencing, or other **structures** shall be established or maintained on any **lot** which will obstruct the view of a vehicle driver approaching an intersection, or obstruct the view of vehicles entering or leaving the site from driveways or adjacent roadways. No plantings, fencing or structure greater than thirty (30) inches in height shall be permitted within a clear vision area.
- B. An unobstructed corner shall mean a triangular area formed by the **street** property lines or right-of-way easement line for lots with the front lot line in the center of the right-of-way, and a line connecting them at points twenty-five (25) feet from the intersection of the **street** or easement lines, as applicable, or in the case of a rounded property corner from the intersection of the **street** property lines or easement lines extended, as applicable.

**SECTION 3.15
ESSENTIAL SERVICES**

- A. The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law

and other ordinances in any **District**, it being the intention to exempt the erection, construction, alteration, and maintenance from the application of this Ordinance.

- B. Cellular telephone or commercial wireless communications towers shall be considered essential services. However, a Special Land Use Permit is required to properly locate these structures, as referenced in Section 14.04.

**SECTION 3.16
TEMPORARY STORAGE OF USED MATERIALS**

- A. The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, and slag or other commercial or industrial by-products or waste is prohibited without a Temporary Permit obtained from the **Zoning Administrator**, which shall be accompanied by a performance guarantee.
- A. In reviewing the request, the **Zoning Administrator** shall consider the length of time requested the visibility of the storage area from surrounding properties, potential safety concerns, and the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

**SECTION 3.17
ENVIRONMENTAL PROVISIONS**

Environmental protection and design standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable

elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy, and operation. These standards are established as minimum requirements to be maintained.

A. Airborne Emissions.

1. Smoke.

a. A person shall not cause or permit to be discharged into the atmosphere from a single source of emission, visible air contaminant of a density darker than No. 1.0 of the Ring Lemann Chart or not more than twenty percent (20%) opacity except:

I. A visible air contaminant of a density not darker than No. 2 of the Ring Lemann Chart or not more than forty percent (40%) opacity may be emitted for not more than three (3) minutes in any sixty (60) minute period but this emission shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.

ii. Where the presence of uncombined water vapor is the only reason for failure of an emission to meet the requirements of this rule.

b. The density of an air contaminant emission shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

c. Darkness of a visible emission of an air contaminant shall be graded by using the Ring Lemann Chart or by means of a device or technique which results in a measurement of equal or better accuracy.

d. Opacity of a visible emission of an air contaminant shall be graded by observers trained by and certified by the Washtenaw County Health Department.

2. Dust, Dirt and Fly Ash.

a. No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating recognized and approved equipment, combustion device, which is recognized and approved as a device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with a process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed those allowed by the Washtenaw County Health Department.

b. Method of Measurement. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. test code for the dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Official may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

3. Air Contaminants, Water Vapors and Odors.

- a. Air Contaminants and Water Vapors. A person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, along or in reaction with other air contaminants, either of the following:

- I. Injurious effects to human health or safety, animal life, plant life or significant economic value, or property.

- ii. Unreasonable interference with the comfortable enjoyment of life and property.

- b. Odors. Odorous emission shall be classified using the following scale:

- 0 - A concentration of an odorant which produces no sensation.

- 1 - Concentration which is just barely detectable.

- 2 - A distinct and definite odor whose characteristic is clearly detectable.

- 3 - An odor strong enough to cause a person to attempt to avoid it completely.

- 4 - An odor so strong as to be overpowering and intolerable for any length of time.

An odor which has an odor intensity of two (2) or more but does not cause a reasonable person to believe that the odor unreasonably interferes with the comfortable enjoyment of life and property does not constitute a violation of this Section. A person in violation of this Section is subject to enforcement activities pursuant to this Ordinance.

- c. Gases. The escape of or emissions of any gas which is injurious, a nuisance, destructive or explosive shall be

unlawful and may be summarily caused to be abated.

- d. Wind Bourne Pollutants. It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, on any premises, open area, right-of-way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation or any other enterprise that involves any handling transportation, or disposition of any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking precautions or measures that will eliminate the escape of air contaminants. No person shall maintain or conduct, or cause to be maintained or conducted any parking, lot, or automobile and/or truck sales lot, or cause or permit the use of any roadway under his control unless such lot or roadway is maintained in such a manner as to eliminate the escape of air contaminants.

B. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall:

- 1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.

- 2. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

- C. Fire and Explosive Hazard.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such

material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with the State's Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

**SECTION 3.18
ILLEGAL DWELLINGS**

- A. The use of any **basement** for dwelling purposes is forbidden in any **Zoning District** unless said basement meets the appropriate building codes for the Township or County and the remainder of the **dwelling** has been completed and available for occupancy.
- B. **Buildings** erected as garages or **accessory buildings** shall not be occupied for dwelling purposes.
- C. Buildings that have been condemned by the Building Official.
- D. Tents, lean-tos or similar used by the homeless or transitory. This does not include those legally erected as campsites on public lands or for recreation on private property.

**SECTION 3.19
EXCAVATIONS, HOLES, OR PONDS**

- A. The construction, maintenance, or existence within the **Township** of any unprotected, un-barricaded, open, or dangerous excavations, holes, pits, or wells, or water impoundments which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited.

- B. This Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other bodies of water created or existing by authority of governmental units or agencies.
- C. This Section shall not include excavations related to approved operations for the commercial removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources as regulated by the Lyndon Township Mining Ordinance and Section 13.04
- D. Ponds created by excavations shall be subject to setbacks applicable to **accessory buildings** in Section 3.08. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.
- C. Ponds shall be constructed in such a manner that no overflow, spillage, or seepage shall encroach on adjacent lots or parcels.
- F. Any ponds must be excavated in a manner that is in conformance with state and local regulations.
- G. All earth excavated during construction of the pond shall be disposed of and evenly graded out on the parcel consistent with the approved design plans.
- H. No pond shall be located closer than fifty (50) feet from any telephone, electrical or other utility line located above or below ground.

**SECTION 3.20
OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS**

- A. The outdoor storage or parking of recreational vehicles in all **Residential Districts** shall be subject to the following minimum conditions:

1. Any **recreational vehicles** parked outside, shall not be located in any **required front yard setback** area, however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seventy-two (72) hours during loading or unloading.

2. Storage or parking of the vehicles shall be limited to the **lot** or parcel upon which the owner of the vehicle also makes his primary residence. The lease of space for outside storage or parking of **recreational vehicles** for compensation shall not be permitted in a **Residential District**.

3. **Travel trailers** and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, provided that the equipment may be parked and used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any six (6) month period, provided that running water or indoor sewage facilities within the equipment is not utilized. (Unless being used as allowed per section 3.10.B)

4. Parking of recreational equipment in the driveway shall not prevent the off-street parking requirements set forth in Section 15.06 from being met.

**SECTION 3.21
EXTERIOR LIGHTING**

- A. All lighting of a high intensity nature shall be directed away from and shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Light poles used to illuminate parking lots or storage areas shall be limited to fifteen (15) feet in **height**.
- C. Lights used for canopies for the uses as **vehicle service stations, drive-in establishments** and other similar uses shall

be completely recessed in the canopy **structure** and shall not extend lower than the underside surface of the canopy.

- D. Lighting of parking areas, **buildings, or structures** shall be minimized to reduce light pollution and preserve the rural character of the **Township**.
- E. Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed one half (0.5) foot-candle at ground level along common property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed one (1.0) foot-candle at ground level along common property lines. Maximum lighting levels shall not exceed twenty (20) foot-candles in any given area measured at ground level.

**SECTION 3.22
HOME-BASED BUSINESS**

- A. Home-based businesses shall obtain a valid permit from the Ordinance Officer, pursuant to the requirements of this Section.
- B. The Zoning Administrator shall issue a permit for home-based businesses on parcels of one or more acres. Planning Commission approval shall be required for home-based businesses on parcels of less than one acre. An application for a permit for a **home-based business** shall be accompanied by a letter from the applicant indicating the nature of the **business** and sufficient facts to indicate that the **home-based business** will comply with the requirements of this Section.
- C. At least one resident of the home shall be engaged in the home-based business.
 - 1. If the home-based business is “massage therapy” as provided in MCLA 333.179957, only two residents may provide those services.

- 2. Except as provided in 1 above, the home-based business may include the services of up to two other persons who may or may not be residents of the home.
- D. The use of the dwelling unit for the **home-based business** shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- E. Accessory buildings used for a home-based business shall be at least fifty (50) feet from a dwelling unit on another lot. Total floor area for a home-based business located both within a single family dwelling and accessory buildings on the same lot when taken together with outdoor storage area shall not exceed one thousand (1,000) square feet. The home-based business may be conducted partially within the dwelling unit. However, the home-based business shall not occupy more than twenty-five percent (25%) of the total gross floor area of said dwelling including the basement.
- F. Outdoor storage of materials shall be completely fenced to obstruct view to a height equal to the elevation of the tallest material to be stored, which may not exceed six (6) feet. Outdoor storage areas shall be at least fifty (50) feet from any dwelling unit on another lot.
- G. Only those materials produced on the premises as a result of the **home-based business**, or clearly related and incidental to the **home-based business**, may be provided for sale
- H. There shall be no change in the outside appearance of the building except for a sign mounted flat against the wall of the main building, non-illuminated, and not to exceed four (4) square feet. Any other signs must be non-illuminated, not to exceed six (6) square feet in area, and at least fifteen feet (15) from the road right-of-way.
- I. No more than four (4) additional parking spaces (beyond the two required for a single

family dwelling) shall be added for a home-based business on the same lot, and at no time shall more than four (4) nonresident vehicles be present at a home-based business, whether they be those of customers or employees. Parking areas for the **home -based business** shall be located off the **street**, and shall not be located in the **front yard setback** area.

- J. No equipment or process shall be used in the **home-based business** which creates noise, vibration, glare, fumes, odors, electrical interference, unsanitary or unsightly conditions, and/or fire hazards. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises. Any home-based business shall not involve the storage or use of hazardous materials not typically associated with residential use.
- K. Home-based businesses shall not be permitted if the essential character of a lot or single family dwelling within a residential district, in terms of use and appearance, traffic, or enjoyment of adjacent property, will be appreciably changed by the occurrence of such home business.
- L. The following home-based businesses are prohibited:
 - 1. Automobile service stations.
 - 2. Automobile salvage yard or junk yard.
 - 3. New and used vehicle sales.
 - 4. Auto body and/or paint shops.
 - 5. Sexually oriented businesses.
 - 6. Other land uses which are specifically provided for elsewhere in this Ordinance by Special Use Permit, or land uses permitted only in the Industrial District.

**SECTION 3.23
SEASONAL USES**

- A. The **Zoning Administrator** may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event, except for seasonal fireworks sales which are covered under Section 10.03.
- B. Any structure associated with a seasonal use must comply with all setback requirements of the zoning district in which it is located. (Amended, 4-13-2021)
- C.. In considering a request for a temporary permit, the **Zoning Administrator** must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The **Zoning Administrator** will also determine:
 - 1. That the use does not have an unreasonable detrimental effect upon adjacent properties.
 - 2. That the use does not impact the nature of the surrounding neighborhood.
 - 3. That access to the area will not constitute a traffic hazard due to ingress or egress.
 - 4. That adequate off-street parking is available to accommodate the use.
- D. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the **Zoning Administrator** for up to one (1) additional successive month provided the season or event to which the use relates is continued.

**SECTION 3.24
NONCONFORMING LANDS, BUILDINGS,
STRUCTURES, AND USES**

- A. General Conditions
 - 1. Except where specifically provided to the contrary and subject to the provisions of this Section, a lot, **building** or **structure** which is existing and lawful on the effective date

of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of the amendment, may be maintained and continued even though the land, **building** or **structure** does not conform with the provisions of this Ordinance or any amendment thereto.

B. Nonconforming Land:

1. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected on any single lot of record in existence at or before the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area, width, and/or frontage, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area, width, and/or frontage, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the Zoning Board of Appeals. (See Diagram A).

2. If two or more lots or combinations of lots and portions of a lot, which are contiguous and in single ownership, are of record at the time of adoption or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. (Amended, 11-13-18)

C. **Nonconforming buildings and structures:** Extensions, enlargements, alterations, remodeling, or modernization.

- 1. **Nonresidential Districts.**
 - a. **Nonconforming buildings or structures in Nonresidential Districts** may be extended, enlarged,

altered, remodeled or modernized when the **Zoning Board of Appeals** determines that the following conditions are met:

- (1) The building or structure complies with all height, area, and parking and loading provisions with respect to the extension, enlargement, alteration, remodeling or modernization.
 - (2) The enlargement or extension is limited to the same parcel the **nonconforming use** was located on at the time of the adoption of the existing Lyndon Township Zoning Ordinance.
 - (3) The enlargement or extension does not interfere with the use of other properties in the vicinity.
 - (4) The enlargement or extension does not exceed fifty percent (50%) of the **GFA** of the original **building** when it became **nonconforming**.
- b. Any **building** or **structure** which is **nonconforming** by reason of parking or loading provisions and which later provides additional parking or loading spaces to meet the provisions of this Ordinance, shall not be permitted to use the additional spaces to meet requirements for another extension, enlargement, or change of use which requires additional parking or loading spaces, without providing the spaces.

2. **Residential Districts** and Uses.

Nonconforming residential **buildings** or **structures** may be extended, enlarged, altered, remodeled or modernized when the **Zoning Administrator** determines that the following conditions are met:

- a. The enlargement or extension is limited to the same parcel the **nonconforming building** or **structure** was located on, at the time

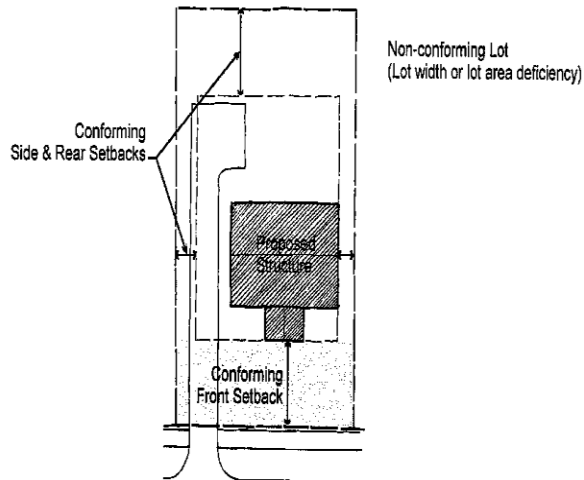
of the adoption of the existing Lyndon Township Zoning Ordinance.

- b. The enlargement or extension will not interfere with the use of other properties in the vicinity.
- c. The enlargement or extension shall not further encroach into any **setback** area. (See Diagram C and D) (Amended, 11-13-18)

D. Restoration and Repair

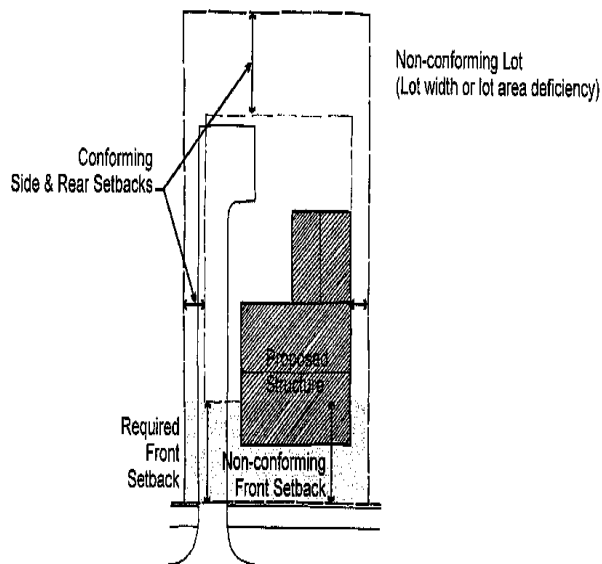
- 1. Any restoration and/or repair shall not increase the nonconformity of the structure and shall be done in a manner to reduce nonconformity where feasible
- 2. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any **building** or **structure** which is unsafe.
- 3. Nonconforming **buildings** or **structures** damaged by fire, wind, act of God or public enemy may be reconstructed provided that the reconstruction does not increase the prior nonconformity.
- 4. Any reconstruction shall commence within one (1) year of the date on which the **structure** was damaged. Further, the work must be completed and eligible for occupancy, as determined by the **building** Inspector, within eighteen (18) months of the date on which the **structure** was damaged. The Zoning Administrator may grant extensions not to exceed a duration of six (6) months.

Diagram A: Conforming, non-conforming or lot of legal record with conforming proposed structure



The development will not require a variance from the Zoning Board of Appeals because the development meets all the required setbacks.

Diagram B: Conforming, non-conforming or lot of legal record with non-conforming proposed new structure.



The development will require a variance from the Zoning Board of Appeals because the development encroaches into the required front yard setback.

Diagram C and D: Expansion of a non-conforming structure with conforming addition

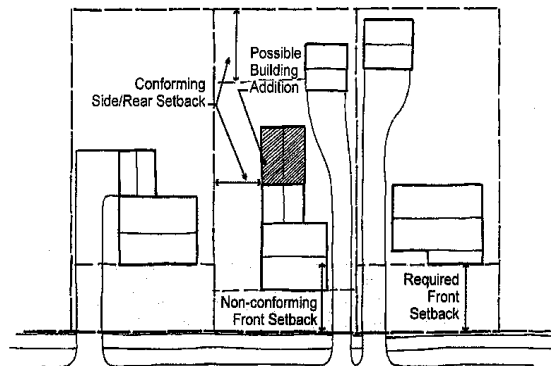
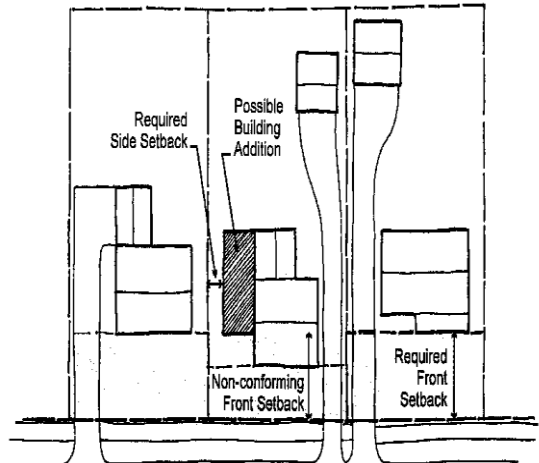
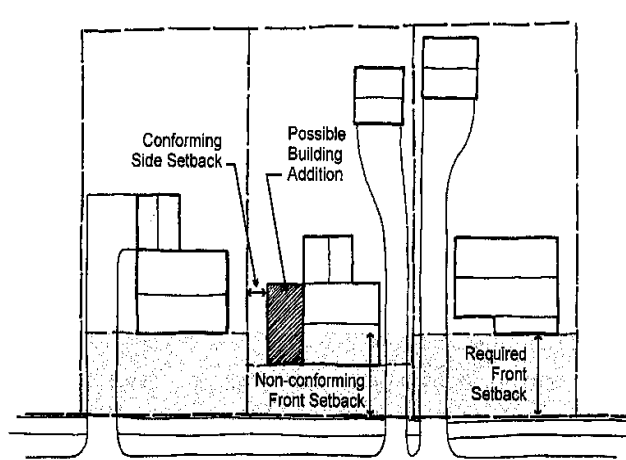
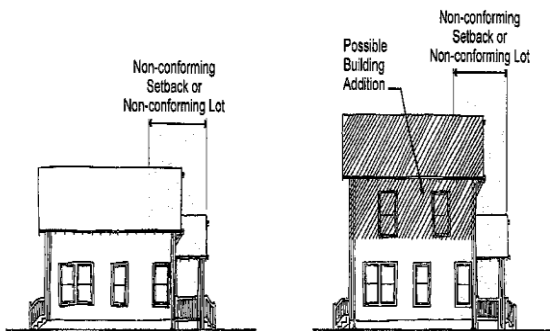


Diagram E: Expansion of a non-conforming structure with an addition that does not comply with the zoning regulations



The addition would require a variance from the Zoning Board of Appeals because the addition encroaches into the front yard setback.

Diagram E: Addition of a second story to a non-conforming structure



The second addition would require a variance from the Zoning Board of Appeals because the second addition encroaches into the required setback. (Amended, 11-13-18)

E. **Nonconforming uses** - Change or Discontinuance

1. Except as noted in 2, below, the **nonconforming use** of a **building** or **structure** or of any land or premises shall not be:

- a. Re-established after it has been changed to a conforming use.
- b. Re-established after being abandoned or discontinued for a continuous period of six (6) consecutive months, or for eighteen (18) months within any three (3) year period. A **nonconforming use** shall be determined to be abandoned or discontinued if one (1) or more of the following conditions exists, and are deemed to constitute an intent on the part of the property owner to abandon the **nonconforming use**:

- (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
- (2) The property, **buildings**, and grounds, have fallen into disrepair;
- (3) **Signs** or other indications of the existence of the **nonconforming use** have been removed;
- (4) Removal of equipment or fixtures which are necessary for the operation of the **nonconforming use**;
- (5) Other actions, which in the opinion of the **Zoning Administrator**, constitute an intention of the part of the property owner or lessee to abandon the **nonconforming use**.

2. The **Zoning Administrator** may permit a **nonconforming use** to be converted to a more conforming use which is less intensive or objectionable. In considering permission, the **Zoning Administrator** shall use the following standards in making his or her decision:

- a. The **building** or premises may be changed to a Permitted Use for the **Zoning District** in which the existing **nonconforming use** is located. However, the new use shall not require more off-street parking than exists on the premises.
- F. Any **building** or **structure** shall be considered existing and lawful, and for purposes of Section 3.25 A., to have been in use for the purpose it was constructed if:
 - 1. On the effective date of this Ordinance, a building permit has been obtained for the **building**; or
 - 2. If no building permit is required, a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.
- G. Any **structures** or uses which fail to conform to the previous Lyndon Township Zoning Ordinance, were not constructed or used legally, were not permissible **nonconforming uses** or **structures** thereunder, or which violated that Zoning Ordinance, shall not be considered **nonconforming uses** or **structures** under this Ordinance. The **structures** or uses shall be considered illegal and subject to the enforcement provisions of this Ordinance.

**SECTION 3.25
DEMOLITION PERMITS**

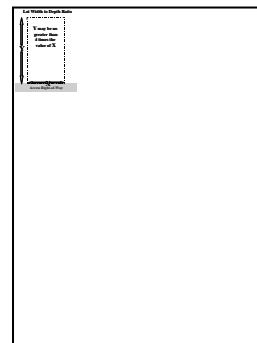
No **buildings** shall be razed until a zoning permit has been obtained from the **Zoning Administrator**.

**SECTION 3.26
PRIVATE STREETS**

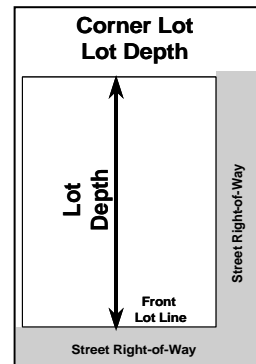
Private streets shall be maintained in accordance with the Lyndon Township Private Road Ordinance.

**SECTION 3.27
MAXIMUM WIDTH TO DEPTH RATIO**

- A. In all **Residential Districts**, no **lot** shall be created whose **lot** depth exceeds four (4) times its width, except for:
 - 1. Approved subdivision site condominium lots; or,
 - 2. Residentially zoned **lots** or parcels that have more than one half (1/2) of their **street frontage** on a cul-de-sac. (See Section 3.06.)



- B. In the case of an unimproved **corner lot** or corner parcel, the **depth** of a **lot** or parcel shall be measured midway between the **side lot lines** and from the **front lot line** to the **rear lot line** along the dimension of the **lot** comprising the greatest distance.



- C. The **Zoning Board of Appeals** may permit the creation of a **lot** or parcel which does not comply with this Section. In determining

whether to grant its approval, the **Zoning Board of Appeals** shall first find that:

1. The greater depth is necessitated by conditions of the land in question, such as topography, street access, soils, wetlands, or floodplain; and
2. The creation or use of the **lot** will not conflict with other **Township** Ordinances and regulations, unless an appropriate variance is received from other Ordinances or regulations.

**SECTION 3.28
SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate **lot** or parcel. It may have **buildings** constructed on it, and uses conducted on it as allowed in the **Zoning District** in which it is located. However, the unit shall meet the District Regulations for the **Zoning District** in which it is located.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the **Planning Commission** in accordance with Chapter 14.

**SECTION 3.29
KEEPING OF ANIMALS**

- A. This section does not apply to farms as defined under the Michigan Right to Farm Act (Act 93 of 1981).
- B. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses, subject to the requirements of this Section.

- C. Any lot or premises on which four (4) or more animals such as dogs, cats or similar, six (6) months of age or older are kept temporarily or for the purpose of breeding, boarding or sale shall be considered a kennel.
- D. Kennels shall only be permitted as required by the **Zoning District** in which the property is located.

