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# Zoning Ordinance

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**Township of Lyon  
Roscommon County,  
Michigan**

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**Ordinance No. 55  
Date of Adoption: January 18, 2006  
Effective Date: February 28, 2006**

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September 16, 2002 – First Draft  
November 21, 2002 – Second Draft  
January 20, 2003 – Third Draft  
July 29, 2005 – Fourth Draft  
September 26, 2005 – Fifth Draft  
January 18, 2006 – Adopted  
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April 20, 2023 - Updated

**Prepared by:**

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**LYON TOWNSHIP**

## **ROSCOMMON COUNTY MICHIGAN**

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**Amendments:**

| <b>No.</b> | <b>Date</b>       | <b>Section</b>   |
|------------|-------------------|--|
| <u>1</u>   | <u>4/21/07</u>    | <u>R1, R4</u>  |
| <u>2</u>   | <u>4/21/07</u>    | <u>Updated per Law</u>   |
| <u>3</u>   | <u>12/2010</u>    | <u>Definition 63B</u><br><u>1412-2 Para 3</u><br><u>1402-5 Eliminate #6</u><br><u>1202 Add Article XII</u><br><u>1203 Setback Exemptions</u><br><u>New R-2 District (Camp Curnalia)</u>                                  |
| <u>4</u>   | <u>9/2011</u>     | <u>1402 #7 Accessory Bldgs</u><br><u>1317A Livestock</u><br><u>1406 Fence Regulations</u>  |
| <u>5</u>   | <u>9/19/12</u>    | <u>XC1 Section 1004 Trade Fixtures</u><br><u>1412 Subsection 2 Nonconforming Lots</u><br><u>1412 Subsection 5 Nonconforming Uses</u><br><u>1414 Subsection 3 Open Storage</u><br><u>1414 Subsection 8 Trade Fixtures</u> |
| <u>6</u>   | <u>11/18/2020</u> | XIII Section 1319 Open Air Businesses<br>X Section 1002 C1 Commercial District   |
| <u> </u>   | <u> </u>          | <u> </u>   |



# Article I

## In General

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### Section 100 Title

This Ordinance shall be known and may be cited as the LYON TOWNSHIP ZONING ORDINANCE.

### Section 101 Purpose

This Ordinance's provisions are established pursuant to the authority conferred by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and other Public Acts of the State of Michigan. As described in Public Act 110 of 2006, the purpose of a zoning ordinance is to:

1. Promote public health, safety, and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
3. Conserve natural resources and energy.
4. Meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
5. Insure that uses of land are situated in appropriate locations and relationships.
6. Avoid the overcrowding of population.
7. Provide adequate light and air.
8. Lessen congestion on public roads and streets.

9. Reduce hazards to life and property.

10. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The Zoning Ordinance shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.

### **Section 102 Rules of Construction**

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

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not defined in **Article II** shall have the meaning customarily assigned to them.
10. "Township" shall refer specifically to the Township of Lyon.

### **Section 103 Vested Rights**

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

**Section 104 Severance Clause**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Section 105 Effective Date**

The following Zoning Ordinance was approved by the Township Planning Commission on September 19, 2005, following a Public Hearing on September 19, 2005.

The following Zoning Ordinance was adopted by the Township Board of Trustees on January 18, 2006, following a public hearing on January 18, 2006.

A notice of adoption of this Zoning Ordinance was published in a newspaper having general circulation in Lyon Township on January 29, 2006, with an effective date of February 28, 2006.

A public hearing having been held, the provisions of this Ordinance are hereby given immediate effect, pursuant to the provisions of Act 110 of the Public Acts of Michigan of 2006, as amended.



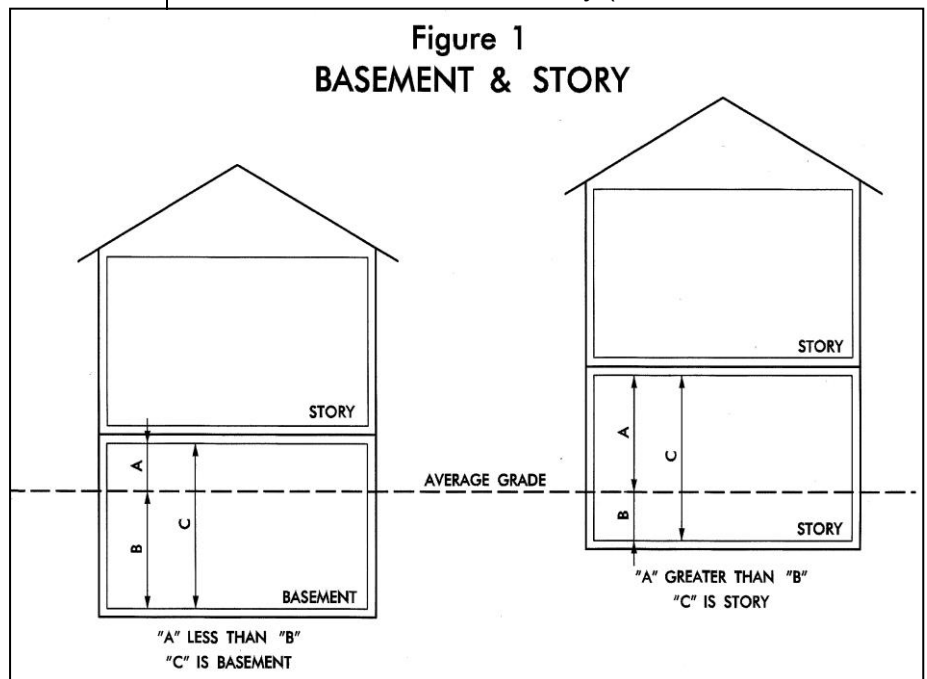
## Article II Definitions

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1. **Accessory Building or Structure:** A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building.
2. **Accessory Use:** A garage, carport, shed, pole barn, canopy, deck, patio, balcony or other similar use naturally and normally incidental and subordinate to the main use of the land or building.
3. **Adult Day Care Organization:** A facility for the care of persons over 18 years of age, as licensed and regulated by the State under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities shall be further defined as follows:
  - a. **Adult Day Care Facility:** A facility which provides care for any part of a day but less than twenty-four (24) hour care for elderly and/or functionally impaired persons over 18 years of age, provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.
  - b. **Adult Foster Care Facility:** A governmental or nongovernmental 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 require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
  - c. **Adult Foster Care Small Group Home:** A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
  - d. **Adult Foster Care Large Group Home:** A facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.
  - e. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 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.
4. **Adult Entertainment Business:** See Sexually Oriented Business, definition 97.
5. **Agriculture:** The use of land as a "Farm" or "Farm Operation" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

6. **Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.
7. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
8. **Alterations:** Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."
9. **Architectural Features:** Architectural features of a building may include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.
10. **Automobile Demolition/Salvage:** Any commercial activity involving the demolition and/or salvage of motor vehicles or engines.
11. **Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning; salvage or storage facility.
12. **Automobile Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

13. **Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
14. **Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
15. **Basement:** At least two sides of a building which are partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see



**Figure 1).**

16. **Bed and Breakfast Facility:** Any family occupied dwelling used as a bed and breakfast facility as defined in Section 4b of Michigan Public Act 230 of 1972, as amended.
17. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.
18. **Billboard:** A piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including

bulletin boards used to display official court or public office notices (see also Sign definition).

19. **Board of Appeals:** As used in this Ordinance, this term means the Lyon Township Zoning Board of Appeals.
20. **Boarding, Lodging, or Rooming House:** A building other than a hotel where for more than twenty (20) days a year lodging, meals, or both are offered to more than three (3), but less than twenty-one (21) persons at a time for compensation.
21. **Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.
22. **Buffer Strip:** See Greenbelt definition.
23. **Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.
24. **Buildable Width:** The width of a lot left for building after required side yards are provided.

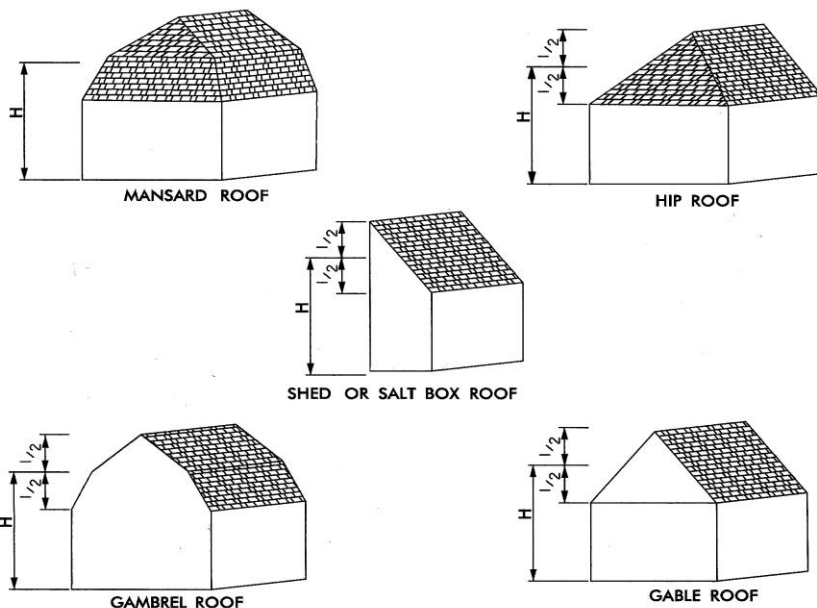
25. **Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
26. **Building Height:** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping the ground level is measured at the average wall line (see **Figure 2**).
27. **Building Permit:** A building permit is the written authority issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Building Code adopted by Lyon Township.
28. **Bulk Station:** A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose,

where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

29. **Campgrounds:** Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

30. **Child Care Organization:** Means a

**Figure 2  
BUILDING HEIGHT**



facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358 (11) et seq.), as amended, and associated rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be further defined as follows:

- a. **Child Day Care Center:** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

A child day care center does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b. **Family Day Care Home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- c. **Group Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are received for care and

supervision for periods of less than twenty four (24) hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks a calendar year.

- d. **Child Caring Institution:** A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- e. **Foster Family Home:** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- f. **Foster Family Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2)

or more consecutive weeks, unattended by a parent or legal guardian.

31. **Church:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

32.

**Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.

33. **Club:** Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.

34. **Convalescent or Nursing Home or Senior Assisted Living Home:** A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under State law.

35. **Drive-Through Business:** Any restaurant, bank or business with an auto service window.

36. **Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall any side of a

dwelling unit be less than twenty (20) feet in width. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

- a. **Single-Family Dwelling:** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

- b. **Two-Family Dwelling:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

- c. **Multiple-Family Dwelling:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.

37. **Efficiency Unit:** A dwelling unit for one individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

38. **Erected:** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.

39. **Essential Services:** The phrase "essential services" means 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, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, 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 for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.

40. **Excavating:** The removal of sand, stone, gravel, or soil.
41. **Family:** An individual or group of two or more persons related by blood, marriage, legal guardianship, or adoption, including foster children, together with not more than two additional persons not related by blood, marriage, or adoption living together as a single family unit.
42. **Farm:** All of the contiguous neighboring or associated land operated as a single unit on which legitimate agriculture as defined by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.
43. **Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier,

or enclosure, and not part of a structure requiring a building permit.

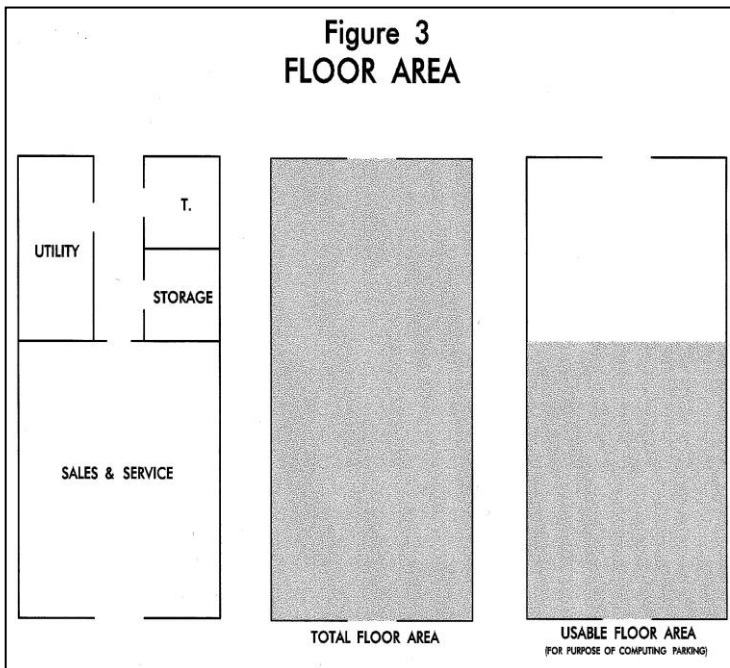
44. **Garage or Pole Barn-Private:** A building used primarily for the storage of vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located.
45. **Garage-Public:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.
46. **Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.
47. **Gasoline Service Station:** Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.
48. **Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished 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.

To calculate average grade for an uneven grade lot, use the following equation:

$$AG = (G1 + G2 + G3 + G4) / 4$$

AG = Average grade for the lot  
 G1 = Average grade for side 1  
 G2 = Average grade for side 2  
 G3 = Average grade for side 3  
 G4 = Average grade for side 4

49. **Greenbelt:** A strip of land of definite width and location reserved for the serve as an obscuring screen or buffer area in carrying out the requirements of this Ordinance.
50. **Greenhouse:** A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be independently regulated for the cultivation of plants for subsequent sale or personal enjoyment.
51. **Ground Floor Area:** The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, and basement. (see **Figure 3**)



52. **Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or other injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.
53. **Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential property and which does not alter the exterior of a property or affect the residential character of the neighborhood.
54. **Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.
55. **Hotel or Motel:** A building occupied or used as a predominantly temporary residence by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

56. **Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

57. **Intensive Livestock Operation:** Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of five

hundred (500) or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to or associated with such operations.

For purposes of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal wastes, with the following equivalencies applicable to various animals.

