

# Lee Township Midland Michigan

## Zoning Ordinance

### Ordinance No. 13

An ordinance to amend the Zoning Ordinance of  
Lee Township, Midland Michigan

The Township of Lee, Midland County, Michigan, pursuant to the authority vested in it by Act 184 of Public Acts of the State of Michigan for 1943, as amended, hereby amend the Zoning Ordinance of Lee Township to read as follows.

This is an unofficial copy for reference use only. From time to time it will be corrected for spelling and grammar errors. To the best of our knowledge it is a word for word copy of the Official Ordinance 13, available at the township hall.

# TABLE OF CONTENTS

## Ordinance no. 13

PREAMBLE	.....	1
ARTICLE I	SHORT TITLES .....	2
ARTICLE II	DEFINITIONS .....	3
ARTICLE III	ZONING DISTRICTS .....	9
ARTICLE IV	GENERAL PROVISIONS .....	10
ARTICLE V	SUPPLEMENTAL REGULATIONS .....	12
ARTICLE VI	SPECIAL USES .....	18
ARTICLE VII	SITE PLAN REVIEW .....	21
ARTICLE VIII	NONCONFORMING USE OF STRUCTURE .....	24
ARTICLE IX	RESIDENTIAL FARMING DISTRICT .....	25
ARTICLE X	RESIDENTIAL A .....	28
ARTICLE XI	RESIDENTIAL B .....	30
ARTICLE XII	RESIDENTIAL C .....	32
ARTICLE XIII	COMMERCIAL DISTRICT .....	33
ARTICLE XIV	INDUSTRIAL DISTRICT .....	35
ARTICLE XV	ADMINISTRATION .....	38
ARTICLE XVI	ENFORCEMENT .....	40
ARTICLE XVII	BOARD OF APEALS .....	41
ARTICLE XVIII	AMENDMENTS .....	43
ARTICLE XXV	EFFECTIVE DATE .....	44

## ARTICLE I - SHORT TITLE

### SECTION 1.1 SHORT TITLES

This Ordinance shall be known and may be cited and referred 'to as the Zoning Ordinance of the Township of Lee, Midland County, Michigan," and will be referred to herein as "this Ordinance."

### SECTION 1.2 PURPOSE OF THIS ORDINANCE

It shall be the purpose of this Ordinance to regulate and restrict the location of trades and Industries and the location of buildings designated for specific uses; and to regulate and limit the height and bulk of buildings hereinafter erected or altered; to regulate and determine the area of yards and other open space surrounding buildings and for said purposes, to divide the Township into district and prescribe penalties for the violation of its provisions, and to repeal all prior zoning ordinances and all amendments thereto.

### SECTION 1.3 CONFLICT WITH OTHER LAWS

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair, or interfere with any provisions of the law or ordinances relating to the use of buildings or land, nor is it intended by this Ordinance to interfere with or abrogate or annul any existing easements, covenants or other agreements between parties; provided however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of the land or buildings, or requires larger yards, land areas, or open spaces than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements. In interpreting and applying the provisions of this Ordinance, said provisions shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare.

### SECTION 1.4 VALIDITY

Should any section, clause, or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the Ordinance as a whole, or of any part thereof other than the part so declared to be invalid.

### SECTION 1.5 REPEALING CLAUSE

All ordinances and amendments thereto in conflict with this Ordinance are hereby repealed.

## ARTICLE II DEFINITIONS

For the purpose of this Ordinance, the following rules of construction of language and definitions of words and terms shall apply.

### SECTION 2.1 CONSTRUCTION OF LANGUAGE

- A. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- B. Words used in the present tense shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- C. A “building” or “structure” includes any part thereof.
- D. The word “person” includes an individual, a corporation, a partnership, an association, or any similar entity.
- E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either ...or” the conjunction shall be interpreted as follows:
  - 1. “And” indicates that all the connected items, conditions, provisions and events shall apply.
  - 2. “Or” indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- F. Terms not herein defined shall have the meaning customarily assigned to them.
- G. Development standards imposed by this Ordinance are minimum which shall be met. These standards may be exceeded at the discretion of the developer.

### SECTION 2.2 DEFINITIONS

**ACCESSORY STRUCTURE:** A structure, such as a private garage, farm building, or storage building located on the same lot with the main building, or any portion of the main building, if said portion is occupied or devoted exclusively to an accessory use.

**ACCESSORY USE:** Any use customarily incidental to the main use of the premises.

**ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlarging or diminishing of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

**BASEMENT:** That portion of a building partly below grade but so located so that the vertical distance from grade to the floor is greater than the vertical distance from the grade to the ceiling, and with a floor-to-ceiling height of not less than six (6) feet six (6) inches.

**DWELLING:** A building or portion thereof which is occupied wholly as the home, residence, or sleeping place by one or more persons, either permanently or transiently.

**DWELLING TYPES:** For the purpose of this Ordinance, dwellings are separated into the following categories and herewith defined accordingly:

- A. Single-family dwelling is a detached building containing one (1) dwelling unit only
- B. Two-family dwelling is a building containing two (2) dwelling units.
- C. Multiple-family dwelling is a building or portion thereof containing three (3) or more dwelling units.

**DWELLING UNIT:** One (1) or more habitable rooms which are occupied or intended to be occupied by one (1) family, with facilities for living, sleeping, cooking and eating, in accord with the following:

- A. It complies with the minimum square footage requirements seven hundred twenty (720) square feet in a minimum width of fourteen (14) feet, and a minimum internal height of seven and one-half (7 1/2) feet and it complies with Department of Housing and Urban Development requirements or the Building Code of Lee Township.
- B. It is firmly attached to a solid foundation constructed on the site in accord with the Lee Township Building Code.
- C. It has no exposed wheels towing mechanisms, undercarriage, or chassis.
- D. It is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.
- E. It contains storage area(s) either in a basement located under said dwelling in an attic area, in closet area or in a separate fully enclosed structure on the site equal to not less than fifteen (15) percent of the interior living area of the dwelling.
- F. It is aesthetically compatible in design and appearance to conventionally on-site constructed homes.
- G. It contains no additions of rooms or other areas which are not constructed with similar materials and are similar in appearance and with similar quality of workmanship as in the original structure, and building permits have been obtained for such additions.
- H. It complies with all pertinent Lee Township Building and Fire Codes.

**ENFORCEMENT OFFICER:** A person appointed by the Lee Township Board and charged with the responsibility to administer and enforce this Ordinance.

**FAMILY:** Two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) persons who need not be related by blood, marriage, or adoption, living together in a dwelling unit.

**GASOLINE STATION:** Building or structure designed or used for the retail sale or supply of fuel, lubricants, air, water, tires and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles but not including space for the storage, repair, refinishing, or other service thereof.

**HOME OCCUPATION:** A subordinate use conducted at a single-family residence solely by occupants of the residence, in accord with the following:

- A. No more than twenty-five percent (25%) of the habitable floor space the residence may be used, for the home occupation,
- B. No display of goods pertaining to such use are visible from the street.
- C. No persons are employed other than the dwelling occupants.
- D. No such home occupation or storage of products may be conducted outside of fully enclosed buildings.
- E. One (1) sign, not exceeding four (4) square feet may be located on the premises.

**JUNK YARD:** An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, bagged, disassembled or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles, and vehicle parts and machinery parts, A Junk Yard includes automobile wrecking yards

**KENNEL:** An establishment used for the sale, treatment, training, boarding, or breeding of dogs, cats, and other household pets.

**LOT:** A parcel, tract, or portion of land separated from other parcels or portions by description on a recorded plat or by metes and bounds description.

- A. **LOT CORNER:** Any lot having at least two (2) contiguous sides abutting upon one or more streets.
- B. **LOT DOUBLE-FRONTING:** A lot having frontage on approximately parallel streets.

**LOT LINE:** A line which marks the boundary of a lot.

- A. **FRONT LOT LINE:** The line separating said lot from the street. In the case of a corner lot, the line separating the narrowest side of a lot from the street.