1. Any pen or **building** or **structure** housing these animals shall be a minimum of fifty (50) feet from any property line and a minimum of twenty (20) feet from any **dwelling unit**.

2. The keeping of animals shall be subject to the following numerical limits, except the Zoning Administrator may temporarily permit exceeding these limits for the purposes of 4H or other similar project, provided that a request is submitted to the Zoning Administrator in writing, the request designates a responsible adult supervisor, the purpose of the request is noted, the duration requested, and a plan for feeding and handling of animals wastes during the period requested.

- E. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a suitable fence to keep the animals from leaving the premises at will, shall be provided and regularly maintained. House pets shall be kept on the premises of their owner.
- D. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use for medical care of fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:

# of Acres	Units Allowed
0 to 1.99	0
2.0 to 5.0 acres	2
5.01 to 10 acres	4
10.01 to 20 acres	8
Over 20 acres	No limit

Horse/Cattle = 1 unit

Sheep / Hog* = 0.5 unit

Fowl/Rabbits = 0.04 unit (See Section G)

*Miniature horses, donkeys, llamas, goats, and other similar animals shall be considered the same as sheep and hogs.

** Because all animals cannot be listed they will be considered based on similar size.

*** Wild Animals are prohibited to be kept. Any wild, exotic, dangerous, or venomous animal including but not limited to mammals, fowl, fish or reptile, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes or jackals); domestic cats (excluding hybrids with ocelots or margays); farm animals, and horses, rodents and captive-bred species of common cage birds or reptiles.

*** It is unlawful for the owner, custodian, or keeper of any animals to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. The Zoning Administrator will determine whether or not a nuisance exists on a case-by-case basis.

G. Keeping of Chickens. The regulation of chickens in section 3.29 F, does not apply to the keeping of up to six (6) female chickens, roosters are prohibited, when kept in such a manner that the following standards are complied with:

1. The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least two (2) square feet per chicken in size. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.

2. No chicken house shall be located closer than fifty (50) feet from any property line.

3. The chickens shall be shut into the chicken house at night, from sunset to sunrise.

4. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, “backyard” means that portion of a lot enclosed by the property’s rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines

5. During daylight hours the adult chickens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property.

6. The area containing the chickens shall be adequately fenced to protect and contain the chickens and to prevent access to the chickens by dogs and other predators.

7. Stored feed must be kept in a rodent- and predator-proof container.

8. It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. The Zoning Administrator will determine whether or not a nuisance exists on a case-by-case basis.

**SECTION 3.30
RESIDENTIAL SWIMMING POOLS**

A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section. However, these regulations shall not be applicable to any pool less than twenty-four (24) inches deep or having a surface area less than two hundred (200)

square feet, except where pools are permanently equipped with a water recirculating system.

- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a **building** permit has been obtained.
- C. The outside edge of the pool wall shall meet the **side** and **rear yard setbacks** of the **zone district** in which it is located. Swimming pools shall not be located in the **front yard**
- D. A swimming pool shall be located no closer than four (4) feet from any building on the lot. This shall exclude spas or hot tubs.
- E. Each pool shall be enclosed by a fence or wall with a **height** of at least four (4) feet, sufficient to make the body of water inaccessible to small children. All gates must be self-latching, and latches shall be placed four (4) feet above the ground or otherwise made inaccessible from the outside to small children. See Section 3.11 for other fence requirements.
- F. All swimming pool installations shall comply with any applicable Construction Codes and all other standard codes to which it refers.

**SECTION 3.31
STORAGE AND REPAIR OF VEHICLES**

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any **Residential District** for the private use of the owner or occupant of the property on which the procedures or projects are conducted, shall be so conducted entirely within an enclosed **building**. When the work is not conducted entirely within an enclosed **building**, following limitations shall apply:

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall not be carried out unless within an enclosed **building**.

- B. Inoperable vehicles and vehicle parts shall be stored inside a **building**, except for one (1) vehicle which may be stored in the **rear yard** in a location not plainly visible from the **street** or from abutting properties.

**SECTION 3.32
RIPARIAN ACCESS**

The following restrictions are intended to limit the number of users of water bodies within the Township in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use for all users.

- A. In all Districts there shall be at least forty (40) feet of lake **frontage**, as measured along the shoreline or **ordinary high water mark** of the lake, for each **dwelling unit** utilizing or accessing the lake **frontage**. This includes but is not limited to homes provided access via an easement. For example, a **multiple family building** with four (4) **dwelling units** would require one hundred and sixty (160) feet of lake **frontage** to gain access to the lake for all of the units.
- B. Notwithstanding any other requirement of this Ordinance, any **lot** within the Lake Residential District (Chapter 7) or Lake Conservation District (Chapter 8) providing riparian access shall meet the following requirements:
 - 1. A minimum of one hundred and fifty (150) feet of **frontage**, as measured along the shoreline or **ordinary high water mark** of the lake.
 - 2. A minimum **lot area** of thirty thousand (30,000) square feet.
- C. The restrictions of this Section shall apply to all **lots** and parcels on or abutting any lake in all **Districts**, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee

ownership, condominium arrangement, license, or lease.

- D. In any district in which riparian access has been established before the effective date of this ordinance, such access shall retain historic uses to the extent otherwise lawful with the following exceptions:

1. Undeveloped deeded easements shall not be used as riparian access, except strictly in accordance with expressed provisions in a deed first creating such riparian access and recorded before the effective date of this ordinance; piers, docks or docking stations (e.g. boat lifts) will not be permitted on or from (including on submerged bottomland) unless in such instance as and in accordance with the expressed and specific provisions in a deed first creating such riparian access and recorded before the effective date of this ordinance.

2. On undeveloped deeded easements no more than four (4) boats shall be launched from and/or docked adjacent to each lake frontage for a period of more than seventy-two (72) consecutive hours. All such boats shall be registered with the State of Michigan.

3. It is a violation of this ordinance for any person to erect any dock, or launch any boats from any public **or** private riparian access site, without written consent of the private entity or governmental body having jurisdiction over the public or private riparian access site or unless such activity is expressly within any applicable dedication language. If it cannot be determined what entity has jurisdiction over the property, a request for written permission shall be submitted to the Township which will send copies to any homeowners whose members own property abutting said lake.

SECTION 3.33 GENERATORS

- A. The permanent installation of generators in all **Residential Districts** shall be subject to the following conditions:

1. Generators shall be located in a **rear yard** or **side yard**.

2. Generators shall be placed immediately adjacent to the residential building, maximum 36" from the exterior wall of the dwelling unit, and maintain a minimum fifteen (15) foot **side yard** setback.

3. Generators located in the **side yard** shall be screened from view using a screen wall. The screen wall shall be constructed using materials identical to those used on the main building or through the use of evergreen plant material at least the **height** of the equipment, but not more than four (4) feet in height. All screen walls shall be located at the placement of the equipment. Non-vegetative screen walls shall comply with minimum fifteen (15) foot side yard setback.

4. Generator decibel level must register 60 decibels or less at a measurement twenty-five (25) feet from the unit, as determined by the **Zoning Administrator**. When the ambient noise is greater than 55 decibels at the point of measurement, the noise generated from the generator in combination with the ambient noise shall not exceed more than 10 decibels above the ambient noise.

5. Generators shall be installed according to manufacturer specifications and installation instructions. The applicant shall submit a copy of the manufacturer's instructions with application to the **Zoning Administrator**.

6. Generator installation shall require an electrical permit.

**SECTION 3.34
OUTDOOR WOOD BOILERS**

A. Setbacks, Location. An Outdoor Wood Boiler shall be located a minimum of 100 feet from the principal building on any adjacent lot.

B. Fuel.

1. Permitted Fuels. The following combustible materials may be burned in an Outdoor Wood Boiler in accordance with the manufacturer's specifications.
 - a. Natural wood, untreated and with no additives.
 - b. Wood pellets, without additives.
 - c. Agricultural seeds in their natural form.
2. Prohibited materials are shall not be burned in an Outdoor Wood Boiler, including without limitation:
 - a. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished or treated with preservatives.
 - b. Waste petroleum products, paints, varnishes or other oily wastes.
 - c. Asphalt and products containing asphalt.
 - d. Any plastic, nylon, PVC, ABS, urethane foam and other
 - e. Synthetic materials.
 - f. Rubber products.
 - g. Newspapers, corrugated cardboard, container board, office paper and other paper products.
 - h. Grass clippings, brush trimmings, leaves and general yard waste.

- i. Rubbish, garbage, construction or demolition debris or other household or business wastes.
- j. Any materials containing asbestos, lead, mercury, heavy or toxic metals, or chemicals.

C. Chimney. An Outdoor Wood Boiler shall have a permanent attached chimney (or stack) that extends at least 15 feet above the ground surface.

D. Building Code. An Outdoor Wood Boiler shall meet all building codes and manufactures requirements.

E. Applicability. Does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances nor apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities,

**SECTION 3.35
PERMITTED AND MINOR
AGRIBUSINESS**

- A. Permitted Agribusiness Uses Allowed. The following Agribusinesses may be permitted in the Rural Residential (RR) District with approval of a zoning compliance permit under section 19.06 and with compliance to the regulations under 3.35 (C).
 1. Farm Markets
 2. CSAs
 3. Nurseries,
 4. Greenhouses, and
 5. U-Pick operations.
- B. Minor Agribusiness Uses Allowed. The following Minor Agribusinesses or similar agribusinesses may be permitted in the Rural Residential (RR) District with approval of a zoning compliance permit under section 19.06 and with compliance to the regulations under 3.35 (C and D).
 1. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
 2. Petting farm or fishing pond

- 3. The processing, storage, or wholesale marketing of agricultural products into a value-added agricultural product in a farming operation if at least fifty percent (50%) of the stored, processed, or merchandised products are produced by the farm operator
 - 4. Animal display, and pony rides,
 - 5. Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides),
 - 6. Wagon, sleigh, and hayrides,
 - 7. Nature trails,
 - 8. Open air or covered picnic area with restrooms,
 - 9. Educational tours, cooking demos, classes, lectures, seminars associated with the farm or ranch use,
 - 10. Historical agricultural exhibits
 - 11. Minor Agribusiness Uses 1 through 10 under 3.35 (B) listed above may include any or all of the uses 1 through 5 under 3.35 (A) so long as the general agricultural character of the farm is maintained and the regulations under 3.35 (C and D) are met.
- C. Permitted and Minor Agribusiness Regulations. The following regulations are required for all Permitted and Minor Agribusiness types listed in 3.35 (A and B):
- 1. Setbacks:
 - i. All Setbacks of the zoning district must be met.
 - ii. Any building or parking associated with a Permitted or Minor Agribusiness activity shall be setback a minimum of 100 feet from the nearest side and rear property line. (Amended, 2-8-2022)
 - iii. Where possible, crops shall remain within this 100 foot setback to help maintain the agricultural character of the site.

- 2. Parking Regulations: The following parking regulations are in addition to the regulations in Chapter 16 Parking:
 - i. Parking facilities may be located on a grass or gravel area for seasonal uses.
 - ii. All parking areas shall be defined by either gravel, cut lawn, sand, or other visible marking.
 - iii. Parking areas shall not be located in required setbacks.
 - iv. The Zoning Administrator shall determine the required number of parking spaces based on the proposed use. In order to calculate these numbers the Zoning Administrator shall use a similar commercial use as listed under section 16.06. The applicant may be required to submit a parking study to determine the projected number of parking spaces required.
 - v. The Zoning Administered may require review of the parking plans by the Township Engineer prior to approval.
 - 3. Signs must meet the regulations for the zoning district under Chapter 17 Sign Regulations.
 - 4. All other local, state, and federal regulations that apply.
- D. Minor Agribusiness Regulations. In addition to the regulations in 3.35 (C) the following regulations are required for all Minor Agribusiness listed in 3.35 (B):
- 1. Any use associated with a Minor Agricultural use shall meet a minimum setback of 100 feet from a side or rear property line.
 - 2. Where possible, crops shall remain within this 100 foot setback to help maintain the agricultural character of the site.

3. The Minor Agribusiness must be associated with the farm or ranch use of the property.
 4. The subject property shall have a minimum lot size of ten (10) acres.
 5. Minor Agribusiness use shall be limited to 50 customers on the site at any one time. (Amended, 2-8-2022)
 6. All Minor Agribusinesses allowed by this section shall have access off a public roadway.
 7. Buffer plantings meeting the requirements of section 3.12 shall be provided along the property line where there is an abutting residentially No structure used for the indoor commercial aspect of the minor agribusiness allowed shall have an indoor commercial space for customers or retail sales of more than 1000 square feet.
 8. Hours of operation shall be limited to between 8:00 am and 10 pm. No amplified music shall be allowed after 8 pm; workers and attendees to the Agribusiness shall not arrive or leave the site before or after the hours of operation.
Any outdoor lighting shall not be on prior to 15 minutes before the open of business or 15 minutes after the close of business. All outdoor lighting located on-site shall be constructed and installed so that all sources of light shall not be visible beyond the perimeter lot lines and shall meet the requirements of section 3.21 Exterior Lighting.
- E. The following information shall be provided as a part of the zoning compliance permit application:
1. Ownership of the property.
 2. Months (season) of operation.
 3. Hours of operation.
 4. Anticipated number of customers.
 5. Maximum number of employees on site at any one time
 6. Maintenance plan for disposal, etc.
 7. The project plans shall include:

- i. All existing and proposed improvements on the site,
 - ii. All existing and proposed uses on the site,
 - iii. Distances of the proposed uses from all property lines and the road right of ways,
 - iv. Any proposed signage,
 - v. Any proposed parking,
 - vi. Any proposed lighting, and
 - vii. Any proposed restroom facilities.
8. Verification that all outside agency permits have been granted, i.e. Federal, State and local permits. (Amended, 8-11-2020)

**SECTION 3.36
ACCESSORY DWELLING UNITS**

The intent of those regulations are to provide older homeowners with a means to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave; add moderately-priced dwelling units to the housing stock to meet the needs of smaller households and make housing units available to moderate income household who might otherwise not be able to afford housing in Lyndon Township; provide an alternate form of housing for persons with disabilities; provide a housing option for multi-generational families and to protect the stability, property values, and the residential character of a neighborhood.

- A. Accessory Dwelling Unit Requirements.
1. The units shall be accessory to a principal single family dwelling.
 2. The units shall be a separate housekeeping unit.
 3. The units do not need to meet the minimum dwelling unit size of the zoning district in which it is located, shall not exceed forty percent (40%) of the gross floor area of the principal single family dwelling and shall be no larger than 1200 square feet.

4. Only one (1) accessory dwelling shall be permitted on each lot or parcel.
5. The owners of the principal single family dwelling shall continue to occupy the principal single family dwelling or the accessory dwelling unit as their main residence.
6. The accessory dwelling unit shall have a maximum of two bedrooms.
7. The accessory dwelling unit shall not be occupied by more than three (3) persons who meet the definition of family.
8. Accessory dwelling units and the principal structure must be connected to sewer if available.
9. The subject site shall meet the lot size and lot width requirements of the zoning district.
10. The accessory dwelling shall meet all the bulk and setback requirements for the zoning district.
11. A minimum of one (1) additional off-street parking space shall be provided for the accessory dwelling. This parking space shall not obstruct the required parking for the principal residence under section 16.06
12. The accessory dwelling unit shall use the same driveway access point as the principal residence.
13. The entrance to an attached accessory dwelling unit shall be limited to a common entrance foyer or exterior entrance off of the front of the building or may be located on the side or rear of the building;
14. A detached accessory dwelling unit must be located closer to the principal residence on the subject site than to a principal residence on an adjacent property (Amended, 4-14-2020).

**SECTION 3.37
SMALL SCALE WIND ENERGY SYSTEMS**

The intent of these regulations is to help meet the community’s demand for clean energy, provide an alternative energy source of energy, and help to reduce the

monthly energy cost for township property owners.

- A. Small-scale WES regulations:
1. Small-scale WES that are attached to a structure shall meet the setbacks requirements of the primary structure. Standalone Small-scale WES shall have a setback 1.5 times the height of the WES including the top blade in its vertical position to the nearest property line.
 2. Standalone small-scale WES shall meet the height requirements of the primary structure.
 3. Small-scale WES that are attached to a structure shall meet the height requirements for the primary structure or can extend 10 feet above the highest point of the structure, whichever is greater.
 4. Blades shall be a minimum of 10 feet from ground level.
 5. Color shall be a non-reflective white, light grey or light blue.
 6. Lightning protection is required.
 7. Turbines must not cause any microwave, television, radio or navigation interference.
 8. No artificial lighting is permitted unless otherwise required by the FAA. (Amended, 4-13-2021)

**SECTION 3.38
PROPERTY MAINTENANCE**

The intent of these regulations is to ensure buildings, structures, and properties are maintained and used in a manner that does not harm the public health, safety, or welfare or the use and enjoyment of adjacent properties.

- A. Maintenance of Blight. The maintenance, presence, or existence of blight or blighting conditions shall be prohibited. All land-use and structures shall comply with the Blight Elimination Ordinance.

- B. Dangerous Buildings or Structures.
The maintenance, presence, or existence of dangerous buildings or structures shall be prohibited. All buildings and structures shall comply with the Dangerous Building Ordinance. (Amended, 2-8-2022)

CHAPTER 4
W-R WILDERNESS AND RECREATION DISTRICT

SECTION 4.01
PURPOSE

Since the Township recognizes the value to the public of open spaces and lands maintained in their natural, undeveloped or unbuilt condition, it is further recognized that certain open spaces should be free from development, and protected in their natural state. This District is intended to protect and enhance the natural resources, amenities, habitats for wildlife, watershed and reservoir areas, public recreation areas, and the public health, safety and welfare of all Township residents.

SECTION 4.02
PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. Public or private forest preserve.
- B. Public or private conservation areas or game refuges.
- C. Public parks and playground areas.
- D. Single family dwellings.
- E. State license residential family care facilities.

- F. Family day care facilities.
- G. Accessory buildings and uses, as regulated by Section 3.08. (Amended, 8-11-2020)
- H. Accessory Dwelling Units, subject to the requirements of Section 3.36. (Amended, 4-14-2020)
- I. Small-scale wind energy systems, subject to the requirements of Section 3.37. (Amended, 4-13-2021)

SECTION 4.03
SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the Planning Commission as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. Hunting preserves.
- B. Public stables, subject to the requirements of Section 14.04. (Amended 8-11-2020)
- C. Campgrounds, subject to the requirements of Section 14.04.7
- D. Accessory Dwelling Units, which do not meet the requirements of Section 3.36. (Amended, 4-14-2020)
- E. Small-scale solar energy systems that do not meet requirements of Sections 3.37, subject to the requirements of Section 14.04. (Amended, 4-13-2021)

SECTION 4.04
DISTRICT REGULATIONS

The following dimensional requirements shall be met for any use found within this District, unless provided elsewhere.

W-R District Regulations		
Minimum lot area		80 acres
Minimum lot width		1,320 feet
Minimum front yard setback		100 feet
Minimum side yard setback		50 feet
Minimum rear yard setback		50 feet
Maximum lot coverage	Building Lot Coverage	5 percent
	Impermeable Surface Lot Coverage	15 Percent
Maximum building height		2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size		1,000 square feet UFA with a minimum of 600 square feet UFA on the ground floor

(Amended, 8-11-2020)

CHAPTER 5
R-R RURAL RESIDENTIAL DISTRICT

SECTION 5.01
PURPOSE

- A. This District recognizes the coexistence of rural residential and agricultural uses. This District is further intended to preserve privacy and rural character, protect ground water quality, and recognize the limited ability of the Township to provide costly services associated with higher residential densities.
- B. It is the purpose of this District to promote the orderly development of Lyndon Township, and to preserve the economic value of agricultural and residential lands of the Township. Design standards will promote preservation through low density development and the use of cluster, or open space development. All uses permitted in this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with the Michigan Right to Farm Act, MCL Section 286.471 et. seq., and the effect of the public use of land.
- C. Land use decisions within this District will support the continued use of land for low density residential and agriculture uses. This District recognizes the severe limitations to development in this District, as well as the importance of public resource management and recreation areas of the Township.
- D. The purpose of this District is to protect these resources and their long term viability by discouraging the introduction of land uses which are not of a similar character.

SECTION 5.02
PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. **Farms. (Amended, 8-11-2020)**
- B. **Single family dwellings.**
- C. Production of forest crops.
- D. **State licensed residential care family facilities.**
- E. **Family day care facilities.**
- F. Cemeteries.
- G. **Home-based businesses**, as regulated by Section 3.22.
- H. **Accessory buildings and uses**, as regulated by Section 3.08.
- I. **Accessory buildings used for the inside seasonal storage** of recreational vehicles and equipment.
- J. Permitted and Minor Agricultural Businesses as regulated by Section 3.35. (Amended, 8-11-2020).
- K. Accessory Dwelling Units, subject to the requirements of Section 3.36. (Amended, 4-14-2020)
- L. **Small-scale wind energy systems, subject to the requirements of Section 3.37. (Amended, 4-13-2021).**

SECTION 5.03
SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14,

are satisfied. Ancillary uses may be permitted if related to the **principal use**.

- A. Country clubs and golf courses, subject to the requirements of Section 14.04.
- B. Outdoor recreation.
- C. **Bed and breakfast establishments**, subject to the requirements of Section 14.04.
- D. **Kennels** and veterinary hospitals, subject to the requirements of Section 14.04.
- E. Radio, television, or telephone transmission towers in excess of one hundred (100) feet in height for **commercial wireless telecommunication services**.
- F. Schools, subject to the requirements of Section 14.04.
- G. Churches, subject to the requirements of Section 14.04.
- H. Campgrounds, subject to the provisions of Section 14.04.
- I. Commercial removal and processing of soil, sand, gravel, or other minerals, subject to the requirements of Section 14.04.
- J. Public stables, except as provided in Sections 3.29 and 14.04. (Amended, 8-11-2020)
- K. Gun clubs, rifle ranges, trap shooting, subject to the requirements of Section 14.04.
- L. Municipal buildings subject to the requirements of Section 14.04.

- M. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04
- N. Major Agribusiness subject to the requirements of Section 14.04. (Amended, 8-11-2020)
- O. Outdoor commercial recreation, subject to the requirements of Section 14.04 (Amended, 8-11-2020)
- P. **Group day care**, subject to the requirements of Section 14.04. (Amended, 8-11-2020)
- Q. Large Solar Energy Systems, subject to the requirements of Section 14.04. (Amended, 11-13-18; Amended, 8-11-2020)
- R. Accessory Dwelling Units that do not meet the requirements of Section 3.36 . (Amended, 4-14-2020)
- S. Small-scale wind energy systems that do not meet requirements of Section 3.37, subject to the requirements of Section 14.04. (Amedned, 4-13-2021)

**SECTION 5.04
DISTRICT REGULATIONS**

The following dimensional requirements shall be met for any use found within this District, unless provided elsewhere.

(Amended, 8-11-2020)

W-R District Regulations		
Minimum lot area	2 acres	
Minimum lot width	200 feet	
Minimum front yard setback	70 feet	
Minimum side yard setback	30 feet	
Minimum rear yard setback	50 feet	
Maximum lot coverage	Building Lot Coverage	10 percent
	Impermeable Surface Lot Coverage	20 percent
Maximum building height	35 feet	
Minimum dwelling unit size	1,000 square feet UFA with a minimum of 600 square feet UFA on the ground floor	

CHAPTER 6

R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 PURPOSE

A. This District is intended to preserve those elements which contribute to rural character yet allow a higher development density than that which is permitted in the R-R District. Higher density land use in designated R-1 areas is intended for development that will be sensitive to existing land uses, consider the need to protect groundwater resources, and be designed to limit effects on traffic and natural features.

B. The overall purpose of this District is to provide additional housing opportunities by providing a variety of housing options, including **single and two family dwellings**, and low density **multiple family dwellings**. Locations for higher density land uses will be based on a thorough review of available roads, public services and infrastructure, effects on natural features, and relationship to adjoining, lower density uses.

SECTION 6.02 PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. **Single family dwellings.**
- B. **State licensed residential care family facilities.**
- C. **Family day care facilities.**
- D. Cemeteries.
- E. **Accessory buildings and uses**, as regulated by Section 3.08.
- F. **Home-based businesses**, as regulated by Section 3.22.

- G. Accessory Dwelling Units, subject to the requirements of Section 3.36. (Amended, 4-14-2020)
- H. Small-scale wind energy systems, subject to the requirements of Section 3.37. (Amended, 4-13-2021)

SECTION 6.03 SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. **Two-family and Multiple family dwellings**, subject to the requirements of Section 14.04.
- B. Schools, subject to the requirements of Section 14.04.
- C. Churches, subject to the requirements of Section 14.04.
- D. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04.
- E. **Group day care**, subject to the requirements of Section 14.04.
- F. **Hospitals, Nursing Homes and Housing for the Elderly** subject to the requirements of 14.04. (Not including institutions for the mentally retarded, drug or alcohol patients, or correctional facilities.)
- G. Municipal buildings, subject to the requirements of Section 14.04.
- H. **Kennels** and veterinary hospitals, subject to the requirements of Section 14.04.
- I. Outdoor Commercial Recreation, subject to the requirements of Section 14.04.