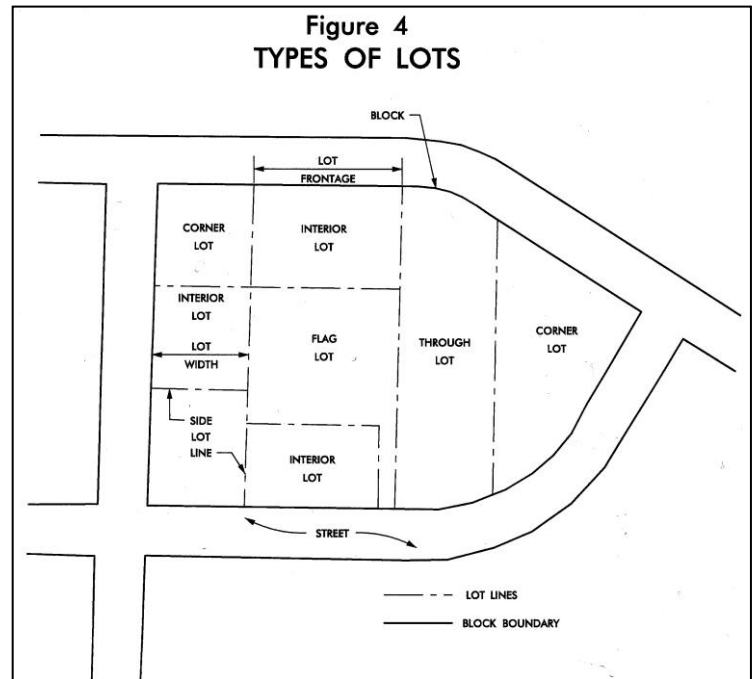
| <u>Species</u>                     | <u>Animal Unit</u> |
|------------------------------------|--------------------|
| Slaughter and Feeder Cattle        | 1.0                |
| Mature Dairy Cattle                | 1.4                |
| Horses                             | 2.0                |
| Swine weighing over 55 lb.         | 0.4                |
| Sheep/Goats                        | 0.1                |
| Turkeys                            | 0.02               |
| Chickens w/overflow watering       | 0.01               |
| Chickens with liquid manure system | 0.03               |
| Ducks                              | 0.2                |

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

- 58. **Junk:** Any motor vehicle, machinery, appliance, product or merchandise with parts missing or scrap metal or other materials that are damaged or deteriorated.
- 59. **Junkyard:** The use of premises or building for storage or abandonment, keeping, collecting, baling, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels,

boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.

- 60. **Kennel, Commercial:** Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.
- 61. **Key Hole Development (Funneling):** The use of a waterfront lot as a common, open space for water craft access and recreational use for a larger number of users than is typical for a single family lakefront lot or for waterfront access for a larger development located away from the waterfront.



- 62. **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.



63. **Lot:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane (see **Figure 4**).

a. **Corner Lot:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less (see **Figure 5**).

b. **Front Lot Line:** In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. "For lots platted on or after February 28, 2006, the front lot lines for corner lots shall be the lines separating such lot from both streets. For lots platted prior to February 28, 2006 that are corner lots, the determination of which line is to be considered the front line shall be determined by the Township Zoning Administrator. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. (see **Figure 6**).

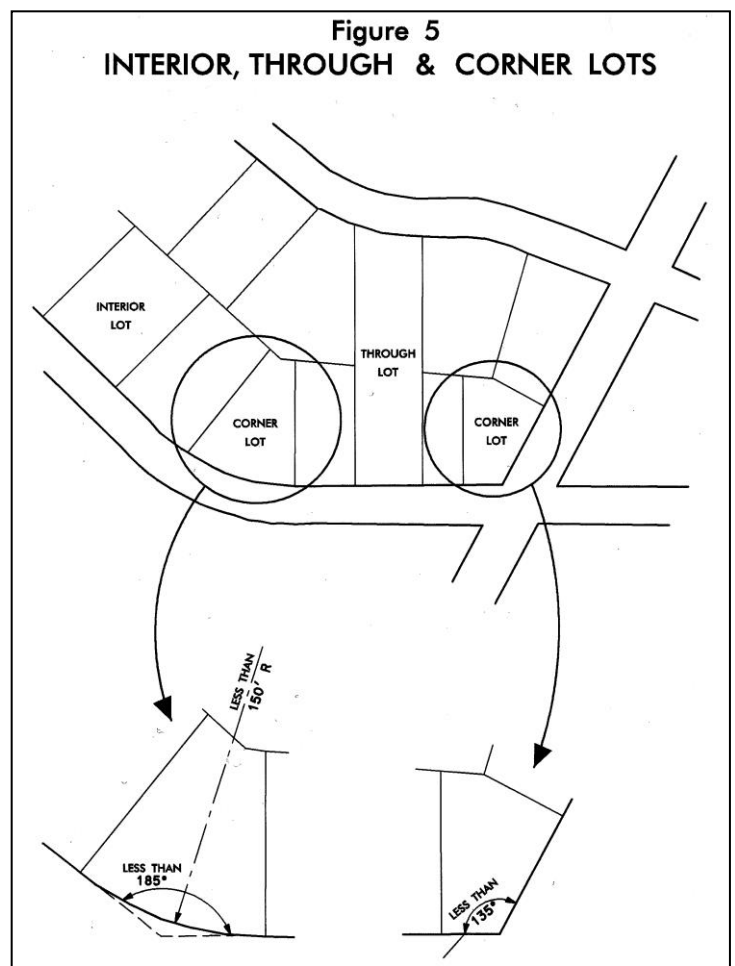
c. **Interior Lot:** A lot other than a corner lot with only one (1) lot line fronting on a street.

d. **Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory

buildings or structures. (see Table A, Schedule of Regulations)

e. **Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

f. **Lot of Premises:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area,



g. and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.



Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

67. **Migratory Labor:** Temporary or seasonal labor employed in planting, harvesting, or construction.
68. **MOBILE VENDING FACILITY**  
Colloquially referred to as a "food truck." A cart, structure, vehicle, or other physical establishment within which the primary vending operation takes place and which meets either a mobile food establishment, special transitory food unit, or temporary food establishment as defined under the Michigan Food Law, Public Act 92 of 2000.
69. **Mobile Home:** See Manufactured Home definition.
70. **Motor Home:** See Recreational Vehicle definition.
71. **Native Vegetation Strip:** See Greenbelt definition.
72. **Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.
73. **Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat;

electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night; and passenger traffic.

74. **Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery

does not include space used for the sale of fruits or vegetables.

75. **Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

76. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:

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

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

c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.

e. Flea markets, tool sales, or other outdoor sales (excluding yard sales as defined in Lyon Township Ordinance No. 32, Garage and Yard Sale Ordinance).

77. **Open Space:** That portion of a lot or parcel not occupied by

buildings, structures, or pave areas.

78. **Ordinary High Water Line:** Is defined as in the Michigan Inland Lakes and Stream Act to mean 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high-established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

79. **Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.
80. **Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
81. **Pick-up Camper:** See Recreational Vehicle definition.
82. **Place of Worship:** See Church definition.
83. **Planned Unit Development (PUD):** Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.
84. **Planning Commission:** The Planning Commission of the Township of Lyon, Roscommon County, Michigan as authorized by Act 168 PA. 1959, as amended.
85. **Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed or screened, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

86. **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 integral roof with principal building or structure to which it is attached.
87. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
- 88.
- a. **Private Road:** A private road is a drive/trail, easement, or other road way serving two or more parcels of property. A private road is not maintained by the public. Maintenance, improvements, and snow removal are the responsibility of private property owners.
- b. **Private Road – Private Extended Length Driveway:** An access serving a single lot from a public or private road which has a length of fifty (50) or more feet.
89. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.
90. **Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting

the public health operated and maintained by the general public.

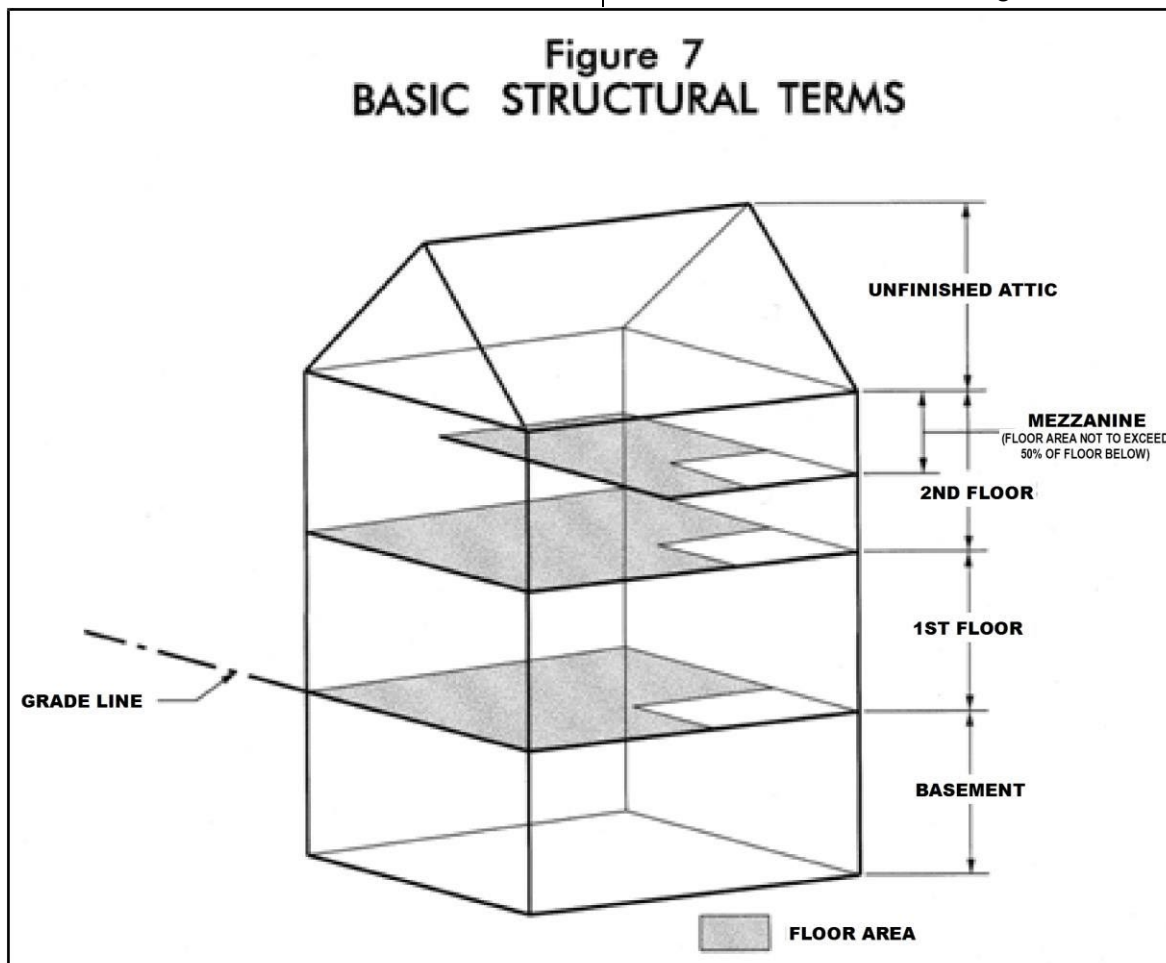
91. **Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.
92. **Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.
93. **Resort:** A recreational lodge, camp or facility, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.
94. **Retail Store:** Any building or structure in which goods, wares, or merchandise is sold to the ultimate consumer for direct consumption and not for resale.
95. **Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.
96. **School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.
97. **Setback:** The distance between a building or structure and a front, side, or rear lot line.
98. **Sexually Oriented Business:** An adult bookstore, video store or novelty store, adult cabaret, adult motion picture theatre, or a commercial establishment that regularly features the sale, rental or other visual representation of live performance which are characterized by an emphasis on the exposure of display of specified sexual activities or specified anatomical area.
99. **Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
100. **Sign:** An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business.
  - a. **Off Premise Sign:** Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
  - b. **On Premise Sign:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

101. **Site Condominium:** A system of separate ownership of individual units or multi-unit projects according to Michigan Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- a. **Common Elements:** Portions of the condominium project other than the condominium units.
- b. **Condominium Lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for

other requirements set forth in the Schedule of Regulations of this Ordinance. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.

- c. **Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project
- d. **Master Deed:** The condominium document recording the



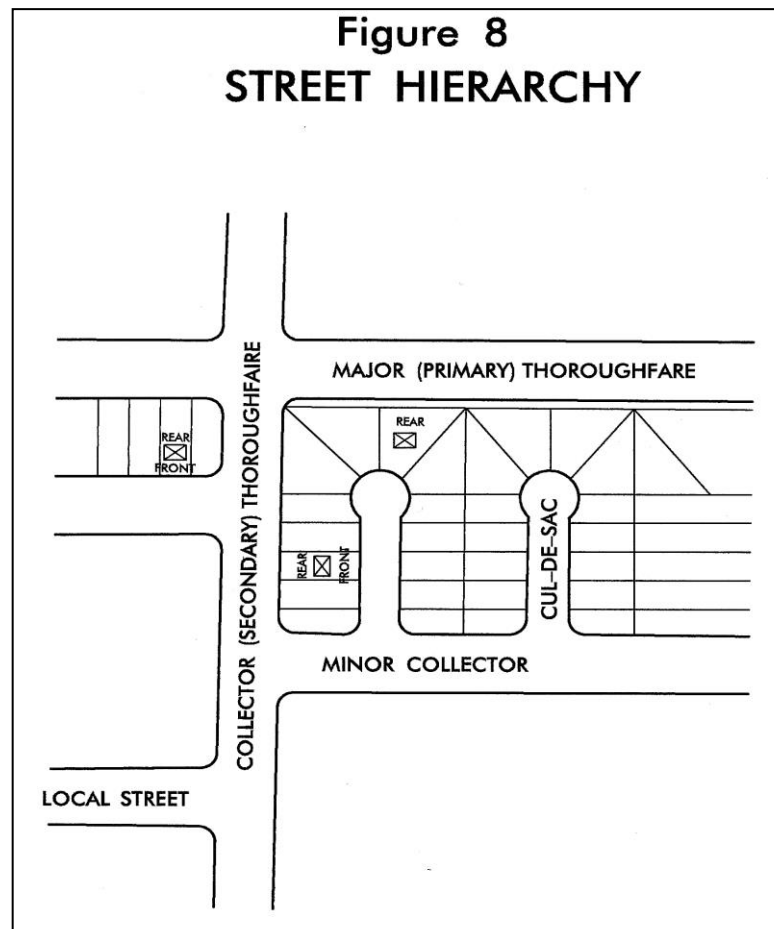
purposes of determining minimum yard setback requirements and

condominium project to which are attached as exhibits and

incorporated by reference the bylaws for the project and the condominium subdivision plan.