- B. INTERIOR LOT LINE: Any lot line which does not abut upon a street.
- C. REAR LOT LINE: A line, or series of connected lines, representing the boundary of the property opposite and most distant from the front property line.
- D. SIDE LOT LINE: Any lot line other than a front or rear lot line.

**LOT OF RECORD:** A lot, the dimensions of which are shown on a document or map on file with the Register of Deeds. A lot which actually exists in a recorded subdivision, or a lot described by metes and bounds, the description of which has been recorded with the Register of Deeds.

**MOBILE HOME:** A structure, transportable in one (1) or more sections, built on a permanent chassis and designed to be used as a dwelling or in the operation of a business or other such activity with or without a permanent foundation, and which is connected to the required utilities and includes the necessary plumbing, heating/air conditioning, and electrical systems contained therein. For purposes of this Ordinance, mobile home includes single- and double-wide mobile homes, but does not include recreational vehicles, which are considered temporary dwelling units.

**MOBILE HOME PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, no recreational basis, and which is buffered 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 incidental to the occupancy of a mobile home, and which is not intended for use as a recreational vehicle park, provided same are fully licensed and operated at all times in compliance with the requirements of Public Act 243 of 1959, the Trailer Coach Park Act, and public Act 419 of 1976, the Mobile Home Park Commission Act.,

**NONCONFORMING BUILDING:** Any building or structure lawfully existing at the time this Ordinance became effective, or a subsequent amendment thereto, and which does not comply with one or more requirements thereof.

**NONCONFORMING USE:** The use of a building, structure, or land conflicting with the provisions of this Ordinance

**PREMANUFACTURED HOUSING:** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation, and to be used for residential use.

**PRIMARY USE:** The primary or chief purpose for which a lot is used.

**GARAGE:** A structure for the storage of vehicles, having no public shop or service in connection therewith, for the private noncommercial use solely of the owner/occupant of the principal building on a lot, or of his family or domestic employees.

**PUBLIC UTILITY:** All persons, firms, corporations, co-partnerships, or municipal or other authorities providing gas, electricity, water, steam, telephone, or services of a similar nature.

**RECREATIONAL VEHICLE:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power, or a vehicle mounted on or drawn by another vehicle. This term includes motor homes, but not mobile homes. Such vehicles shall not be classified or used as permanent dwellings.

**RECYCLING CENTER:** A structure or structures specifically for the collection, storage, processing and marketing of reusable and recyclable materials, not including food and yard waste, sludge, ash, household hazardous waste or medical waste may be operated as a drop-off center for residences and businesses, a central collection center for waste and recyclable waste haulers, or a marketing transfer station.

**RIGHT-OF-WAY LINE:** The established right-of-way line, or in the event there is no established right-of-way line for a road, the said right-of-way line shall be deemed to be thirty-three (33) feet from the center of the road.

**SCHOOL:** A building used for the purpose of elementary or secondary education, which meets all requirements of the Compulsory Education Laws of the State of Michigan.

**SIGN:** A name, identification, description, display, or illustration on a structure or piece of land, which directs attention to an object, product, place, activity, person, institution, organization or business:

- A. **BILLBOARD:** A sign for off premise advertising located along highways.
- B. **GROUND POLE SIGN:** A sign supported by one or more uprights poles or braces placed in or upon the ground surface, and not attached to any building.
- C. **OFF-PREMISE ADVERTISING SIGN:** A sign which contains a message unrelated to a business, profession, commodity, service, or entertainment, conducted, sold or offered upon the premises where such a sign is located.
- D. **PORTABLE SIGN:** A free-standing sign not permanently anchored or secured to either a building or the ground such as, but not limited to, "A" frame, "T" shaped, or inverted "T" shaped sign structures.
- E. **WALL SIGN:** A sign affixed directly to or painted on an exterior wall of any building.

**STREET OR ROAD:** A public or private right-of-way which affords traffic circulation and principal means of access to abutting property.

**VARIANCE:** A modification of the literal specific provisions of this Ordinance, granted by resolution of the Zoning Board of Appeals in accord with the terms of this Ordinance.

**YARD:** A portion of a lot which is unoccupied and unobstructed by a building from the ground upward, except as otherwise provided by this Ordinance.

- A. **YARD, FRONT:** An open space extending the full width of a lot, the depth of which is required by the provisions of this Ordinance and measured perpendicularly to the front lot line.
- B. **YARD, REAR:** An open space extending the full width of a lot, the depth of which is required by the provisions of this Ordinance and measured perpendicularly to the rear lot line.
- C. **YARD, SIDE:** An open space extending from the required front yard to the required rear yard, the width of which is required by the provisions of this Ordinance and measured perpendicularly to the side lot line.
- D. **YARD, SIDE STREET:** A side yard which abuts a public street.

## ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

### SECTION 3.1 ESTABLISHMENT OF DISTRICTS

It is the intent of this section to classify the land in Lee Township for present and future use according to the expected needs of the Township and the suitability of the area.

For the purpose of this Ordinance, the land in Lee Township is hereby divided into the following zoning districts:

Residential Farming (Single-Family Dwellings, General Farming)

Residential A (Single-Family Dwellings)

Residential B (Duplexes, Multiple-Family Dwellings)

Residential C (Pre Manufactured Housing Parks)

Commercial

Industrial

## ARTICLE IV GENERAL PROVISIONS

### SECTION 4.1 REQUIRED CONFORMITY TO DISTRICT REGULATIONS

No land or structure or part thereof shall hereafter be used or occupied erected, constructed, reconstructed, altered or moved, and no structure, land, premises, or part thereof shall be used for a purpose other than is permitted by the provisions of this Ordinance

### SECTION 4.2 ZONING MAP

For the purposes of this Ordinance, zoning districts are hereby bounded and defined as shown on a map entitled, "Official Zoning Map of Lee Township", which accompanies this Ordinance and which with all explanatory matter, thereon is hereby made a part of this Ordinance.

- A. The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and include the following words. "This is to certify that this is the official zoning map referred to in Article IV of the Zoning Ordinance of the Township of Lee, County of Midland, State of Michigan", together with the date of the adoption of this Ordinance.
- B. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be made to the official zoning map promptly after the amendment has been approved by the Township Board. No changes of any nature shall be made in the official zoning map or matters shown thereon except in conformance with the procedures set forth in this Ordinance. The Township Board shall be responsible for keeping the zoning map up to date.
- C. The official zoning map, which shall be located in the Township Hall, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Township.

### SECTION 4.3 DISTRICT BOUNDARIES

The boundaries of the zoning districts are hereby established as shown on the official zoning map which accompanies this Ordinance, and which map, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein. The map is and shall be kept on file at the Township Hall.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply

- A. Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such a lot lines.

- C. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.
- D. Boundaries indicated as parallel to, or extensions of, features indicated in Sections 4.3.A and 4.3.C above shall be so construed, distances not specifically indicated on the official zoning map shall be determined by the scale of the map,

#### SECT 4.4 REZONING REVIEW

All rezoned properties may be reviewed one year following the date rezoning. If no development has been started under the new zoning district, the property will be considered for rezoning to the original zoning district by the Planning and Zoning Commission.

## ARTICLE V - SUPPLIMENTAL REGULATIONS

### SECTION 5.1 OPEN SPACES

No yards court or any other open space provided about any building for the purpose of complying with these regulations shall again be used as a courtyard or other open space for another building existing or intending to exist at the same time.

### SECTION 5.2 PROJECTIONS INTO YARDS AND COURTS

All projection adjuncts to any building shall be considered as part of the building.

### SECTION 5.3 SANITATION AND WATER SUPPLY

No building or structure shall be erected altered, or moved onto any lot and used in whole or in part for dwelling, business, commercials or recreational purposes, unless connected to a water supply and unless all facilities used in connection with the disposal of water-carried wastes shall be connected with and the wastes there from discharged into an approved sewage disposal system pollutes a stream or body of water, nor contaminates a water supply. All water well sites and sewage disposal systems shall be constructed in accordance with the Ordinances of Midland County Michigan and an approval from the Midland County Health Department of proposed water well sites and disposal fields shall be obtained before a building permit is issued under this Ordinance.