- J. Bed and breakfast establishments, subject to the requirements of Section 14.04.
- K. Accessory Dwelling Units that do not meet the requirements of Section 3.36. (Amended, 4-14-2020)
- L. Small-scale wind energy systems that do not meet requirements of Section 3.37,

subject to the requirements of Section 14.04. (Amdned, 4-13-2021)

SECTION 6.04
DISTRICT REGULATIONS

The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

R-1 District Regulations			
Minimum lot area	Single family dwellings		1.2 acres (52,272 sq. ft.)
	Two family dwellings		2 acres
	Multiple family dwellings		Two (2) acres for first four (4) units plus 2,500 square feet for each unit over four (4). Net density shall not exceed four (4) units per acre
	Nonresidential uses		2 acres
Minimum lot width	Single and two family dwellings		150 feet
	Multiple family dwellings		200 feet
	Nonresidential uses		200 feet
Minimum front yard setback			50 feet
Minimum side yard setback	Single and two family dwellings		25 feet
	Multiple family dwellings and Nonresidential uses		50 feet
Minimum rear yard setback			35 feet
Maximum lot coverage	Building Lot Coverage		20 percent
	Impermeable Surface Lot Coverage		30 percent
Maximum building height			2 ½ stories; or 35 feet, whichever is higher
Minimum dwelling unit size	Single and two family dwellings		1,000 square feet UFA with a minimum of 600 square feet UFA on the ground floor
	Multiple family dwellings	One bedroom	750 square feet GFA per unit
		Two bedrooms	864 square feet GFA per unit
		Over two bedrooms	950 square feet GFA per unit

(Amended, 8-11-2020)

CHAPTER 7
L-R LAKE RESIDENTIAL DISTRICT

SECTION 7.01
DESCRIPTION AND PURPOSE

It is the intent of the Lake Residential District to provide regulations pertaining to lands located in areas along waterbodies throughout the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of properties along waterbodies, and to ensure that the **structures** and uses in this District are compatible with, and protect these unique attributes. Such lands are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Lyndon Township. (Amended, 11-13-18)

SECTION 7.02
PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. **Single family dwellings.**
- B. **State licensed residential care family facilities.**
- C. **Family day care facilities.**
- D. Cemeteries.
- E. **Accessory buildings and uses,** as regulated by Section 3.08.
- F. **Home-based businesses,** as regulated by Section 3.22.
- F. Private boat docks, accessory to residential uses, subject to the following provisions
 - B.
 - 1. One (1) private boat dock per **dwelling unit** shall be permitted for each **single family**.

- 2. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the **dwelling unit** on the same **lot**.
- H. Private boat docks, accessory to non-residential uses, subject to the following provisions:
 - 1. One (1) boat dock shall be permitted for each **lot** or parcel.
 - 2. Boat docks and boat slips shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation.
- I. Accessory Dwelling Units, subject to the requirements of Section 3.36. (Amended, 4-14-2020)
- J. Small scale wind energy systems, subject to the requirements of Section 3.37. (Amended, 4-13-2021)

SECTION 7.03
SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. Boat launches, subject to the requirements of Section 14.04.

- 15. Marinas, subject to the requirements of Section 1
- 16. **Two-family dwellings**, subject to the requirements of Section 14.04FF.
- D. Country clubs and golf courses, subject to the requirements of Section 14.04.
- E. Outdoor commercial recreation, subject to the requirements of Section 14.04
- F. **Bed and breakfast establishments**, subject to the requirements of Section 14.04.
- G. Schools, subject to the requirements of Section 14.04.
- H. Churches, subject to the requirements of Section 14.04.
- I. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04
- J. Accessory Dwelling Units that do not meet the requirements of Section 3.36. (Amended, 4-14-2020)
- K. Small-scale wind energy systems that do not meet the requirements of Section 3.37, subject to the requirements of Section 14.04. (Amended, 4-13-2021)

**SECTION 7.04
DISTRICT REGULATIONS**

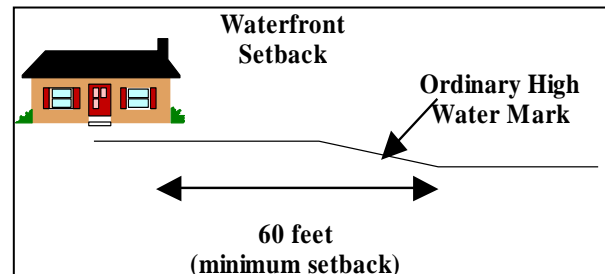
- A. The regulations of this Chapter apply to all **lots** that abut a waterbody as defined in Chapter 2.
- B. Additional **setbacks** and **lot widths** for **structures**.
 - 1. Notwithstanding any other provision of this Ordinance, no structure other than those allowed by the zoning regulations shall be hereafter constructed, erected,

installed, or enlarged when located sixty (60) feet or less from a shoreline or **ordinary high water mark**. Exception: For every one (1) foot of bank height above a minimum of seven (7) feet above the **ordinary high water mark** new structures may be placed five (5) feet closer to the shoreline or **ordinary high water mark**. However, no structure shall be located closer than thirty (30) feet to the shore line or **ordinary high water mark**. (Amended, 11-13-18)

- 2. Buildings on separate lots shall be separated by a minimum of 15 feet. (Amended, 8-11-2020)

C. Riparian Access

Lots on a waterbody that provide riparian access shall meet the requirements of Section 3.32. (Amended, 11-13-18)



L-R District Regulations		
Lots NOT served with a central sanitary sewer system.	Minimum lot area - 1.2 acres Minimum lot width – 125 feet Minimum side yard setback – 20 feet minimum on each side	
Lots served with a central sanitary sewer system	Minimum lot area – 4,000 square feet Minimum lot width – 40 feet Minimum side yard setback for lots with: <ul style="list-style-type: none"> Lot width greater than 60 feet: <ul style="list-style-type: none"> • 10 feet minimum on each side Lot width less than or equal to 60 feet: <ul style="list-style-type: none"> • 7.5 feet minimum and 17.5 aggregate Lots widths less than or equal to 40 feet: <ul style="list-style-type: none"> • 5 feet minimum and 15 feet aggregate 	
Minimum setback	60 feet to ordinary high water mark	
Minimum street side	25 feet	
Minimum rear yard setback	20 feet	
Maximum lot coverage	Building Lot Coverage	30 percent
	Impermeable Surface Lot Coverage	40 percent
Maximum building height	35 feet	
Minimum dwelling unit size	1,000 square feet UFA with a minimum of 600 square feet UFA on the ground floor	

(Amended, 8-11-2020)

CHAPTER 8
L-C LAKE CONSERVATION DISTRICT

SECTION 8.01
DESCRIPTION AND PURPOSE

A. Description

The Lake Conservation District regulates the creation of new lakefront lots from larger parcels. It includes regulation of the environmental impact of new lakefront lots and the lots in the watershed system using riparian buffers such as setbacks and natural vegetation strips.

This district includes all lakefront parcels not already zoned as Lake Residential or Wilderness Conservation. Such lands are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Lyndon Township.

B. Purpose

The purpose of the Lake Conservation District is to:

1. Protect the Township’s lake environments and the lots in the watershed system with ordinances that regulate land located along lakes, wetlands and waterways;
2. Recognize the unique physical, economic, and social attributes of properties on a waterbody;
(Amended, 11-13-18)
3. Ensure that the structures and uses in this District are compatible with, and protect these unique attributes;
4. Preserve and enhance existing ecosystems, watershed and environmental quality.

The purposes of using riparian buffers are to:

1. Minimize erosion by stabilizing the shoreline,

2. Protect water quality by keeping nutrients out of the water and maintaining water temperature at natural levels,
3. Preserve native plant, fish and wildlife habitat,
4. Screen man-made structures, and preserve the aesthetic values of the shoreline area.

SECTION 8.02
PERMITTED LAND USES

The following uses are permitted within this District, by right:

- A. **Single family dwellings.**
- B. **State licensed residential care family facilities.**
- C. **Family day care facilities.**
- D. **Accessory buildings and uses,** as regulated by Section 3.08.
- E. **Home-based businesses,** as regulated by Section 3.22.
- F. Private boat docks, accessory to residential uses, subject to the following provisions:
 1. One (1) private boat dock per dwelling unit shall be permitted for each single family.

Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for

compensation, except in conjunction with the lease or rental of the **dwelling unit** on the same parcel.

- E. Accessory Dwelling Units that meet the requirements of Section 3.36. (Amended, 4-14-2020)
- H. Small-scale wind energy systems, subject to the requirements of Section 3.37. (Amended, 4-13-2021)

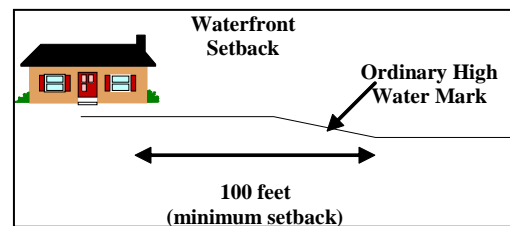
**SECTION 8.03
SPECIAL LAND USES**

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards, including Chapter 14, are satisfied.

- A. Outdoor recreation.
- B. **Bed and breakfast establishments**, subject to the requirements of Section 14.04.
- C. Schools, subject to the requirements of Section 14.04.
- D. Churches, subject to the requirements of Section 14.04
- E. Public utility or service buildings, not requiring outside storage of materials, subject to the requirements of Section 14.04.
- F. Accessory Dwelling Units that do not meet the requirements of Section 3.36. (Amended, 4-14-2020)
- G. Small-scale wind energy systems that do not meet urereqmgnets of Sedtion 3.37, subject to the requirements of Section 14.04.

**SECTION 8.04
DISTRICT REGULATIONS**

- A. Notwithstanding any other provision of this Ordinance, no structure other than those allowed by the zoning regulations shall be hereafter constructed, erected, installed, or enlarged when located- one hundred (100) feet or less from a shoreline or **ordinary high water mark**. Exception: For every one (1) foot of bank height above a minimum of seven (7) feet above the **ordinary high water mark** new structures may be placed five (5) feet closer to the shoreline or **ordinary high water mark**. However, no structure shall be located closer than fifty (50) feet to the shoreline or **ordinary high water mark**.



(Amended, 11-13-18)

- B. Riparian Access
 - Lots on a waterbody** that provide riparian access shall meet the requirements of Section 3.32. (Amended, 11-13-18)
- C. A natural vegetation strip shall be maintained on each parcel or lot between the water’s edge and a line, each point of which is twenty-five (25) feet horizontal from and perpendicular to the ordinary high water mark.
 - 1. The natural vegetation strip shall be maintained to preserve the area as a natural boundary using plants indigenous to the property, if possible, and Washtenaw County and the State of Michigan, if not. Depending on the

habitat, such plants will include native plants in the canopy, understory, and ground layer including:

- trees
- shrubs
- grasses and sedges
- ferns and mosses
- flowering plants.

2. A natural vegetation strip excludes non-native turf grass or maintaining native grasses or other vegetation as a mown lawn.

3. A permeable surface access way may be cleared through the natural vegetation strip to allow boat and/or swimming access to the lake. The access way shall be no greater than thirty (30) feet wide.

D. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.

(Amended, 8-11-2020)

LR-C District Regulations		
Lots <u>NOT</u> served with a central sanitary sewer system		Minimum lot area - 2 acres or more Minimum lot width – 200 feet
Lots served with a central sanitary sewer system		Minimum lot area - 1.2 acres Minimum lot width – 125 feet
Minimum setback for a waterbody		100 feet
Minimum street side (front yard setback)		20 feet
Minimum side yard setback		20 feet 30 feet on parcel 2 acres or greater without sewer 20 feet on parcel 1/2 acres with sewer
Minimum rear yard setback		30 feet
Maximum lot coverage	Building Lot Coverage	30%
	Impermeable Surface Lot Coverage	40%
Maximum building height		35 feet
Minimum dwelling unit size		1,000 square feet UFA with a minimum of 600 square feet UFA on the ground floor

CHAPTER 9
M-H-P MANUFACTURED HOME PARK

SECTION 9.01
PURPOSE

To provide for **manufactured home park** development, of long-term duration of stay, in areas which are appropriate by means of traffic access and public utilities and services. Public water and sewer facilities, or a suitable alternative method, shall be provided for each development. Any such development is to be located near essential community services and abutting paved **public streets**. All **manufactured home parks** shall comply with the applicable requirements of Public Act 419 of 1976, as amended, and Public Act 96 of 1987, as amended, and all other applicable local, county, or state regulations.

SECTION 9.02
PERMITTED USES

Land and buildings in this District may be used for the following purposes, by right:

- A. **Manufactured homes** when located within an approved **manufactured home park**.
- B. Public parks, playgrounds, play fields, and similar public open space recreation uses, not including campgrounds.
- C. Family day care.
- D. **Accessory buildings and uses**, as regulated by Section 3.08.
- E. **Home-based businesses**, as regulated by Section 3.22.

SECTION 9.03
REGULATIONS

All **manufactured home parks** shall comply with the applicable requirements of Act 419, P.A. 1976 as amended provided further that said

developments meet the standards and conditions and all other provisions as herein established.

SECTION 9.04
INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES

- A. No **manufactured home** shall be placed, parked, or installed in a **manufactured home park** until such time as a building permit is obtained from the County/Township Building Inspector. Such permit shall be issued by the Building Inspector after making a finding that said **manufactured home** meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.
- B. No **manufactured home** shall be occupied by any person as a residence, or for any other purpose until such time as said **manufactured home** is placed or situated on a specific lot in the **manufactured home park**. Further, such home shall be inspected by the County/Township Building Inspector and issued an Occupancy Permit.
- C. Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations. Such permit shall be issued by the Building Inspector on payment of inspection fee as may be authorized by resolution of the Township Board from time to time.
- D. In the event said **manufactured home** is moved to another **lot** or another **manufactured home** is placed on the specific **lot**, a new Occupancy Permit must be obtained by the owner or resident from the County/Township Building Inspector.

Permitted On-Street Parking	Street Direction	Minimum Street Width
No on-street parking	one way	14 feet
	two way	21 feet
Parallel on one side	one way	24 feet
	two way	31 feet
Parallel both sides	one way	34 feet
	two way	41 feet

**SECTION 9.05
APPLICATION PROCEDURES**

A. Rezoning Approval: The application for rezoning for a **manufactured home park** requires the approval of the **Township Board** upon recommendation from the **Planning Commission**. In reviewing the application the following shall be among the major considerations of both bodies prior to official action being taken:

1. Whether the proposal is in general accordance with the **Master Plan**.
2. Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
3. Whether the development density of the proposed development could adversely affect adjacent properties and land uses.
4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and drainage facilities.

5. Whether the proposed development produces an extreme or undue demand on available fire and police protection or other Township or County services.

6. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on adjacent vehicular and pedestrian circulation facilities.

7. Whether the proposed development creates undue impacts to the site’s natural features, such as woodlots, wetlands, watercourses, groundwater resources, topography, or other resource.

8. Any supplemental requirement the Planning Commission deems necessary to fully evaluate the proposal.

B. Site Plan: Any application for the extension, alteration, or construction of a **manufactured home park** shall include a site plan of the development indicating the proposed methods of compliance with these requirements. Said site plan shall be in conformance with the provisions and requirements of Chapter 14, of this Ordinance.

**SECTION 9.06
STANDARDS AND REGULATIONS**

A. Each **manufactured home park** shall have at least one (1) direct access to a County Primary Road, as defined in the Township **Master Plan**. Additional access points may be required by the **Township** as necessary to accommodate additional traffic and safety vehicle access.

B. No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial

streets. Minimum **street** widths within the **manufactured home park** shall be in accordance with the following schedule:

- C. No **manufactured home** or other **building** for residential purposes shall be in excess of two and one-half (2½) stories, or exceed a **height** of twenty five (25) feet, whichever is greater.
- D. Each **manufactured home** lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet, and a minimum width of forty (40) feet, as measured at the minimum **building setback** line. No more than one (1) **manufactured home** shall be parked on any one (1) **lot**, and no **manufactured home** shall be occupied by more than one (1) **family**.
- E. The minimum **setback** between any part of any **manufactured home** or structure attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to such attached structures such as storage sheds, garages, cabanas, decks, porches, or carports:
 - 1. Fifteen (15) feet from the inside of the sidewalk;
 - 2. Ten (10) feet from any **rear lot line**;
 - 3. Ten (10) feet from the **side lot line** on the entry side, and five (5) feet from the **side yard** on the non-entry side.
 - 4. A **manufactured home** may be placed on the side lot line, provided there is a minimum of fifteen (15) feet open space between said lot line and any other structure or **manufactured home**, including any such attached structures mentioned above.
- F. Each **lot** shall front on concrete sidewalks at least four (4) feet in width, located directly next to, and parallel to the street.
- G. Each **lot** shall provide a minimum of four hundred (400) square feet of paved off-street parking.
- H. The **front, back** and **side yards** of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be

at least one (1) shade tree provided for every lot.

- I. The **manufactured home park** shall provide a buffer zone strip separating the **manufactured home park** from adjacent property.
 - 1. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the **manufactured home park** and **buildings** from outside the **manufactured home park**.
 - 2. Such trees or shrubbery shall be a minimum of five (5) feet in height, at the time of planting. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes.
 - 3. The buffer zone shall be maintained by the owner of the **park**. The width of the buffer strip shall be in accordance with the following schedule:

Adjacent Zoning	Width of Buffer
W-R	15 feet
R-R, R-1	35 feet
Nonresidential Districts	25 feet

- J. The **manufactured home park** shall have minimum **setback** from any public street of one hundred (100) feet, which shall be properly landscaped as required by the **Planning Commission**.
- K. All **streets** within the **manufactured home park** shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications, and provided with proper curbing.
- L. The **manufactured home park** shall contain one (1) or more open space areas intended primarily for the use of **park** residents on a minimum ratio of two hundred and fifty

(250) square feet for every **manufactured home** lot provided that buffer zone areas and wetlands shall not be included as part of such requirement.

- M. The **manufactured home park** shall provide one (1) or more storm shelters of size and capacity so as to accommodate park residents.
- N. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25 foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5 foot candles. All on-site lighting shall be located and designed to prevent light from spilling onto adjacent properties.
- O. All common use areas of the **manufactured home park** shall be maintained by the owner of such **park** or by their designated agent.

**SECTION 9.07
UTILITY STANDARDS**

- A. All utilities shall be underground.
- B. All lots shall be provided with public water and sanitary sewer service, or such water and sanitary services that may be approved by the Washtenaw County Health Department, or other applicable agencies. All **manufactured homes** shall be connected thereto and all expenses of installation and connection shall be borne by the owner of the **manufactured home park**. No costs shall be applied or taxed against owners of any adjacent property or along any sanitary sewer system line or water main extended from the **manufactured home park** to the present public sanitary sewer system, unless adjacent owners install a sewer connection to such system line or main, in which case they may then be charged or assessed for such hook-up.
- C. The **manufactured home park** shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of streets or lots within the **park** in accordance

with the requirements of the Michigan Department of Health. All storm and surface drainage facilities flowing from the **park** to adjacent areas shall be approved by the Washtenaw County Drain Commissioner. On site storm water retention shall be provided so that the rate of discharge shall not exceed undeveloped discharge rates.

**SECTION 9.08
MANUFACTURED HOME STANDARDS**

- A. Every **manufactured home** shall be supported on a permanent four inch (4") thick reinforced concrete **manufactured home** pad or foundation at least twelve (12) feet in width with a minimum of six hundred (600) square feet; all areas between the **manufactured home** and ground shall be enclosed by a fire resistant skirting.
- B. In the event the soil or topographic conditions of the proposed **manufactured home park** are such that a different foundation or support system is necessary, other than that outlined in Section 9.08.A, above, the developer shall provide the County/Township Building Inspector a report by a certified engineer demonstrating that the proposed foundation, support system, or piers are equal to, or superior to the specifications as set forth by the manufacturer. Such foundations shall be inspected by the Building Inspector.
- C. Every **manufactured home** shall be at least twelve (12) feet in width and have a minimum of seven hundred and twenty (720) square feet of UFA, exclusive of porches, decks, carports, garages, and cabanas.
- D. Each **manufactured home** lot shall not have more than one (1) detached storage **building**, not including a garage or carport.

SECTION 9.09
MANUFACTURED HOME SALES

- A. No person desiring to rent a **dwelling unit** site shall be required, as a condition to such rental, to purchase a **manufactured home** from the owner or operator of the **park** as long as the **manufactured home** intended to be located on such rented site conforms in size, style, shape, price, etc., as may be required by any reasonable rules and regulations governing the operation of the **manufactured home park**.
- B. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a **manufactured home** lot by the individual owner or his agent, or those home-based businesses as permitted in the Zoning Ordinance, provided such sales and occupations are permitted by the **park** regulations. A commercial **manufactured home** sales lot shall not be permitted in this District.

CHAPTER 10
N-C NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 10.01
PURPOSE

- A. The Neighborhood Commercial District provides regulations for small, convenient commercial areas. Uses and locations considered to be appropriate for the NC District shall cater to the residents of Lyndon Township and nearby areas, remain small enough in scale to be well integrated into a rural setting, and possess appropriate traffic safety components which will limit potential negative impacts resulting from a non-residential use.
- B. Uses which may create nuisances or public hazards, such as: offensive odors; loud or offensive noises; excessive vibration, smoke, or glare; or heavy truck traffic, are prohibited.

SECTION 10.02
PERMITTED USES

Land and/or buildings in this District may be used for the following purposes, by right:

- A. A general store which supplies for sale as the principal goods: groceries, fruits, vegetables, meats, dairy products, baked goods, confections, and incidental items included but not limited to pharmaceuticals, dry goods, clothing, notions, books, hardware goods, and sporting goods; taking place entirely within an enclosed **building** of less than five thousand (5,000) square feet **GFA**.
- B. Restaurants, not including **drive-through** facilities.
- C. Banks, credit unions, and similar financial institutions, not including **drive-through** facilities.

- D. **Personal service establishments** which perform services on the premises, including barber and beauty shops, photographic studios, dry cleaners, electronics repair, and similar uses.
- E. Business offices.
- F. Public buildings and public utility offices, but not including storage yards, substations, or regulator stations.
- G. Accessory buildings and uses, as regulated by Section 3.08.

SECTION 10.03
SPECIAL LAND USES

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14, are satisfied.

- A. A general store which supply for sale as the principal goods: groceries, fruits, vegetables, meats, dairy products, baked goods, confections, and incidental items such as pharmaceuticals, dry goods, clothing, notions, books, hardware goods, and sporting goods; taking place in a **building** of five thousand (5,000) square feet **GFA** or more, subject to the requirements of Section 14.
- B. **Drive-through establishments** including banks, dry cleaners, pharmacies, and similar personal services with **drive-through** service, subject to the requirements of Section 14.
- C. **Mortuaries** and funeral homes, subject to the requirements of Section 14.04.
- D. **Open air businesses**.

- E. **Vehicle service stations**, subject to the requirements of Section 14.04.
- F. **Vehicle wash establishments**, subject to the requirements of Section 14.04.
- G. **Commercial day care centers**, subject to the requirements of Section 14.04.
- H. **Medical** offices including clinics, subject to Section 14.04.
- I. **Hotels** and **motels**, subject to the requirements of Section 14.04.
- J. Indoor **commercial recreation**, subject to the requirements of Section 14.04.
- K. **Commercial storage** warehouses, Subject to the requirements of Section 14.04 fireworks retail operation in a temporary structure not to exceed thirty (30) days in a calendar year that is compliant with sections 20(1) and 20(2) of 2011 PA 256, MCL 28.470(1) and 28.470(2).
- L. Event Businesses. (Amended, 8-11-2020)

**SECTION 10.04
DISTRICT REGULATIONS**

- A. Off-street parking areas for uses in the NC District shall be adequately lit to ensure security and safety, and shall meet the following requirements:
 - 1. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to **buildings** or other **structures** that permit light to be directed horizontally.
 - 2. Lighting shall not be permitted to illuminate areas not within the parking lot or other areas related to the use for which parking is intended.

- B. Design of the **main** and **accessory buildings** and the site shall be compatible with the surrounding neighborhood and the rural character of the township.
 - 1. **Buildings** shall be sited to protect natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others are encouraged to be incorporated into the site plan.
 - 2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
 - 3. **Buildings** with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.
 - a. Walls which can be viewed from public streets shall be designed using **architectural features** (see Definitions, Chapter 2) and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
 - b. Other walls shall incorporate **architectural features** and landscaping for at least thirty percent (30%) of the wall length.
 - 4. On-site landscaping shall the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the **building** mass as viewed from the street.
 - 5. The predominant **building** materials should be those characteristic of Lyndon Township such as brick, wood, native stone and tinted / textured concrete masonry units and/or glass products. Other materials such

as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the **building** exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the **building**.

6. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the **building** are prohibited except as approved for building trim.

C. Access Provisions:

1. A maximum of one (1) driveway per **street** shall be permitted per **principal use**, or collective **principal use**, as defined in Section 3.03, B. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an adjoining **principal use** or existing **lot** within the same zoning district. The **Planning Commission** may permit

additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveways.

2. Parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two (2) intersecting streets. For the purposes of this paragraph, "lesser traveled" shall mean the street having the lowest daily traffic volume, or as may be determined by the **Planning Commission** where traffic count information is not available or was counted more than two (2) years prior to the date of the application submission.

D. Site plan review is required for all uses, as outlined in Chapter 15.

E. The following dimensional requirements shall be met for any use in this District, unless otherwise provided:

N-C District Regulations		
Minimum lot area	2 acres	
Minimum lot width	220 feet	Minimum lot width for corner lots shall be met on both streets.
Minimum front yard setback	70 feet	No parking area, except for entrance driveways, or storage of materials shall be located within the front yard. The front yard shall be landscaped.
Minimum side yard setback	Interior Lots	30 feet on each side
	Corner Lots	The setback adjacent to the street or road from which no access is available shall not be less than 50 feet.
		If access is taken from both streets the front yard setback shall apply to the side abutting the street.
Minimum rear yard setback	50 feet	
Maximum building Height	2 ½ stories; or 25 feet, whichever is higher	
Maximum lot Coverage	25 percent	

CHAPTER 11
L-I LIGHT INDUSTRIAL DISTRICT

SECTION 11.01
PURPOSE

Due to the limited ability of Lyndon Township to provide a high level of public utility service, such as water and sewer, there is a limited number of industries which would be able to locate in the area. Sites which generally meet the following qualifications may be considered for light industrial development:

- **Streets** shall be able to accommodate truck traffic;
- Availability of public utilities;
- Sufficient area for parking, loading, screening, and outside storage activities; and
- Adequate separation from residential uses to prevent nuisances.

SECTION 11.02
PERMITTED USES

Land and/or buildings in this District may be used for the following purposes, by right:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling the following:
1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats or oils);
 3. Electrical machinery, equipment and supplies, electronic components and accessories; and

4. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods.

- B. Industrial plants manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:

1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products;
2. Apparel and other finished products including clothing, leather goods, and canvas products;
3. Lumber and wood products including millwork, prefabricated structural work products and containers;
4. Paper and paperboard containers and products;
5. Pharmaceutical products, drugs, medicinal chemicals and pharmaceutical preparations;
6. Glass products;
7. Jewelry, silverware and plated ware;
8. Musical instruments and parts;
9. Toys, amusements, sporting, and athletic goods;
10. Pens, pencils, and other office and artist supplies and materials;
11. Signs and advertising displays;
12. Pottery and figurines and other ceramic products using only previously pulverized clay; and

13. Fabricated metal products, except the production of heavy machinery and transportation equipment.

- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber.
- D. Warehousing, including refrigerated and general storage.
- E. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- F. Research and development facilities, including production activities, which shall be limited to fifty (50) percent of the floor area of the building.
- G. Trade or industrial schools.
- H. New building materials sales and storage, including building trade contractors and related storage yards.
- I. Utilities and communications installations such as electrical receiving or transforming stations.
- J. Utility and public service buildings, including storage yards.
- K. **Accessory buildings and uses**, as defined in Section 3.08.

**SECTION 11.03
SPECIAL LAND USES**

The following uses are permitted in this District by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14.04, are satisfied.

- A. Truck and freight terminals, with or without maintenance facilities, subject to the requirements of Section 14.04
- B. Junkyards, subject to the requirements of Section 14.04
- C. Sawmills, subject to the requirements of Section 14.04
- E. **Commercial** removal and processing of soil, sand, gravel, or other mineral resources, subject to the requirements of Section 14.04
- F. Tool and die metal working shops, subject to Section 14.04
- G. **Adult uses**, subject to the requirements of Section 14.04
- H. **Commercial wireless telecommunication services**, subject to the requirements of Section 14.04.
- I. **Commercial** storage warehouses, subject to the requirements of Section 14.04.
- J. Event Business. (Amended, 8-11-2020)
- K. Large-scale energy systems, subject to Section 14.04. (Amended 4-13-2021)

**SECTION 11.04
DISTRICT REGULATIONS**

- A. **Buildings** and uses within this District shall comply with the provisions of Section 11.04, A - D.
- B. The following dimensional requirements shall be met for any use in this District, unless otherwise provided.
- C. The accessory storage of hazardous substances shall be subject to the following provisions.
 - 1. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided. The information shall describe the type of

materials, location within the site and method of containment.

2. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.

3. Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Environmental Quality, Surface Water Quality Division. Any discharge of liquids,

sludge, wastewater and/or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the Department of Environmental Quality, Waste Management Division.

4. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section.

5. Storage of pesticide or fertilizer in quantities greater than fifty five (55) gallons or one hundred (100) pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

LI District Regulations		
Minimum lot area	5 acres	
Minimum lot width	330 feet	
Minimum front yard setback	100 feet	No parking area, except for driveways, shall be located within the front yard. The front yard shall be landscaped.
Minimum side and rear yard setback	75 feet	Side or rear yards adjoining any lot in a Residential District shall be screened by a compact hedge of deciduous or evergreen trees which reach a minimum of five (5) feet in height and five (5) feet in width after one (1) growing season; or a solid wall or opaque board fence six (6) feet in height.
Maximum building height	35 feet	
Maximum lot coverage	50 percent	

CHAPTER 12
M-U MUNICIPAL USE DISTRICT

SECTION 12.01
PURPOSE

- A. This District is designed to permit a Use District within the Township of Lyndon for lands, structures and uses of municipal corporations so that the Zoning Ordinance shall not limit or interfere with the dedication, development of use of any land or building for public parks, town hall, publically owned buildings, public playgrounds, or the use of lands or buildings owned by the Township of Lyndon and used for governmental purposes, or with the construction, installation, operation and maintenance of water, electricity, sewer, communication, gas, or other utility service when owned by the Township of Lyndon

- B. The intent of this District is that such public parks, and Township **buildings** and utilities may be constructed without limitation except as set forth in this Section, including all pipes, mains, stand pipes, reservoirs, elevated water tanks, conduits, electric light, electric power transmission, distribution lines, telephone, communication, sewers, sewer mains, storm sewers, drainage, and incidental appurtenances. This District is not intended to supersede or override any Federal, State, or local Township of Lyndon Ordinance, regulation pertaining to construction, health, safety, welfare, environmental, building code, or similar regulation.

SECTION 12.02
PERMITTED USES

Land and/or buildings in this District may be used for the following purposes, by right

- A. Public Parks

- B. Land or **buildings** owned by the Township of Lyndon and used for governmental purposes.

- C. Municipal utility **structures**, lands, or uses, as defined above, and used and owned by the Township of Lyndon or authority of which the Township is a member.

- D. Accessory buildings and uses, as defined in Section 3.08, and including utility **structures** not used and owned by the Township of Lyndon

SECTION 12.03
SPECIAL LAND USES

The following uses are permitted in this **District** by obtaining approval from the **Planning Commission** as a Special Land Use after all applicable standards of Chapter 14, are satisfied:

- A. None

SECTION 12.04
DISTRICT REGULATIONS

- A. **Buildings, structures**, and uses permitted in this District shall be exempt from all supplementary regulations of this Ordinance except as specifically provided in this **District**.

- B. There shall be site plan review and compliance with parking/loading regulations for **buildings** and site improvements in this District as provided in Chapters 15 and 16. There shall be no site plan review or required compliance with any parking/loading regulations for any municipal utility structure and site improvements which are accessory to a municipal utility **structure**.

- C. **Yards** may be used for fences, parking of equipment, vehicles, and storage of materials

notwithstanding any other provision of this Ordinance.

- D. **Yards** may be used for the installation of underground and above-ground pipes, lines, conduits, sewers, water lines, mains, poles, and utility structures generally.
- E. The following dimensional requirements shall be met for any use in this **District**, unless otherwise provided.

MU District Regulations	
Minimum lot area	No minimum lot area or lot width is established in this District, but every lot established hereafter shall be of sufficient size to meet the minimum requirements established by any applicable Federal, State or local Township of Lyndon Ordinance, statute, law, or regulation, if any.
Minimum lot width	
Minimum front yard setback	25 feet
Minimum side yard setback	5 feet
Minimum rear yard setback	10 feet
Maximum building height	None
Maximum lot coverage	None

CHAPTER 13
P-U-D PLANNED UNIT DEVELOPMENT

SECTION 13.01
INTENT

The PUD district is intended to permit flexibility in the regulation of land development, encourage innovation in land use and a variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities, encourage useful open space, and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents.

SECTION 13.02
GENERAL PROVISIONS

- A. Where Permitted: A PUD which includes only residential and accessory recreational uses may be applied for in any zoning district.
- B. Any land use authorized in the Zoning Ordinance may be included in a PUD, subject to:
 - 1. The adequate protection of public health, safety, and welfare; and
 - 2. The compatibility of varied land uses both within and outside the development.
- C. Qualifications of Subject Parcel: The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
 - 1. The intent of Section 13.01 is met.
 - 2. Approval of the PUD will result in one or more of the following:
 - a. A recognizable and material benefit to the ultimate users of the project and

- to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations;
 - b. Protection and preservation of natural resources and natural features of a quantity and/or quality that can be clearly demonstrated, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - c. A nonconforming use shall, to a material extent, be rendered more conforming to, and compatible with, the zoning district in which it is situated.
- 3. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - 4. The proposed development shall be consistent with the public health, safety, and welfare of the township.
 - 5. The proposed development shall minimize any negative environmental impact of the subject site or surrounding land.
 - 6. The proposed development shall minimize any negative impact upon surrounding properties.
 - 7. The proposed development shall be consistent with the goals and policies of the Township Master Plan.
 - 8. The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with

this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Township Clerk.

**SECTION 13.03
DESIGN CONSIDERATIONS**

A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

1. Perimeter setbacks.
2. Street drainage and utility design with respect to location, availability, ownership and compatibility.
3. Underground installation of utilities.
4. Installation of separate pedestrian ways apart from vehicular streets and ways.
5. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
6. Noise reduction and visual screening features for protection of adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
8. Off-street parking, loading, refuse and other service areas with respect to

ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties or uses.

9. Screening and buffering with respect to dimensions and character.

10. Yard areas and other open space.

11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.

12. The preservation of natural resources and natural features.

**SECTION 13.04
PROJECT DENSITIES**

A. Residential Density.

1. The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district or the density as proposed in the Township Master Plan. However, a density bonus of up to twenty-five percent (25%) shall be permitted if all of the following elements are include in the plan and a density bonus of up to fifteen percent (15%) if no less than two (2) of these elements are included:

- a. A high level of clustered development, where at least sixty percent (60%) of the PUD is left in open space as defined.
- b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.

- c. The proposed plan is designed to enhance surface water quality and ground water quality using Best Management Practices (BMPs).
 - 2. For the calculation of the density on the site, including the possible density bonus, the applicant shall be required to submit a conventional (non-open space) layout using the underlying zoning classification and applicable Township regulations demonstrating a practical project for the subject parcel.
 - 3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development any one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.
- B. Mixed-Use Project Density.** For projects which contain a residential component, appropriate residential density shall be based upon the current Township Master Plan, existing and planned residential densities in the surrounding area, the availability of utilities and services and the natural features and resource of the subject parcel.
- C. Non-Residential Component.** A PUD may incorporate a non-residential component into an exclusively

residential development, provided that all of the following are met:

- 1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed ten percent (10%) of the gross area of the development.
- 2. All non-residential uses shall be compatible with the residential area of the PUD.
- 3. The architectural design of the structure(s) is compatible with the balance of the development.
- 4. All non-residential structures are connected to a pedestrian access system servicing the project.
- 5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any approved public or private roadway, except that up to twenty-five percent (25%) of the minimum number of required parking spaces may be located in the front yard. Where the parking lot is visible from the residential units or open space, it shall be landscaped in accordance with Section 3.12.

**SECTION 13.05
DESIGN STANDARDS**

- A. Open Space Preservation.**
- 1. When completed, the PUD shall have significant areas, but not less than thirty percent (30%) of total land area, devoted to open space, which shall remain in a natural state and/or be

restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.

2. In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for active recreation;
- b. Provide areas for informal recreation and pathways that connect into adjacent open space, parks, sidewalks, bike paths or pedestrian paths;
- c. Provide natural greenbelts along roadways to preserve the rural character as viewed from roads;
- d. Preserve an existing natural buffer from adjacent land uses where appropriate.

3. To ensure that open space is maintained in perpetuity the following shall apply:

- a. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreation facilities located within the development plan have been reviewed by the Township Attorney.

- b. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the Township Board and the Township Attorney, with the documentation utilized for such purpose to be in a form approved by the Township Attorney. Any costs associated with enforcement may be assessed to the property owner and/or homeowners association.

B. Setbacks. All regulations applicable to front, side and rear yard setbacks shall be met in relation to each respective land use in the development based upon zoning district regulations in which the proposed use is listed as a permitted principal or special land use.

C. Buffering from Adjacent Property. There shall be a perimeter setback and buffering of a minimum of fifty (50) feet, taking into consideration the use or uses in and adjacent to the development. The Township Board may reduce the perimeter setback and buffering in cases where the density of the proposed development is compatible with adjacent uses and/or natural features, including, but not limited to woodlands and topographical features that provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening features including, but not limited to landscaping, berms and/or decorative walls.

D. Vehicular and Pedestrian Circulation.

1. Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.

2. Physical design techniques, known as traffic calming, are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.

3. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the natural feature information of the site. Informal trails may be constructed of gravel, wood chips or other similar material.

4. Locations for school bus stops shall also be provided on the site plan.

E. Utilities. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township.

F. Stormwater Drainage / Erosion Control. All stormwater drainage and erosion control plans shall meet the standards of the Township for design and construction.

**SECTION 13.06
APPLICATION AND PROCESSING
PROCEDURE**

A. Effects: The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

B. Pre-Application Conference: Prior to the submission of an application for PUD, the applicant shall meet with the Zoning Administration, a member of the Planning Commission, and such consultants or staff as deemed appropriate. Additional pre-application meetings may be requested by the applicant or the Township. The applicant shall present at such meeting, or meetings, a sketch plan of the PUD, and the following information:

1. A legal description of the property in question.

2. The total number of acres to be included in the project.

3. A statement of the approximate number of residential units and/or the approximate number, type and square footage of non-residential units.

4. The approximate number of acres to be occupied and/or devoted to or by each type of use.

5. Departures from the regulations of the Ordinance which may be requested.

6. The number of acres to be preserved as open space or recreation space.

7. All known natural resources and natural features.

8. The location of all existing and proposed water and sewage treatment systems serving the property.

C. Preliminary PUD Plan Application – Submission and Content: Following the above meeting or meetings, sixteen (16) copies of the application and all required materials for preliminary PUD plan shall be submitted. The submission shall be provided to the Township Clerk for distribution to the Zoning Administrator and applicable reviewing parties and agencies.

The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary PUD plan shall contain the following information:

1. Date, north arrow, and scale which shall not be more than 1"=100'.
2. Locational sketch of site in relation to surrounding area.
3. Legal description of property including common street address and tax identification number.
4. Size of parcel.
5. All lot or property lines with dimensions.
6. General location of all buildings within one hundred (100) feet of the property lines.
7. General location and size of all existing structures on site.
8. General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%) whatever is smaller of whatever is constructed.
9. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
10. General size and location of all areas devoted to open space.
11. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
12. All areas within the 100-year floodplain, wetland areas or bodies of water.

13. Generalized topographical information including contours and/or spot elevations which illustrate drainage patterns.

14. Preliminary phasing lines of PUD if applicable.

15. A narrative describing:

- a. The nature of the project, projected phases and timetable.
- b. The proposed density, number, and types of dwelling units if a residential PUD.
- c. A statement describing how the proposed project meets the objectives of the PUD district pursuant to Section 13.02
- d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer and storm drainage.
- e. Proof of ownership or legal interest in the property.

D. Planning Commission Review and Recommendation – Preliminary PUD Plan. The **Planning Commission** shall review the Preliminary PUD plan according to the provisions of this chapter. Following a public hearing, the Planning Commission shall recommend to the Township Board either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.

1. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property

owners and occupants or the natural environment.

2. The proposed development shall be compatible with the Township Master plan and shall be consistent with the intent and spirit of this Article.

3. The PUD shall not change the essential character of the surrounding area.

E. Public Hearing – Planning Commission: The Planning Commission shall hold a public hearing and give notice in accordance with the Michigan Zoning Enabling Act.

F. Township Board Review and Determination – Preliminary PUD Plan. After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

G. Effect of Approval – Preliminary PUD Plan. Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

H. Contents of a Final PUD Plan. Following Preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be

accompanied by an application form and fee as determined by the Township Board. The final PUD plan shall contain the same information required for the preliminary PUD plan pursuant to Section 13.06 C. along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:

1. Within one (1) year from the Preliminary PUD Plan approval the applicant shall submit a Final PUD application, to the **Planning Commission** on a form supplied by the **Zoning Administrator**.

2. The application shall be submitted to the **Zoning Administrator** at least thirty (30) days prior to the date of first consideration by the **Planning Commission** and shall be accompanied by the following:

- a. An application fee as established by the Township Board.
- b. A final site plan as specified in Chapter 14. If the PUD is to be developed in phases, the final site plan shall indicate a general layout of all phases of the development. Review, including public hearing and **Township Board** action, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.
- c. A development schedule indicating:
 - (1) Approximate date for commencement of construction.
 - (2) Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
 - (3) Size and location of each area of common use for recreation or open

space purposes which will be complete at each phase.

- d. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.
- e. A general grading plan reflecting slope and drainage before and after development, with explanation of any potential impact on the environment, such as loss of natural resources, increased erosion and sedimentation potential increased flood hazard or other impacts.

I. **Planning Commission** Review and Recommendation: In formulating its recommendation to the **Township Board**, the **Planning Commission** shall consider the following:

- 1. Conformance of the PUD request with the Township **Master Plan**.
- 2. The overall objectives of PUD as stated in Section 13.02.
- 3. The qualifying conditions and permitted uses for the PUD.
- 4. Site plan review standards of Chapter 14.
- 5. Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.

The Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the Township Board either approval, denial, or approval with conditions, in making its recommendation, the Planning Commission shall find that the proposed final PUD is in substantial compliance with the approved preliminary PUD and still meets the intent of the PUD district along with all

development standards outlined in Section 13.05.

J. **Township Board** Review and Determination – Final PUD Plan and Rezoning: After receiving the recommendation of the **Planning Commission** and considering the **comments of the public**, the Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

K. Effect of Approval – Final PUD and Rezoning. The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Washtenaw County Register of Deeds, which shall contain the following:

- 1. Date of approval of the final PUD plan by the Township Board.
- 2. Legal description of the property.
- 3. Legal description of the required open space along with a plan stating how the open space is to be maintained.
- 4. A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's

transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

SECTION 13.07 CONDITIONS

- A. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- B. Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole; be reasonably related to the purposes affected by the planned unit development; be necessary to meet the intent and purpose of this Ordinance; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.
- C. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township shall maintain a record of conditions which are changed.

SECTION 13.08 PHASING AND COMMENCEMENT OF CONSTRUCTION

- A. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission.
- B. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the Township Board. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the Township Board, based on a recommendation from the Planning commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new PUD or zoning application shall be required, and shall be reviewed in light of the existing and applicable law and ordinance provisions prior to any construction.

SECTION 13.09 PERFORMANCE GUARANTEES

The Planning Commission may require a performance bond or similar guarantee in accordance with Section 19.10 in order to ensure completion of the required improvements.

SECTION 13.10 MODIFICATIONS TO AN APPROVED PUD PLAN

A developer may request a change to an approved preliminary PUD plan, or an approved final PUD plan. A change in an approved preliminary PUD plan or change in an approved final PUD plan which results in a major changes, as defined by this section, shall require an amendment to the preliminary PUD and final PUD plan. All amendments shall follow the procedures and conditions herein required for original submittal and review. A change which results in a minor change as defined in this section shall require a revision to the approved final PUD site plans and approval by the Township Board following review by the Planning Commission.

- A. The following changes shall be considered major:
1. Change in the concept of the development;
 2. Change in use or character of the development;
 3. Change in the type of dwelling unit.
 4. Change in the number of dwelling units (density);
 5. Change in non-residential floor area;
 6. Change in lot coverage or floor area ratio of the entire PUD;
 7. Change in the character of function of any street;

8. Change in land area set aside for common space or the relocation of such areas;

9. Change in building height.

- B. The following changes shall be considered minor:

1. A change in residential floor space;
2. Minor variations in layout which taken together do not constitute major changes.

- C. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the applicant to show good cause as to any requested change.

CHAPTER 14
SPECIAL LAND USES

SECTION 14.01
SCOPE

This Chapter provides a set of procedures and standards for uses of land or **structures** which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the residents of Lyndon Township.

For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions, procedures and standards of this Chapter. If compliance with the procedures and standards for any special land use is found then the right to a special use permit shall exist, subject to the conditions as may be imposed. No special use shall commence until a special use permit is issued in accordance with this Ordinance. Only uses listed in each zoning district as special uses may be considered for special use permit review and approval.

In addition, the following uses shall conform to the specific standards cited in Section 14.04, as applicable.

SECTION 14.02
APPLICATION AND REVIEW
PROCEDURES

A. An application shall be submitted to the **Township** Clerk’s office after being reviewed by the **Zoning Administrator** for completeness. Each application shall be accompanied by:

1. The payment of a fee as established by the **Township** Board to defray the cost of the review process, including, among other things, the notification requirements of this

Zoning Ordinance associated with the proceedings required on the application;

2. A completed application form, as provided by the **Township** containing the following information:

- a. The applicant’s name, address, and telephone number.
- b. The names and addresses of all owners of record and proof of ownership.
- c. The applicant’s interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- d. Legal description, address, and tax parcel identification number of the property.
- e. A scaled accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- f. A detailed description of the proposed use.

3. Site plans as specified in Chapter 15.

4. Any information deemed necessary by the Planning Commission.

B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next **Planning Commission** meeting.

C. The application, along with the required site plan, shall be forwarded to the **Planning Commission** at its next scheduled meeting.

D. The **Planning Commission** shall hold a public hearing on the application. For each public hearing held, notice indicating that a request for a special land use has been received shall be published in a newspaper within the Township. Notice is considered given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice must be given not less than 15 days before the date the request will be considered.

Notice required by this Ordinance and law must also be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent to the occupants of all structures within three hundred (300) feet of the property in question whether the property or structure is located in the Township.

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 persons, one (1) occupant of each unit or spatial area must be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who must be requested to post the notice at the primary entrance to the structure. If the name of an occupant is not known, the term "Occupant" may be used in making notification.

Notices shall include the following information:

1. Describe the nature of the special land use request.
2. Indicate the property that is the subject of the special land use request, including existing zoning and a listing of all existing street addresses within the property, if

applicable, 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.

3. State when and where the special land use request will be considered:

4. Indicate when and where written comments will be received concerning the request.

5. That a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property of the occupant is located in the Township.

E. The **Planning Commission** shall then review the application and other information available to it through the public hearing, or from any other sources, including recommendations or reports from the **Township** planner, engineer, or other party. The **Planning Commission** shall approve, approve with conditions, or deny the request, and incorporate the basis for the determination and any conditions which should be imposed.

F. No Special Land Use application which has been denied shall be resubmitted for a period of one (1) year from the date of disapproval. The **Planning Commission** may choose to hear the request prior to the one (1) year period if new and significant facts or conditions are presented.

G. A Special Land Use approved shall be valid for one (1) year from the date of approval. Each development shall be under construction within that period, except as noted below.

1. The **Planning Commission** may grant one (1), six (6) month extension of the time period, provided the applicant requests the

extension prior to the date of the expiration of the Special Land Use approval.

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.

4. The **Planning Commission** shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. The Planning Commission shall also have the authority to revoke a Special Land Use approval that has been abandoned or unused for a period of one (1) year. Prior to any action, the **Planning Commission** shall conduct a public hearing.

**SECTION 14.03
GENERAL STANDARDS**

In addition to the standards established for specific Special Land Uses in Section 14.04, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 15.08

A. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity,

and that the use will not change the essential character of the area in which it is proposed;

2. Be served adequately by essential public facilities and services such as highways, **streets**, police and fire protection, drainage **structures**, refuse disposal, and water and sewage facilities;

3. Not create excessive additional requirements at public cost for public facilities and services; and

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors.