- e. **Site Condominium Project:** A condominium project designed to functions in a similar manner, or as an alternative to a platted subdivision.
102. **Special Exception:** Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this Ordinance for that district upon such approval.
103. **Stable, Commercial:** A structure used to house horses for commercial purposes. Commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not include the housing and training of horses by an individual property owner or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one horse per acre of land in the parcel.
104. **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 be no floor above it, then the space between the floor and the ceiling next above it (see **Figure 7**).
- a. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

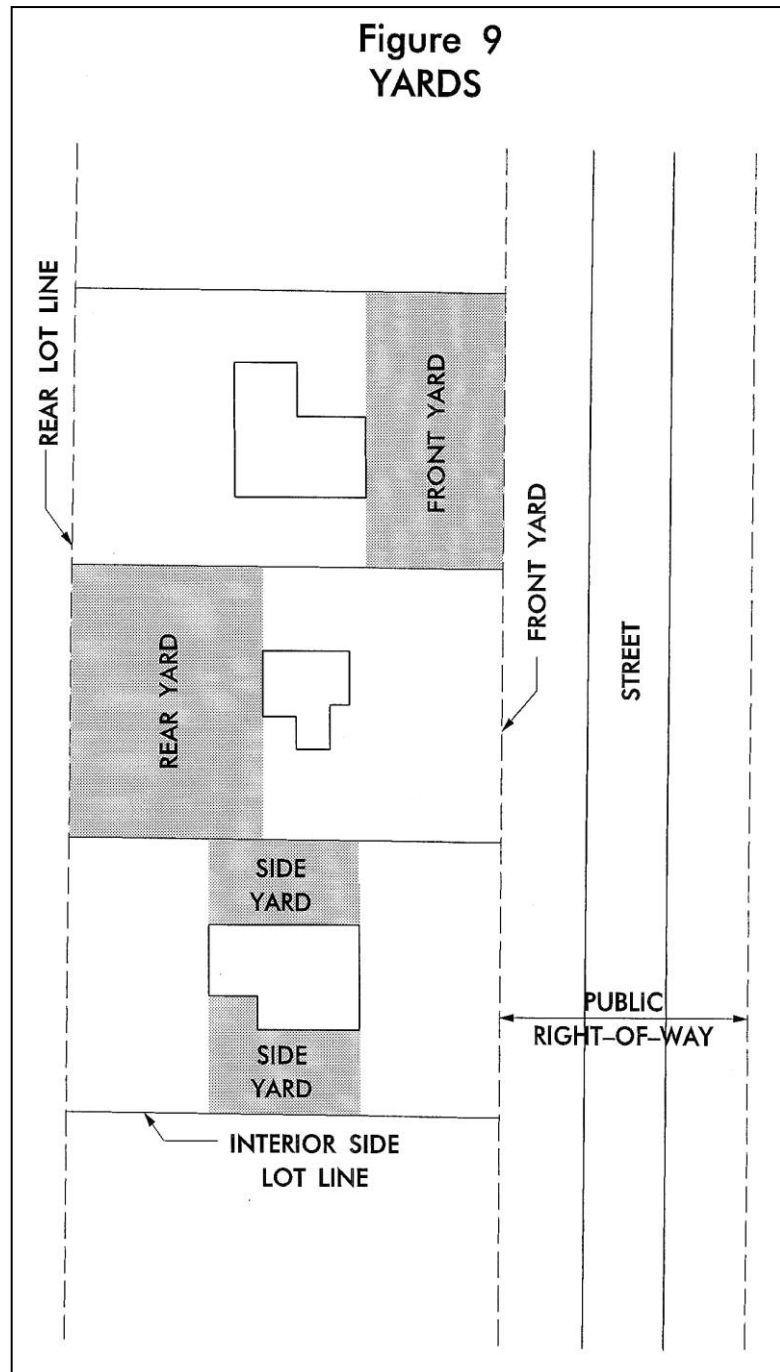
- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
  - c. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet-six inches (7'6").
105. **Street, Highway, Road:** A thoroughfare that affords the principal means of access to abutting property (see **Figure 8**).
106. **Structure:** A construction or building (including pavement), the use of which requires permanent location on the ground or attached to something having permanent location on the ground.





107. **Telecommunication Tower:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.
- Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
108. **Temporary Building and Use:** A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.
109. **Theater, Indoor:** Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.
110. **Theater, Outdoor:** Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.
111. **Tourist Home:** See Bed and Breakfast definition.
112. **Trailer Coach:** See Recreational Vehicle definition.
113. **Travel Trailer:** See Recreational Vehicle definition.

114. **Undevelopable Land:** Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields



and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

115. **Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for

which it is occupied, or maintained, let, or leased, according to this Ordinance.

Board of Trustees to administer and enforce the provisions of this Ordinance.

116. **Variance:** A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property in which the variance is sought.
117. **Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see **Figure 9**).
- a. **Front Yard:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.
  - b. **Rear Yard:** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
  - c. **Side Yard:** A yard extending between the side lot line and the nearest side of the building.
118. **Zoning Administrator:** The official designated by the Lyon Township

## Article III Zoning Districts and Map

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### Section 300 Districts Enumerated

For the purpose as defined in **Section 101**, Lyon Township of Roscommon County shall be divided into the following Zoning Districts:

1. Shoreline Protection Overlay District - SPO
2. Rural Residential – R-R
3. Single-Family Residential District – R-1
4. Multiple-Family Residential District – R-3
5. Manufactured Home Park District – R-4
6. Commercial District – C-1
7. Light Industrial District – M-1

### Section 301 Boundaries

1. The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this Ordinance as if fully described in this article.
2. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Township.
3. Where, due to the scale, lack of detail or illegibility of the zoning map accompanying, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined by the Board of

Appeals, after written application thereto.

### Section 302 District Boundaries Interpreted

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1)--(6) of this section, the Board of Appeals shall interpret the district boundaries.

8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **Section 303 Zoning of Vacated Areas**

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

### **Section 304 District Requirements**

All buildings and uses in any district shall be subject to the provisions of **Articles XIII** and **XIV** of this Ordinance.

## Article IV

### SPO – Shoreline Protection Overlay District

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The following provisions shall apply to the SPO Shoreline Protection Overlay District.

#### **Section 400 Intent**

The Shoreline Protection Overlay shall apply to all lakefront property specified herein. All future subdivision plats and land divisions shall comply with this Section.

The primary purpose of this Section is to provide the most desirable residential areas while preserving the existing quality of Higgins Lake in Lyon Township, Roscommon County, Michigan. The Shoreline District shall extend five hundred (500) feet from the lake's ordinary high water mark.

The establishment of a Shoreline Protection Overlay is intended to achieve the following specific objectives:

1. Avoidance of excessive structural encroachment on the waters and waterways except for uses traditionally dependent on direct water access.
2. Maintenance of high water quality by encouraging greenbelts along waterfronts to filter out nutrients and sediment from surface run-off, keep pollutants from entering the waters, prevent erosion and help maintain cool water temperatures through shading.
3. Protection of the natural environment of the lake for wildlife habitat purposes and preservation, to the extent possible, of natural waterfront landscapes.
4. Promotion of the general welfare of Higgins Lake in the Township, by protecting water quality, ground water resources, public health, property values, recreational values, riparian

rights, and safeguarding against flooding.

A Shoreline Protection Overlay is a sub-district of any District of which it is made a part, and all regulations applicable to the properties in the District apply except to the extent they are modified by the provisions of this Section.

#### **Section 401 Uses Permitted by Right**

Any use permitted by right in the underlying zoning district in which the lot is located.

#### **Section 402 Uses Permitted by Special Exception**

Any use permitted by special exception in the underlying zoning district in which the lot is located in accordance with the process outlined in Section 1604 of the Zoning Ordinance.

#### **Section 403 Accessory Uses**

In addition to the accessory uses, buildings and structures customarily incidental to the uses permitted by right or special exception, the following accessory uses shall also be permitted according to their accompanying standards:

1. Pump house, provided it does not exceed an area of nine (9) square feet and three (3) feet in height.
2. Uncovered chair lift, provided it does not extend more than five (5) feet into the water.

#### **Section 404 Area Regulations**

All lots within the Shoreline Protection Overlay shall meet the area and bulk

regulations of the underlying zoning District as given in Table A – Schedule of Regulations – Article XII, Page 38.

1. In addition, no building structure or fence of any kind shall be erected or maintained within fifty (50) feet from the shoreline of Higgins Lake, measured when the lake level is at 1,154.11 feet above sea level. Where there is no front lot line as otherwise defined herein, the required front setback distance shall be measured from a line perpendicular to at least one side lot line and running through the point on the front boundary line of the lot which is closest to the real lot line. Additionally, no building shall be placed or erected closer to the water's edge than the "lakefront building line." The lakefront building line will be the average distance from the lakeshore to the front wall, or portions thereof, of the nearest two dwellings on the same lakeshore (one on one side and one on the other side) of the proposed building. Elevated banks may be used in computing this minimum setback as follows: Each foot of elevation above the high water mark may be counted as one (1) foot of horizontal setback, but in no case can more than twenty (20) feet of bank elevation be used as part of the total setback requirement. For purposes of this section, docks shall not be considered buildings.

### **Section 405 Development Standards**

1. Greenbelt: Naturally occurring trees, shrubs, and vegetation shall be maintained and enhanced along the banks of Higgins Lake in the Township. Maintenance of the greenbelt (natural vegetation strip) is required to help stabilize the banks of the lakes, minimize erosion, provide shading which will help maintain cool temperatures, help protect water quality

by absorbing nutrients from surface water run-off, provide screening of man-made elements, protect fisheries and wildlife habitat, and preserve the diversity of native flora. The greenbelt may be trimmed and pruned for a view of the water body and diseased or dying trees may be removed. In some instances, natural landscaping combined with rock riprap can accomplish a finished look to the shoreline and still retain some of the benefits of a natural shoreline.

- a. The greenbelt shall be maintained for a distance of twenty-five (25) feet inland measured horizontally from the ordinary high water mark or from the landward extent of beach, bulkhead, seawall if present.
- b. If a greenbelt does not now exist, planting of native plants, trees, and shrubs is encouraged to establish such a greenbelt to enhance and protect the water's edge. The Department of Natural Resources, the Soil Conservation District, Cooperative Extension Service and Huron Pines Resource Conservation and Development Council (Grayling) may be consulted for native plant species.
- c. Applicants for permits for new waterfront development shall be required to submit their plans for the establishment and maintenance of the vegetation strip as part of the site plan approval process.
- d. Earth change is allowed within the greenbelt strip only in accordance with Paragraph 5 below.
- e. Travel trailers, tents, campers, and motor homes are not permitted within the greenbelt strip (twenty-five (25) feet above the high water mark).

2. Construction Limits Due to High Groundwater: No structure shall be constructed on lands where a minimum of four (4) feet between floor level and high ground water table cannot be met, unless a connection is made to a community sewer system. Filling to bring to ground level will not be permitted.
  - a. A permit must be obtained for the state of Michigan Department of Natural Resources or any other governmental agency requiring permits for any filling, grading, lagooning or dredging of the lake.
3. Sanitary Waste System: A Roscommon County Health Department permit must be obtained prior to installation of any sanitary waste system.
4. Subsoil Drainage Systems: Subsoil drainage systems (i.e., footing drains) shall not empty into the lake.
5. Earth Changes: Any earth change which is located within five-hundred (500) feet of the lake must have a permit and comply with the provisions of the Soil Erosion and Sedimentation Control Act (P.A. 347 of 1972) and the Wetlands Protection Act (P.A. 203 of 1979). Earth changes include dredging, filling, excavation, and grading or similar activities.
6. Stairs and Steps on Embankments: Stairs, walkways, decks, and steps on embankments having a grade exceeding twelve (12) percent must be constructed above grade. Steps must not be embedded into the ground surface.
7. Seawalls: Construction of seawalls must comply with Lyon Township Ordinance No. 36.
8. Within twenty-five (25) feet of the ordinary high watermark, the use of concrete or other impervious surface pavements shall be limited to walkways

necessary for water access or boat launch ramps.

9. Detached, uncovered decks or patios which are less than ten (10) inches above natural grade at the deck building line and which do not exceed four-hundred (400) square feet and are surrounded by railings no higher than thirty (30) inches above the floors, may extend into the waterfront setback area (50 feet) but not nearer to the shoreline than twenty-five (25) feet. Walkways and pathways, if not wider than four (4) feet, are not restricted by this paragraph.

## Article V

### R-R Rural Residential District

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The following provisions shall apply to the R-R Rural Residential District.

#### **Section 500 Intent**

This district is intended for very low density single-family housing as well as the preservation of natural open space lands and lands that are unsuitable for development due to constraints such as flooding, or lack of infrastructure. The district also provides for farming, ranching, and commercial gardening activities.

When land in the Rural Residential District is needed for urban purposes, it is anticipated that the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Master Plan.

#### **Section 501 Uses Permitted by Right**

1. Single-family dwellings
2. Churches and other places of worship
3. Forestry and wildlife preserves
4. Golf courses and country clubs
5. Publicly owned buildings and community facilities, including schools
6. Publicly owned and operated parks and playgrounds
7. Roadside stands
8. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
9. Site condominiums
10. Practice of forestry and sale of forest products
11. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 502 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Adult day care organization
2. Airports and aircraft landing fields
3. Animal sales yards
4. Bed and breakfast facilities
5. Boat launching facilities
6. Campgrounds and travel trailer parks
7. Canoe liveries
8. Cemeteries, including columbarium, mausoleums and crematories
9. Childcare organization
10. Circus and carnival lots
11. Clinics
12. Convalescent or nursing homes or senior assisted living homes
13. Fur bearing animals, raising of
14. Gas and oil processing facilities
15. Gravel pits
16. Home occupations
17. Hospitals
18. Intensive livestock operations
19. Kennels, commercial
20. Radio-TV stations, studios
21. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time special approval is granted
22. Resorts
23. Rifle Ranges



24. Sawmills-temporary use not to exceed one (1) year
25. Stables, commercial
26. Summer camps
27. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 503 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article VI

### R-1 Single-Family Residential District

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The following provisions shall apply to the R-1 Single-Family Residential District.

#### **Section 600 Intent**

The intent of this district is to provide for low density, single-family residential development and related public and semi-public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township.