### SECTION 5.4 ESSENTIAL SERVICES

The erection, construction alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical steam, or water distribution or transmission systems, collection, communications, supply or disposal system including mains drains, sewers, municipal dumps areas used for sanitary landfill, pipe conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health, safety or general welfare shall be permitted as authorized and regulated by law and other ordinances of the Township of Lee in any use district, it being the intention hereof to exempt such use, construction, alteration, and maintenance from application of said Ordinance The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structures or use, if the Board shall find such use, height, and structures reasonably necessary for the public convenience and service provided such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture plan of such district.

## SECTION 5.5 TOXIC WASTE DISPOSAL OR STORAGE

The disposal or storage of toxic waste shall be in conformance with the Solid Waste Management Act, Act 641 of the Public of 1978 as amended, and the Hazardous Waste Management Act, Act 64 of the Public Acts of 1979 as amended, and Lee Township Ordinance No. 24, as well as any other local, State, or Federal acts regulating same as may be enacted or amended from time to time.

## SECTION 5.6 HOME OCCUPATIONS

Occupations such as, but not limited to, child day care centers, beauty shops, insurance offices, small appliance repair, and similar uses which may be conducted within a single family residence as a subordinate use by occupants of such residence without detriment to neighbor uses shall be permitted provided:

- A. No home occupation or storage of products may be conducted outside of fully enclosed structures.
- B. If conducted within the residential dwelling, the area devoted to such occupations shall not exceed twenty-five (25) percent of inhabitable floor space of the residence.
- C. One (1) sign, not exceeding four (4) square feet may be placed upon the premises.
- D. No persons shall be employed other than the dwelling occupants.

## SECTION 5.7 TEMPORARY USE OF MOBILE HOMES

Mobile homes may be used as a temporary dwelling by permit while constructing a residential dwelling provided, however, said temporary dwelling shall meet all requirements for a residential dwelling, except they may be placed on temporary piers or columns. A one (1) year limit shall be applied to all such permits. However, an application for one (1) extension of one hundred eighty (180) days may be made to the enforcement officer for just cause and reason.

## SECTION 5.8 GROUND WATER PROTECTION

All uses shall comply with the following provisions:

- A. Wastewater treatment systems, including on-site septic systems, shall be located to minimize any potential degradation of surface water or ground water quality.
- B. Sites which include storage of hazardous materials or waste, fuels, oil, salt, fertilizers or chemicals shall be designed and constructed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby bodies of water.

## SECTION 5.9 SOIL EROSION AND SEDIMENTATION CONTROL

The provisions of the Soil Erosion and Sedimentation Control Act of 1972, as amended, shall apply to all land uses premises, and earth changes as defined and regulated in said Act.

## SECTION 5.10 FLOOD PLAIN REGULATIONS

No building, structure, or dwelling designed, constructed, used, or intended to be used for human occupancy shall be moved on, constructed, erected, or occupied in the one hundred (100) year flood plain of a river and its tributaries without a permit from the proper enforcing agency.

## SECTION 5.11 RIVER AND STREAM CORRIDOR SETBACKS

No building or structure shall be moved on, constructed, erected, or moved to less than one hundred (100) feet from the banks of major rivers, streams, and tributaries without permit from the proper enforcing agency.

## SECTION 5.12 OFF-STREET PARKING REQUIREMENTS

Every property owner shall provide and maintain an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated therewith for all occupants, employees, and patrons of said property.

### A. General requirements.

1. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road shall be prohibited, except for off-street parking areas of single and two-family residential dwellings.
2. Space for all necessary loading and unloading operations for any commercial, industrial, or other use shall be provided in addition to the required off-street parking spaces. All loading and unloading operations shall be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

### B. Minimum required parking spaces:

1. Single family and two-family dwellings: Two (2) parking spaces per unit
2. Retail stores, grocery stores, and personal service shops: One (1) parking space for each one hundred (100) square feet of floor space.
3. Motels: One (1) parking space for each separate unit.
4. Churches: One (1) parking space for each four (4) seats.

5. Assembly halls and public buildings. One (1) parking space for each one hundred (100) square feet of floor area,
6. Restaurants and Nightclubs: One (1) parking space for each one hundred (100) square feet of floor area.
7. Schools:
  - a. Elementary and secondary - One (1) parking space for each employee normally engaged in or about the building or grounds, plus assembly hall requirements.
  - b. Senior High Schools — One (1) space for each employee, one (1) space for each ten (10) students, plus assembly hall requirements.
8. Other uses not specifically mentioned. In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
9. Mixed uses in the same building. In the case of buildings having mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for one use shall not be considered as providing required space for any other use.
10. Employee on-premise parking. On-premise parking space shall be provided for all vehicles owned or leased by the enterprise. Parking space, no less in proportion than one (1) space for every one and one half (1 1/2) employees, shall also be provided on the premises. The total maximum number of employees shall be specified in an application for a building or special use permit.

#### SECTION 5.13 DRIVEWAYS

1. Any driveway, private road, or motor vehicle access for a single-family dwelling, serving one or more properties, shall be constructed in compliance with the administrative rules adopted by the Midland County Board of Road Commissioners.
2. Any driveway, private road, or motor vehicle access serving two (2) or more dwelling units shall be constructed in compliance with the administrative rules adopted by the Midland County Board of Road Commissioners and Lee Township Ordinance No. 33.

#### SECTION 5.14 FLOOR AREA OF DWELLINGS

No dwelling unit which contains less than seven hundred twenty (720) square feet, within a minimum width of fourteen (14) feet shall hereafter be erected, constructed, or moved upon any premises, excepting mobile homes located within a licensed mobile home park.

## SECTION 5.15 SIGNS

It is the intent of this section to prevent signs from becoming a public nuisance or to detract from natural surroundings.

- A. One (1) unlighted temporary real estate sign shall be permitted for advertising the sale, rental, or lease of only the premises on which it is located, and shall not exceed eight (8) square feet in area. Such sign shall be removed within fourteen (14) days of the sale, rental or lease of the premises.
- B. Permanent signs pertaining to the sale, lease, or use of a premises or building on which the sign is located, and which is held and operated as a rental or lease facility shall be permitted and shall not exceed twenty (20) square feet in area and shall be unlighted. Such signs shall be located at least twenty-five (25) feet from all property lines and road rights-of-way.
- C. Temporary or portable signs shall be permitted in Commercial and Industrial districts for a period of time not to exceed fourteen (14) days in any calendar year and shall be at least twenty-five (25) feet from any road rights-of-way.
- D. A maximum of two (2) signs per business will be allowed In Commercial or Industrial zoning districts. However, they may announce only the name and business transacted on the premises where the sign is located. One (1) sign may be no more than eighty (80) square feet in area, and two (2) signs no more than one hundred (100) square feet in total area. Signs may be lighted, provided the source of light is not visible and no light shall be of an intermittent type. All signs shall be at least fifteen (15) feet from any road right of way, with the sign bottom at least ten (10) feet above ground level. Such signs shall be located so as not to obstruct vision when entering or leaving the premises.
- E. Any public, semi-public, or institutional building may display an announcement or name sign when it is an integral part of the building, or a wall sign, bulletin board, or ground sign not over twelve (12) square feet in area. Such signs shall be located at least twenty-five (25) feet from all property lines or road rights-of-way.
- F. Off-premise advertising signs or billboards shall be permitted only in Commercial and Industrial zoning districts, and are then permitted only within fifty (50) feet of Isabella Road (M-20) and whose content is directed principally at traffic upon said road. Off-premise signs shall be no larger than three hundred (300) square feet and shall be no closer than five hundred (500) feet to another off-premise sign. Off-premise signs shall not be located in any required yard area and shall not exceed twenty-seven (27) feet in height from the ground.