B. Conditions of Approval

1. The **Planning Commission** and Township Board may stipulate additional conditions and safeguards deemed necessary to accomplish the following purposes.

2. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 14.02

3. Conditions imposed shall be those necessary to:

a. Meet the intent and purpose of the Zoning Ordinance;

b. Relate to the standards established in the Ordinance for the land use or activity under consideration;

c. Insure compliance with those standards;

d. Protect the general welfare; and

e. Protect individual property rights.

SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 14.03 are basic to all Special Land Uses. The specific and detailed requirements set forth in this Section relate to particular uses, and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

A. Adult uses.

1. In the development and execution of this subsection, there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when concentrated in certain areas, or when located in proximity to **Residential Districts**, thereby having a detrimental effect upon adjacent areas. Special regulation of these uses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of the area. The controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.

2. **Adult uses** shall comply with the following requirements:

- a. The use shall not be located within a one thousand (1,000) foot radius of any other **adult use**.
- b. This does not include a licensed massage therapist or the practice of an exception to the license requirement as provided in MCLA 333.179957 and which meets the requirements of a home-based business as provided in Section 3.23.
- c. Establishments where uses subject to the control of this subsection are

located shall not be expanded in any manner without first applying for and receiving the approval of the **Planning Commission**, as provided herein.

- d. Any **sign** or signs proposed for the **adult use** must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- e. **Signs** must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
 - (1) "Persons under the age of 18 years are not permitted to enter the premises."
 - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- f. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- g. No **adult use** shall be open for business prior to ten o'clock a.m., nor after ten o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.

- h. The proposed site shall front upon a public paved **street**. All ingress and egress shall be from said **street**.

B. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. The uses shall only be established in a detached **single family dwelling**.
3. Parking shall be located to minimize negative impacts on adjacent properties.
4. The **lot** on which the establishment is located shall meet the minimum **lot** size requirements of the **zoning district**.
5. The total number of guest rooms in the establishment shall not exceed six (6).
6. Exterior refuse storage facilities beyond what might normally be expected for a detached **single family dwelling** shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
7. One (1) sign shall be allowed for identification purposes. The sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, the illumination shall only be of an indirect nature; internally lighted signs are not permitted. The sign shall be set back at least one-half (½) of the **front yard setback** area of the **zoning district** in which the use is located, and shall be located at least fifteen (15) feet from any **side** or **rear lot line**.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses, including but not limited to gift shops, antique shops, bakeries, and other similar uses shall be prohibited.
10. Meals may be served only to the operator's family, employees, and overnight guests.

C. Churches.

1. The proposed site shall front upon a public paved **street**. All ingress and egress shall be from said **street**.
2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
3. Minimum **lot area** shall be five (5) acres.
4. Parking shall not be permitted within any **required yard**.
5. Outside activities shall take place at least fifty (50) feet from any **Residential District** or use.
6. A greenbelt shall be provided in accordance with Section 3.12, where, under the opinion of the **Planning Commission**, screening is required to minimize visual, noise, or other effects from the proposed development.
7. Any proposal or change to the residential use of the church property must be reviewed and approved by the **Planning Commission**.

D. Commercial day care centers.

1. Minimum **lot area** of two (2) acres shall be required for the use.
2. Playground equipment may only be located in the interior **side** or **rear yard** of the **lot**, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from the **lot line**, and any residential use or district line.
3. The off-**street** parking shall be arranged so the client loading and unloading area will not be in the path of vehicular traffic as outlined in Chapter 15.

- 4. The required off-**street** parking shall meet the conditions outlined in Chapter 15, for elementary schools.
- 5. The **main building** shall be one hundred (100) feet from any **lot line**.
- 6. The proposed site shall front upon a paved **public street**. All ingress and egress shall be from said **street**.

E. Indoor Commercial recreation including bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses.

- 1. The proposed site shall front upon a paved **public street**. All ingress and egress shall be from that street.
- 2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- 3. Any **lot** line abutting a **Residential District** shall provide a fifty (50) foot wide greenbelt in accordance with Section 3.12.
- 4. The **main** and **accessory buildings** and **structures** shall not be located within one-hundred (100) feet of any **Residential District** or use.
- 5. Provide sufficient off-street parking as determined by the Planning Commission.

F. Outdoor commercial recreation shall include but not be limited to min-golf, driving ranges, and campgrounds.

- 1. Operation shall occur in the open air and not in an enclosed structure.
- 2. Operation shall not involve retail sales.
- 3. Operation will be harmonious in character with the neighboring properties and will not create a nuisance.

4. Sufficient on-site parking will be provided appropriate for the use.

5. Operation shall be conducted on at least five (5) acres with a setback of one hundred (100) feet from the side and rear yard.

6. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, a berm or a six (6) foot high fence. Netting shall be prohibited unless the **Planning Commission** determines that it would be compatible with surrounding uses.

G. Commercial removal and processing of soil, sand, gravel, or other mineral resources.

1. Soil, sand, gravel, or other earthen material shall only be removed from any land within the **Township** with Special Land Use approval, and when in compliance with the Lyndon Township Ordinance Number 21: An Ordinance Regulating the Extraction of Sand, Gravel, and Other Earthen Materials.

2. As provided in the Michigan Zoning Enabling Act (MCL 125.3205), as amended, an ordinance shall not prevent the extraction, by mining of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

A person challenging a zoning decision related to an extractive operation shall have the initial burden of showing that there are valuable natural resources located in the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that

no very serious consequences would result from the extraction, by mining, of the natural resources.

In determining if very serious consequences would result from the extraction by mining, of natural resources, the standards set forth in *Silva v. Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

A. The relationship of extraction and associated activities with existing land uses.

B. The impact on existing land uses in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

C. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

D. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

E. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

F. The overall public interest in the extraction of the specific natural resources on the property.

The aforementioned factors do not limit the Township reasonable regulation of hours of operation, blasting hours, noise levels, dust control measures, and traffic not pre-empted by part 632 of the Natural Resources Environmental Protection Act 1994 PA 451, MCL 324.63201 to 63223.

However, such regulation shall be reasonable in accommodating customary mining operations.

H. Commercial storage warehouses.

1. Shall only be allowed in Light Industrial and Neighborhood Commercial districts.

2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a **single family dwelling** in the R-R District.

3. Parking and circulation:

a. One (1) parking space shall be provided for each ten (10) storage units, equally distributed throughout the storage area.

b. Two (2) parking spaces shall also be required for security personnel, or on-site operator employed on the premises.

c. One (1) parking space shall also be required for every twenty (20) storage units, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.

d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

4. No more than fifty percent (50 %) of the site shall be covered with buildings or pavement.

5. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of a material approved by the **Planning Commission**, such as but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least twenty (20) feet from the road right-of-way, and twenty (20) feet on the **side** and **rear yard**.

6. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as approved by the **Planning Commission**

7. The facility shall be lighted to insure optimal security. Any lights shall be shielded to direct light onto the use, and away from the adjacent properties.

8. No toxic, hazardous, or flammable materials may be stored in the storage unit.

I. Country clubs and golf courses.

1. Minimum **lot area** of forty (40) acres is required for a regulation golf course, or twenty (20) acres for a par-3 style course.

2. The site shall be so planned to provide all access directly onto or from a paved major **street**.

3. All **structures** shall be at least one hundred (100) feet from any **lot line** abutting a **Residential District**.

4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.

5. The off-street parking area shall be at least fifty (50) feet from any **lot line** abutting a **Residential District**.

6. **Accessory uses** like pro shops, restaurants and lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members, subject to meeting parking requirements for the **accessory uses**.

7. If required by the **Planning Commission**, a hydrologic impact assessment shall be provided describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and

water quality as well as the projected impact of the proposed development on the resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.

8. The site should be planned as to protect wetlands, lakes and waterways.

J. Drive-through establishments, including banks, dry cleaners, pharmacies, restaurants, and similar personal services with drive-through service.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the **drive-through** portion of the facility.

2. In addition to parking space requirements for the specific use, at least three (3) off-street parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders, as needed.

3. Parking areas shall have **side** and **rear yard setbacks** of at least twenty (20) feet.

4. Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the **street**, as measured from the nearest right-of-way line to the nearest edge of said access.

5. The proposed site shall front upon a paved **public street**. All ingress and egress shall be from said **street**.

6. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting **Residential**

District or use by a decorative fence or wall, or a landscaped equivalent.

7. Outdoor speakers for the **drive through** facility shall be located in a way that minimizes sound transmission toward adjacent property.

K. General stores offering goods for sale in an enclosed building of 5,000 square feet of GFA, or more.

1. The **main building** shall be set back one hundred (100) feet from any public right-of-way or **front lot line**. All other **setback** requirements shall be met as outlined for the **district**.

2. The **setback** for off-street parking areas shall be one hundred (100) feet from any public right-of way line or **front lot line**, and twenty (20) feet from any other **lot line**.

3. The site shall have access to at least one (1) paved -Public road.

4. The design of the site shall ensure that vehicular circulation patterns reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent **streets**.

5. Any delivery areas shall be located in the **rear** or interior **side yard**.

6. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any **street** or any other driveway.

7. Outside storage of materials, merchandise, or products for sale shall not be permitted, except as may be permitted as outlined in subsection 8, below.

8. Merchandise or products for sale may be displayed in an area adjacent to the **main building** and parking area, provided the display area does not encompass more than five (5) square feet for each one (1) linear

foot of wall length adjacent to said parking area.

L. Group day care.

1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.

2. The outdoor recreation area shall be fenced with a decorative fence or wall, and landscaped.

3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.

4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

5. Provide sufficient off-street parking as approved by the Planning Commission.

M. Gun clubs, rifle ranges, archery ranges, and trap shooting.

1. Minimum **lot area** of forty (40) acres.

2. A minimum **setback** of two hundred and fifty (250) feet from all **lot lines** shall be established where no shooting activities shall take place.

3. Hours of operation shall **not** begin before 9:00 a.m., nor end later than sundown.

4. The use shall not be located any closer than one-quarter (1/4) mile from any church, school, or residential use.

5. Rifle and pistol ranges shall have adequate backstops.

6. Provide sufficient off-street parking as approved by the **Planning Commission**.

N. Hospitals, nursing homes, and housing for elderly. (Not including institutions for the mentally retarded, drug or alcohol patients, or correctional facilities).

1. Minimum **lot area** shall be five (5) acres.
2. The proposed site shall front upon a paved public road. The ingress and egress for off-**street** parking facilities for guests shall be directly across from said **street**.
3. Minimum **main and accessory building setbacks** from all **lot lines** shall be one hundred (100) feet.
4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a **structure** or by a sight-obscuring wall or fence of six (6) feet, but not more than ten (10) feet in height. Access to and from the ambulance and delivery area shall be directly from a paved street.
5. No more than twenty-five percent (25%) of the gross site area shall be occupied by **buildings**, excluding parking **structures**.

O. Hotels and motels.

1. Minimum **lot area** shall be four (4) acres and minimum **lot width** shall be two-hundred (200) feet.
2. Parking areas shall have a minimum thirty (30) foot **setback** in the **front yard**, and a minimum twenty (20) foot **setback** in the **side** and **rear yard**.
3. Access driveways shall be located at least fifty (50) feet from the nearest part of the intersection of any **street** or any other driveway.
4. The proposed site shall front upon a paved **public street**. All ingress and egress shall be from that **street**.

P. Junk yards.

1. Requests for a Special Land Use approval for establishment of a salvage or **junk yard** shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.

2. The site shall be provided with suitable access to a paved public road to ensure safe, direct transport of salvage to and from the site.

3. No portion of the storage area shall be located within two hundred (200) feet of any **Residential District** or residential **lot line**.

4. Any outdoor storage area shall be completely enclosed by a fence or wall at least eight (8) feet in height, but no more than ten (10) feet, and constructed of a sturdy, durable material. The fence shall be sufficiently opaque to ensure that none of the stored material is visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or **streets**. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.

5. Stored materials shall not be stacked higher than ten (10) feet, and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. The piles shall not encompass more than seven hundred (700) square feet. A clear distance of twenty (20) feet shall be maintained between each pile.

6. The fence or wall enclosing the storage area shall meet the applicable **building setback** requirements.

7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage **yard**. Drainage shall take place in a confined, hard surfaced area with adequate containment facilities to retain spillage. Salvaged batteries, oil, and other similar substances shall be removed and disposed of by a licensed disposal company. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for the facilities shall be six (6) acres.
14. All fences shall be **setback** a minimum of fifty (50) feet from any **Residential District** or use **lot line**.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to the hours of 8:00 a.m. to 6:00 p.m. No burning of vehicles is permitted at any time.
16. The **Planning Commission** may impose other conditions, such as greenbelts or landscaping, which have a reasonable relationship to the health, safety and general welfare of the Township.

Q. Kennels and veterinary hospitals

1. Minimum lot size is five (5) acres. The number of animals counted towards the full capacity of the facility shall include the total capacity of the facility for overnight boarding or keeping. The Planning Commission, upon consideration of the full capacity of the facility and the nature of the animals boarded or kept, may require a larger lot size to safely and humanely accommodate said animals. .
2. **Buildings** wherein animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied **dwelling** or any adjacent **building** used by the public. Runs and exercise areas shall not be located in any required **front, rear** or **side yard setback** area.
3. All **principal use** activities, other than outdoor dog run areas, shall be conducted within a totally enclosed **building**.
4. Any animal waste shall not be disposed of or stockpiled within one hundred (100) feet of the property line.

R. Marinas

1. Storage and handling of gasoline, fuel oil, or other flammable liquids shall be in accordance with all applicable state and federal requirements.
2. No **building, structure, dock, or parking area** which is part of a marina shall be located closer than thirty five (35) feet to any **Residential District lot line**.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
4. On-land boat storage areas shall be fenced and screened as required in Section 3.12.

S. Medical offices including clinics

1. The proposed site shall front upon a paved **public road**.
2. Public access to the site shall be located at least one hundred fifty (150) feet from any intersection as measured from the nearest edge of said access.

T. Mortuaries and Funeral homes.

1. Minimum **lot area** shall be two (2) acres with a minimum **lot width** of two hundred and twenty (220) feet.
2. A well designed, landscaped off-**street** vehicle assembly area shall be provided in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-**street** parking area or related maneuvering space. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any **street** or any other driveway.
3. A caretaker's residence may be provided within the **main building**, meeting the **multiple family dwelling** unit size requirements of the R-1 District.
4. The proposed site shall front upon a paved **public road**. All ingress and egress shall be from that street.
5. Provide sufficient off-street parking as approved by the Planning Commission.

U. Municipal buildings.

1. The proposed site shall front upon a paved **public road**. All ingress and egress shall be from that street.
2. **Buildings** and **structures** shall be **setback** at least twenty five (25) feet from the **front lot line**, five (5) feet from the **side lot line**, ten (10) feet from the **rear lot line**.

3. Provide sufficient off-street parking as approved by the **Planning Commission**.

V. Open air businesses.

1. Minimum **lot area** shall be two (2) acres and minimum **lot width** of two hundred (200) feet.
2. The **Planning Commission** may require a six (6) foot fence or wall to be constructed along the rear and sides of the **lot** to keep trash, paper, and other debris from blowing off the premises.
3. All **open air businesses** shall comply with all applicable Washtenaw County Department of Environment and Infrastructure Services regulations regarding sanitation and general health conditions.
4. The **Planning Commission** may require the applicant to furnish a performance bond in accordance with this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of approval.
5. The **lot** area used for parking shall be hard-surfaced. The display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water on-site.
6. Ingress and egress shall be at least one hundred (100) feet from a **street** intersection or driveway.
7. All lighting shall be shielded from adjacent residential areas.
8. In the case of a plant nursery:
 - a. The storage or materials display area shall meet all the **yard setback** requirements applicable to the main **building** in the **District**.

- b. All loading activities and parking areas shall be off-**street**, and provided on the same premises.
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
9. No display area shall be located within the **required front yard**, and at least twenty (20) feet from any **side** or **rear lot line**.

W. Public utility and service buildings, not requiring outside storage of materials.

- 1. Any **buildings** shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
- 2. Any public utility **building** shall comply with the **yard setback** requirements of the **District** in which it is located.

X. Schools.

- 1. A minimum **lot area** of three (3) acres is required.
- 2. Playground equipment may only be located in the **side** or **rear yard** of the **lot**, and must have a five (5) foot fence around its border. The playground must be at least fifty (50) feet from any **side** or **rear lot line**.
- 3. The off-street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
- 4. Sidewalks shall be required connecting the off-street parking area to the main entrance of the school, and to the required sidewalk along the adjacent road right-of-way line.
- 5. The school **main building** shall be at least one hundred (100) feet from any **lot line**.

Y. Boat launches.

- 1. There shall be no storage of gasoline, fuel oil, or other flammable liquids or gases on the **lot**
- 2. No **building, structure**, dock, or parking area which is part of the boat launch area shall be located closer than thirty five (35) feet to any **lot line**.
- 3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
- 4. Off-street parking requirements shall be met, as required in Chapter 16.

Z. Campgrounds.

- 1. All campgrounds shall be used solely for the temporary placement of tents, travel trailers, and recreational vehicles and shall be developed in accordance with Act 368 of 1978 (Public Health Code), as may be amended and Administrative Rules and Regulations promulgated subsequent to the Act, as may be amended.
- 2. No year-round residency shall be permitted, except within a dwelling unit as herein defined.
- 3. No more than one (1) permanent dwelling unit shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
- 4. The minimum area shall be twenty (20) acres.
- 5. A common use area shall be provided at a rate of five hundred (500) square feet per campsite.
- 6. Each campsite shall have a picnic table and designated place for fires.
- 7. All campsites shall have potable water located within three hundred (300) feet.

8. All campsites shall have a fire extinguisher or fire hydrant located within three hundred (300) feet.

9. Separate toilet and bathing facilities shall be provided at a ratio of one facility per twenty (20) campsites for each sex and shall contain hot and cold water.

10. Where municipal sewer is available to a campground, the campground must be served by said sewer. If municipal sewer is not available, the campground must be served by an on-site sewage system approved by the Washtenaw County Health Department.

11. Any open drainage ways must have seeded banks sloped no greater than one (1) foot of vertical rise for three (3) feet of horizontal run. Drainage ways shall be designed to properly drain all surface waters into the County drain system, subject to approval by the Water Resources Commissioner of Washtenaw County.

12. Each campground shall be provided with at least one (1) public telephone.

13. All campgrounds shall establish quiet hours between 11:00 p.m. and 7:00 a.m.

14. Direct vehicular access to a **public street** or road shall only be permitted for the main entrance to the campground site.

15. Access to all campsites shall be by means of a roadway suitably surfaced to prevent rutting and erosion for a minimum width of twenty (20) feet. Parking shall be prohibited on such roadways, except when an additional ten (10) feet of roadway is provided as a parking lane.

16. If a parking lane is not provided, an adequately sized parking stall (suitably surfaced to prevent rutting and erosion) shall be provided on each campsite. This provision may be modified for those sites designed for a more natural outdoor experience. In such case, an adequately

sized off-roadway parking stall (suitably surfaced to prevent rutting and erosion) shall be provided for each such campsite at an alternate site on the property.

17. Each campsite shall be not less than one thousand two hundred (1,200) square feet in area.

18. No building, structure, accessory use, or campsite shall be located closer than one hundred fifty (150) feet to any property line.

19. Fences and/or greenbelts may be required when recommended by the Planning Commission.

20. No business of any kind shall be conducted on the premises, except for a store selling items customarily incidental to camping.

AA. Public stables, except as provided in Section 3.29. (Amended, 8-11-2020)

1. Application. The application for special land use approval shall include a written statement of:

- a. the number and kind of animals which will be maintained;
- b. the nature and duration of any events which will be held, if any;
- c. the planned or agreed use of any other properties for riding or pasturing;
- d. any agreements or arrangements with any equestrian clubs, groups or organizations for use of the facilities;
- e. parking plans for all uses and events;
- f. human sanitation plans for all uses and events;
- g. compliance with Section 3.08;
- h. insurance coverage.

2. Acreage requirements.

- a. The minimum **lot area** shall be 10.01 acres.
- b. The maximum horse population shall be limited to two (2) horses per acre.

3. Resident caretaker. At least one person, who shall be responsible for the care of the horses, shall have a permanent residence on the same or adjacent/continuous property. However, if the property with the residence is sold, there must be a new application to continue the Special Land Use.

4. Height limitations must be followed for the **District**.

5. Setbacks

- a. Any **buildings** or enclosed riding arena used to breed, house, feed, train, shelter or exhibit horses shall be located at least one hundred (100) feet from any **lot line**.
- b. The storage of manure shall be located at least one hundred (100) feet from any well and from any lot line.

6. Vehicles, parking and loading.

- a. All egress points and off-street parking areas shall be hard surfaced, graded, and properly drained.
- b. Adequate off street parking shall be provided for all uses incidental to the stable.

7. Lighting. All outdoor lighting located on-site shall be constructed and installed so that all sources of light shall not be visible beyond the perimeter lot lines.

8. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.

9. On-site accumulations of manure shall not adversely affect adjoining parcels and any waterway. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.

BB. Radio, television, or telephone transmission towers, including towers in excess of one hundred (100) feet in height for Commercial Wireless Telecommunication Services.

1. Co-Location

- a. The construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
- b. The applicant shall submit to the Township an inventory of all towers, antennas, or site approved for towers or antennas within the jurisdiction of the **Township** of Lyndon or within one (1) mile of the border of the **Township**. The inventory shall also include the following information on each tower, antenna, or site approved for towers or antennas:

- (1) Information about the location. **Height** of each tower.
- (2) Design of each tower.

c. Antennas for **commercial wireless telecommunication services** shall be required to locate on any existing or approved tower within a one (1) mile radius of the proposed tower unless one (1) or more of the following conditions exists:

- (1) The planned equipment would exceed the structural capacity of the existing or approved tower or **building**, as documented by a

qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

(2) The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or **building** as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.

(3) Existing or approved towers and **buildings** within a one (1) mile radius cannot accommodate the planned equipment at a **height** necessary to function reasonably as documented by a qualified and registered professional engineer.

(4) The wireless communication provider entity under consideration for co-location has to demonstrate that the owner of the tower is charging unreasonable rates as determined by the **Planning Commission**.

(5) Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or **building**.

- d. Any proposed tower for **commercial wireless telecommunication services** shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying **heights**.
- e. The applicant shall submit a notarized statement by the applicant verifying

that the construction of tower will accommodate co-location of additional antennas for future users.

2. Tower Design, Appearance and Construction:

- a. Towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities.
- b. Towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or **buildings**.
- c. The **Planning Commission** may require the **structures** or equipment on the ground to be screened with landscaping, a berm, walls, fence, or a combination of these elements.
- d. All new **structures** must meet all State or Federal requirements and comply with applicable State or Local building codes.

3. Setbacks: Any part of the **structures** or equipment placed on the ground pertaining to the tower shall comply with the following **setbacks**, unless reduced by the **Planning Commission** when the intent of this Ordinance would be better served by the reduction:

- a. Towers must be set back a distance equal to at least seventy five percent (75%) of the **height** of the tower from any adjoining **lot line**.
- b. Guy and **accessory buildings** must satisfy the minimum **setback** requirements for **main buildings** for the **district** in which they are located.

- c. These provisions shall not apply to towers located on **buildings**, towers, or other **structures** in existence at the time of the adoption of this Ordinance.

4. Separation of Towers: The following separation distances shall apply to all towers and antennas, unless reduced by the Planning Commission when the intent of this Ordinance would be better served by the reduction. Separation distances shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in the following table:

Off-Site Use/ Designated Area	Separation Distance
Single family detached or two family dwelling units or multiple family dwellings	The greater of 200 feet or 200% of the height of the tower.
Approved, but not constructed, subdivisions or site condominium projects	
Vacant land in a Residential District	The greater of 100 feet or 100% of the height of the tower.
Non-Residential Districts	Same as for main building setbacks

5. Separation Between Proposed and Existing Towers should be at least one (1) mile:

6. Buildings or Other Equipment Storage.

- a. For antennas mounted on **structures** or rooftops, the equipment cabinet or **structure** used in association with antennas shall comply with the following:

(1) The cabinet or **structure** shall not contain more than one hundred

(100) square feet of **gross floor area** or be more than eight (8) feet in **height**. In addition, for **buildings** and **structures** which are less than sixty-five (65) feet in **height**, the related unmanned equipment structure, if over one hundred (100) square feet of **gross floor area** or eight (8) feet in **height**, shall be located on the ground and shall not be located on the roof of the **structure**.

(2) If the equipment **structure** is located on the roof of a **building**, the area of the equipment **structure** and other equipment and **structures** shall not occupy more than five percent (5%) of the roof area.

(3) Equipment storage **buildings** or cabinets shall comply with all applicable building codes.