The provisions of this district are intended to protect and stabilize existing single-family developments and to encourage future single-family developments to occur on vacant land suitable for development, contiguous to existing residential land, with adequate public services and utilities. Encroachment by non-residential uses and activities considered capable of adversely affecting the low density residential character of this district is discouraged.

#### **Section 601 Uses Permitted by Right**

1. Single-family dwellings
2. Family day care home
3. Golf courses and country clubs
4. Site condominiums
5. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 602 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Bed and breakfast facilities
2. Campgrounds
3. Churches and other places of worship

4. Group day care home
5. Home occupations
6. Summer camps
7. Model Homes
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.
9. Parks, properties, and or facilities owned and/or operated by Lyon Township.

#### **Section 603 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**ARTICLE VII**  
**R-2 CAMP CURNALIA ASSOCIATION RESIDENTIAL**

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**Section 700 Intent**

The Camp Curnalia Association Residential District shall apply to all the Camp Curnalia property which lies within the boundaries of Lyon Township.

**Section 701 Intent**

The intent of this district is to protect existing family housing to provide for an appropriate level of public safety for the Camp Curnalia Association and the neighborhoods surrounding the Camp Curnalia Association and to encourage development of single family housing where it is deemed appropriate by the Camp Curnalia Board of Directors. Encroachment by non-residential uses and activities adversely affecting the high density residential character of this district is discouraged.

**Section 702 Uses Permitted by Right**

1. Single-family dwellings
2. Family day care home
3. Accessory uses, buildings and structures customarily incidental to the uses permitted by right

**Section 703 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in Section 1604 of this Zoning Ordinance.

1. Churches and other places of worship
2. Group day care home
3. Home occupations
4. Accessory uses, buildings and structures

customarily incidental to the uses permitted by special exception.

5. Parks, properties and/or facilities owned and operated by Lyon Township or the Camp Curnalia Association

**Section 704 Area and Bulk Regulations**

Area and bulk regulations shall be determined by the Camp Curnalia Association Board of Directors.

1. The procedure for reviewing, granting or denying requests for construction approvals shall be determined by the Camp Curnalia Association Board of Directors subject to the following provisions:
  - (a) No land use shall be commenced or Changed and no structure shall be erected or enlarged until the person conducting such use or erecting such Structure has obtained the appropriate permits form the Zoning Administrator for the Township.
  - (b) The distance between buildings shall be no less than ten feet, eve to eve.
  - (c) Maximum building heights shall be thirty five feet
  - (d) Minimum yard set backs from public rights of ways shall be twenty feet.

**Section 705 Access by Emergency Equipment**

Roadways shall be provided by the Camp Curnalia Association Board of Directors which are suitable for the use of emergency vehicles and other emergency equipment as required by the Township Fire Department.

**Section 706 Special Exemptions**

The Camp Curnalia Association is exempted from the following Articles and Sections of this Zoning Ordinance:

1. Article XII, Schedule of Regulations, Section 1201
2. Section 1316 Keyhole Development (Funneling)
3. Article IVSPO-Shoreline Protection Over lay District
4. Section 1406, Subsection 10 Lakefront Fence Regulations
5. Section 1411, Lot Proportion
6. Section 1412, subsection 2. Non-Conforming lots of record.

## Article VIII

### R-3 Multiple-Family Residential District

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The following provisions shall apply to the R-3 Multiple-Family Residential District.

#### **Section 800 Intent**

The intent of this district is to provide for an efficient and economic use of land through a mixture of single-family, two-family, and multiple-family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments.

The provisions of this district are intended to provide for the development of such projects with characteristics that are compatible with surrounding areas, while preserving open space and other natural features. It is the intent of this district to locate residential developments near concentrations of nonresidential activities and facilities such as employment centers, with adequate access to major transportation arteries and existing public facilities and services.

#### **Section 801 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Boarding, lodging or rooming houses
5. Churches and other places of worship
6. Family day care home
7. Publicly owned and operated parks and playgrounds
8. Site condominiums
9. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 802 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Adult day care organization
2. Bed and breakfast facilities
3. Convalescent or nursing homes or senior assisted living homes
4. Group day care home
5. Home occupations
6. Publicly owned buildings and community facilities, including schools
7. Model Homes
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

#### **Section 803 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article IX

### R-4 Manufactured Home Park District

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The following provisions shall apply to the R-4 Manufactured Home Park District

#### **Section 900 Intent**

The intent of this district is to preserve the interests of alternate types of residential developments by providing for manufactured housing developments and to protect the residents of any manufactured home development.

#### **Section 901 Uses Permitted by Right**

1. Manufactured home parks, subject to the requirements established by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and the National Mobile Home Construction and Safety Standards Act of 1974.
2. Accessory uses, buildings, or structures customarily incidental to Manufactured Home Parks such as, clubhouses, swimming pools, common playground areas, laundry facilities, storage or out buildings, and Manufactured Home Park offices.

#### **Section 902 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Home occupations
2. Publicly owned buildings and community facilities, including schools
3. Site condominiums
4. Model homes

5. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception

#### **Section 903 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

#### **Section 904 Other Regulations**

See **Section 1318** of this Ordinance which further regulates Manufactured Home Parks.

# Article X

## C-1 Commercial District

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The following provisions shall apply to the C-1 Commercial District.

### Section 1000 Intent

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.

The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

### Section 1001 Uses Permitted by Right

1. Administrative, executive, governmental, and professional offices
2. Antique shops
3. Appliance sales and service
4. Art galleries
5. Bakeries
6. Boarding, lodging, or rooming houses
7. Bowling alleys
8. Carpentry, plumbing, electrical sales, service and contracting offices
9. Clinics
10. Clubs
11. Curio stores
12. Florist shops
13. Furniture Stores
14. Golf driving range and miniature golf
15. Grocery stores
16. Hardware stores
17. Hotels or motels
18. Jewelry stores
19. Libraries
20. Malls/strip malls
21. Marinas
22. Museums
23. Music shops
24. Nurseries
25. Parking lots
26. Pet sales and supply
27. Printing, publishing, blueprint, photocopy shops, computer sales/services
28. Radio and TV sales and service
29. Real estate offices
30. Restaurant, including drive-through
31. Second-hand stores, excluding outside sales or displays
32. Site condominiums
33. Sporting goods shops
34. Swimming pools-public
35. Taverns and bars
36. Upholstering, interior decorating
37. Other similar retail businesses or service establishments which generally provide commodities or services for more than one neighborhood (as distinguished from those which primarily serve residents of the surrounding neighborhood) which are judged by the Planning Commission to be similar in character to those enumerated.

38. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

### **Section 1002 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Automotive sales and service
2. Automobile wash establishments
3. Boat sales and services
4. Building material sales
5. Farm machinery sales and services
6. Flea markets, tool sales, and other outdoor sales (excluding yard sales as defined by **Section 1309**)
7. Gas and oil processing facilities
8. Gasoline service stations
9. Kennels, commercial
10. Laundromats, laundries and dry cleaning establishments
11. Manufactured and mobile home and travel trailer sales and service
12. Mini/self storage facilities
13. Single-family dwelling on same parcel as a business
14. Snowmobile sales and service
15. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures.
16. Motorsports Rentals
17. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 1003 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

### **Section 1004 Trade Fixtures Definitions**

A trade fixture is defined as a piece of equipment on or attached to the real estate which is used in a trade or a business. Trade fixtures differ from other fixtures in that they may be moved from the real estate (even if attached) at the end of the operation of the trade or business, while ordinary fixtures attached to the real estate become part of the real estate.

Trade fixtures may include, but are not limited to, signs identifying the name and place of business, shelving, racks, pallets or cabinets for the display of products for sale on the business premises such as racks displaying firewood, cabinets displaying newspapers and ice, and pallets displaying wild game feed. Trade fixtures are **exempt from lot set back requirements** when placed on commercial property.



# Article XI

## M-1 Light Industrial District

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The following provisions shall apply to the M-1 Light Industrial District.

### **Section 1100 Intent**

The intent of this district is to provide areas that are appropriate for the industrial needs of the Township. The district may include a variety of mixed wholesale and warehousing activities, light manufacturing, processing and assembly plants, general offices, and research and development. Development in this district is to be restricted to clean industry that does not produce substantial air or water pollution and excessive noise or odor.

The district encourages industrial development to locate at a reasonable distance from heavily inhabited areas with access to major thoroughfares, highways, and railroads. The provisions of this district further intend to discourage residential development or any other development that would hinder or adversely affect the industrial character of the district.

### **Section 1101 Uses Permitted by Right**

1. Farm machinery sales and service
2. Machine shops
3. Sawmills
4. Truck terminal maintenance and repair of trucks and trailers
5. Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

### **Section 1102 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Adult entertainment businesses.
2. Auto salvage and storage facilities
3. Foundries
4. Gravel pits
5. Junkyards
6. Kennels, commercial
7. Major public utility structures such as water towers, electric transmission towers, water or sewage treatment plants, and electric substations.
8. Manufacturing, processing, or sales of fertilizers, feeds and other farm supplies
9. Production, processing, assembly, manufacturing, or packaging of goods, or materials such as: recreational supplies, toys, etc., including testing, repair, storage distribution and sale of such products.
10. Production, processing, assembly, manufacturing or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage distribution, and sale of such products.
11. Redi-mix concrete, asphalt plants
12. Reduction, conversion and disposal of waste material
13. Site condominiums
14. Telecommunication towers
15. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

**Section 1103 Area and Bulk  
Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article XII

### Schedule of Regulations

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#### Section 1200 Purpose

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulate the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area and setback requirements and maximum building heights as established for each district of this Ordinance.

#### Section 1201 Footnotes to Schedule of Regulations

1. A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines, which are perpendicular to the abutting road right-of-way.
2. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways,

porches, or attached garages and shall reference only the ground floor area.

3. The minimum floor space per dwelling unit shall be:

|                         |             |
|-------------------------|-------------|
| Efficiency              | 350 sq. ft. |
| One-bedroom apartment   | 500 sq. ft. |
| Two-bedroom apartment   | 700 sq. ft. |
| Three-bedroom apartment | 800 sq. ft. |
| Four-bedroom apartment  | 880 sq. ft. |
4. A manufactured home park shall comply with all requirements as established in the Mobile Home Commission Act, Public Act 96 of 1987, as amended.

#### Section 1202 Prohibited Uses

Within each zoning district, uses that are not expressly permitted by this ordinance are prohibited. Uses for enterprises or purposes that are contrary to Federal, State or local laws or ordinances are prohibited.

#### Section 1203 Flatwork Exemption

All flatwork (i.e. sidewalks, pavements, driveways, parking areas, patios, and decks less than 10 inches off the ground), are exempt from setback requirements only.

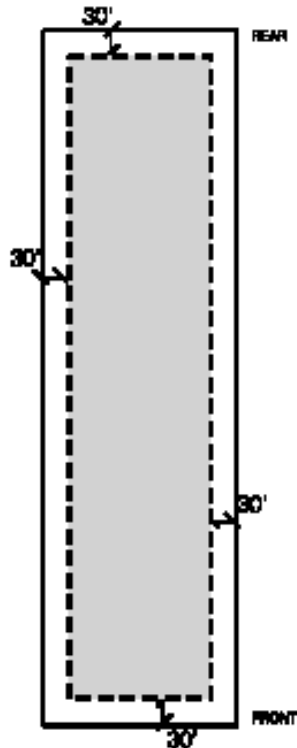
**Table A**  
**Schedule of Regulations\***

| Zoning District                                | Minimum Site Size |                  | Maximum Building Height |      | Minimum Yard Setbacks In Feet |                   |      | Minimum ground Floor Area per Dwelling Unit in Sq. Ft. (2) | Minimum Open Space of Site |
|--|-------------------|------------------|-------------------------|------|-------------------------------|-------------------|------|--|----------------------------|
|  | Area              | Width in Ft. (1) | Stories                 | Feet | Front                         | Minimum Side Each | Rear |  |                            |
| R-R Rural Residential District                 | 4 Acres           | 220              | 3                       | 40   | 30                            | 30                | 30   | 768  | 75%                        |
| R-1 Single-Family Residential District         | 20,000 Sq. Ft.    | 100              | 2-1/2                   | 35   | 25                            | 10                | 25   | 768  | 50%                        |
| R-3 Multiple-Family Residential District       | 20,000 Sq. Ft.    | 100              | 3                       | 40   | 25                            | 10                | 25   | (3)  | 50%                        |
| R-4 Manufactured Home Park District see 1201.4 | --                | --               | --                      | --   | --                            | --                | --   | --   | --                         |
| C-1 Commercial District                        | 12,000 Sq. Ft.    | 80               | 3                       | 40   | 25                            | 20                | 25   | --   | 35%                        |
| M-1 Light Industrial District                  | 2 Acres           | 160              | 3                       | 40   | 50                            | 25                | 25   | --   | 35%                        |

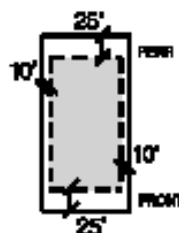
\* See **Section 1201** for footnotes  
See **Figure 10** for setback illustrations

# Figure 10 SETBACK ILLUSTRATIONS

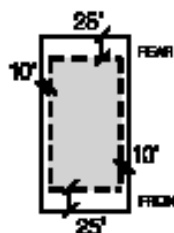
**R-R Rural Residential**  
4 Acres Minimum  
220' Wide x 792' Deep



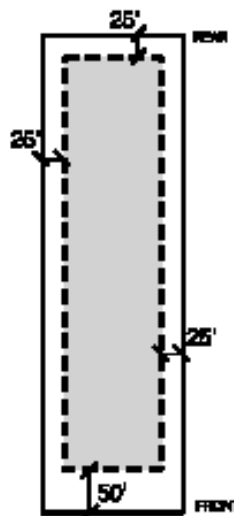
**R-1 Single-Family**  
20,000 Sq. Ft. Minimum  
100' Wide x 200' Deep



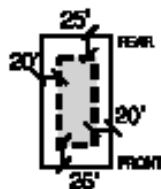
**R-3 Multiple-Family**  
20,000 Sq. Ft. Minimum  
100' Wide x 200' Deep



**M-1 Light Industrial**  
2 Acre Minimum  
180' Wide x 544.5' Deep



**C-1 Commercial**  
12,000 Sq. Ft. Minimum  
80' Wide x 150' Deep



## Article XIII

### Special Provisions

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#### Section 1300 Scope

The following uses, due to their special nature, require additional standards to ensure compatibility with the character of the district they are located in. For this reason, the following uses shall be controlled by the provisions of this Article, in addition to the provisions of the district they are listed under.