## SECTION 5.16 DENSITY AND SETBACK CRITERIA FOR MOBILE HOMES

- A. Mobile homes, mobile home additions, and related accessory buildings located on individual lots outside of mobile home parks shall conform to the same lot density and setback requirements that apply to single-family dwellings and related accessory buildings, as required by this Ordinance.

- B. Mobile homes, mobile home additions, and related accessory buildings located within mobile home parks shall conform to the lot density and setback requirements outlined in the Michigan Mobile Home Commission Rules. Said mobile home parks shall be fully licensed and operated at all times in compliance with the requirements of Public Act 243 of 1953, the Trailer Coach Park Act, and Public Act 419 of 1976, the Mobile Home Park Commission Act.

#### SECTION 5.17 FOUNDATIONS FOR MOBILE HOMES

All mobile homes on individual lots outside of mobile home parks shall be placed on either natural or excavated level ground on one of the following mechanisms:

- A. Concrete slab, in accord with the provisions of the Lee Township Building Code.
- B. Concrete block piers, in accord with the provisions of the Lee Township Building Code.
- C. Perimeter foundation, in accord with the provisions of the Lee Township Building Code.

#### SECTION 5.18 SKIRTING OF MOBILE HOMES

All mobile homes shall contain skirting around the perimeter of the main frame between the ground and the bottom edge of the mobile home body. One access door shall be located in the skirting, and adequate screened vents shall be located in the skirting around the entire perimeter at intervals of not more than twenty (20) feet so as to provide adequate cross-ventilation. The skirting of mobile homes located in mobile home parks shall comply with Rule 604 of the Michigan Mobile Home Commission Rules.

#### SECTION 5.19 MOBILE HOME ADDITIONS

All mobile home additions or expansion units shall be constructed of similar materials, appearance, and workmanship as the mobile home, and shall comply with the criteria outlined in this Ordinance.

## ARTICLE VI - SPECIAL USES

### SECTION 6.1 PURPOSE

- A. Uses requiring special permits are those which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or location qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area and adjacent uses of land the purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish special land uses.
- B. Special uses may be permitted only in those districts where they are designated by this Ordinance, and may be permitted only when specifically approved by the Lee Township Planning Commission, in accord with the provisions of this Ordinance.
- C. Prior to approval of a special use permit, the Planning Commission shall ensure that all standards specified in this Article, as well as all standards established elsewhere in this Ordinance, shall be satisfied.

### SECTION 6.2 SPECIAL USE STANDARDS,

All uses by special use permit shall comply with the following standards:

- A. All special uses shall at a minimum comply with the supplemental regulations of Article V for structures uses lots yards, and premises contained in this Ordinance, as well as the specific requirements for structures, uses, lots and yards in the specified zoning district.
- B. The nature, location, and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the permitted uses of the adjacent lands or buildings.
- C. The special use shall not increase traffic hazards or cause congestion on the public roads of the area. Adequate access to the parcel shall be provided.
- D. The water supply and sewage disposal system shall be adequate for the proposed special use.
- E. Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare lights, or disposal of waste than the operation of any principal permitted use, nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
- F. This special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Lee Township Master Plan, shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.

## SECTION 6.3 SPECIAL USE PROCEDURES

An application for permission to establish a special use shall be submitted and acted upon in accord with the following procedures;

### A. APPLICATION:

1. An application and seven (7) copies of a site plan shall be submitted through the Township Clerk to the Planning Commission. The site plan shall be prepared in accord with Article VII of this Ordinance. Each application shall be accompanied by a fee, in accord with the schedule of fees as established by the Township Board to defray costs of processing the application.
2. One (1) copy of said application and site plan shall be returned to the applicant upon approval by the Planning Commission; one (1) copy shall be filed with the Township Clerk, one (1) copy shall be filed with the Enforcement Officer, and one (1) copy shall be retained by the Planning Commission Secretary.
3. The Planning Commission may impose conditions with permit approval which are necessary to assure compliance with the standards contained in this Ordinance. Said conditions shall be considered an integral part of the special use permit and shall be enforced by the Enforcement Officer.
4. Approval of a special use permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owner,
5. Special use permits shall be reviewed annually by the Enforcement Officer to ensure compliance with this Ordinance, where compliance is found, the permit is automatically continued.

### B. HEARING:

1. The Planning Commission shall conduct a public hearing on the special use request. Notice of said hearing shall be given by one (1) publication in a newspaper circulated in the Township, not less than five (5) days nor more than fifteen (15) days prior to the date of the hearing. The notice shall include.
  - a) Description of the nature of the special use request.
  - b) The location of the property which is the subject of the special use request.
  - c) When and where the special use request will be considered.
  - d) When and where pertaining material may be examined.
  - e) When and where written comments will be received concerning the request.

2. A notice containing the aforementioned information shall be sent by first class mail or by personal delivery to the applicant and to all persons owning property within three hundred (300) feet of the property in question. A notice shall also be sent to all public utilities serving the Township.

C. ACTION ON REQUEST:

A notice shall be sent to the applicant, signed by the Chairman or Secretary of the Planning Commission, informing him of the decision made by the Planning Commission. A copy of this notice shall be sent to the Township Board and to the Enforcement Officer.

D. DECISIONS:

All decisions of the Planning Commission relating to special use applications, including the findings supporting any decision, shall be filed in written form and retained in permanent records on file with the Enforcement Officer and a copy in the office of the Township Clerk.

E. ISSUANCE:

Upon approval by the Planning Commission, the Enforcement Officer shall issue a special use permit to the applicant. It shall be the responsibility of the Enforcement Officer to monitor compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of violation of the special use permit.

F. COMPLIANCE:

1. In an instance where development, authorized by a special use permit has essentially changed in nature, extent, or character, or has not commenced within one hundred eighty (180) days from the date of issuance, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. A violation of the special use permit is a violation of this Ordinance.
2. Any property which has been granted a special use permit that has not been used for a period of one hundred eighty (180) days for the purpose for which the special use permit was granted, shall revert back to only those uses permissible to that particular zoning district, and the permit for the special use shall terminate.
3. An application for an extension of a special use permit which has not commenced within one hundred eighty (180) days from the date of approval may be made to the Planning Commission for just cause and reason. Said extension may be made for an additional one hundred eighty (180) days.

## ARTICLE VII - SITE PLAN REVIEW

### SECTION 7.1 PURPOSE

It is the intent of this section to provide a set of procedures and standards for a site plan review:

- A. A site plan shall be submitted to the Township Planning Commission for approval of any use or development for which a site plan review is required by any section of this Ordinance.
- B. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance.
- C. The Enforcement Officer shall not issue any land use or building permits for any use where a site plan review is required until a site plan has been reviewed and approved by the Township Planning Commission.

### SECTION 7.2 INFORMATION REQUIREMENTS

The following Information shall be included on any site plans submitted to the Planning Commission:

- A. A review fee as determined by resolution of the Township Board.
- B. Seven (7) copies of the application form, which shall contain the following information.
  1. Name and address of applicant.
  2. Legal description of site.
  3. Area of site.
  4. Present zoning classification.
  5. General description of proposed development,
  6. A rezoning petition shall be included, if required.

### SECTION 7.3 SITE PLAN DRAWING

- A. Seven (7) copies of a fully and accurately dimensioned site plan which shall include the following:
  1. A scale drawing of site and proposed development at a scale of not less than 1" = 50' for a site of less than five (5) acres, and not less than 1" = 100' for a site of five (5) acres or more.
  2. Scale used, north point, and name of applicant shall be included on plan.

3. Drawing shall show:
  - a. Property lines.
  - b. Relationship to abutting properties.
  - c. Location of proposed and existing structures.
  - d. Location of drives and parking areas.
  - e. Location of drains, sewers water supply, and other facilities.
  - f. Location of signs and site lighting.
  - g. Landscaping, fence, and screening.
  - h. Name and address of person responsible for site plan preparation.
  - i. Full and accurate dimensions pertaining to the above.