- b. For antennas mounted on utility poles or light poles, the equipment cabinet or **structure** used in association with antennas shall be located in accordance with the following:

(1) In **Residential Districts**, the equipment cabinet or **structure** may be located:

(i) In a **front** or **side yard** provided the cabinet or structure is no greater than eight (8) feet in **height** or one hundred (100) square feet or **gross floor area** and the cabinet or **structure** meets the minimum **lot** requirements of the **zoning district**. The cabinet or **structure** shall be screened by an evergreen hedge with an ultimate **height** of at least eight (8) feet and a planted **height** of at least thirty-six (36) inches.

(ii) In a **rear yard**, provided the cabinet or **structure** is no greater than eight (8) feet in **height** or one hundred (100) square feet in

gross floor area. The cabinet or **structure** shall be screened by an evergreen hedge with an ultimate **height** of eight (8) feet and planted **height** of at least thirty-six (36) inches.

(2) In **Nonresidential Districts** the equipment cabinet or **structure** shall be no greater than eight (8) feet in **height** or one hundred (100) square feet in **gross floor area.** The **structure** or cabinet shall be screened by an evergreen hedge with an ultimate **height** of eight (8) feet and a planted **height** of at least thirty-six (36) inches. In all other instances, **structures** or cabinets shall be screened from view of all residential properties which abut or are directly across the **street** from the **structure** or cabinet by a solid fence eight (8) feet in **height** or an evergreen hedge with an ultimate **height** of eight (8) feet and a planted **height** of at least thirty- six (36) inches.

c. For antennas located on towers the related unmanned equipment **structure** shall not contain more than one hundred (100) square feet of **gross floor area** or be more than eight (8) feet in **height** and shall be located in accordance with the minimum **yard** requirements of the **zoning district** in which located.

d. Modification of **building** size requirements. Where co-location will be encouraged, the **Zoning Administrator** may waive the requirements of Section 14.04 for administratively approved towers, or the **Planning Commission** may waive the same requirements for towers approved by Special Land Use.

7. Abandoned or unused towers and any associated **structures** or equipment shall be removed, within twelve (12) months of the

cessation of operations, unless a time extension is granted by the **Zoning Administrator.** One (1) three (3) month extension shall be permitted if the **Zoning Administrator** finds that the owner or former operator of the facility is taking active steps to remove it.

CC. Sawmills.

1. The **main** and **accessory buildings** and **structures** shall not be located within two-hundred (200) feet of any **Residential District** or use **lot line.**

2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any **street** or any other driveway.

3. Proper measures, as determined by the **Planning Commission** shall be taken to minimize the nuisance of noise and dust.

4. Access driveways, parking areas, and on-site roads shall be provided with a hard dustless surface to minimize dust.

DD. Tool and die metal working shop.

1. The **main** and **accessory buildings** and **structures** shall not be located within two hundred (200) feet of any **Residential District** or use **lot line.**

2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any **street** or any other driveway.

3. The proposed site shall front upon a paved **public street.** All ingress and egress shall be from said **street.**

4. Proper measures, as determined by the **Planning Commission,** shall be taken to minimize the nuisance of noise and dust.

EE. Truck and freight terminals, with or without maintenance facilities.

1. Minimum **lot area** shall be five (5) acres.
2. The **lot** shall have at least one (1) **lot line** that abuts a paved **public road**. The ingress and egress for all vehicles shall be directly from that street
3. The main and accessory **buildings** shall be set back at least one hundred (100) feet from all **lot lines**.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting **Residential District** or use by a decorative fence or wall, or a landscaped equivalent.
5. Access driveways shall be located at least one hundred fifty (150) feet from the nearest part of the intersection of any **street** or any other driveway.
6. Disabled or inoperable trucks and on-site trailer storage shall not be parked outside of an enclosed **building** more than five (5) consecutive days.
7. No trailers shall be stored on site for use as storage containers for more than five (5) consecutive days.

FF. Two family and multiple family dwellings.

1. Parking areas shall have a **front yard setback** of forty (40) feet, and **side** and rear **yard setbacks** of twenty (20) feet.
2. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any **street** or any other driveway for any other **main building**.
3. **Buildings** shall not be constructed nearer to any other **building** than a distance equal

to one and one-half (1½) times the **height** of the taller **building**.

4. Outdoor lighting for **parking** or activity areas shall be shielded to prevent light from spilling onto any adjacent property.
5. Off-street **parking lots** shall be hard surfaced.

GG. Vehicle service stations.

1. All **buildings, structures,** and equipment shall be located at least fifty (50) feet from any right-of-way line, and at least fifty (50) feet from any **side** or rear **lot line** abutting a **Residential District**.
2. No more than one (1) driveway shall be permitted for every one hundred (100) feet of **frontage** (or major fraction thereof) along any **street**, with a maximum of one (1) per **street** when located on a **corner lot**, and two (2) for any other **street**.
3. No drive or curb opening shall be located nearer than one hundred (100) feet to any intersection nor more than fifty (50) feet to any adjacent **Residential District lot line**. No drive shall be located nearer than seventy-five (75) feet, as measured along the **lot line**, to any other driveway. A driveway shall not be permitted where, in the opinions of the **Planning Commission**, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
4. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. All areas of the site not paved or occupied by **buildings** or **structures** shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a **building**. All gasoline pumps shall be located at least forty (40) feet from any **lot line**, and shall be arranged so that vehicles shall not be supplied with gasoline

or serviced while parked upon or over-hanging any public sidewalk, **street** or right-of-way.

7. When adjoining a **Residential District**, parking and storage areas shall be fenced and screened from the view of any abutting **Residential District** or use by a decorative fence or wall, or a landscaped equivalent.

8. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles shall not exceed a maximum of three (3) vehicles.

9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the **Planning Commission**. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the **Planning Commission**.

10. The **lot** shall be located so it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.

11. All exterior lighting, including **signs**, shall be shielded to prevent the glare of lights from view by adjacent property.

12. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.

13. The proposed site shall front upon a public paved **street**. All ingress and egress shall be from that **street**.

14. All hazardous material must be stored and in compliance with the Washtenaw County Pollution Prevention Program.

HH. Vehicle wash establishments.

1. All washing activities must be carried on within a **building**.

2. Vacuuming activities may not be conducted in any required **yard setback**.

3. Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining **street** to enter the site.

4. Disposal of wastewater created by the vehicle wash establishment must be in compliance with State and County regulations.

II. Large Solar Energy Systems.

1. In addition to the site plan requirements outlined in Chapter 15 of the Lyndon Township zoning ordinance, all site plans for Large Solar Energy Systems shall include the following:

a. Names of owners of each lot or parcel within Lyndon Township that is proposed to be within the Large Solar Energy System.

b. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Large Solar Energy System.

c. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.

d. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the

Large Solar Energy System and within 100 feet of all exterior property lines of the Large Solar Energy System.

e. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.

f. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of 5' contours.

g. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Washtenaw County Road Commission approval and shall be planned so as to minimize the use of lands for that purpose.

h. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.

i. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System is decommissioned.

j. Planned lightning protection measures.

k. Additional detail(s) and

information as required by the Special Land Use requirements of the Lyndon Township Zoning Ordinance, or as required by the Planning Commission.

1. Abandonment and decommissioning plan

2. Application Escrow Account: In addition to the requirements set forth in Section 15.06, an escrow account shall be deposited with the Township by the Applicant when the Applicant applies for a Special Land Use Permit for a Large Solar Energy System.

3. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed fifteen (15) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.

4. Lot Size: A Large Solar Energy System shall be located on one or more adjacent parcels with an aggregate area of one hundred (100) acres or greater.

5. Setbacks: A minimum setback distance of seventy- five (75) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays. Where the use is adjacent to or abuts a residential use or residential zone, a setback distance of seventy- five (75) feet.

6. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.

7. Security: A Large Solar Energy System shall be completely enclosed by a six (6) foot tall perimeter security fence to restrict unauthorized access. As permitted in Section 3.11 (E.), barbed wire cradles, not to exceed one (1) foot in height, may be placed on top of fence in the interests of public safety. Such fencing shall not be permitted

less than twenty-five (25) feet from the property boundary of a residential zoning districts or residential use. Electric fencing is not permitted.

8. Screening: The perimeter of Large Solar Energy Systems shall be screened and buffered by installed evergreen trees or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential zoning districts or residential uses, subject to the following requirements:

a. The Large Solar Energy Systems shall be in conformance with the landscape requirements of Chapter 3.

b. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.

c. All plant materials shall be installed between March 15 and November 15. If the Applicant requests a Final Certificate of Occupancy from the Township and the Applicant is unable to plant during the installation period, the Applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.

d. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Use Permit may be subject to revocation.

9. Signage: In addition to the requirements set forth in Chapter 17, no advertising or non-

project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.

10. Lighting: All lighting shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads in accordance with Section 3.21.

11. Abandonment and Decommissioning: Following the operational life of the project, the Applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original or similar adjacent topography within three hundred sixty-five (365) days of abandonment or decommissioning.

12. Approval Time Limit and Extension: Subject to the regulations and standards of Section 14.02 G.

13. Inspection: The Township shall have the right at any reasonable time and shall provide day of inspection notice to the Applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense.

14. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times.

15. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant’s expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The Applicant shall abide by all County requirements regarding the use and/or repair of County roads.

16. Continuing Security: If any Large Solar Energy System is approved for construction under this section, Applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and Applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.

- a. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System Applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and

revocation of the Special Land Use Permit.

Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances. (Amended, 11-13-18)

JJ. Major Agribusiness

- 1. Major Agribusiness Uses Allowed. The following Major Agribusinesses and similar agribusinesses may be permitted in the Rural Residential (RR) District with approval of a special use permit under section:
 - a. Cider mills, wineries, breweries or distilleries selling product, in a tasting room, containing at least 50 percent of crops or produce grown on-site.
 - b. Event Businesses accessory to the farm or ranch use, including but not limited to Small-scale entertainment (e.g., music concert, car show, art fair) and Organized meeting space (e.g., for use by weddings, birthday parties, and corporate events).
 - c. Restaurant or Bakery related to the agricultural use of the property
 - d. Seasonal and Family Oriented Event Business such as a haunted barn or trail, Christmas village, Carnivals or other seasonal event business.
 - e. All minor and major agribusiness uses allowed in section 3.35 and 14.04 may include a the following uses with the approval of a special use permit:
 - i. gifts shops for the sale of non-agriculturally related products such as antiques or crafts as long as the sales from the girl shop is limited to 25 percent of gross sales, and

- ii. Kitchen facilities, for the processing, cooking, and/or baking of goods containing at least 25% product that is grown on site.
- 2. Major Agribusiness must meet all regulation for permitted and minor agribusinesses in Section 3.35 (C and D).

All information required in Section 3.35 (E) for minor agribusinesses are required for major agribusinesses along with all the information required as a part of the special use permit in Section 14.02. (Amended, 8-11-2020)

KK. Wind Energy Systems

A. Small-scale WESS considered special uses are subject to Planning Commission approval are as follows:

- 1. *Setback:* At least 1.5x the height of the small wind energy system including the top blade in its vertical position to the nearest property line. No part of the structure, including wires, may extend into any required setbacks. Roof and building-mounted WES are exempt from this requirement.
- 2. *Maximum Height:* Not to exceed 50 feet.
- 3. *Blade Clearance:* 20 feet from ground level.
- 4. *Signage:* No small-scale WES may be used to display signage, including advertisements on the structure’s face.
- 5. *Color:* Non-reflective white, light grey or light blue. Additional neutral colors may be considered by the Planning Commission.

- 6. *Safety:* Controls must be included that limit rotation of blades to a speed not to exceed the designed limits of the system.
 - 7. *Lightning Protection:* Lightning protection is required.
 - 8. *Electromagnetic Interference:* Turbines must not cause any microwave, television, radio or navigation interference.
 - 9. *Noise:* Audible turbine noise at the property line must not exceed 55 dBA.
 - 10. *Lighting:* No artificial lighting is permitted unless otherwise required by the FAA.
 - 11. *Compliance with National Electric Code:* Required.
 - 12. *Shadow Flicker.* A four-season analysis of potential shadow flicker is required. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
- B. Large-scale wind energy systems are subject to special use approval by the Planning Commission. The following standards shall apply to all large-scale WES:
- 1. *Maximum Height:* 175 feet. Height shall be measured from the existing grade to the tip of the turbine blade at its highest point. The applicant shall demonstrate compliance with all FAA lighting regulations and the Michigan Tall Structures Act as

- part of the approval process, if applicable.
2. *Blade Clearance:* 20 feet from ground level.
 3. *Setback:* At least 1.5 the height of the large-scale WES including the top of the blade in its vertical position to the nearest property line. No part of the structure, including wires, may extend into any required setbacks.
 4. *Signage:* No large-scale WES may be used to display signage, including advertisements on the structure's face.
 5. *Color:* Non-reflective white, light grey or light blue. Additional neutral colors may be considered by the Planning Commission.
 6. *Compliance with National Electric Code:* Compliance with the National Electric Code is required.
 7. *Lightning Protection:* Lightning protection is required.
 8. *Electromagnetic Interference:* Turbines must not cause any microwave, television, radio or navigation interference.
 9. *Noise:* Audible turbine noise at the property line must not exceed 55 dBA.
 10. *Lighting:* No artificial lighting is permitted unless otherwise required by the FAA.
 11. *Safety.* Large-scale WES 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. A sign shall be posted near the tower 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. Large-scale WES must be protected by anti-climbing devices 12 feet from the base of the pole.
 12. *Escrow.* The application shall include a description of security to be posted at the time of receiving a building permit for the WES to cover noise level tests, and ensure removal of the WES. The security shall be the form of: (i) cash; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the Township Supervisor or designee and in a form approved by the Township Attorney providing for timely removal of the large-scale WES as required under this section, and payment of any costs and attorney fees incurred by the Township in connection with such removal.
 13. *Annual Maintenance Review.* The large-scale WES and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. All large-scale WES must be inspected annually by an authorized factory representative or professional engineer to certify that the WES is in good working condition, is not a hazard to persons or property, and is in compliance with the township approvals. Certification records and report

stating that the site is in compliance with the Township approvals shall be submitted annually, between January 1 and January 31, to the Township. Township representatives, including the Zoning Administrator, shall be given access to the site annually in order to conduct inspections and confirm compliance.

14. *Removal.* A large-scale WES shall be removed by the owner of the WES or land when the large-scale WES has been abandoned or unused for 180 days ("non-use period"). For purposes of this section, the damage, destruction or removal of any part of WES equipment, or the cessation of operations shall be considered as the beginning of a non-use period. The WES owner or applicant shall notify the township of the beginning of any non-use period or any removal of equipment. The end of the non-use period may be sooner than 180 days after commencement if the WES or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - i. At the end of the non-use period, the owner of the large-scale WES or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the large-scale WES and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.
 - ii. If the required demolition, removal and restoration of the large-scale WES has not been lawfully completed within 60

days after the end of the non-use period, then after 15 days prior written notice to the land owner and the large-scale WES owner, the township may remove or secure the removal of the WES and related equipment and the township's costs, expenses, attorneys fees and consultants fees, plus a 15 percent administrative charge may be drawn and collected from the security described in (4) above, and any costs and fees in excess of the amount of the security shall constitute a lien on the land on which the WES is located and may be collected in the same manner as delinquent taxes.

15. *Shadow Flicker.* A four-season analysis of potential shadow flicker is required. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
16. *Threatened and Endangered Species:* An endangered and threatened species survey is required. It shall be conducted by a qualified professional, such as an ecologist or zoologist, and must describe the potential impact of the WES on any species listed as threatened or endangered by the federal government or the state of Michigan, including but not limited to migratory birds or bats. Permits shall not be issued unless the study

determines that there shall be no negative effect on such species. Alternatively, the applicant may submit an endangered species permit from the State of Michigan to fulfill this requirement.

17. *Public inquiries and complaints.* Should an aggrieved property owner allege that a large-scale WES is not in compliance with any of the standards as discussed in this section, the procedure to address the allegation shall be as follows:
- i. Notify the township in writing regarding compliance concerns.
 - ii. A representative of the Township shall be granted access to the site in order to determine compliance with the standards above as it relates to the complaint received. If the complaint is deemed sufficient based on the discretion of the Township representative, the Township will request the aggrieved property owner deposit funds in an amount sufficient to pay for additional testing; for example, a noise level test conducted by a certified acoustic technician to determine compliance with noise requirements.
 - iii. If the test indicates that the activity which resulted in a complaint is in fact, compliant with the standards of this section, the township will use the deposit to pay for the test.
 - iv. If the test reveals a violation, the owner(s) of the large-scale WES shall reimburse the township for the additional testing and take immediate action to bring the large-scale WES into compliance which may include ceasing operation

of the large-scale WES until ordinance violations are corrected. The township will refund the deposit to the aggrieved property owner. (Amended, 4-13-2021)

CHAPTER 15
SITE PLAN REVIEW

SECTION 15.01
PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent **streets** and highways, and on the existing and future uses and the environment in the general vicinity.

SECTION 15.02
SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a **building** in the **Districts** and conditions cited below:

- A. All Permitted Uses within any **District** which includes the construction of a **building** addition with an enclosed floor area greater than 25 percent (25%) of the existing enclosed **building** floor area, and construction of a new **building** or **structure** with an enclosed **gross floor area** of five thousand (5,000) square feet or greater.
- B. Special Land Uses in all **Zoning Districts**.
- C. Site condominiums in any **District**.
- D. The following shall be exempt from site plan review, except that the **Zoning Administrator** shall review a plan to ensure compliance with this Ordinance.
 - 1. **Single family detached and two-family dwellings** (except those that are

required to receive Special Land Use approvals).

- 2. **Farms**.
- 3. **Roadside stands** with less than two-hundred (200) square feet of sales area.
- 4. **State licensed residential family care facilities and family day care homes**.
- 5. **Home-based businesses**.

SECTION 15.03
SITE PLAN REVIEW REQUIREMENTS

A. Preliminary Site Plan Review

- 1. If the applicant elects to undergo a preliminary site plan review, ten (10) copies of a preliminary site plan shall be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the **Township** to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
- 2. Preliminary site plans shall include the following, unless deemed unnecessary, in writing, by the **Zoning Administrator**.
 - a. Small sketch of properties, **streets** and use of land within one half (1/2) mile of the area, including the zoning of surrounding property.
 - b. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:

- (1) Existing adjacent **streets** and proposed **streets**.
- (2) **Lot lines** and approximate dimensions.
- (3) **Parking lots** and access points.
- (4) Proposed buffer strips or screening.
- (5) **Significant natural features**; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- (6) Location of any **signs**.
- (7) Existing and proposed **buildings** on-site.
- (8) General topographical features including contour intervals no greater than five (5) feet.
- (9) All **buildings** and driveways within one hundred (100) feet of all **lot lines**. If adjacent property is vacant, the site plan shall indicate such fact.

c. A narrative (shown on the site plan or submitted separately) describing in general terms:

- (1) The overall objectives of the proposed development.
- (2) Approximate number of acres allocated to each proposed use, and gross area of **buildings, structure, off-street parking areas, streets** and drives, and open space.

4.

- (3) **Dwelling unit** densities by type, if applicable.

- (4) Proposed method of providing sewer and water service, as well as other public and private utilities.

- (5) Proposed method of providing storm drainage.

3. The **Planning Commission** shall review the preliminary site plan and may approve, approve with conditions, refer back for modification, or disapprove the preliminary site plan. The Planning Commission shall provide the applicant with findings of fact and supply recommendations that will cause the plan to be in conformance with the review standards required by this article. The **Planning Commission** shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

Ten (10) copies of a final site plan prepared by a licensed engineer, architect, or other design professional competent in such matters, shall be submitted for review. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the **Zoning Administrator**:

- 1. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three (3) acres, and at least 1"=100' for those three (3) acres or more.
- 2. The signed seal, name, and address of the professional individual, and firm, responsible for the preparation of the site plan.
- 3. The name and address of the property owner or petitioner.
- 4. A location sketch.
- 5. Legal description of the subject property or parent tract and leased parcel (if applicable).

6. The size (in acres) of the subject property, and approximate number of acres allocated to each proposed use. **Gross floor area for buildings and structure**, gross area for off-street **parking areas, streets** and drives, and open space shall also be indicated.

7. **Lot lines** and required **setbacks** shown and dimensioned.

8. The location of all existing **structure**, driveways, and parking areas within one hundred (100) feet of the subject property's boundary. If such land is vacant, the site plan shall indicate that fact.

9. The location and dimensions of all existing and proposed **structure** on the subject property including **dwelling unit** densities by type, if applicable.

10. The location of all existing and proposed drives (including dimensions and radii), acceleration and deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.

11. The location, pavement width and right-of-way width of all roads, **streets**, and access easements within one hundred (100) feet of the subject property.

12. The existing zoning and use of all properties abutting the subject property.

13. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, **height** and type of existing and proposed fences and walls.

14. Size and location of existing and proposed utilities, including any proposed connections to public or private community sewer or water supply systems.

15. The location and size of all surface water drainage facilities.

16. Existing and proposed topographic contours at a minimum of five (5) foot intervals.

17. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

18. A narrative and schedule describing any potentially hazardous materials and the methods of storage and handling of such materials.

**SECTION 15.04
SITE PLAN APPLICATION AND REVIEW**

- A. The final site plan, a completed application form, and an application fee shall be submitted to the **Zoning Administrator**, by the petitioner or his designated agent, at least thirty (30) days prior to the next regular **Planning Commission** meeting. The **Zoning Administrator** shall cause the submittal to be placed on the agenda of the next regular **Planning Commission** meeting.
- B. The **Planning Commission** shall review the final site plan and recommend to the Township Board either approval, denial, or approval with conditions. Following action by the Planning Commission the final site plan shall be forwarded to the Township Board for review, recommendation and/or final approval.
- C. Any conditions or modifications desired by the **Planning Commission** shall be recorded in the official minutes of the **Planning Commission**. Any conditions or modifications desired by the **Township Board** shall be recorded in the official minutes of the **Township Board**.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the

Township Supervisor and the applicant. One (1) of these approved copies shall be kept on file by the **Township** Clerk, one (1) shall be kept on file by the **Zoning Administrator**, and one (1) shall be returned to the petitioner or his designated representative. In addition an electronic copy of the approved site plan in a format approved by the Township shall be submitted to the Township Clerk.

E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below. If neither of the provisions below are fulfilled, or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

1. The **Township Board** may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.

2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.

**SECTION 15.05
PLAT REQUIREMENTS**

In those instances in which Act 288, Michigan Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

**SECTION 15.06
ADMINISTRATIVE FEES**

- A. Any Site Plan application shall be accompanied by a non-refundable fee, and refundable deposit fee, in amounts to be established by the **Township Board**.
- B. Such deposit fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The unused portion/balance shall be returned to the applicant.

**SECTION 15.07
CHANGES IN THE APPROVED SITE PLAN**

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the **Zoning Administrator** of any proposed change to an approved site plan.
- B. Minor changes may be approved by the **Zoning Administrator** upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Change in any **building** size, up to five percent (5%) in **gross floor area**.
 - 2. Movement of **buildings** or other **structure** by no more than ten (10) feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in **building** materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.
 - 6. Changes required or requested by the **Township**, the Washtenaw County Road Commission, or other County, State, or

Federal regulatory agency in order to conform to other laws or regulations.

- C. A proposed change not determined by the **Zoning Administrator** to be minor shall be submitted to the **Planning Commission** as a site plan amendment, and shall be reviewed in the same manner as the original application to be submitted to the Township Board for review and final approval.

**SECTION 15.08
REVIEW STANDARDS**

The following standards shall be utilized by the **Planning Commission** and Township Board in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements, and are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and **structure** located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of **buildings** to the site.
- B. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress and egress points, and within the site. Drives, **streets** and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress and egress points.
- D. The arrangement of vehicular and pedestrian connections to existing or planned streets in the area shall provide a safe and efficient

circulation system for traffic within Lyndon Township.

- E. Removal or alteration of **significant natural features** shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The **Planning Commission and/or Township Board** may require that landscaping, buffers, and greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another, and from surrounding public and private property.
- F. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved, insofar as practical, in their natural state to provide areas for natural habitat, preserve drainage patterns, and to maintain the natural characteristics of the land.
- G. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- H. All **buildings** and groups of **buildings** shall be arranged so as to permit necessary emergency vehicle access. To this end the **Township** shall refer all site plans for review and comment by the Fire Authority for the **Township**.
- I. All streets and driveways shall be developed in accordance with the **Township** Land Division Ordinance, the Washtenaw County Road Commission, or Michigan Department of Transportation specifications, as appropriate. Except that the **Planning Commission and/or Township Board** may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if

determined to be necessary or appropriate for pedestrians and non-motorized vehicles.