#### Section 1301 Sexually Oriented Businesses

1. No adult entertainment business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,500 feet of any principal or accessory structure of another adult entertainment business.
2. No adult entertainment business shall be established on a parcel that is within 400 feet of any parcel zoned R-R, R-1, R-2, R-3, or R-4.
3. No adult entertainment business shall be established on a parcel within 1,000 feet of any residence, park, school, childcare facility, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
4. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly adopted standards of the Township and other governments or governmental agencies having jurisdiction, and that

to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the adult entertainment business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed adult entertainment business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 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."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight.
11. All off-street parking areas shall be illuminated during all hours of operation of the adult entertainment business, and until one hour after the business closes.

12. Any booth, room or cubicle available in any adult entertainment business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
  - b. Is unobstructed by any door, lock or other entrance and exit control device;
  - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
  - e. Has no holes or openings in any side or rear walls.
13. The regulations of this Section shall apply in addition to the regulations of Lyon Township Ordinance No. 41, Zoning and Adult Entertainment Ordinance.

### **Section 1302 Airports and Aircraft Landing Fields**

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from

all other buildings not designed as accessory structures for said aircraft landing field.

3. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

### **Section 1303 Automobile Wash Establishments**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
3. The entrances and exits of the washing facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

### **Section 1304 Bed and Breakfast Facilities**

#### **1. Building Requirements**

The structures in which the bed and breakfast operation is located must meet the following requirements:

- a. The building must meet the minimum size requirements for that particular zone.
- b. The building must have a minimum of two exits.
- c. Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
- d. External changes or modifications for the purpose of accommodating the

bed and breakfast operation are prohibited.

- e. Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
- f. Sleeping and bath areas rented to paying guests on an overnight basis shall not occupy greater than 30 percent of the usable floor area of the dwelling.
- g. Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.
- h. Minimum of one (1) parking space shall be required for each room rented out. No off-street parking shall be permitted in the setback area.

## 2. Other Requirements

- a. Comply with the requirements as established in Section 125.1504b, of Michigan Public Act 230 of 1972, as amended.
- b. A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than four square feet in area may be erected on the front wall of the building. One freestanding, non-illuminated, non-animated sign of not more than four square feet shall be permitted.
- c. The bed and breakfast facility must be the principal residence of the owner of the facility.
- d. Bed and breakfast facilities must comply with state health department rules and requirements regarding food service.

### **Section 1305 Campgrounds and Travel Trailer Parks**

Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access

to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

### **Section 1306 Child Care Organizations**

All Child Care Organizations shall require State licensing, as specified in Public Act 116 of 1973, as amended.

### **Section 1307 Convalescent or Nursing Homes or Senior Assisted Living Homes**

Convalescent or nursing homes or senior assisted living homes shall be designed and constructed in accordance with State regulations.

### **Section 1308 Drive-Through Businesses**

- 1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
- 2. A six (6) foot high obscuring wall shall be provided adjacent to any residential district.

### **Section 1309 Garage or Yard Sales**

See Lyon Township Ordinance No. 32, Garage and Yard Sale Ordinance, for regulations pertaining to Garage or Yard Sales.

### **Section 1310 Gasoline Service Stations**

- 1. The service area of any automobile service station shall consist of such capacity as to allow access space for each gasoline pump for at least two vehicles to wait in line without spilling onto the highway.
- 2. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.



3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.
4. When adjoining residentially zoned property, a six (6) foot screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
5. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot screening fence and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding thirty (30) days, or exceed two (2) vehicles per service bay.
6. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

**Section 1311 Golf Courses and Country Clubs**

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

**Section 1312 Home Occupations**

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and

preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would substantially alter the premises' residential character.
2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit.
3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.
4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
7. There shall be no open display of goods, materials or services in connection with a home occupation and no customer/patron

off-street parking shall be permitted within the setback area.

8. The home occupation shall allow sale of pre-packaged products produced off-premises provided the volume of such products does not exceed more than sixty-four (64) cubic feet of display area.
9. No outdoor storage of goods, equipment or machinery used in conjunction with home occupation shall be allowed.
10. Retail or personal services such as or similar to auto, engine or machinery repair, equipment rental, or open storage of junk, scrap or salvage, shall not be considered as a home occupation.
11. Any such home occupation shall be subject to special approval by the Planning Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

### **Section 1313 Intensive Livestock Operations**

#### **1. Area and Location Requirements**

- a. The property shall have a minimum lot area of 40 contiguous acres under common ownership.
- b. The property shall have a minimum lot frontage of 660 feet.
- c. All non-residential buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, excavations, shall be located at least 100 feet from any property boundary.

- d. All buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, and excavations:
  - i. shall be located at least 1,320 feet (one-quarter mile) from the boundaries of any property zoned other than R-R Rural Residential pursuant to the Township Zoning Ordinance/Map, at the time application for the special exception permit is made.
  - ii. shall be located at least 2,640 feet (one-half mile) from the boundaries of any existing recorded residential plat in the Township.
- e. All buildings, structures, enclosed areas, and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures and excavations, shall be located at least 100 feet from the right-of-way of any public roadway; provided, that lands used only for pasture purposes shall not be subject to this requirement.

#### **2. Operational and Waste Management Requirements**

An Intensive Livestock Operation shall be operated and maintained at all times in accordance with the recommendations set forth in the generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock production facilities (GAAMPS) as adopted by the Michigan Agricultural Commission.

3. **Groundwater Quality/Flow Evaluation**

As a condition for issuance of a special exception use permit, the owner or operator of the proposed intensive livestock operation shall install one to four, 2-inch groundwater monitoring wells within 100 feet of each animal waste storage structure or area, with the exact number and location of such monitoring wells to be determined by the Planning Commission to facilitate the purposes of the water sampling requirements set forth in this subsection. Prior to approval, the owner or operator shall cause a sample of water from the upper groundwater aquifer to be extracted from each monitoring well and tested by a governmental agency or an independent private laboratory for background organic and inorganic chemical contamination and shall provide the results of such testing to the Township. In addition, as a condition of special exception use approval, an intensive livestock operation shall submit to further periodic groundwater sampling and testing from the monitoring wells by an appropriate governmental agency or independent private laboratory at the request of the Township at reasonable intervals.

In coordination with the pre-approval water sampling requirements set forth in the preceding paragraph of this Ordinance, and to enable the Planning Commission to properly evaluate the suitability of a specific site for intensive livestock purposes, in the course of reviewing an application for an intensive livestock operation the Planning Commission shall require a report from an engineer disclosing the flow of groundwater beneath the site in question based on existing available hydrogeological data compiled by governmental agencies, educational institutions, or other public entities. In

addition, the applicant shall submit to the Planning Commission any hydrogeological study and supporting data obtained by the applicant, or prepared on behalf of the applicant, for the site in question.

4. **Maximum Animal Unit Limitations**

No intensive livestock operation shall have more than 2,000 animal units without a review of the permit by the Planning Commission.

**Section 1314 Junk Yards**

1. No parcel shall be used for dumping or disposing of scrap, iron, junk, automobiles or parts of automobiles, garbage, rubbish, refuse, slag, or other industrial waste or byproducts unless appropriate licenses for a waste disposal facility have been obtained from the State of Michigan.
2. None of the materials mentioned in Section 1 hereof shall be dumped, deposited or buried on any parcel.
3. The provisions of Section 1 and Section 2 of this Article shall not apply with respect to scrap held for resale by a scrap dealer.
4. No parcel shall be used for the operation of a scrap yard unless such parcel shall have an area under one ownership of at least 20 acres.
5. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and no less than fifty (50) feet from the side property lines, and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it.

6. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
7. The hours of outdoor operation of any junkyard or recycling facility shall be limited to between 6:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. weekends.

**Section 1315 Kennels, Commercial**

1. All kennels shall be operated in conformance with all County and State regulations.
2. For dog kennels, the minimum lot size shall be five (5) acres for the first four (4) to ten (10) dogs and an additional one (1) acre for each ten (10) dogs.
3. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

**Section 1316 Keyhole Development (Funneling)**

It is hereby found that keyhole development funneling is inimical to the public health, safety, and welfare and constitutes an improper use of land and natural resources because it causes overcrowding of lakes, streams, and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties located near funnel developments.

It is the declared purpose of this Section to protect the health, safety, and general welfare of the citizens of Lyon Township by prohibiting funneling on bodies of water and

waterways in the Township. It is the intent of this Section to:

1. Prevent the overuse and misuse of water resources within the Township, particularly by boating traffic and similar impacts of inland waters.
2. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
3. Nothing in this Section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
4. The following are specifically prohibited:
  - a. Selling, leasing, assigning or otherwise conveying dock rights or riparian rights to third parties whose property does not front on the lake, river or stream, with the exception of a marina in a commercial district.
5. Funneling is prohibited in all areas of this Ordinance jurisdiction. If any proposed use involves funneling, said use shall not be permitted, with the exception of a marina in a commercial district.

**Section 1317 Livestock and Domestic Animals**

Regulation for the keeping of livestock and domestic animals is addressed in Lyon Township Ordinance 35.

**Section 1318 Manufactured Home Parks**

Manufactured Home Parks as permitted in the R-4 Manufactured Home Park District shall comply with the following conditions:

1. Manufactured Home Parks shall comply with all the regulations and requirements of the Mobile Home Commission Act, Public Act 96 of 1987 and the National Mobile Home Construction and Safety Standards Act of 1974.

2. The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.
3. An obscuring wall or fence not less than four (4) nor more than six (6) feet in height, or a greenbelt buffer of not less than ten (10) feet in width shall be provided on all sides of the manufactured housing park development, with the exception of that portion providing ingress and egress to the development.
4. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
5. No manufactured home site or any building in a manufactured home park shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare nor closer than twenty (20) feet to any other manufactured home park property line

### **Section 1319 Open-Air Businesses**

1. Minimum lot area shall be 10,000 square feet.
2. Minimum lot width shall be 100 feet.
3. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
4. In all cases of car sales lots:
  - a. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.

- b. Lighted parking areas shall not create a nuisance for nearby properties.
5. In the case of a plant materials nursery:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
6. All loading activities and parking areas shall be provided on the same premises (off-street).
  - a. The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

### **Section 1320 Open Space Preservation**

Land zoned for residential development may be developed as specified by Section 506 of Public Act 110 of 2006. This Act allows developers, at their choice, an option to cluster new homes on smaller lots and then to surround the home sites with permanently preserved open space.

### **Section 1321 Swimming Pools – Public/Private**

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings and structures. Swimming pools, spas and hot tubs located out of doors, whether constructed in, on, or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the Building Code adopted by Lyon Township applicable to swimming pools. Fences or other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy.

### **Section 1322 Roadside Stands**

1. The gross floor area of the temporary building shall be not less than thirty-two (32) square feet but not more than two hundred and fifty (250) square feet.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. The temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
4. Adequate off-street parking shall be provided.

### **Section 1323 Stables, Commercial**

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size, shall be ten (10) acres.
2. Structures used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred fifty (150) feet to a building on any adjoining property.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

### **Section 1324 Telecommunication Towers**

1. Telecommunications Towers shall be located on lots no less than one (1) acre in size and shall have a minimum lot frontage of no less than sixty (60) feet.
2. The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than one time the height of each tower above the ground.
3. Unless specifically waived by the Planning Commission, an open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.
4. Every application for a new telecommunication tower shall be required to submit a written documentation stating why an existing tower located within the Township cannot be used for sharing new facilities.
5. An application for a telecommunication tower is considered a special use and a special use permit must be obtained from the Planning Commission prior to construction of the tower.

# Article XIV

## General Provisions

### Section 1400 Introduction

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

### Section 1401 Effect of Zoning

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

### Section 1402 Accessory Buildings

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
2. Buildings accessory to residential buildings shall not exceed 20 feet in height unless the accessory building is designated as a detached garage, in which case the height shall not exceed 25 feet.

3. No detached building accessory to a residential building shall be located closer than ten feet to any main building, nor shall be located closer than five feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, dedicated easement or a public right-of-way, the accessory building shall not be closer than five feet to such rear lot line.
4. No detached accessory building in the R-1, R-3, or R-4 districts shall exceed one story or 20 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
5. Automobiles, buses, mobile homes, semi-tractor trailers, tents, truck bodies, or similar portable units shall not be used as accessory buildings.
6. An accessory building such as, but not limited to, a garage shall not be constructed on a parcel unless there is an existing dwelling on the parcel or a permit for a dwelling has been issued for the parcel.

### Section 1403 Buildings to be Moved

No building shall be moved into or within the Township until Zoning Compliance and Building Permits have been issued by the Township Zoning Administrator.

### Section 1404 Corner Clearance

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 24 inches from the established street

grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

### **Section 1405 Exterior Lighting**

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

### **Section 1406 Fences, Walls, and Hedges**

Fences are permitted, or required subject to the following:

2. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard set back whichever is greater.
3. No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards, but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except it will not interfere with traffic visibility across a corner.
4. Fences in residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion, except for farm/agricultural purposes.

5. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle or motor vehicle component parts, tree stumps, rotting lumber or any materials capable of providing habitat or harborage for pests and vermin. It shall also be unlawful to erect a fence constructed or consisting of rubbish or trash.
6. Fences in commercial and industrial districts shall not exceed eight (8) feet in height measured from the surface of the ground. Provided, however, that upon application and good cause shown the Planning Commission may authorize suitable fencing of any height the Commission determines to be reasonable under the facts and circumstances presented by the applicant.
7. Fences in which public or institutional parks, playgrounds, or public landscape areas situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.
8. It shall be the obligation and sole responsibility of persons erecting fences in this Township to determine the location of property lines. The Zoning Administrator may require proof that property lines have been established prior to issuance of a fence permit. The Township shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.
9. Sight Zones: Within the limits of sight zones, fences, and hedges shall not exceed two (2) feet in height above grade, except that such restrictions shall



not apply to clear vision fences. Such sight zones shall be determined as follows:

- a. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
  - b. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.
9. Fence material, if painted or stained, shall have a uniform color on both sides and the finished side of the fence shall face out.
  10. No fences of any kind shall be erected or maintained within 50 feet of the shoreline of Higgins Lake, measured when the lake level is at 1154.11 feet above sea level.
  11. No fence, the construction of which restricts the free flow of air, shall be erected within five feet of any lot line in any residential district.
  12. No fence shall be erected or constructed in such a manner as to obstruct views of traffic on public streets or roads.
  13. The regulations set forth in this Section shall not apply to fences erected on lands in agricultural districts, the primary use of which land is the operation of a farm as herein defined.