#### SECTION 7.4 STANDARDS

The Planning Commission shall consider the following in reviewing the site plan:

- A. The site plan shall be consistent with the intent and purpose of this Ordinance.
- B. Adequate screening, fencing, and landscaping to minimize any adverse effects to adjoining residents or property owners.
- C. Location of buildings, structures, and facilities on the site and their accessibility for emergency vehicles.
- D. Location and design of all traffic areas, including all drives, parking areas, and loading zones in relation to access streets to insure the safety and convenience of vehicular and pedestrian traffic.

#### SECTION 7.5 APPROVALS

- A. The Planning Commission may require such changes as are deemed necessary to protect adjoining property owners and promote public health, safety, and general welfare and to ensure conformance with this Ordinance
- B. Upon receipt of an application and the site plans by the Planning Commission a public hearing shall be scheduled within forty five (45) days. The applicant shall be notified of the date, times, and place of the hearing not less than ten (10) days prior to such hearing date.
- C. Following the hearing, the Planning Commission shall have the authority to approve, disapprove or alter the plans in accordance with site plan review provisions of this Ordinance any modifications shall be presented in writing, together with reasons to the applicant. Any decision by the Planning Commission shall not exceed sixty (60) days from the receipt of application.

- D. Approval of a site plan shall be valid for one hundred eighty (180) days. If a building permit has not been obtained and on site development started within one hundred eighty (180) days, the site plan approval shall become void. However, one extension of one hundred eighty (180) days may be granted by the Planning Commission.
- E. Property which is subject to site plan review, as set forth by this Ordinance, shall be developed according to the site plan as approved by the Planning Commission. Any proposed amendments or alterations to the approved site plan by the developer shall require a review by the Planning Commission following the same procedure as the original site plan review application.
- F. A copy of the approved site plan shall be retained as a permanent record on file with the Enforcement Officer and a copy in the office of the Township Clerk.

## ARTICLE VIII - NONCONFORMING USES AND STRUCTURES

### SECTION 8.1 USE OF NONCONFORMING LAND, BUILDINGS, OR STRUCTURES

- A. The lawful use of any building or structure and of any land or premises existing prior to the effective date of this Ordinance, although the use does not conform to the provisions of this Ordinance, may be continued; provided, however, that the continued use of a building or structure does not endanger the public health safety, or welfare. Where any lot of record at the time of enactment of this Ordinance contains less than the area required for the erection or alteration of any building, such lot may be used for the erection or alteration of a dwelling, provided the owner thereof has no other land contiguous thereto and adequate to fulfill the requirements of this Ordinance, and provided also that the required yards shall comply with the regulations of this Ordinance.
- B. If the nonconforming use of any building, structure, land, or premises is changed to a conforming use, such use shall not thereafter be reverted to any nonconforming use.
- C. If the nonconforming use of any building, structure, land, or premises or part thereof is abandoned, or discontinued for a period of one hundred eighty (180) days, then any future use of said building, structure, land, or premises shall conform in its entirety to the provisions of this Ordinance.
- D. If an area is hereafter transferred to another zoning district, such area shall be subject to the provisions applicable to said zoning district.

### SECTION 8.2 RECONSTRUCTION OF DAMAGED NONCONFORMING STRUCTURES

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by force, explosion, act of God, act of the public enemy, subsequent to the date of this Ordinance, wherein expense of such reconstruction does not exceed ninety (90) percent of the valuation of the building or structure at the time such damage occurred, provided that such valuation be approved by the Board of Review of the Township, and provided further that said use be identical with the nonconforming use permitted and in effect directly preceding such damaged.

### SECTION 8.3 REPAIR, ALTERATION, AND COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES

Nothing in the Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a nonconforming building, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration and depreciation; provided, however, that such repair, reinforcement, improvement or rehabilitation of use of said building or part thereof and any enlargement of or addition to existing residences, shall comply with the requirements of this Ordinance.

## ARTICLE IX - RESIDENTIAL-FARMING DISTRICT

It is the intent of this district to keep the majority of the Township of a rural nature, with low-density residential areas, general farming, and woodlands.

### SECTION 9.1 PRIMARY USES

No building, structure, or part thereof shall be erected, altered, used, or moved upon any premises, and no land or premises shall be used in whole or in part for other than one or more of the following uses:

- A. Single-family dwellings, when constructed on or placed on a perimeter foundation and mobile homes, when placed on an approved foundation and enclosed with perimeter skirting; however, such use shall be subject to the same setback, required area, and other regulations in this Ordinance governing conventional single-family dwellings.
- B. Churches, public and parochial schools, and nonprofit or co-op day-care nurseries, when operated in a public or semi-public building, provided such buildings shall be at least fifty (50) feet from side or rear lot lines.
- C. Parks, golf courses, and tennis courts.
- D. Municipal buildings, libraries, museums, community centers and similar uses of a noncommercial nature, provided such buildings shall be at least fifty (50) feet from side and rear lot lines.
- E. General Farming, Truck Gardens, Fruit Farms, Orchards, Plant Nurseries, Experimental Farms, and other similar Agricultural Enterprises.
- F. Greenhouses, provided that:
  - 1. The premises for such use shall be two (2) acres or more.
  - 2. All buildings shall be located at least fifty (50) feet from all property lines and at least eighty (80) feet from all road rights-of-way.
  - 3. Only such products as are produced and handled incidental to such a business shall be sold on the premises.
- G. All farm buildings for housing animals shall be not less than fifty (50) feet from all property lines and road rights-of-way and one hundred (100) feet from residential dwellings.
- H. The slaughtering and dressing of poultry and animals raised and consumed on the premises shall be permitted.
- I. Signs shall be permitted, as set forth in Section 5.15 of this Ordinance.
- J. Commercial and residential towers, antennas and masts will be permitted.

## SECTION 9.2 SPECIAL USES

The following uses of land and structures may be permitted in the Residential-Farming districts by application for the issuance of a special use permit when all the procedural requirements specified in Article VI, together with all applicable standards as cited in Article VI of this Ordinance, are met.

- A. Two-family dwellings.
- B. Storage buildings on parcels containing ten (10) acres or more.
- C. Home occupations, when approved by the Planning Commission.

## SECTION 9.3 ACCESSORY USES AND BUILDINGS

- A. Accessory uses customarily incidental to any of the above permitted uses will be allowed. Recreational vehicles or similar portable dwellings or tents shall not be considered a legal accessory use.
- B. Accessory buildings and portions thereof may not occupy more than thirty-five (35) percent of the required lot area, but no portion thereof shall approach nearer to side lot line than twenty (20) feet, nor nearer than fifty (50) feet from the front lot line, nor nearer than twenty-five (25) feet from the rear lot line. On a corner lot, accessory buildings shall not occupy any of the required side yard space abutting on a road, nor any portion of a side yard lying nearer to the road than the width of a side yard required on such road.

## SECTION 9.4 SIDE YARDS

There shall be on each side of every lot on which a dwelling is located, a side yard of no less than twenty (20) feet. The width of a side yard abutting upon a road shall not be less than the minimum front yard depth required on an adjoining interior lot fronting upon said road, but this shall not reduce the build able width of any lot of record at the time of passage of this Ordinance to less than fifty (50) feet at the ground story level.

## SECTION 9.5 FRONT YARDS

There shall be on every lot a front yard, the minimum depth of which shall be fifty (50) feet from the road right-of-way, or if there is no road in front of the premises, the distance shall be eighty-three (83) feet in depth from the lot line.

## SECTION 9.6 REAR YARDS

There shall be on every lot a rear yard, the minimum depth of which shall be twenty-five (25) feet. The depth of rear yards abutting upon a road shall be no less than the depth of a front yard required for a building of the same size and kind on an adjoining interior lot fronting on such road.

## SECTION 9.7 AREA OF LOT

Every lot or premises upon which a dwelling in hereafter moved or erected shall contain not less than one (1) acre, and shall measure not less than one hundred thirty-two (132) feet on any one side, excepting a corner lot which shall have a minimum of one hundred sixty five (165) feet of frontage on both roads, and excepting lots of record.