- J. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not restrict vehicular or pedestrian traffic, or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- K. Exterior lighting shall be arranged so that it is deflected away from adjacent properties, and so that it does not interfere with the vision of motorists along adjacent **streets**. Lighting of **buildings** or **structure** shall be minimized to reduce light pollution and preserve the rural character of the **Township**.
- L. All loading and unloading areas, outside storage areas, and areas for the storage of trash which are visible from **Residential Districts** or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in **height**. The finished side of any wall, fence, or other screen shall face adjacent properties.
- M. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding **streets**, the effect of traffic in the area, nearby topography, and other factors.

- N. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
- O. Appropriate fencing may be required by the **Planning Commission** around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- P. The general purposes and spirit of this Ordinance and the **Master Plan** of Lyndon Township shall be maintained.

SECTION 15.09 CONDITIONS OF APPROVAL

- A. As part of an approval to any site plan, the **Planning Commission and/or Township Board** may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the **Zoning Act**.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the **Planning Commission**, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the **Township Board**.

- F. The **Zoning Administrator** may make periodic inspections of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

SECTION 15.10 APPEAL

- A. If any person shall be aggrieved by the action of the **Planning Commission**, an appeal in writing may be submitted to the **Township Board of Appeals** within twenty-one (21) days after the date of such action. The **Board of Appeals** shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard.
- B. After such hearing, the **Board of Appeals** shall affirm or reverse the action of the **Planning Commission**, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

CHAPTER 16
PARKING REQUIREMENTS

SECTION 16.01
SCOPE - OFF-STREET PARKING

In all **Zoning Districts**, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of **buildings** erected, altered, or extended after the effective date of this Ordinance, shall be provided as outlined in this Chapter. Such space shall be maintained and shall not be encroached upon so long as said **building** or **structure** remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

SECTION 16.02
LOCATION OF PARKING

The off-street parking required by this Chapter shall be provided in accordance with the following requirements:

- A. **Single and Two Family Dwellings.** The off-street parking facilities required for **single** and **two family dwellings** shall be located on the same **lot** or parcel of land as the **building** they are intended to serve, but shall not be considered a **parking lot** under the provisions of this Chapter.
- B. **Multiple Dwellings.** The off-street parking facilities for **multiple family dwellings** shall be located on the same **lot** or parcel of land as the **dwellings** they are intended to serve, and shall consist of a **parking lot** as defined in this Chapter. In no event shall any uncovered **parking space** for any **multiple family dwelling** be located nearer than ten (10) feet to any **main building**.
- C. **Manufactured Home Parks.** The off-street parking required may be located on each **manufactured home** site, or in **parking lots** conveniently located and readily

accessible to each site. **Parking spaces** must meet the minimum area requirements as outlined in this Chapter.

- D. **Other Land Uses.** The off-street parking required may be located on each site, or in **parking lots** within three hundred (300) feet of and readily accessible to each site.

SECTION 16.03
PARKING LOT REQUIREMENTS

A. Unless otherwise permitted by this Ordinance, all parking facilities, access driveways, and commercial and industrial parking areas (excluding those for **single and two family dwellings** outside **manufactured home parks**) shall be hard surfaced with a pavement of asphalt or concrete binder. Such facilities shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed, or a performance guarantee submitted in accordance with the procedures of Section 19.10.

- 1. The Township may approve or require permeable surface off-street parking alternatives upon review by the Township engineer.
- B. In all **Zoning Districts**, the pavement surfacing of the portion of any driveway between the right-of-way, and the edge of the roadway surface shall be hard surfaced with a pavement having an asphalt or concrete binder if the roadway is also hard surfaced with a pavement of asphalt or concrete binder.

C. Illumination for all **parking lots** in Commercial and Industrial Districts, non-residential uses, and **multiple family** developments shall be deflected away from adjacent **Residential Districts** and uses.

1. The source of illumination in all **parking lots** abutting a **Residential District** or use shall not be higher than fifteen (15) feet above the **parking lot** surface.

2. No **parking lot** shall be illuminated by means of lighting attached to **buildings** or other **structures** that permit light to be directed horizontally.

3. Lighting of parking areas shall be minimized to reduce light pollution and preserve the rural character of the **Township**.

D. When a required non-residential **parking lot** is situated on a parcel which adjoins, or is directly across a roadway from a **Residential District**, the **parking lot** shall be set back fifty (50) feet excluding any parking or drives, from the property line or right-of-way line, unless a greater **setback** is required by any other provision of this Ordinance.

E. Required non-residential **parking lots** abutting a **Residential District** or use shall be effectively screened from neighboring **Residential Districts** and uses by a decorative fence or wall, or a landscaped equivalent.

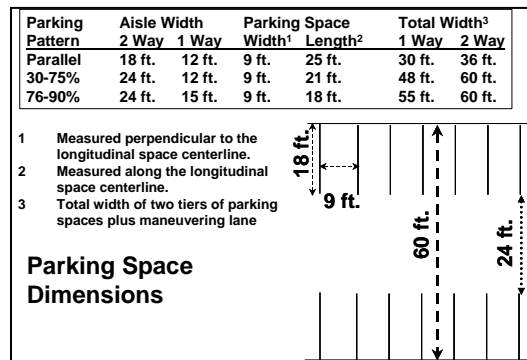
F. Required non-residential parking lots shall be screened and landscaped as regulated by Section 3.12.

G. Adequate ingress and egress to the **parking lot**, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.

H. Wheel stops shall be provided and so located as to prevent any vehicle from

projecting over the **lot** or **setback** lines, or over a sidewalk. Such devices shall be securely anchored into the **parking lot** to ensure that they remain stationary

I. Plans for the layout of off-street parking facilities shall be in accordance with the **parking space** dimensions of this Ordinance. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.



**SECTION 16.04
 PARKING LOT PLANS**

A. The construction of any **parking lot** shall be in accordance with the requirements of the provisions of this Ordinance. Such construction shall be completed and approved by the **Zoning Administrator** before actual use of the property as a **parking lot**.

B. Plans for the development of any **parking lot** must be submitted to the **Zoning Administrator**. Such plans shall be prepared at a scale of not less than one (1) inch equals fifty (50) feet, and shall indicate:

1. Existing and proposed grades,
2. Drainage systems and pipe sizes,
3. Dimensions of typical parking spaces,
4. Type of curbing proposed,
5. Drive and aisle dimensions,

- 6. Lighting proposed,
- 7. Adjacent existing **buildings**,
- 8. Sidewalks, existing and proposed,
- 9. Landscaping, existing and proposed,
- 10. Surfacing and base materials
- 11. The layout of the proposed **parking lot**
- 12. Snow storage plans.

C. The plans are to be prepared in a neat and orderly manner, by a person or persons competent in such work, and shall conform to the provisions of Section 15.03.

**SECTION 16.05
PARKING RESTRICTIONS**

A. In any **District**, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty four (24) hours, except as may be permitted for a **commercial** use.

B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street **parking lot** for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.

C. Parking Restrictions

1. After the effective date of this Ordinance it shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any **lot** in the R-1 or Lake Residential Districts to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, **manufactured homes**, construction equipment, or any other similar equipment or machinery used for commercial purposes.

2. In all other Districts such parking shall be permitted for a period not exceeding forty eight (48) hours. However, the owner, tenant, or lessee of a **farm** may openly store the machinery and equipment used on his

farm; and equipment necessary to be parked overnight on a **lot**, parcel or tract of land during construction work thereon shall be excepted from this restriction.

D. No vehicle storage or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street **parking spaces** shall not be counted toward the required parking for any use.

**SECTION 16.06
OFF-STREET PARKING
REQUIREMENTS**

A. Required off-street **parking spaces** are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the **Zoning Administrator** considers similar in type.

B. When units of measurement determining the number of required off-street **parking spaces** result in the requirement of a fractional space that fraction shall require one (1) **parking space**.

C. The **Planning Commission** may defer construction of a portion of the required number of **parking spaces** for nonresidential uses if the following conditions are met:

1. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of **parking spaces** required by this Chapter. Such areas shall not be used for any other purpose required by this Ordinance (such as landscaped buffers, etc.) and shall be kept open.

2. Alterations to the deferred parking area to add **parking spaces** may be initiated by the owner or required by the **Zoning Administrator** based on parking needs and

shall require the submission and approval of an amended site plan, as required by Chapter 15.

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each two (2) units
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Institutional	
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each four (4) seats or each eight (8) feet of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Group day care homes and group foster care homes	One (1) space for each four (4) clients
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Commercial day care	One (1) space for each employee One (1) space for every four (4) clients
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet UFA
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet UFA
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Open air businesses	One (1) space for each two hundred (200) square feet of indoor UFA plus one (1) space for each one thousand (1000) square feet of outdoor display area
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet UFA
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet UFA or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet UFA
Vehicle wash establishments (self-service or automatic)	One (1) space for each five (5) stalls
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet UFA plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet UFA
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet GFA plus those spaces required for offices located on the premises

**SECTION 16.07
OFF-STREET LOADING
REQUIREMENTS**

- A. On the same premises with every **building** or **structure** involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the **lot** adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC District, all loading spaces shall be located in the **rear yard** in the ratio of at least ten (10) square feet per front foot of **building** and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in **Residential Districts** shall be located in the **rear yard** in the ratio of at least five (5) square feet per front foot of **building** and shall be computed separately from off-street parking requirements.
- D. LI District.
1. In the LI District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 2. Loading spaces shall only be permitted off-street and in the **rear yard** or interior **side yard**.
- E. All dedicated loading spaces shall be provided with a pavement of asphalt or concrete binder so as to provide a permanent, durable and dustless service.

CHAPTER 17
SIGN REQUIREMENTS

SECTION 17.01 SIGNS - DESCRIPTION AND PURPOSE

These provisions are intended to regulate the size, number, location, and manner of display of **signs** consistent with the following purposes:

- A. To protect the safety and welfare of **Township** residents; to conserve and enhance the character of the **Township**; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
- C. To promote uniformity in the size, number, and placement of signs within **Zoning Districts**.
- D. To promote the identification of establishments and premises in the **Township**.

SECTION 17.02 SIGNS - DEFINITIONS

For the purposes of the provisions of this Chapter related to **signs**, the following words and phrases are defined as follows:

- A. Permanent Sign: Any sign that is intended to be in place for a period of greater than 30 days unless otherwise provided for.
- B. Temporary Sign: Any sign that is intended to be in place less than 30 days, and is erected in a manner that does not require a building permit per the Building Inspection Official.
- C. Temporary Freestanding Yard Sign: Any sign located in the front or side yard and constructed of paper, cloth, plastic, sheet, cardboard, wallboard, plywood or other like materials and appears to be displayed for a limited period of time. (Amended, 11-13-18)

- D. Temporary Banner: A sign of light weight fabric or similar material that is temporarily mounted or attached to a pole or building. (Amended, 11-13-18)
- E. Temporary Event Sign: A temporary or portable sign. (Amended, 11-13-18)
- F. Construction Sign: A temporary **sign** located on the same parcel or lot as a residential, commercial or industrial construction sign. (Amended, 11-13-18)
- G. Commercial Establishment: A business operating independently of any other business located in a freestanding **building**; in a group of stores or similar establishments that are located side-by-side in a single **building**.
- H. Directional Sign: A **sign** which provides directional information relating to location of **buildings**, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit **signs**. (Amended, 11-13-18)
- I. Electronic Message Sign: A sign that uses changing lights or other electronic media to form a sign message where in the sequence of messages and the rate of change is electronically programmed and can be modified by an electronic process.
- J. Freestanding Sign: A **sign** not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests on the ground.
- K. Monument (Ground) Sign: Any sign attached to a permanent foundation of at least equal length to the sign structure and not attached to a building, pole, posts or similar uprights. (Amended, 11-13-18)

- L. Governmental Sign: A **sign** erected or required to be erected by the Township, the County of Washtenaw, or by the state or federal government.
- M. Incidental Sign: A **sign**, as determined by the **Zoning Administrator**, means a small sign, emblem, or decal located on an entry door or window that accompanies other signs. (Amended, 11-13-18)
- N. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure, or site.
- O. Portable Sign: Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground. (Amended, 11-13-18)
- P. Sign: Means a name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park, or other public place. (Amended, 11-13-18)
- Q. Subdivision Identification Sign: A permanent **sign** identifying residential development. (Amended, 11-13-18)
- R. Wall Sign: A **sign** painted or attached directly to and parallel to the exterior wall of a **building**, extending not greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- S. On-Premise Sign: Any sign which advertises goods, services, facilities, events or attractions on the site where the sign is located. (Amended, 11-13-18)
- T. Off -Premise Sign: Any sign that is not an on-premise sign. (Amended, 11-13-18)

**SECTION 17.03
SIGNS PROHIBITED**

The following types of **signs** are expressly prohibited:

- A. Any **sign** which has flashing, moving, oscillating, or blinking lights.
- B. **Any signs that** imitate or resemble official traffic or **governmental signs** or signals.
- C. Any **sign** not expressly permitted by this Ordinance that in the opinion of the Zoning Official creates a nuisance, creates a traffic distraction, or is not in the general character of the community.
- D. Any sign placed so as to create a clear vision restriction to vehicles or pedestrians entering or leaving a premises.
- E. Signs on a commercial vehicle, which in the opinion of the **Zoning Administrator** has the intended function of acting as a **sign**.
- F. Off-Premise Signs, except as provided in Section 17.07.F.

**SECTION 17.04
SIGNS EXEMPTED**

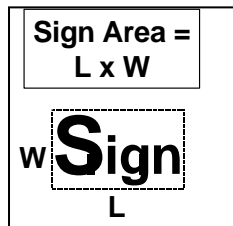
The following signs shall be exempt from the provisions of this Chapter.

- A. Governmental **signs**.
- B. Any signs on the premises required by law. (Amended, 11-13-18)
- C. **Signs for essential services**
- D. Historical markers.
- E. Memorial signs or tablets.
- F. Temporary Freestanding Residential, Commercial, or Industrial Yard Sign, except for the provisions of Section 17.09 B and Section 17.10 C. (Amended, 11-13-18)

- G. **Signs** with an address and name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall.
- H. Agricultural signs. Michigan Right to Farm Act, Act 93 of 1981.

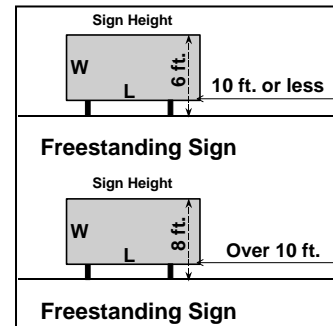
**SECTION 17.05
MEASUREMENT OF SIGNS**

A. The area of a **sign** shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character. The **sign** area shall also include any frame or other material or color forming an integral part of the display or used to differentiate the **sign** from the background against which it is placed. Only the structure necessary to support the **sign**, shall be excluded for the **sign** area calculation.



- B. The area of a free-standing or ground **sign** having two (2) or more faces shall be measured by including the area of all **sign** faces. However, if two (2) such faces are placed back to back and are of equal size, the area of the **sign** shall be considered to be the area of one (1) face. If the two (2) back to back faces are of unequal size, the area of **sign** shall be considered to be the area of the larger of the two (2) faces.
- C. The **height** of a **sign** shall be measured as the vertical distance from the highest point of the **sign** to the grade of the adjacent **street**, or the **average grade** of the ground immediately beneath the **sign**, whichever is less.

- D. Any **sign** not resting directly on the ground shall not exceed six (6) feet in height if placed within ten (10) feet of the **front lot line**, and shall not exceed eight (8) feet in **height** if placed greater than ten (10) feet from the **front lot line**, unless otherwise required by this Chapter.



**SECTION 17.06
SIGN APPLICATION AND PERMITS**

- A. A **zoning** permit shall be required for the erection, use, construction or alteration of all permanent **signs**, except for those exempted by the terms of this Chapter. For purposes of this Section, alteration of a **sign** shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a **zoning** permit shall be made to the **Zoning Administrator**, and shall include submission of such fee as may be required by resolution or other action by the **Township Board**. The application shall include the following:
 1. Name, address, and telephone number of the applicant, and the person, firm, or corporation erecting the **sign**.
 2. Address and permanent parcel number of the property where the **sign** will be located.
 3. A sketch showing the location of the **building, structure**, or parcel of land upon which the **sign** is to be attached or erected, and showing the proposed **sign** in relation to **buildings and structures, setback from lot lines**, and any trees or other natural features

proposed to be removed for the installation of the **sign**.

4. Two (2) scaled blueprints or drawings of the plans and specifications for the **sign** and information on the method of construction and attachment to structures or the ground.

5. Any required electrical permit.

6. Identification of the **Zoning District** in which the **sign** is to be located, and any other information which the **Zoning Administrator** may require in order to determine compliance with this Chapter.

C. All **signs** requiring electrical service shall be reviewed for compliance all required local and national building codes.

D. The **Zoning Administrator** shall issue a **sign** permit if all provisions of this Chapter and other provisions of this Ordinance and other applicable **Township** ordinances are satisfied. A **sign** authorized by such a permit shall be installed or shall be under construction within six (6) months of the date of issuance of the zoning permit, or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

SECTION 17.07 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS UNLESS SPECIFIED

A. It shall be unlawful for any person to erect, place, maintain, or continue a **sign** upon any lands in the **Township** except in accordance with the provisions of this Ordinance.

B. All **signs** shall be stationary, securely anchored or fastened to the ground or structure.

C. **Signs** shall pertain only to the business or activity conducted on the premises, except for **political** temporary free-standing yard **signs** and **temporary special event signs**.
(Amended, 11-13-18)

D. No **sign** shall be placed in, or extend into, or obstruct clear vision in any public right-of-way.

E. **Construction signs** are permitted subject to the following restrictions:

1. One (1) **construction sign** may be erected on the site where work is scheduled to begin.

2. **Construction signs** shall not be larger than thirty two (32) square feet and shall not exceed eight (8) feet in **height**.
(Amended, 11-13-18)

3. **Construction signs** shall not be erected until a building permit has been issued and construction activity has begun.
(Amended, 11-13-18)

4. **Construction signs** shall be removed within fifteen (15) days after the issuance of any occupancy permit for the **building** or **structure** which is the subject of the **construction sign**.

F. Temporary Event Sign: shall not exceed sixteen (16) square feet may be permitted for a period not to exceed thirty (30) days. No more than five (5) such **signs** shall be permitted for any single event. Such **signs** shall be removed within two (2) days of the end of the event. (Amended, 11-13-18)

G. **Directional signs** shall not exceed six (6) square feet in area per **sign**.

H. No **wall sign** shall project above the roof line.

I. Flashing and intermittently illuminated **signs** are prohibited. Any **sign** lighting shall be shielded from vehicular traffic and adjacent residential properties.

J. **Incidental signs** pertaining to a permitted use on the same parcel of land in any

District, except that no individual **sign** shall exceed three (3) square feet in area.
(Amended, 11-13-18)

- K. No **sign** shall be erected where, in the judgment of the **Planning Commission** or **Zoning Administrator**, an unreasonable amount of land clearing or alteration is required. The **Planning Commission** or **Zoning Administrator** may require a change in the location to avoid such unnecessary or unreasonable clearing or alteration.

**SECTION 17.08
NONCONFORMING SIGNS**

- A. Every permanent **sign** which does not conform to the **height**, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming **signs** may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming **sign** may be diminished in size or dimension, or the copy on the **sign** may be amended or changed, without adversely affecting the status of the **sign** as a nonconforming **sign**.

**SECTION 17.09
SIGNS IN RESIDENTIAL DISTRICTS**

In addition to the requirements in Section 17.07, the following **signs** are permitted in **Residential Districts**:

- A. Approved special use and home occupation in residential districts may have a permanent sign. These signs are required to have a sign permit and must meet the following conditions:
 - 1. Only one (1) **freestanding sign** is allowed;

- 2. The sign is not to exceed sixteen (16) square feet in area;

- 3. Signs shall be placed in a location that meets the side yard setbacks for the district in which it is located.

- 4. Signs are not to be illuminated except for an approved bed and breakfast facility or other special land use where the approved use allows activity between the hours of 5:00 PM and 11:00 PM;

- 5. Shall not be higher than four (4) feet.

- 6. Exception: Approved subdivision and site condominiums may feature one (1) permanent freestanding sign at each entrance, subject to the standards of Section 16.10.B – Signs in Commercial and Industrial Districts.

- B. Temporary Freestanding Yard Signs shall not exceed an aggregate side face area of eighteen (18) square feet. The total sign’s surface for a single sign shall not exceed six (6) square feet. No sign shall exceed a maximum height of four (4) feet. No sign shall be in place for a period exceeding six (6) consecutive months.
(Amended, 11-13-18)

**SECTION 17.10
SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS**

In addition to the requirements in Section 17.07, the following **signs** are permitted in the NC (Neighborhood Commercial) District and the LI (Light Industrial) District:

- A. All commercial signs shall be considered permanent signs and require a permit from the Zoning Official;
- B. One (1) **freestanding sign** for each lot or parcel of land, not to exceed sixty-four (64) square feet in **sign** area, except on corner lots where two signs (one on each road) are allowable.

C. Temporary Freestanding Yard Signs shall not exceed an aggregate side face area of twenty (20) feet. The total sign's surface for a single sign shall not exceed eight (8) square feet. No sign shall exceed a maximum height of four (4) feet. No sign shall be in place for a period exceeding six (6) consecutive months.
(Amended, 11-13-18)

D. Wall **signs** in the NC District

1. Each commercial establishment shall be permitted to have one (1) wall **sign**. For each commercial establishment on a **corner lot**, one (1) wall **sign** per **street frontage** is permitted.

- a. **Commercial** establishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be permitted a **wall sign** not to exceed one (1) square foot of **sign** area for each lineal foot of **street frontage** of such freestanding **building**,
- b. **Commercial** establishments with more than one hundred (100) feet of freestanding **building frontage** shall be permitted a **wall sign** not to exceed one (1) square foot of **sign** area for each of the first one hundred (100) lineal feet of freestanding **building frontage**, and one and one-half (1-1/2) square feet of **sign** area for each three (3) lineal feet in excess of one hundred (100) lineal feet.
- c. **Wall sign** area for a **commercial** establishment consisting of a separate business located in a **building** with other businesses, but with a separate and independent entrance shall be calculated in the same manner as in a freestanding **building**, using the **building frontage** of such **commercial** establishment.

2. The wall **sign** shall be attached to the same wall which is used to determine its size.

D. Wall **signs** in the LI District.

1. Each industrial establishment shall be permitted to have one (1) **wall sign**. For each industrial establishment on a **corner lot**, one (1) wall **sign** per **street frontage** is permitted. Each industrial establishment shall have not more than one (1) **wall sign** per wall.

2. The size of the wall **sign** shall comply with the following regulations:

- a. Industrial establishments with up to one hundred (100) lineal feet of wall fronting a **street** are permitted to have a **sign** area not to exceed thirty two (32) square feet.
- b. Industrial establishments with more than one hundred (100) lineal feet of wall fronting a **street** are permitted to have a **sign** area of thirty two (32) square feet, plus one (1) additional square foot of **sign** area for each four (4) lineal feet of wall exceeding one hundred (100) lineal feet.

3. The wall **sign** shall be attached to the same wall which is used to determine its size.

E. Electronic Message Signs.

Electronic Message Signs (LED) shall be permitted as either a freestanding or wall-mounted sign or window sign. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

1. The electronic display shall not be animated, flashing, multi-colored, or scrolling.

2. The frequency of the message change shall be restricted to no more than once every six (6) seconds.
3. The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total sign area as allowed per zoning district and sign regulations of this chapter.
4. The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.
5. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four (4) feet perpendicular to any surface.
6. Prior to the issuance of a zoning permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels.

SECTION 17.11 SIGNS FOR SPECIAL LAND USES

Signs for Special Land Uses shall comply with the **sign** requirements of the **District** in which the Special Land Use is located, except to the extent that such requirements may be altered or modified in the approved conditions for the Special Land Use.

CHAPTER 18

ZONING BOARD OF APPEALS

SECTION 18.01 **AUTHORIZATION**

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a **Township Zoning Board of Appeals**. The Township Board of the Township of Lyndon does hereby establish a Zoning Board of Appeals under the provisions of Public Act 110 of 2006, as amended.

SECTION 18.02 **MEMBERSHIP - TERMS OF OFFICE- COMPENSATION**

- A. There shall be five (5) members of the **Township Zoning Board of Appeals**. The Township Board may increase or decrease the membership of the Zoning Board of Appeals, but not to more than five (5) members nor less than three (3) members.
1. The Township Board shall appoint the members of the Zoning Board of Appeals. Each member shall be appointed for a term of three (3) years. The appointments of the first members shall be for terms of one (1), two (2) and three (3) years, respectively, so as near as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three-year term.
 2. One member shall be a member of the Planning Commission and one member may be a member of the Township Board. The member of the Township Board that serves on the Zoning Board of Appeals shall not

serve as chairperson of the Zoning Board of Appeals.