### **Section 1407 General Exceptions to Area, Height and Use**

#### **1. Essential Services**

Essential Services, as defined in **Article II**, shall be permitted as authorized and

regulated by law and other ordinances of the Township. It is the intention of this article to exempt such essential services from the application of this Ordinance.

#### **2. Voting Place**

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

#### **3. Height Limit**

The height limitations of this chapter shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special exception use.

#### **4. Lots Adjoining Alleys**

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.

#### **5. Access Through Yards**

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards.

### **Section 1408 Gravel, Soil, Sand, Clay, Stone, or Similar Materials: Removal, Filling**

1. It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone, or similar material or to use lands for filling, or expand an existing operation in the R-R and M-1 Districts without first submitting an application and securing approval and a permit from the Planning Commission.

2. No permits will be required for the following:

- a. Excavations for building construction purposes, pursuant to a duly issued building permit.
- b. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.

3. Application: A separate permit shall be required for each separate site. No such excavations shall be permitted in the R-1, R-3, R-4, and C-1 Districts. Each application for a permit shall be made in writing to the Zoning Administrator, and shall contain the following information as a condition precedent to the obligation to consider such request.

- a. Names and addresses of parties involved.
- b. Legal description of the premises.
- c. Description of method of operation, machinery or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
- d. Statement as to the type of material to be excavated or deposited.
- e. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
- f. Any state or county permit, if applicable.
- g. Such other information as may be reasonably required by the Planning Commission to base an opinion as

to whether a permit should be issued or not.

4. The applicant shall present accurate plans, topography data, and/or other materials to clearly indicate the condition of the land prior to any excavation or fill, and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be made reusable or otherwise returned to a usable condition.

5. If it is determined that there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the protection of health, safety and general welfare.

6. Such excavation activities shall not occur in the floodplain of any lake, river, stream or body of water, and shall require a soil erosion and sediment control permit.

7. Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, said Commission shall determine whether or not a permit shall be issued.

### **Section 1409 Hazardous Substances**

All businesses or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

### **Section 1410 Landscaping**

1. **Purpose.**

The purpose of this section is to promote the public health, safety and welfare by establishing minimum standards for the amount, design, installation and maintenance of landscaping.

Landscaping is considered by the Township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. In addition to the enhancement of property values, landscaping serves a public purpose by:

- a. Acting as a buffer between adjacent land uses.
- b. Creating privacy between neighboring lots.
- c. Reducing noise pollution, air pollution, and glare.
- d. Reducing flooding by increased floodwater retention.

The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

2. **Applicability**

The standards contained in this section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

- a. These regulations shall not apply to single-family and multi-family dwellings.

- b. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this section insofar as practical. The Planning Commission shall have the authority to increase, decrease or otherwise modify the landscaping requirements of this section.

3. **General Landscaping Requirements**

Landscaping plans shall be submitted as part of the site plan review process.

**Section 1411 Lot Proportion**

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

**Section 1412 Non-Conforming Uses**

1. **Intent**

The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this section to be incompatible with permitted uses in the districts involved.

## 2. **Nonconforming Lots of Record**

In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. However, the proposed structure and accessory building must still meet the lot coverage set back and requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two or more vacant lots or combinations of vacant lots and portions of vacant lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Lots of record that existed before the effective date of this ordinance (2-28-2006) shall have minimum setbacks as follows: Front 25 feet, side 5 feet, rear 5 feet.

On lots or premises contiguous to the lakeshore, no building or structure shall be placed or erected within 50 feet of the waters edge. Additionally, no building shall be placed or erected closer to the water's edge than the "lakefront building line". The lakefront building line will be the average distance from the lakeshore to the front wall, or portions thereof, of the nearest two

dwellings on the same lakeshore (one on one side and one on the other side) of the proposed building.

Minimum lot size is 20,000 square feet per dwelling unit on all lots platted, subdivided, or the legal description of which otherwise came into existence after the effective date of this Ordinance. Also, no lot in the R-1 district may be narrower than 100 feet at its narrowest point except for lots abutting Higgins Lake, which shall be no narrower than 50 feet at the narrowest point. Minimum lot size is 7,500 square feet per dwelling unit on all lots platted, subdivided, or the legal description of which otherwise came into existence before August 1, 1974. The splitting of a lot in a subdivision platted before August 1, 1974, accomplished for the purpose of increasing the size of an adjacent lot does not constitute the creation of a new legal description, but no sub-standard lot shall be created by the splitting of any lot for this purpose. The 100-foot minimum width requirement shall not apply to lots platted, subdivided, or the legal description of which otherwise came into existence before August 1, 1974.

To prevent overcrowding of buildings, structures, and to provide for groundwater absorption on a building lot, the yard area, free of all buildings, structures, and paved areas shall constitute at least fifty percent (50%) of the total land area of the building lot. Height limit is 30 feet, except detached garages which can be 25 feet.

## 3. **Nonconforming Uses of Land**

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

**4. Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means, it may be reconstructed on the original footprint within 12 months of date of incident.

- c. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent less than 50 percent of its replacement cost at time of destruction, it may be restored, provided that the restoration does not increase the original nonconformity and that restoration begins within 6 months from the date of damage.
- d. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**5. Nonconforming Uses of Structures or of Structures and Premises in Combination**

If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise in compliance with the zoning ordinance, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises,

may as a special exception be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- f. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**6. Completion of the Construction of Nonconforming Uses**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the Ordinance from which this section is derived and upon which actual building construction has been carried on

diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**7. Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **8. Special Exception Uses are Conforming**

Any use which is permitted as a special exception in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

## **9. Change of Ownership**

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

## **Section 1413 Parking**

### **1. Purpose and Scope**

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

### **2. General Parking Requirements**

The following general provisions apply to parking:

- a. At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Ordinance.
- b. No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- c. Parking areas must be in the same zoning classification as the property it serves.

### **3. Off-Street Parking Requirements**

Off-street parking required in conjunction with all land and building uses shall be provided as prescribed in this section:

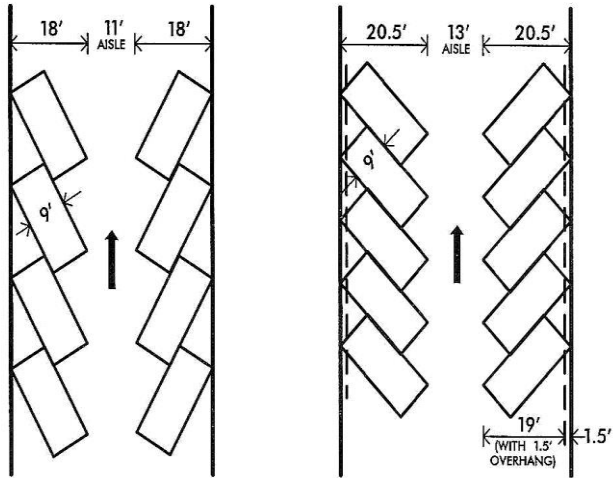
- a. For uses not specifically mentioned in this section, off-street parking requirements shall be determined from the requirements for similar

uses, as determined by the Planning Commission.

- b. Any area once designated as required off-street parking shall never be changed to any other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of the Ordinance from which this chapter was derived in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this section for such building or use.
- c. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Board of Appeals may grant a special exception based on the peak hour demand.
- d. Required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- e. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-



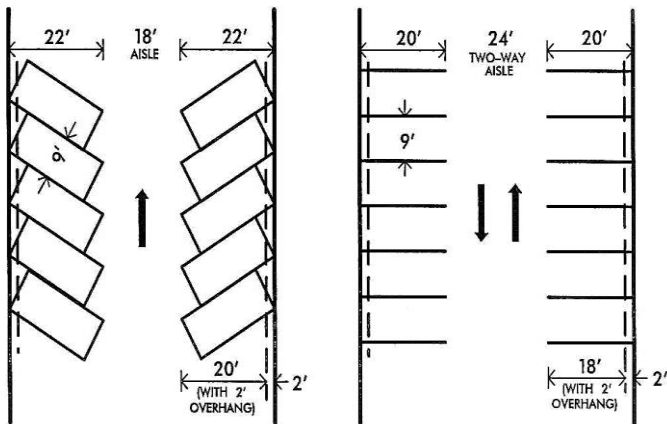
**Figure 11**  
**PARKING LAYOUTS**



**30 DEGREE**

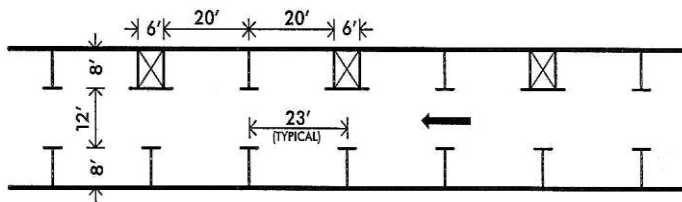
(NO OVERHANG NEEDED)

**45 DEGREE**



**60 DEGREE**

**90 DEGREE**



**PARALLEL (ONE-WAY)**

half shall be disregarded, and fractions over one-half shall require one parking space.

- f. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule (**Table B**).

**4. Configuration Standards for Off-Street Parking**

All off-street parking lots as required in this section shall be laid out, constructed and maintained in accordance with **Figure 11** and the following standards and regulations:

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Application for a permit shall be submitted in such form as may be determined by the Zoning Administrator, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum dimensional requirements as shown in **Figure 11**.

**Table B**

**Minimum Off-Street Parking Requirements**

| Use  | Parking Space                                       | Per Unit of Measure  |
|--|---|--|
| 1. <u>Residential:</u><br>a. One-family<br>b. Multiple-family<br>c. Residential housing for the elderly  | 2<br>2<br>1   | For each dwelling unit.<br>For each dwelling unit.<br>For each two units of resident housing, plus one space for each employee.  |
| 2. <u>Institutional:</u><br>a. Churches or temples<br>b. Hospitals<br>c. Homes for the aged and convalescent homes<br>d. Elementary and junior high schools<br>Senior high schools<br>e. Private clubs, lodges<br>f. Private golf, tennis and sporting clubs<br>g. Golf courses open to the general public (except miniature or par-3 golf courses)<br>h. Fraternity or sorority<br>i. Stadiums, sports arenas, or similar place of outdoor assembly<br>j. Theaters, auditoriums | 1<br>1<br>1<br>1<br>1<br>1<br>1<br>6<br>1<br>1<br>1 | For each four seats or six feet of pews in the main unit of worship.<br>For each one bed.<br>For each two beds.<br>For each employee, teacher or administrator; in addition to the requirements of the gymnasium.<br>For each teacher, employee, administrator, plus one for each ten students in addition to the requirements of the gymnasium.<br>For each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.<br>For each two member families or individual members.<br>For each one golf hole, plus one for each one employee.<br>For each five members or one for each two beds, whichever is greater.<br>For each three seats or six feet of benches.<br>For each three seats, plus one for each two employees. |

**Table B**

**Minimum Off-Street Parking Requirements (Continued)**

| Use  | Parking Space | Per Unit of Measure   |
|--|---------------|---|
| 3. <u>Business and Commercial:</u>   |               |   |
| a. Planned commercial shopping center located in a C-1 district  | 1             | For each 100 square feet of usable floor area.  |
| b. Auto wash   | 1             | For each one employee, in addition reservoir parking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20. |
| c. Beauty parlor or barber shop  | 2             | For each of the beauty or barber chairs.  |
| d. Bowling alleys  | 5             | For each one bowling lane.  |
| e. Dancehalls, pool, billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without seats   | 1             | For each three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes.   |
| f. Restaurants   | 1             | For each 100 square feet of usable floor space.   |
| g. Furniture and appliance retail stores, household equipment, repair shops, showroom of a plumber, decorator, electrician, clothing and shoe repair, cleaners and laundry, and other similar trades | 1             | For each 800 square feet of usable floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.  |
| h. Automobile service stations   | 2             | For each lubrication stall, rack or pit; plus one for each gasoline pump.   |
| i. Laundromat, and coin-operated dry cleaners  | 1             | For each two machines.  |

**Table B**

**Minimum Off-Street Parking Requirements (Continued)**

| Use |   | Parking Space | Per Unit of Measure  |
|-----|---|---------------|--|
| j.  | Miniature and par-3 golf courses                                  | 3             | For each one hole, plus one for each one employee.   |
| k.  | Mortuary establishment  | 1             | For each 50 square feet of usable assembly room floor space, parlors and slumber rooms.  |
| l.  | Hotel or motel  | 1             | For each one occupancy unit, plus one for each employee.   |
| m.  | Automobile sales and service                                      | 1             | For each 200 square feet of usable floor space of sales room, plus one for each one auto service stall in the service room.  |
| n.  | Retail stores   | 1             | For each 150 square feet of usable floor space.  |
| o.  | Banks   | 1             | For each 100 square feet of usable floor space.  |
| p.  | Business offices  | 1             | For each 200 square feet of usable floor space.  |
| q.  | Professional offices of doctors, dentists, or similar professions | 1             | For each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.   |
| 4.  | <u>Industrial:</u>  |               |  |
| a.  | Industrial establishments   | 5             | Plus one for every 1 ½ employees in the largest working shift, or one for every 550 square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction. |
| b.  | Wholesale establishments  | 5             | Plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.  |

- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned other than single-family residential use shall not be across land zoned for single-family residential use.
- e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- f. Each entrance and exit to and from any off-street parking lot, located in an area zoned for other than single-family residential use, shall be at least 25 feet distant from any adjacent property located in any Single-Family Residential District.
- g. Where the next zoning district is designated as a residential district, a continuous chain link fence or greenbelt strip shall be provided on all sides contiguous to the residential district. The greenbelt strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
- h. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as

to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the building inspector.

- i. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- j. The Planning Commission, upon application of the property owner to the Zoning Administrator, may modify the fence or greenbelt requirements pursuant to this chapter where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirements.
- k. Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in **Section 1410** of this Ordinance.