## ARTICLE X - RESIDENTIAL A DISTRICT

It is the intent of this district to provide an area for single-family dwellings. Commercial and industrial structures or facilities are prohibited in this district, since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.

### SECTION 10.1 PRIMARY USES

No building, structure, or any part thereof shall be erected, constructed, used or moved upon any premises, and no land or premises shall be used in whole or in part for other than detached single family dwellings. However, such use shall be subject to the same setbacks, required area, and other regulations in this Ordinance governing conventional single family dwellings.

### SECTION 10.2 ACCESSORY USES AND BUILDINGS

Accessory buildings and portions thereof may occupy not more than thirty five (35) percent of the required lot area, but no portion thereof shall approach nearer to a side lot line than twenty (20) feet nor nearer than fifty (50) feet from the front lot line nor nearer than twenty-five (25) feet from the rear lot line. On a corner lot, accessory buildings shall not occupy any of the required side yard space abutting on a road, nor any portion of a side yard lying nearer to the road than the width of a side yard required on such road. Accessory uses are limited to the following:

- A Private garages.
- B. Only residential towers, masts, and antennas.
- C. Signs, as set forth in Section 5.15 of this Ordinance.

### SECTION 10.3 SIDE YARDS

There shall be on each side of every lot on which a dwelling is located, a side yard of no less than twenty (20) feet. The width of a side yard abutting upon a road shall not be less than the minimum front yard depth required on an adjoining interior lot fronting upon said road, but this shall not reduce the build able width of any lot of record at the time of passage of this Ordinance to less than fifty (50) feet at the ground story level.

### SECTION 10.4 FRONT YARDS

There shall be on every lot a front yard, the minimum depth of which shall be fifty (50) feet from the road right-of-way, or if there is no road in front of the premises, the distance shall be eighty-three (83) feet in depth from the lot line.

#### SECTION 10.5 REAR YARDS

There shall be on every lot a rear yard, the minimum depth of which shall be twenty-five (25) feet. However, the depth of rear yards abutting upon a road shall not be less than the depth of front yard required for a building of the same size and kind on an adjoining interior lot fronting on such road.

#### SECTION 10.6 AREA OF LOT

Every lot or premises upon which a dwelling is hereafter moved or erected shall contain not less than one (1) acre, and shall measure not less than one hundred thirty-two (132) feet on any side, excepting a corner lot, which shall have a minimum of one hundred sixty-five (165) feet frontage on both roads, and excepting lots of record.

## ARTICLE XI - RESIDENTIAL B DISTRICT

It is the intent of this district to provide an area for multiple-family housing. Commercial and industrial structures or facilities are prohibited in this district, since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.

### SECTION 11.1 PRIMARY USES

No building, structure, or part thereof shall be erected, altered, used, or moved upon any premises, and no land or premises shall be used in whole or in part for other than one or more of the following uses:

- A. All uses as allowed in Residential A
- B. Two-family dwellings, provided, however, the following requirements shall be met:
  - 1. A lot frontage of at least one hundred sixty-five (165) feet.
  - 2. Side yards shall be a minimum of twenty (20) feet, provided that the width of a side yard abutting upon a road shall not be less than the minimum front yard depth required on an adjoining interior lot fronting upon such road.
  - 3. There shall be on every lot a front yard, the minimum depth of which shall be fifty (50) feet from the road right-of-way, or if there is no thoroughfare in front of the premises, the distance shall be eighty-three (83) feet in depth from the lot line.
  - 4. There shall be on every lot a rear yard, the minimum depth of which shall be twenty-five (25) feet. However, the depth of rear yards abutting upon a road shall not be less than the depth of a front yard required on an adjoining interior lot on such road.
  - 5. Every lot on which a two-family dwelling is erected shall contain not less than one and one-fourth (1 1/4) acres.
- C. Dwellings with three (3) or more living units provided, however, the following requirements are met:
  - 1. Three- (3) family units shall have a minimum lot size of two (2) acres, with an additional one-half (1/2) acre of lot size for each additional dwelling unit.
  - 2. A minimum lot width of two hundred eight (208) feet shall be required for a three- (3) family unit, and an additional thirty (30) feet of lot width for each additional living unit.
  - 3. Side yards shall be at least forty (40) feet in width, with an additional thirty (30) feet for each row of parking.

4. Rear yards shall be at least eighty (80) feet.
5. Front yards shall be at least fifty (50) feet from any road right-of-way, with an additional thirty (30) feet for each row of parking.
6. For any proposed site not abutting a public road, a sixty-six (66) foot right-of-way access shall be required.
7. A site plan review shall be held by the Planning and Zoning Commission.

#### SECTION 11.2 SPECIAL USES

The following uses of land and structures may be permitted in the Residential B district by application for the issuance of a special use permit, when all the procedural requirements specified in Article VI, together with all applicable standards, as cited in this Ordinance, are met.

- A. Real Estate Offices, Insurance Offices, and similar Professional Offices.
- B. Beauty Shops and Barber Shops.

#### SECTION 11.3 ACCESSORY USES AND BUILDINGS

Accessory buildings and portions thereof may not occupy more than thirty-five (35) percent of the lot area, but no portion thereof shall approach nearer to a side lot line than twenty (20 ) feet nor nearer than fifty (50) feet from the front lot line nor nearer than twenty-five (25) feet from the rear lot line. On a corner lot, accessory buildings shall not occupy any of the required side yard space abutting on a road, nor any portion of a side yard lying nearer to the road than the width of a side yard required on such road.

Accessory uses are limited to the following:

- A. Private garages.
- B. Residential towers, masts, and antennas.
- C. Signs, as set forth in Section 5.15 of this Ordinance.

## ARTICLE XII - RESIDENTIAL C DISTRICT

It is the intent of this district to provide areas for mobile home parks that are suitable for this purpose. Commercial and industrial structures or facilities are prohibited in this district since a mixture of such uses and residential development uses would hinder the expansion of the commercial and industrial developments and would contribute to a reduced quality of life for the residential development.

### SECTION 12.1 PRIMARY USES

No building, structure, or part thereof shall be erected, altered, used, or moved upon any premises, and no land or premises shall be used in whole or in part for other than one or more of the following uses:

- A. Mobile Home Parks.
- B. Public and Private Parks.
- C. Churches and other such facilities associated with religious worship or study.

### SECTION 12.2 ACCESSORY USES AND BUILDINGS

Accessory uses and buildings will be allowed, provided, however, such uses and buildings are in compliance with the Mobile Home Commission Act, Act 419 of the Public Acts of 1976, as amended. In addition, accessory uses are limited to the following:

- A. Private Garages.
- B. Residential Towers, Masts, and Antennas.
- C. Signs, as set forth in Section 5.15 of this Ordinance.
- D. Other uses incidental to the permitted primary uses.

### SECTION 12.3 PRELIMINARY PLAN REVIEW

- A. A preliminary plan review, as required by the Mobile Home Commission of the State of Michigan, shall be made by the Township Planning Commission. This is to insure all preliminary plans conform to Township land use planning and applicable Township Ordinances. A written recommendation will then be made to the Township Board.
- B. A site plan review shall be held for all proposed developments, as set forth in Article VII of this Ordinance.

## ARTICLE XIII — COMMERCIAL DISTRICT

It is the intent of this district to provide areas suitable for general commercial use. These regulations are meant to encourage cluster development whenever possible. Single-family dwellings, including mobile homes and mobile home parks, are prohibited in this district, since a mixture of commercial and residential development would hinder the expansion of the commercial development while contributing to a reduced quality of life for the residential development.