3. All other additional members of the Township Zoning Board of Appeals shall be appointed by the **Township Board**. Those other additional members shall not be elected officers of the **Township** or employees of the **Township Board**.
 4. The **Planning Commission** and **Township Board** representatives shall only serve on the Zoning **Board of Appeals**, while holding office on those respective bodies.
- B. The **Township Board** may appoint one alternate member with the same qualifications as regular members for the same terms as the regular members.
1. An alternate may be called to serve as a regular member:
 - a. in the absence of a regular member if the regular member is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days; and
 - b. for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 2. The alternate member shall serve in the case until a final decision is made, and shall have the same voting rights as a regular member.
- C. The members of the Zoning Board of Appeals shall be **reimbursed** for reasonable expenses actually incurred in the performance of their duties.

SECTION 18.03 RULES AND PROCEDURES

The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and implementation of its duties under Public Act 110 of 2006, as amended, the Lyndon Township Zoning Ordinance, and the resolution of the Lyndon Township Board establishing the Zoning Board of Appeals. The Board shall choose its own chairperson and an acting chairperson to serve in the absence of the permanent chairperson. The chairperson may administer oaths to witnesses who will appear before the Zoning Board of Appeals.

SECTION 18.04 DUTIES AND POWERS

The **Township Zoning Board of Appeals** shall have the following specified duties and powers:

- A. **Appeals.** The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Ordinance Officer or other administrative officer or body charged with the enforcement of the Lyndon Township Zoning Ordinance. Special land use and planned unit development decisions are not subject to appeal.
- B. **Interpretation.** The Zoning Board of Appeals shall have the power to:
 1. Hear and decide upon request for the interpretation of the provisions of this Ordinance; and
 2. Determine the precise location of boundary lines between **Zoning Districts** upon appeal from a decision by the Ordinance Officer upon said subject.
- C. **Variances.** The Zoning Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.

SECTION 18.05 MEETINGS

All provisions of the Michigan **Open Meetings Act** shall apply to the proceedings of the Lyndon Township Zoning Board of Appeals. Meetings shall be open to the public, and shall be held at the call of the Chairperson, the Ordinance Officer, or the Township Board.

Notice of the call to the members shall be made in writing, mailed by first-class mail to the addresses of each member of the Zoning Board of Appeals. The attendance of a member of the Zoning Board of Appeals shall constitute a waiver by that member to any objection to the form of notice of the meeting.

A majority of the members of the Board of Zoning Appeals shall comprise a **quorum** for the purpose of conducting a meeting of the Zoning Board of Appeals.

SECTION 18.06 APPLICATIONS AND HEARINGS

- A. An application to the Zoning Board of Appeals for appeal, interpretation or variance shall consist of:
 1. A completed application **form**, provided by the Township,
 2. A **fee** as established by the Township Board, paid to the Township Clerk at the time of filing, and
 3. A scaled **drawing** with sufficient detail to indicate the nature and necessity of the request.
 4. The Zoning Board of Appeals may request **additional** detail on the drawing or other information which they deem necessary to make a decision on the application.
 5. If the Township Board requests an interpretation of the Zoning Ordinance as it applies to a specific example, no application or fee is required.

B. Upon receipt of a complete application the Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, not to exceed **forty-five (45) days** from the date of filing the notice of appeal, unless an extension of the time is required by the decision of a majority of the members, whose decision shall state the reasons for the extension. The Zoning Board of Appeals shall cause public notices stating the time, place and subject of the hearing to be served personally, or by mail.

1. **Notices** shall be addressed to the parties submitting the application, and to persons to whom real property within 300 hundred feet of the premises in questions is assessed, and to the occupants of single- and two-family dwellings within 300 feet, at the addresses listed in the last assessment roll. If the tenant's name is not known, the term "Occupant" may be used. In addition, notice of all Zoning Board of Appeals hearings shall be published in a newspaper of general circulation. Upon the hearing, any person or party may appear in person or by agent or by attorney.

2. The notices shall be sent and publication shall be made not less than fifteen (15) days prior to the date of the scheduled hearing.

C. The Board may **recess** the hearings from time to time, and no further notice shall be required.

SECTION 18.07 DECISIONS

A. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the Ordinance Officer, an administrative official, or an administrative body, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance; or to effect a variation in this Ordinance, except that a concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to

grant a variance from uses of land permitted in the Ordinance.

B. The Zoning Board of Appeals shall decide the appeal within a reasonable time but not more than **sixty (60) days** after the date the appeal has been filed, unless an extension of time is required by decision of a majority of the members of the Zoning Board of Appeals present whose decision shall state the reasons for the extension.

C. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirements, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in the **Board's opinion** ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance, the Zoning Board of Appeals may, in passing upon appeals, vary or modify any of its rules or provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

D. The Zoning Board of Appeals may impose **conditions** upon affirmative decision on an appeal. The conditions may include conditions necessary to insure that public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use of activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards in the Ordinance for the land use or the activity under consideration; and be necessary to insure compliance with those standards.
- E. The Zoning Board of Appeals' decision on such appeals shall be in the form of a **resolution** containing a full statement of the findings of fact, conclusion and the determination of the Zoning Board of Appeals in each particular case. The resolution, in written form, shall be approved by the Zoning Board of Appeals and filed with the minutes of the Board. The date of filing of the approved written resolution shall be the effective date of the decision. Further appeal from the decision of the Board of Zoning Appeals to the Washtenaw County Circuit Court shall be in accordance with the Public Act 110 of 2006, as amended, and the Lyndon Township Zoning Ordinance.
- F. Any decision of the Board is **final**.
- G. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by the decision has been started **within one (1) year** after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- H. An affirmative decision of the Zoning Board of Appeals shall be valid for one (1) year from the date of approval. The use or building subject to the approval shall be under construction or have begun operation within that period, except as noted below:
1. The Zoning Ordinance Officer may grant a six (6) month extension of the time period provided the applicant requests the extension prior to the date of the expiration of the approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development or use has encountered unforeseen difficulties beyond the control of the applicant, and will proceed within the extension period.
 3. If neither of the above provisions is fulfilled or the six (6) month extension has expired prior to construction or beginning of the operation of the use, the approval shall be null and void.
- I. Appeal **fees** shall be established from time to time by the Lyndon Township Board sufficient to cover all costs incurred by the Township in the processing of any appeal.
- J. Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Zoning Board of Appeals including all evidence and data considered, and all findings of fact and conclusions drawn by the Board of every case, together with the votes of the members and final disposition of each case. Such minutes shall be filed with the Township Clerk and shall be available to the public. The **Record of Proceedings** shall contain the following information when applicable:
1. The application for an appeal, variance or interpretation.
 2. Any reports, plans, surveys or photos.
 3. Letter from the Ordinance Officer, officer or body granting or denying the application or referring it to the Zoning

Board of Appeals and all other relevant records related to the case.

4. Notice of Public Hearing to affected parties in the newspaper.
5. Affidavit of publication of Notice of Hearing.
6. A copy of the notice to property owners within 300 feet of the subject parcel as well as a list of all property owners who were notified.
7. Record of testimony heard and evidence presented in transcribed or electronically taped form.
8. A copy of the zoning ordinance article(s) and section(s) in question.
9. Briefs, correspondence or other communications made to the Zoning Board of Appeals.
10. Statement of facts found by the Board, of its own knowledge, regarding the request including any information gained from personal inspection.
11. Decision of the Board.
12. A copy of any other correspondence to the appellant or other parties regarding the request.

**SECTION 18.08
APPEALS**

- A. This decision of the Zoning Board of Appeals shall be final. However, further appeal from this decision shall be to the Washtenaw County Circuit Court and shall be in accordance with Public Act 110 of 2006, as amended and the Lyndon Township Zoning Ordinance.
- B. **Appeals** to the Zoning Board of Appeals may be taken by any person aggrieved, or by

any officer, department or Board of the Township.

1. An appeal shall be taken to the Zoning Board of Appeals within **thirty (30) days** from the date of the order, requirement, decision or determination which is the subject of the appeal, by filing with the Ordinance Officer, officer, or the body from whom the appeal is taken and with the Zoning Board of Appeals of a Notice of Appeals specifying the grounds for the appeal.
2. The **Ordinance Officer**, officer or body from whom the appeal is taken shall immediately transmit to Zoning the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall **stay all proceedings** in furtherance of the action appealed from, unless the Ordinance Officer, officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals after the Notice of Appeal is filed, that by reasons of facts stated in the Certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, on notice to the officer or body from whom the appeal is taken and on due cause can be shown.

**SECTION 18.09
COUNSEL**

Legal counsel may be retained by the Zoning Board of Appeals for any purpose deemed necessary by the Board provided that such appointment or retainer shall be approved in advance by the Township Board.

SECTION 18.10
REVIEW STANDARDS FOR VARIANCES

A. **Non-Use Variance:** A non-use or dimensional variance may be allowed by the Zoning **Board of Appeals** only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing, and that all of the following conditions are met:

1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.
2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the **district** in which the subject property is located.
3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same **Zoning District**. Exceptional or extraordinary circumstances or conditions include:
 - a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
 - b. Exceptional topographic conditions;
 - c. By reason of the use or development of the property immediately adjoining the property in question; or

d. Any other physical situation on the land, **building** or **structure** deemed by the Zoning **Board of Appeals** to be extraordinary.

5. That granting the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same **Zoning District**.

6. That the variance is not necessitated as a result of any action or inaction of the applicant.

B. **Use Variance:** A use variance may be allowed by the Zoning **Board of Appeals** only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:

1. That the **building, structure,** or land cannot yield a reasonable return if required to be used for a use allowed in the **Zoning District** in which it is located;

2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same **zoning district**. Exceptional or extraordinary circumstances or conditions include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
- b. Exceptional topographic conditions;
- c. By reason of the use or development of the property immediately adjoining the property in question; or
- d. Any other physical situation on the land, **building** or **structure** deemed

by the Zoning **Board of Appeals** to be extraordinary.

3. That the proposed use will not alter the essential character of the neighborhood.

4. That the variance is not necessitated as a result of any action or inaction of the applicant or his or her agents or affiliates.

C. Prior to Zoning **Board of Appeals** hearing on a request for a use variance, the Zoning **Board of Appeals** may request the **Planning Commission** to consider the request, and that it forwards a report to the Zoning **Board of Appeals**.

1. The **Planning Commission's** report may provide an opinion to the **Board** as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood.

2. For this report the **Planning Commission** may consider the **Master Plan**, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

CHAPTER 19
ADMINISTRATION AND ENFORCEMENT

SECTION 19.01
REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on December 17, 2005, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 19.02
ZONE DISTRICTS

The **Township** of Lyndon is hereby divided into the following **Zoning Districts**:

- W-R Wilderness and Recreation District (Chapter 4)
- R-R Rural Residential District (Chapter 5)
- R-1 Medium Density Residential District (Chapter 6)
- LR Lake Residential District (Chapter 7)
- LC Lake Conservation District (Chapter 8)
- MHP Manufactured Home Park District (Chapter 9)
- NC Neighborhood Commercial District (Chapter 10)
- LI Light Industrial District (Chapter 11)
- MU Municipal Use District (Chapter 12)
- PUD Planned Unit Development (Chapter 13)

SECTION 19.03
ZONING MAP

The locations and boundaries of the **Zoning Districts** are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Lyndon Township, Washtenaw County, Michigan,” which accompanies, and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of the **Zoning Districts** as shown on the Zoning Map, the following rules of construction and interpretation shall apply.

- A. Boundaries indicated as approximately following the centerline of **streets**, highways, or alleys shall be construed to follow the centerline.
- B. Boundaries indicated as approximately following platted **lot lines** shall be construed as following the **lot lines**.
- C. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- D. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following the shorelines or lake or stream beds. In the event of a change in the location of shorelines or lake or stream beds, said boundary shall be construed as moving with the shoreline and lake or stream bed.
- E. Lines parallel to **streets** without indication of the depth from the **street** line shall be construed as having a depth of two hundred (200) feet from the **front lot line**.

- F. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey, shall be construed as following the property lines, section lines or other lines of a government survey, as they exist as of the effective date of this Ordinance or applicable amendment thereto.

Regardless of the existence of other copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

**SECTION 19.04
AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a **district** on the zoning map, the land shall be in the R-R District.

**SECTION 19.05
ZONING ADMINISTRATION**

- A. The **Township Board** or its duly authorized representative (Zoning Administrator) is hereby charged with the duty of enforcing this Ordinance.
- B. Duties of the Zoning Administrator include:
 - 1. Review for completeness of all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
 - 2. Review for the completeness all applications for appeals, variances, or other matters which the Zoning Board of

Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.

- 3. Review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- 4. Make periodic site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- 5. Implement the decisions of the Planning Commission and Township Board.

The Zoning Administrator is under no circumstance permitted to grant exceptions to the meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures or land within the Township.

- C. Further, said **Township Board** is hereby empowered, in the name of Lyndon Township, to commence and pursue any and all necessary and appropriate actions and proceedings in the Circuit Court of Washtenaw County, Michigan, or any other Court having jurisdiction, to restrain and prevent any non-compliance with, or violation of, any of the provisions of this Ordinance, and to correct, remedy and abate the non-compliance or violation.
- D. It is further provided that any person aggrieved or adversely affected by a non-compliance or violation may institute suit and join the **Township Board** in a suit to abate the same.

**SECTION 19.06
ZONING COMPLIANCE PERMITS
AND SURVEY REQUIREMENTS**

A. A permit shall be issued by any municipal, County, Township, state, official, or agency for any use, **building**, construction, work, alteration, addition, or improvement to land, as above described, until a Zoning Compliance Permit has been issued by the **Zoning Administrator** under the terms and provisions of this Ordinance, unless otherwise noted below. (Amended, 8-10-2021)

1. The following building, construction, work, alteration, or improvement to land do not require a Zoning Compliance Permit:
 - a. Interior remodels that do not expand the building envelope, including, but not limited to, replacement of windows, doors, interior mechanical equipment, electrical, or plumbing;
 - b. Exterior improvements that do not expand the building envelope and are at least ten (10) feet from lot lines, including exterior mechanical equipment, sidewalks, or concrete or paver patios
 - c. Sheds or small structures (under ten (10) feet in height and under one hundred (200) square feet);
 - d. Roofing or siding replacement that does not expand the building envelope;
 - e. Grading under fifty (50) cubic yards;
 - f. Fences at least ten (10) feet from lot lines or agricultural fences;

- g. Play equipment at least ten (10) feet from lot lines;
 - h. Flagpoles;
 - i. Temporary or window signs; or
 - j. Satellite dishes (under three (3) feet in diameter) or antenna for residential use.
2. Items not requiring a Zoning Compliance Permit above must meet all the requirements of this Zoning Ordinance and other applicable local, county, state, and federal regulations.
 3. Items not requiring a Zoning Compliance Permit above must still secure all other applicable local, county, state, and federal permits and approvals. (Amended, 8-20-2021)

B. A Zoning Compliance Permit shall be valid for one (1) year from the date of the granting of the permit. If the project requested under the Zoning Compliance Permit but has not been granted building permit approvals within one (1) year from the date granted, the permit is no longer valid and a new Zoning Compliance Permit will be required. (Amended, 11-13-18)

C. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or regulation of the Township. (Amended, 11-13-18)

D. The issuance of any other approval or certification of a site plan, variance, Special Land Use permit, planned unit development, or other discretionary permit by any board or body under this Ordinance, shall not super-cede or

lessen compliance with this Ordinance and that any use, development, construction, improvement or work allowed under the discretionary permit, shall in all cases be further conditioned on compliance with this Ordinance and shall not be allowed until the issuance of the Zoning Compliance Permit in accordance with this Chapter.

E. An application for a Zoning Compliance Permit shall be signed by the owner of the land, or the owner's duly authorized agent and be accompanied by a site plan, where required under other provisions of this Ordinance, or a drawing, that provides the following information:

1. Scale, date and north point.
2. Location, shape and dimensions of the lot.
3. Legal description, tax parcel number and address of the lot.
4. Location, outline and dimensions of all existing and proposed **structures** and the location and extent of all uses not involving **structures**.
5. A clear description of existing and intended uses of all **structures**.
6. Additional information as required by the **Zoning Administrator** for purposes of determining compliance with this Ordinance.

F. A Zoning Compliance Permit shall be signed and issued by the **Zoning Administrator**.

1. The application and all supporting documentation shall be considered a part of the permit.
2. Any alteration, false statement, change or other variation between the

application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void.

3. Any change, variation or alteration of the application and supporting documents, shall require re-submission to the **Zoning Administrator** and the re-issuance of a new Zoning Compliance Permit.

G. All fees due under this Ordinance, or under other Ordinances or policies of the **Township** for municipal services and development of the work, must be paid in full prior to the issuance of the Zoning Compliance Permit, unless exception is made by the appropriate board authorized to waive or delay the payment of the fees. The applicant shall furnish to the **Zoning Administrator**, upon request, a title insurance policy or other acceptable evidence of ownership.

H. The **Zoning Administrator** is authorized to prepare and furnish to the public, from time to time forms for application for a Zoning Compliance Permit.

I. The **Zoning Administrator** is authorized to affix to the face of any Zoning Compliance Permit any condition authorized by the Ordinance or under any discretionary permit issued by any Board under this Ordinance, or under other Ordinances or promulgated policies of the **Township**, pertaining to the use, work or occupancy of the land and premises. Failure to comply with any condition shall render the Zoning Compliance Permit null and void.

J. Boundary Surveys

1. In the Lake Residential (LR) and Lake Conservation (LC) Districts, all

applications for a zoning permit must be supported by a boundary survey prepared by a registered land surveyor showing the **lot lines**. Location of proposed footings shall be added to a copy of the survey and submitted to the **Zoning Administrator**.

2. In all **Zoning Districts**, when a setback zoning variance has been granted by the Board of Appeals, any application must be supported by a boundary survey prepared by a registered land surveyor showing the lot lines. Location of proposed footing shall be added to a copy of the survey and submitted to the Zoning Ordinance Administrator.

3. Where a survey is required under this Section, the surveyor shall certify the boundary survey, showing that all new construction and **structures** are set as originally proposed in the application for a zoning permit, and the owner shall deliver said certified survey to the **Zoning Administrator** within ten (10) days after the footing or final location of the structure is set. Failure to comply with this section shall render the zoning permit null and void.

K. Submission of an application for a Zoning Compliance Permit constitutes permission for the Township to access the property to complete necessary onsite investigations for the purpose of administering the Zoning Compliance Permit. (Amended, 8-10-2021)

**SECTION 19.07
BUILDING PERMITS**

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No

structure shall be erected, moved, added to, or structurally altered unless a building permit shall be been issued therefore by the Zoning Administrator.

**SECTION 19.08
VIOLATIONS**

A. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation.
Or,

2. Issue a “Stop Work Order” if any one of the following applies:

- a. Zoning Compliance Permit has not been issued.
- b. Work in progress does not comply with the plan provided with the Zoning Compliance Permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition, the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A Copy of the

order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

B. If work continues after posting of the stop work order, the Zoning Administrator is authorized to issue a Civil Infraction violation. Any person who violates any provision of this section shall be responsible for a civil infraction, subject to payment of a civil fine as set forth in Section 19.10 below.

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

**SECTION 19.09
FEES AND REMEDIES**

A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be in accordance with the following:

1. For violation of the provisions of this Ordinance governing the approval, operation, or maintenance of Special Land Uses in any **Zoning District**:

- a. First violation: five hundred dollars (\$500.00);

- b. Second violation within a three (3) year period from the date of the first violation: one thousand dollars (\$1,000.00);
- c. Third violation within a three (3) year period from the date of the first violation: two thousand dollars (\$2,000.00);
- d. Fourth and any subsequent violations within a three (3) year period from the date of the previous violation: five thousand dollars (\$5,000.00);

2. For violation of any other provision of this Ordinance in any **Zoning District**:

- a. First violation: fifty dollars (\$50.00);
- b. Second violation within a three (3) year period from the date of the first violation: one hundred dollars (\$100.00);
- c. Third violation within a three (3) year period from the date of the first violation: two hundred dollars (\$200.00);
- d. Fourth and any subsequent violations within a three (3) year period from the date of the previous violation: five hundred dollars (\$500.00);

3. In addition to said fines, the guilty party is subject to all other costs, damages, and expenses provided by law.

B. Notwithstanding the provisions of this Section, offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation

continues shall be deemed a separate offense.

- C. The rights and remedies provided herein are cumulative, and in addition to other remedies provided by law.

**SECTION 19.10
PERFORMANCE GUARANTEES**

- A. The **Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board** are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is the subject of the guarantee.
- B. The performance guarantee shall be deposited with the **Township Clerk** at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements of the approved site plan. If said improvements are not completed the security shall be forfeited, either in whole or in part.
- C. The **Township** shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the **Zoning Administrator**.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance if any shall be returned to the depositor.

**SECTION 19.11
USE OF CONSULTANTS**

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to the planning and development of the Township.

**SECTION 19.12
AMENDMENTS**

An amendment to the zoning district boundaries contained on the Official Zoning Map (rezoning) and to the text of this Ordinance may be initiated by the Township Board or the Planning Commission. An amendment to the zoning district boundaries (map) may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this Ordinance may also be initiated by petition of one (1) or more residents or property owners of the Township.

- A. Rezoning and Zoning Ordinance Text Amendment Application Procedure.
 - 1. Application Information for Amendments. An amendment to the Official Zoning Map or this Ordinance, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Said application shall explicitly describe the proposed amendment and shall be signed by the applicant.
 - 2. Application Information for Zoning Map Amendment. In the case of an amendment to the Official Zoning Map (rezoning), the following information shall accompany the application.

- a. Information to indicate the dimensions, location and size of the subject property including, but not limited to a sketch plan, property identification number, a legal description, a street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.
- b. The name, signature and address of the owner of the subject property, a statement of the applicant’s interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
- c. The existing and proposed zoning district designation of the subject property.
- d. A written description of how the requested rezoning meets Section 19.12.C. Criteria for Amendment of the Official Zoning Map (Rezoning).
- e. At the Planning Commission’s discretion the following additional information may be required:
 - i. A site analysis site plan illustrating existing conditions on the site and adjacent properties; including, but not limited to woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
 - ii. A conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in

the requested zoning district meeting requirements for setbacks, wetland buffers, access spacing, any requested service drives and other site design factors.

iii. A traffic impact analysis if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or one thousand (1,000) more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Township staff and consultants.

iv. The site to be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each corner.

B. Rezoning and Zoning Ordinance Amendment Process.

1. **Public Hearing.** Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and in accordance with the provisions of the Michigan Zoning Enabling Act, as amended.

2. **Planning Commission Review and Recommendation.** Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its

findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the criteria contained in Section 19.12.C. below, in making its finding and recommendation.

3. Township Board Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the Official Zoning Map (rezoning), the Township Board shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 19.12 C.

4. Notice of Adoption. Following adoption of a zoning text or map amendment the Township Board, a notice will be published in accordance with the Michigan Zoning Enabling Act, as amended.

5. Resubmittal. No petition for rezoning or zoning ordinance text amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

C. Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the Official Zoning map (rezoning), the Planning Commission and the Township Board shall consider the following

criteria in making its findings, recommendations and decision.

1. Consistency with the goals, policies and Future Land Use Map of the Lyndon Township Master Plan, including all applicable sub-area and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

2. Compatibility of the site’s physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.

3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.

4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare” of the Township.

6. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount currently zoned to accommodate the demand.

7. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning is more appropriate than another district

or amending the list of permitted or special land uses within a district.

D. Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

1. Compatibility with the basic intent and purpose of the Zoning Ordinance.
2. Consistency with the goals and objectives and future land use map of the Lyndon Township Master Plan, including any sub-area or corridor studies.
3. The requested amendment will correct an error in current appropriate documentation.
4. The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
5. The requested amendment will not result in unlawful exclusionary zoning.
6. There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
7. The requested amendment will address changes in state legislation, other township ordinances, or federal regulations.
8. The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

SECTION- 19.13 CONDITIONAL REZONING

As an alternative to a rezoning amendment described in Section 19.12 B. of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with the Michigan Zoning Enabling Act, as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

1. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 19.12 B.
2. In addition to the procedure as noted in Section 19.12 B., the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 - a. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for

which the conditional rezoning is sought.

- b. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- c. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Chapter 18 of this Ordinance.
- d. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Chapter 14 of this Ordinance.
- e. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
- f. In addition to the informational requirements provided for in Section 19.12.A of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the

property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

3. Time Limits and Reversion of Land to Previous District.

- a. If the proposed conditions of a rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 19.12 B. of the Zoning Ordinance.
- b. Unless a revision of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
- c. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Washtenaw County Register of Deeds, which shall act to provide notice to all subsequent

owners of the property of the conditions approved and agreed to by the Township.

- d. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
- e. Time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.

4. Review Procedures. The factors found in Section 19.12.C. of this Ordinance must be considered in any conditional rezoning request.

5. Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of public hearing.

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