5. **Loading and Unloading Standards for Off-Street Parking**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided in accordance with **Table C** and as follows:

- a. All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the IND District shall be provided in the following ratio of spaces to floor area:

**Table C  
Loading and Unloading Standards**

| Gross Floor Area<br>(in square feet) | Minimum Loading and Unloading Space<br>Required  |
|--------------------------------------|--|
| 0--1,400                             | None   |
| 1,401--20,000                        | One space  |
| 20,001--100,000                      | One space, plus one space for each 20,000<br>square feet in excess of 20,001 square feet |
| 100,001 and over                     | Five spaces  |

**Section 1414 Performance Standards**

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

**1. Smoke**

It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

- a. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
- b. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.

Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter,

shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann chart.

**2. Dust, Dirt and Fly Ash**

No person shall operate or cause to be operated, maintained 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, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

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 50% at full load. The foregoing requirement shall be measured by the ASME Test Code for 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 inspector 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. Open Storage**

In other than residential districts, the open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and materials stored. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height. Trade fixtures as defined in Section 1004 of this ordinance are exempt from this section.

**4. Glare and Radioactive Materials**

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

**5. Fire and Explosive Hazards**

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.

**6. Noise**

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

7. **Odors**

Creation of offensive odors shall be prohibited.

8. **Trade Fixtures**

See Section 1004.

**Section 1415 Private Roads**

1. **Purpose**

The purpose of this section is to regulate the construction, maintenance, and use of private roads in the Township, and to promote and protect the public health, safety and welfare.

2. **Applicability**

The provisions of this section shall apply to the creation, construction, extension and/or the alteration of all private roads in the Township.

3. **Fees**

- a. The Township Board shall establish by resolution a schedule of fees to be charged to proprietors with respect to the administration, review and inspection of private roads.
- b. Proprietors making application for the creation, construction, extension and/or the alteration of private roads, or providing a suitable condominium plan or subdivision plan establishing roads sufficient to serve the proposed development, shall be required to post either a performance or cash bond, or irrevocable letter of credit, in an amount deemed appropriate by the Township to be sufficient for completion of the road, said bond

or irrevocable letter of credit to be discharged upon final approval of the private road and payment of all fees.

4. **Minimum Design Standards for Private Roads**

The design and construction of all private roads serving two or more parcels shall, at a minimum:

- a. Provide for a travel road surface at least 20 feet in width to permit passage of two vehicles.
- b. Provide gravel or other road surface reasonably sufficient to permanent year-around travel.
- c. Provide shoulders or ditches reasonably sufficient to allow for drainage and snow removal.
- d. Have an easement at least 33 feet in width, each side of the centerline of the private road.
- e. If the private road provides direct access to a County road, approval of the road connection placement and design must be approved by the Roscommon County Road Commission prior to Township approval. If the private road provides direct access to a state highway then Michigan Department of Transportation (MDOT) approval must be obtained.
- f. Private roads with only one connection to a County road or state highway or another approved private road meeting the requirements of this section shall not be longer than 2,640 feet.
- g. All private roads shall be designated by name, subject to approval of the Township and the Roscommon County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The



design of the signs shall be the same as those used by the Roscommon County Road Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.

- h. All private cul-de-sacs shall have a maximum length of 1,000 feet, minimum street width of 20 feet, minimum right-of-way width of 66 feet, minimum turn around radius of 60 feet.

5. **Non-Conforming Private Roads Standards**

Notwithstanding any other provisions of this section, private roads, or easements which are contained in land divisions approved by the Township prior to the enactment of this Ordinance, shall continue to meet the specification approved at the time of application. Upon expansion, reconstruction, or alteration of an existing private road, new construction shall comply with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards for the criteria applicable to the private road. This provision shall be certified on the private road construction documents.

6. **Location**

- a. A plan of construction, maintenance, and continuing maintenance, including maintenance of road surface, ditches, drainage, repair of potholes, reconstruction, re-paving, snow removal and liability insurance shall be presented by the proprietor. This plan shall guarantee the maintenance in perpetuity of said road, without cost to the Township.

- b. A mandatory Homeowners Association defined as: "a private non-profit corporation, association or other non-profit legal entity established by the developer to manage and support the activities of a housing development, including road maintenance" shall also be established.
- c. All maintenance plans shall either be set forth in deed restrictions for each parcel of the development or placed in a master deed for the condominium development and shall run with the land in perpetuity. The deed restrictions or master deed shall, at a minimum, guarantee that the Township has no liability for drainage, ditches, and maintenance of the road, nor any liability arising out of the existence and/or condition of the road or the use of the road.
- d. The association shall be responsible for ownership, maintenance, liabilities and payment of taxes on all private roadways and all common areas, including open spaces, in perpetuity.
- e. A Special Assessment District may also be formed by the developer and Township to ensure that the Association's obligations are met without liability or expense on the part of the Township.
- f. A document describing the private road and the provisions for maintenance shall be recorded with the register of deeds and provided to all purchasers within the development. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to being recorded

with the Township Clerk and the Roscommon County Register of Deeds providing for:

- i. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
- ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
- iii. A notice that no public funds of Lyon Township are to be used to build, repair, or maintain the private road.
- iv. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)
- v. All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the right-of-way or easement line), etc.

#### **7. Review and Inspection**

- a. The Zoning Administrator shall submit one (1) copy of the application and road plans to the Roscommon County Road Commission for approval of any approaches to public roads or the MDOT for any approaches to state highways. Two (2) copies shall be submitted to the Roscommon County Road Commission Engineer review. There shall be an inspection of the sub-base and final inspection and other

inspections as required by the Roscommon County Road Commission Engineer. All inspections and review costs shall be the responsibility of the applicant.

- b. Review of the plan shall include documentation to the Township that public services will serve the dwellings that use the road such as postal service, garbage service, school buses, fire, and ambulance with the standards established in this Ordinance.

#### **8. Permits**

- a. Issuance of Occupancy Permits. No final occupancy permit shall be issued for any parcel until the private road has been constructed and approved in accordance with the standards established in this section.
- b. Issuance of Private Road Certificate of Compliance. A Private Road Certificate of Compliance shall be issued by the Zoning Administrator upon receiving certification from the engineer in charge of the project that construction has been completed in conformance with the standards set forth herein.
- c. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Control Act prior to the commencement of private road construction.
- d. Permits shall be obtained from the County Road Commission or MDOT before entrances are constructed onto any county or state rights-of-way.
- e. A permit shall be obtained from the County Drain Commissioner, if necessary.

**Section 1416 Required Area or Space**

Neither lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered or reduced to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

**Section 1417 Signs**

Please refer to the Lyon Township Code of Ordinances – Sign Ordinance No. 37.

**Section 1418 Site Condominium**

Site Condominium Projects, as defined by **Article II** of this Ordinance, may be permitted in any Zoning District for the uses permitted in that particular district.

**Section 1419 Substandard Dwelling Occupancy During the Construction of a Dwelling**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- 1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.

- 2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
- 3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
- 4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- 5. No annexes or additions shall be added to temporary substandard dwellings.

**SECTION 1420 -Temporary Structures and Uses:**

- A. *Permits.* Permits for the utilization of temporary uses or structures shall be issued by the Township Zoning Administrator. The permit shall specify a date for the removal of the temporary structure, and the building official may require posting of a bond to insure removal.

B. **Temporary use of recreational vehicles, tents or campers as dwellings.** One tent, one camper, one motor home, one travel trailer or one similar recreational vehicle with sleeping accommodation shall be permitted on a lot where a legal dwelling exists for a period not to exceed three (3) days for the purpose of accommodating guests or owner's family members. For any such purpose which will exceed three (3) days, except under the provisions of Section 1419 of this ordinance, a permit must be obtained from the Township Zoning Administrator. The Township Zoning Administrator may, at his discretion, extend the permit for seven (7) days and the fees for such extension shall be determined by the Lyon Township Board. Under no circumstance shall a permit be extended beyond seventeen (17) days. The property owner must at all times render and maintain sanitary facilities as prescribed the State of Michigan and Roscommon County Health Departments. Where the State of Michigan requires a vehicle described in this section to be licensed, a current license shall be exhibited in a manner required by law. At the end of the occupying period, the tent, camper, motor home, travel trailer or similar recreation vehicle must be removed from the property. This subsection does not apply for R-R Residential Districts.

C. **Temporary structures used for nonresidential purposes.** Temporary structures for nonresidential use shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the building official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.

D. **Mobile Food Vendors.** Notwithstanding any other requirement of this section, mobile vending facilities operating pursuant to the Lyon Township Mobile Food Vendors

Ordinance or operating pursuant to Section 5 of the Lyon Township Mobile Food Vendors Ordinance may operate as a temporary use or structure upon receiving a permit under Ordinance Number 55. Mobile vending facilities shall only operate on "Event Eligible Property," except with respect to mobile vending facilities operating at a private function pursuant to Ordinance Number 55. Event Eligible Property includes any lot with a permitted principal use or building located in districts zoned C-1 or M-1 , or any Township owned property.

### **Section 1421 Private Extended Length Driveways**

The design and construction of all private extended length driveways (driveways over fifty feet in length) shall at a minimum:

- a. Provide a travel surface at least twelve feet in width to permit passage of emergency vehicles.
- b. Limit overhanging wires, vegetation, or timber foliage, to no less than fifteen feet above the surface of the drive.
- c. Provide a gravel or other drive surface reasonable sufficient to permit year-round travel.

## **Section 1422 Single Service Wind Energy Conversion Devices (SSWECD'S)**

### **A. Purpose**

The purpose of section 1422 is to establish guidelines for the implementation of Single Service Wind Energy Conversion Devices (SSWECD'S).

### **B. Definitions**

1. **Ambient sound level** is the amount of background noise at a given location prior to the installation of a SSWECD which may include but not be limited to, traffic, machinery, lawnmowers, human activity and the interaction of wind with the landscape. The ambient sound levels are measured on the d B (A) weighted scale as defined by the American National Standards Institute.

2. **Anemometer** is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resources at a given location.

3. **Decibel** is a unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the d B (A) weighted scale as defined by the

American National Standards Institute.

4. **Nacelle** refers to the encasement which houses all of the generating components, gear box, drive, tram and other equipment.

5. **Net Metering** is a special metering and billing agreement between utility companies and their customers which facilitates the

connection of renewable energy generating systems to the power grid.

6. **Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating of a SSWECD.

7. **Shadow flicker** is the moving shadow created by the sun shining through the rotating blades of SSWECD.

8. **Single Service Wind Energy Conversion Device (SSWECD)** is tower mounted or mounted to a structure's roof, walls or other elevated surface for the purpose of converting wind energy to electrical energy primarily to supply electrical needs of the residence or business where the SWECD is located. The SSWECD shall include a base, blade, generator, nacelle, rotor, transformer, vane, wire inverter, batteries or other components.

9. **Total Height** is the vertical distance measured from the ground level at the base of the tower to the upper most vertical extension of any blade, or the maximum height reached by any part of the SSWECD.

10. **Tower** is a free standing monopole that supports an SSWECD.

### C. Applicability

1. Section 1422 applies to all SSWECD'S to be constructed after the effective date of this section.

2. All SSWECD'S constructed prior to the effective date of section 1422 shall not be required to meet the requirements of this section; however, any physical modification to an existing SWECD that materially alters the size, type, equipment or location shall require a building permit under this section.

D. **Temporary Uses** The following is permitted as a temporary use, in compliance with the provisions contained herein.

### 1. Anemometers

a. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state and federal safety construction environmental, electrical, communications and FAA requirements.

b. An anemometer shall be subject to the minimum requirements for heights, set back, location, safety requirements and decommissioning, that correspond to the size of the SSWECD that is proposed to be constructed on the site.

c. An anemometer shall be permitted for no more than thirteen (13) months.

### E. Permitted Uses

A single Service Wind Energy Conversion Device (SSWECD) shall be considered a permitted use in the following zoning districts: R-1 (except in the Lake Front Overlay) C-1, M-1, CN, RR and shall not be erected, constructed, installed or modified as provided in this section unless a zoning/building and electrical permit has been issued to the owner(s)

### F. Siting and Design Requirements

1. Upwind turbines shall be required
2. Visual Appearance

a. A SSWECD, including accessory structures, shall be a non-reflective, non-obtrusive color (e.g. white, gray and black). The appearance of the turbine tower and any ancillary facility shall be maintained throughout the life of the SSWECD.

b. A SSWECD shall not be artificially lighted except to the extent required by the FAA or other applicable authority or otherwise necessary for the reasonable safety and security thereof.

c. A SSWECD shall not be used for displaying any advertising (including flags, streamers or decorative items) except for the identification of the turbine manufacturer

3. Ground Clearance: The lowest extension of any blade shall be at least twenty (20) feet above the ground or base of the supporting tower. The blade tip measured from its furthest extension from the tower shall be (at least fifty (50) feet from a building.)

4. Noise: Noise emanating from the operation of a SSWECD shall not exceed at any time 45 d B (A) or the ambient noise level plus 5 d B (A), whichever is higher.

5. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSWECD is located.

6. Guy Wires: Guy wires shall not be permitted as part of the SSWECD, unless enclosed by a six (6) foot high fence. The base of any guy wire must have a minimum set back from property lines as described in Article xii, Table A, Schedule of Regulations in this zoning ordinance.

7. SSWECD's that are mounted on a building or other existing structure are subject to the following additional requirements:

a. Height: The height of the SSWECD shall not exceed fifteen (15) feet from the highest point of the roof excluding chimneys, antennae and other similar protuberances.

b. Setback: The setback of the SSWECD shall be a minimum of fifteen (15) feet from the property lines, public right-of-way, public easement or overhead utility lines. The set back shall be measured from the furthest outward extension of the SSWECD.

c. Location: The SSWECD shall not be affixed to the wall on the side of a structure facing a road.

d. Quantity: No more than three (3) building or existing structure mounted SSWECD's shall be installed on any parcel of property.

e. Separation: If more than one building or existing structure mounted SSWECD is installed, a distance equal to the height of the highest SSWECD must be maintained between the bases of each SSWECD.

8. SSWECD'S that are tower mounted are subject to the following additional requirements.

a. Height: The total height of the SSWECD shall not exceed one hundred twenty (120) feet.

b. Location: The SSWECD shall only be located in a rear yard of a property that has an occupied building.

c. Occupied Building Setback: The set back from all occupied buildings on the owner's property shall be a minimum of twenty (20) feet measured from the base of the tower.

d. Other setbacks: The setback from all property line public right-of-way, public easement or overhead utility lines shall be a minimum of one (1) times the total height of the SSWECD.

e. Quantity: No more than one (1) SSWECD shall be installed on any parcel of property.

f. Electrical System: All electrical controls, control wiring, grounding wires, power lines and system components shall be placed underground.