### SECTION 13.1 PRIMARY USES

No building, structure, or part thereof shall be erected, altered, used, or moved upon any premises, and no land or premises shall be used in whole or in part for other than one (1) or more of the following uses:

- A. Retail business similar in character, but not limited to, grocery stores, hardware or appliance stores, department stores, jewelry stores, florists, restaurants, and bakery shops, provided that only manufacturing of products clearly incidental to the conduct of retail business on the premises may be permitted.
- B. Automobile sales of new and/or used vehicles.
- C. Personal Service Shops, such as Barber Shops, Beauty Shops, Shoe Repair Shops, and Photographic Studios.
- D. Gasoline Stations and Repair Garages, provided any garages doing body work shall be at least two hundred (200) feet from any Residential Zoning District.
- E. Commercial Kennels, providing the following requirements shall be met:
  - 1. All buildings, pens, and structures housing animals shall be at least one hundred (100) feet from all adjoining residential property lines and road rights-of-way.
  - 2. Animals shall be controlled so as not to create a public nuisance.
- F. Signs, as set forth in Section 5.15 of this Ordinance.

### SECTION 13.2 SPECIAL USES

The following uses of land and structures may be permitted in the Commercial District by application for the issuance of a Special Use Permit, when all the procedural requirements specified in Article VI, together with all applicable standards, as cited in this Ordinance, are met:

- A. Real Estate Offices.
- B. Insurance Offices.
- C. Similar Professional Offices.

### SECTION 13.3 ACCESSORY USES AND BUILDINGS

Any accessory use or building customarily incidental to a use permitted by Sections 13.1 and 13.2 of this Ordinance.

### SECTION 13.4 SIDE YARD

Side yards shall be a minimum width of at least twenty-five (25) feet, provided that the width of a side yard abutting upon a road shall not be less than the minimum front yard depth required on an adjoining interior lot fronting upon such road.

### SECTION 13.5 REAR YARDS

A rear yard of not less than thirty (30) feet shall be provided for every commercial building, and shall be kept open and maintained as a fire lane.

### SECTION 13.6 FRONT YARDS

Every lot shall have a front yard of at least fifty (50) feet from any public road right-of-way, provided that no parking shall be allowed within twenty-five feet of said right-of-way.

### SECTION 13.7 AREA OF LOT

Every lot or premises zoned for commercial use shall contain not less than one (1) acre and shall measure not less than one hundred thirty-two (132) feet on any one side, excepting a corner lot, which shall have a minimum of one hundred sixty-five (165) feet of frontage on both roads, and excepting lots of record.

### SECTION 13.8 SITE PLAN REVIEW

Every commercial development shall require a Site Plan Review by the Planning Commission, as set forth by this Ordinance.

## ARTICLE XIV INDUSTRIAL DISTRICT

It is the intent of this district to provide suitable areas of industrial and manufacturing operations. These regulations are meant to encourage areas of concentrated development whenever possible. Single-family dwellings, including mobile homes and mobile home parks, are prohibited in this district, since a mixture of industrial and residential development would hinder the expansion of the industrial development and contribute to a reduced quality of life for the residential development.

### SECTION 14.1 PRIMARY USES

No building, structure, or part thereof shall be erected, altered, used, or moved upon any premises, and no land or premises shall be used in whole or in part for other than one (1) or more of the uses authorized by this Ordinance:

- A. Any wholesale business Including warehouse and storage buildings, commercial laundries, dry-cleaning establishments, frozen-food lockers, ice and cold storage plants, and lumber, fuel, and feed yards.
- B. The manufacturing, compounding, processing or treatment of such products as bakery goods, candy, cosmetics dairy products, food products, drugs, perfumes, pharmaceuticals and toiletries,
- C. Any kind of manufacturing process, fabricating or treatment of products, using light machinery, such as tool and die shops and metal fabricating.
- D. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature, and packaging of previously prepared materials.
- E. Laboratories wherein research and product development is conducted in the fields of engineering, electronics, medicine, pharmacy, chemistry, physics, scientific instruments and related sciences or like uses, including in each field related experimental and testing activities normally or customarily employed therein.
- F. Printing, lithographic, blueprinting and similar uses, automobile repair garages, construction and farm equipment sales and contractor's equipment yards, warehousing and material distribution centers, provided all products and materials are enclosed within a building.
- G. Contractor's establishments not engaging in any retail activities on the site.
- H. Public utility installations
- I. Open industrial uses or Industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported, or treated outside of a building and are not within enclosed apparatus, vessels, or conduits, such use shall be provided with a solid, permanently maintained wall or fence no lower than the subject use or storage and constructed to provide firm anchoring of fence posts to concrete set below the frost line. If a wall is provided, its foundations, likewise, shall extend below the frost line.

- J. Recycling centers.
- K. Trucking and cartage facilities, truck and industrial equipment storage yards, repairing and washing equipment and yards.
- L. Sand and gravel pits, and earth extraction operations.
- M. Signs shall be permitted, as set forth in Section 5.15 of this Ordinance.

#### SECTION 14.2 SPECIAL USES

The following uses of land and structures may be permitted in Industrial districts by application for and issuance of a special use permit, when all the procedural requirements specified in Article VI, together with all applicable standards, as cited in this Ordinance are met:

- A. Public or private dumps, incinerators sanitary landfills, transfer stations, and waste processing facilities, further subject to the Hazardous Waste Management Act, Act 64 of the Public Acts of 1979, as amended, and the Solid Waste Management Act, Act 641 of the Public Acts of 1978, as amended.
- B. Sewage treatment plants for disposal of industrial and/or domestic wastes shall be permitted in this district, provided, however, that they conform to the requirements of and are approved by the Michigan State Board of Health.
- C. Junk yards.
- D. Automobile and motor vehicle wrecking plants or yards, and disassembly operations.

#### SECTION 14.3 ACCESSORY USES AND BUILDINGS

Any accessory use or building customarily incidental to a use permitted by Sections 14.1 and 14.2 of this Ordinance.

#### SECTION 14.4 FRONT YARDS

Every lot fronting on a public road shall have a front yard of at least eighty (80) feet from the right-of-way of said thoroughfare, provided that no parking or unloading shall be permitted within eighty (80) feet of said right-of-way.

#### SECTION 14.5 SIDE YARDS

Side yards shall be a minimum width of fifty (50) feet, excepting on that side of a lot abutting upon property zoned for residential purposes, in

which case there shall be a side yard of at least one hundred (100) feet. It is further provided that the width of a side yard abutting upon a road shall be not less than the minimum front yard depth required on an adjoining interior lot fronting upon such a side road.

#### SECTION 14.6 REAR YARDS

A rear yard of not less than fifty (50) feet shall be provided for every industrial building, and shall be kept open and maintained as a fire lane.

#### SECTION 14.7 AREA OF LOT

Every lot or premises zoned for industrial use shall contain not less than one acre and shall measure not less than one hundred thirty-two (132) feet on any side, excepting a corner lot, which shall have a minimum of one hundred sixty-five (165) feet of frontage on both roads, and excepting lots of record.

#### SECTION 14.8 SITE PLAN REVIEW

Every industrial development shall require a site plan review by the Planning Commission, as set forth in Article VI of this Ordinance, to insure that all developments conform to Township land use planning and applicable Township Ordinances, and further to protect the public health, safety, and general welfare of the Township at large.

## ARTICLE XV - ADMINISTRATION

### SECTION 15.1 ADMINISTRATIVE OFFICER

The Enforcement Officer may make such general rules and prescribe the use of such forms and methods for presentation of matters requiring his attention, not inconsistent with public safety or convenience, as he may consider necessary for the facilitation of his work. A record of each application for a Building Permit and disposition made thereof shall be kept on file by the Enforcement Officer, and a duplicate record shall be available at the Township Hall for the use of the other Township Officials, Boards, and Commissions.

### SECTION 15.2 BUILDING PERMITS

It shall be unlawful to commence the excavation for, or the construction of any building or structure, of part thereof, or to commence the moving of alteration of any building or structure in such a manner as to change its bulk, position, or to fit it for a changed or enlarged occupancy, and it shall be unlawful to use or permit the use of any building or structure so constructed, altered, moved, or to change the type or extent of the use or occupancy of any building structure or land until there has been issued there for a Building Permit as evidence of compliance with the provisions of this Ordinance. EXCEPTION: No building permit is required for storage buildings of one hundred (100) square feet or less in area.

### SECTION 15.3 APPLICATION FOR A BUILDING PERMIT

- A. Application for a Building Permit shall be filed at the office of the Building Inspector, and shall meet the following requirements:
  1. Permit application shall be made on forms provided by the Township Building Inspector.
  2. Application shall be made and permit obtained prior to starting any construction or occupying the premises.
  3. Application shall be made by the property owner of record or his agent.
  4. Plans, specifications or any material the Enforcement Officer may reasonably require to assist him in understanding the nature of the application shall be furnished.
  5. Site plans shall be fully and accurately dimensioned.
  6. Permits for a well, septic system, house number shall be obtained prior to issuance of a building permit.
- B. Whenever the building, premises, and uses thereof as set forth in the application are in compliance with the provisions of this Ordinance, it shall be the duty of the Enforcement Officer to issue, within one week after receipt of such application, a Building Permit, and if such permit is refused, to state such refusal in writing, with cause.

#### SECTION 15.4 REPORTS

The Enforcement Officer shall submit to the Township Board, Planning Commission, and Zoning Board of Appeals quarterly reports fully explaining the type and nature of permits Issued for primary and special uses of land and buildings, the nature and extent of violations of this Ordinance, the type and nature of nonconforming uses, buildings, and structures, and compliance with violation notices and approved site plans,

#### SECTION 15. 5 FEES

Fees for inspection and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this Ordinance, shall be collected by the Enforcement Officer in advance of issuance. The amount of such fees shall be established by resolution of the Township Board. The Township shall establish fees for the following:

- A. Building permits
- B. Special use permits
- C. Rezoning requests
- D. Zoning text amendments
- E. Appeals
- F. Site plan reviews
- G. Private roads

## ARTICLE VI - ENFORCEMENT

### SECTION 16.1 ENFORCEMENT OFFICER

The provisions of this Ordinance shall be enforced by the Enforcement Officer.

### SECTION 16.2 VIOLATION DECLARED A NUISANCE

Any building upon which construction is started or which is altered, enlarged, or repaired, or any use of premises 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 a nuisance per se. Any court or competent jurisdiction shall order such abatement, and the owner or agent in charge of such building or premises shall be adjudged guilty of maintaining a nuisance per se.

### SECTION 16.3 PERSONS GUILTY

Any person, firm, or corporation who violates any of the provisions of this Ordinance, the owners of any building or premises, or part thereof, where any conditions in violation of this Ordinance shall exist or be created, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who has assisted knowingly in the commission of any such violation, shall each be guilty of a separate offense, and upon conviction thereof, shall be liable to the penalties herein provided..

### SECTION 16.4 PENALTIES

The penalty for violation of this ordinance shall be a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars, or imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each day that a violation shall be permitted to exist shall constitute a separate offense.

### SECTION 16. ADDITIONAL REMEDIES

In addition to the above remedies, the Enforcement Officer may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance or use of any building or premises constituting a violation of any of the provisions of this Ordinance, to restrain, correct, or abate such violation, to prevent any unlawful act, conduct, business, or use in or about such premises.

### SECTION 16.6 ENFORCEMENT PROCEDURE

Procedures for enforcement of this Ordinance shall be established by resolution of the Township Board, signed by the Township Supervisor and attested by the Township Clerk. A copy of the enforcement procedures shall be filed with the Enforcement Officer.

## ARTICLE XVII - BOARD OF APPEALS

### SECTION 17.1 TOWNSHIP BOARD OF APPEALS

- A. Township Board of Appeals shall be established in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended. The powers and duties of such Board, in compliance with the provisions of that act, and in addition to any other powers conferred thereby shall be as follows:
1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Enforcement Officer, or any deputy delegated by him and approved by the Township Board, in the administration of enforcement of this Ordinance.
  2. To hear and decide appeals requesting interpretation of the provisions contained within any section of this Ordinance.
  3. To hear and decide appeals from the actions of the Enforcement Officer when a Building Permit has been refused or the construction or use of a building or premises stopped because of the failure of such building or use to comply with the provisions of this Ordinance, where such appeal is based on unusual conditions which cause practical difficulties or unnecessary or unintended hardship in the application of the strict letter of the Ordinance to the cause under appeal.
- B. A variance shall be granted only for the following reasons:
1. There is practical difficulty in using the property because of the physical topography that cannot be overcome by reasonable means.
  2. The property cannot be used or developed within the standards of the Ordinance.
  3. It would create an unnecessary hardship to develop the property under the standards of the Ordinance.
- C. A variance shall not be granted:
1. Unless the Board of Appeals determines that it is not detrimental or injurious to adjoining properties.
  2. Which would have a detrimental effect on the public health, safety, or general welfare.

### SECTION 17.2 BOARD TO RENDER DECISION

If after such hearing, the Board of Appeals shall find that, in its opinion, an error has been made or that unusual conditions warrant a variance in the application of any of the provisions of this Ordinance, the Board of Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, or may vary or modify the application of any of the provisions of this Ordinance in a manner not contrary to the public interest so that substantial justice will be done and the spirit of the Ordinance observed the Board of Appeals shall make such order, requirement, decision, or determination as, in its opinion, ought to be made in the premises, and to that end, shall have all the powers of the Enforcement Officer relative to the administration and enforcement of this Ordinance. The Board of Appeals shall notify the Enforcement Officer in writing of any such action taken, and such action shall not be valid until such notice has been delivered to the office of the Enforcement Officer.

### SECTION 17.3 BOARD OF APPEALS MEMBERSHIP

The Board of Appeals shall have five (5) members as appointed by the Township Board. The first member shall be appointed from the membership of the Planning Commission. The second member shall be a member of the Township Board. The three remaining members shall be appointed from the Township Electors. Terms of membership shall be for three (3) years, except for those members serving because of their membership on the Planning Commission or the Township Board, in which case their membership on the Board of Appeals shall coincide with their membership on said Board or Commission.

### SECTION 17.4 BOARD TO MAKE OWN RULES

The Board of Appeals shall make reasonable rules for the filing of appeals and the presentation of all matters requiring its attention, and shall hold hearings upon such appeals or other matters within a reasonable time, not to exceed thirty (30) days from the time of filing. It shall give or cause to be given to all property owners or residents within three hundred (300) feet, adequate notice of such hearings, and shall render its decision not later than ten (10) days after such hearings.

### SECTION 17.5 APPEALS

The Board of Appeals shall, within a reasonable time, decide upon all matters appealed, and may reverse or affirm, in whole or in part, or may modify the order requirement, decision, or determination appealed, and shall make such order, requirement, decision, or determination as, in its opinion, ought to be made in the premises, and to that end, shall have all the powers of the Enforcement Officer or Township Planning Commission from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case.

## ARTICLE XVIII - AMENDMENTS

### SECTION 18.1 INITIATING AMENDMENTS

The Township Board may, from time to time, on recommendation from the Township Planning Commission, amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Township Planning Commission, or by petition of one (1) or more owners or agents of property to be affected by the proposed amendment. Except for the Township Board or the Township Planning Commission, the petitioner or petitioners requesting an amendment shall, at the time of application, pay a fee set by the Township Board.

### SECTION 18.2 PROCEDURE

The procedure for making amendments to this Ordinance shall be in accordance with the Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

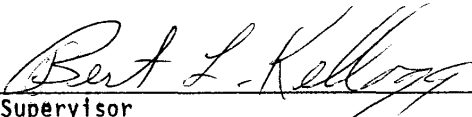
### SECTION 18.3 CONFORMANCE TO COURT DECREE

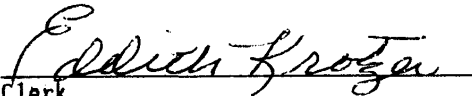
Any amendment for the provision of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

ARTICLE XIX - EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication of a notice of adoption of this Ordinance, in accordance with the Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

Adopted by the Township Board, Lee Township, Midland County, Michigan.

  
Supervisor

  
Clerk

Adopted: August 10, 1992

Effective Date: Sept 8, 1992