9. Shadow Flicker: No shadow flicker shall fall on inhabited residential, commercial or public buildings located outside the property where the SSWECD is located.

## G. Safety Requirements

1. If the SSWECD is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state and industry standards applicable to wind power generation facilities and connection shall be inspected by the appropriate public utility.
2. The SSWECD shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. A clearly visible warning sign regarding voltage shall be placed at the base of the SSWECD. Minimum lettering size shall be six (6) inches in height.
4. The structural integrity of the SSWECD shall conform to the design standards of the International Electrical Commission, specifically IEC 6100-1, "Wind Turbines Safety and Design" and/or IEC 61400-2, "Small Wind Turbines Safety," IEC 61400-22 "Wind Turbine Certification" and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

## H. Signal Interference

1. The SSWECD shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communications systems.

## I. Abandonment

1. Any SSWECD used for twelve (12) consecutive months shall be deemed to be abandoned. The owner shall remove the SWECD and all ancillary equipment and wiring and return the property to its prior condition within ninety days of notification

by the Lyon Township Board. Failure to remove the SSWECD will result in Lyon Township affecting removal at the owner's expense.

## SECTION 1423 OUTDOOR FURNACES

### 1. PURPOSE

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This section of the Lyon Township Zoning Ordinance is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the township.

### 2. DEFINITIONS

- a. Outdoor Furnaces: Any equipment, device, or apparatus or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat and or hot water for any interior space.
- b. Untreated lumber: dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical preservative, glue adhesive, stain, paint or other substance.
- c. Firewood: trunks and branches of trees and bushes, but does not include leaves, needles, and vines or brush smaller than three inches in diameter.



- d. Chimney: any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor furnace.

### 3. REGULATION

- a. Location outdoor furnaces shall be allowed as a special exception in the following Zoning Districts (with the exception of properties within the Lake Front Overlay) CN, R-R, R1, R-2, C1, M1 and prohibited in all other districts and the Lake Front Overlay. In Addition no outdoor furnace or chimney shall be located less than within 200 feet from the nearest occupied dwelling which is not on the same property as the outdoor furnace.
- b. Setbacks: Outdoor furnaces shall be located at least 50 feet from the side and rear lot lines of the property on which it is located and shall be located at least 150 feet from the front lot line
- c. Chimney: the outdoor furnace shall have a chimney that complies with the manufacturer's specifications.
- d. Construction and operation: Outdoor furnaces shall be equipped with a properly functioning spark arrestor. It shall comply with all building codes of township, and shall meet the manufacturer's specifications for erection and operation. The furnace shall be installed upon a nominal six inch permanent, reinforced cement pad in such dimension so as to allow a minimum of six inches of exposed surface area along the perimeter of the pad.
- e. Fuel: no fuel other than natural wood without additives, wood pellets without additives, corn and

agricultural seeds in their natural state may be burned. For clarification purposes prohibited fuels include but are not limited to, rubbish or garbage including but not limited to, food wastes, food wraps, packaging animal carcasses, paint or painted material, furniture, composite shingles, construction or demolition debris or other household or business wastes; asphalt and products containing asphalt, plywood or composite wood, any plastic material including but not limited to nylon, PVC, polystyrene, polyethylene, polycarbonate, urethane foam, synthetic fabrics, plastic films, plastic containers, rubber including tires and synthetic rubber-like products, and newspapers, corrugated cardboard, container board, office paper and other similar materials.

- f. Complaints, upon receiving a written complaint from a property owner or renter occupying a dwelling within 500 feet of the outdoor furnace, the Lyon Township Board may at its discretion direct the complaint and report of their findings to the Planning Commission at a public hearing. The Planning Commission shall decide by majority vote if the operation of the outdoor furnace shall be suspended. Conditions that could result in suspension of operation include but are not limited to: smoke or other emissions, including odors detectable outside the property where the outdoor furnace is located and which interfere with the reasonable enjoyment of life or damage vegetation or property or are potentially harmful to human or animal health. Operation of the outdoor furnace may be reinstated by order of the Planning Commission or Township Board once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not reoccur.

#### **4. PERMIT REQUIRED**

No person shall cause allow or maintain the use of an outdoor furnace within Lyon Township without first obtaining a building permit from the Lyon Township Building Inspector.

#### **5. EXISTING OUTDOOR FURNACES**

Any outdoor furnace in existence on the effective date of this section (section 1423) of Lyon Township Zoning Ordinance shall be permitted to remain. The following provisions of section 1423 shall apply to existing outdoor furnaces: subsection 3 (Regulation) paragraphs (e) fuel and (f) complains.

#### **6. LIABILITY**

A person using or maintaining an outdoor furnace shall be responsible for all fire suppression, costs and other liability resulting from damage caused by the section 1423 of the Lyon Township Zoning Ordinance shall not be a defense to any civil claims. Nothing in section 1423 shall authorize any installation or use that is a public or private nuisance regardless of compliance herewith

**XV**  
**Board of Appeals**

**Section 1500 Authority**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan Public Act 110 of 2006, as amended. The Board of Appeals shall be appointed by the Township Board of Trustees and perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured and justice served.

**Section 1501 Board Membership**

The Lyon Township Board of Appeals shall consist of three (3) members in accordance with the following recommendations:

1. The first member shall be a member of the Planning Commission.
2. One (1) member may be a member of the Township Board.
3. The remaining members of the Board of Appeals shall be selected from the electors of the Township.
4. An employee or contractor of the Township may not serve as a member or employee of the Board of Appeals.
5. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

**Section 1502 Terms of Office**

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board of Trustees, whose terms shall be limited to the time they are members of the Planning Commission or and the

period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals may be removed by the Township Board of Trustees for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself/herself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

**Section 1503 Rules and Regulations**

The Board may adopt rules and regulations, copies of which shall be made available to the public at the office of the board.

1. Meetings of the Board shall be held within a reasonable time following the presentation of matters to the Board for its consideration and at such other times as the Board may determine. The time and place of meetings shall be specified by the Board in its rules and regulations.
2. The presence of two (2) members, out of the three (3) total, shall constitute a quorum. At all times, a minimum of two (2) concurring votes, the simple majority of the three (3) members, shall be necessary to grant a variance, or to reverse an administrative decision.
3. The Board shall keep minutes of its proceedings which shall record all of the following:
  - a. Any action or decision of the Board and the vote of each member.

- b. The absence or failure of a member to vote.
  - c. Any other official action.
4. All records shall be filed promptly in the office of the Township Clerk and shall be a public record.
  5. The Board may call on any other officers or Boards of the Township for assistance in the performance of its duties.
  6. For a period of ninety (90) days following a decision by the Board, no reconsideration of that decision shall be given unless the Board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

**Section 1504 Jurisdiction**

The Board of Appeals, in conformity with the provisions of this Ordinance and of Act 110 of 2006, as amended, shall act upon all questions as they arise in the administration of this Zoning Ordinance including:

1. Interpretation of the Zoning Map.
2. Interpretation of the Zoning Text.
3. Appeals of any decision of an official or body charged with the administration of the Zoning Ordinance.
4. Issuance of a variance to deviate from the requirements of this Zoning Ordinance.

**Section 1505 Granting of Variances**

Except as otherwise specifically provided by this Ordinance, the Board of Appeals may grant a variance from such provisions of this Ordinance as, building setback requirements, height and bulk requirements, parking requirements, landscaping requirements, and sign regulations. An issuance of a variance shall occur only if the Board finds from reasonable evidence that all of the following facts and conditions exist:

1. There are practical difficulties regarding the property that will not allow the building/structure to be erected without causing an excessive burden to the development of the property.
2. The condition or situation of the property is unique and not shared by neighboring properties in the same zone and amending the Ordinance text or rezoning is not a reasonable solution.
3. A variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
4. The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
5. The variance is the minimum necessary to permit reasonable use of the land and buildings.

### **Section 1506 Procedure**

The following procedure shall be followed for an ordinance interpretation, appeal of an administrative decision, or variance request:

1. An appeal from any ruling of the Zoning Administrator or other administrative officer or body administering any portion of this Ordinance may be requested by any person or any governmental department aggrieved.
2. An application for a variance authorized by this Ordinance may be requested by any person or governmental department having any legal interest in the property concerned.
3. The Board of Appeals shall not consider any application or appeal without the payment by the applicant to the Township Treasurer of a fee, if any, as Determined by resolution of the Township Board. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals.
4. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Any interested party may appear at such hearings in person or by agent or by attorney.
5. At any public hearing, the Board may adjourn in order to permit the obtaining of additional information, or to send out additional notices to other property owners that it decides

may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so decides.

### **Section 1507 Decision of the Board**

The Board shall decide all applications and appeals within 30 days after the final hearing. A copy of the Board's decision shall be transmitted to the applicant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the Board.

### **Section 1508 Stay of Proceedings**

An appeal taken to the Board shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

### **Section 1509 Final Action on Appeals**

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

# Article XVI

## Administration and Enforcement

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### Section 1600 Enforcement of Chapter

The provisions of this chapter shall be administered and enforced by a Zoning Administrator, as designated by the Township Board, or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this chapter.

### Section 1601 Duties of the Zoning Administrator

1. The Zoning Administrator shall receive all applications for development or redevelopment pertaining to this Ordinance. The Zoning Administrator shall review all applications, site plans, and other material for new developments, special exception permits, rezonings, and variances, to ensure that all the requirements of this article have been met. The Zoning Administrator shall then forward the necessary information to the bodies in charge of the requested action.
2. In regard to site plans for R-R, R-1, and R-3 Districts; to approve site plans that complies with the requirements of the Lyon Township Zoning Ordinance and any other applicable ordinances or statutes. If, in his or her discretion, the Zoning Administrator determines that a site plan may not comply with some legal requirement, then the Zoning Administrator shall forward the site plan to the Lyon Township Planning Commission for review. In the event the Zoning Administrator declines to approve any site plan, the property owner shall have the right to request review by the Lyon Township Planning Commission.
3. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite

violations of contracts, such as restrictive covenants or private agreements which may occur upon the granting of such permit.

### Section 1602 Site Plans

A written application and site plan shall be submitted to the Zoning Administrator in the case of any:

1. New development or redevelopment, including accessory buildings.
2. Rezoning request.
3. Variance request.
4. Request for a special exception use permit.

All site plans shall be produced in triplicate, drawn to scale, showing the following:

1. Legal description of the site.
2. A scale of not less than 1-inch equals 50 feet if the subject property is less than three acres and 1-inch equals 100 feet if three acres or more.
3. Date, north point and scale.
4. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
6. The location of all existing and proposed drives and parking areas.
7. Landscaping plan.
8. Signage plan.
9. The location and right-of-way widths of all abutting streets and alleys.
10. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.

11. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

## **Section 1603 Site Plan Review**

### **1. Circumstances Requiring Site Plan Review:**

- a. All new uses, except one and two-family dwelling units, anywhere in the Township.
- b. Expansion or renovation of an existing use, which increases the existing floor space more than twenty-five percent (25%).
- c. Changes from an existing use to another use permitted in the proposed district.

### **2. Review Procedure**

All proper applications, fees, and site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of Zoning Administrator in four (4) copies.

Upon determining that the proposed use complies with the Ordinance, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight (48) hours after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within forty-eight (48) hours of such submittal by the applicant, the Zoning Administrator

shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.

The Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the criteria for site plan review included in this Ordinance as a basis for its decision. Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and a copy of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the developer or agent.

Of the four (4) copies of the site plan submitted by the applicant, one (1) copy shall be kept on file by the Planning Commission, one (1) copy retained in the Zoning Administrator's office, one (1) copy submitted to the Fire Department for review, and one (1) copy retained by the applicant.

### **3. Criteria for Site Plan Approval**

The Planning Commission shall approve a site plan if it determines that:

- a. The proposed project complies with the requirements of this Ordinance.
- b. The proposed project promotes the intent and purposes of this Ordinance.
- c. The proposed project is compatible with adjacent land uses and the natural environment.



- d. The proposed project has no adverse impact on public services and amenities including transportation and public utilities.
- e. The proposed project complies with all other applicable ordinances and state and federal statutes.

**4. Fees**

Accompanying the request for approval of a site plan, a fee set by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Planning Commission for expert consultation relative to the application.

**5. Revocation**

If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant fourteen (14) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the Planning Commission within fourteen (14) days of the receipt of the letter of his/her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

**6. Appeal**

The decision of the Planning Commission may be appealed by the property owner or his/her designated agent to the Lyon Township Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Chairman of the Board of Appeals within five (5) days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission.

**7. Site Plan Amendments**

An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of this article shall be followed.

**Section 1604 Special Exception Use Permits**

**1. Purpose**

Special exception uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special exception uses. The criteria for decisions provided for under the provisions of this Section shall be in addition to this Ordinance, as well as

all other regulations in this Ordinance which are applicable to the special exception use under consideration.

## 2. Procedure

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special exception use:

- a. All applications for special exception use permits shall be filed with the Lyon Township Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a Special Exception Use Permit.
- b. The Zoning Administrator shall, after preliminary review, forward the complete application to the Planning Commission for review of the special exception use.
- c. The Township Planning Commission shall review the site plan according to the criteria in **Section 1603** of this article. In addition, the Planning Commission shall review the proposed special exception use according to the criteria set forth in this section.
- d. Upon receipt of application of an application for a special exception use which requires a discretionary decision, the Planning Commission shall give public notice in a newspaper of general circulation of official receipt of an application for a special exception use permit, for which a scheduled public hearing will be held. This notice shall:
  - i. Describe the nature of the special exception use permit.
  - ii. Indicate the property in question, the notice shall include a listing of all addresses, other

means of identification may be used.

- iii. State the time and place where the special exception use request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
- e. The public hearing notice shall also be mailed or delivered to property owners and occupants within three hundred (300) feet of the property in question. The public hearing notices shall be sent between five (5) and fifteen (15) days prior to the date of the public hearing. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.
  - f. After the hearing, the Planning Commission shall:
    - i. Approve special exception use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special exception use permit.

-or-
    - ii. Approve special exception permit application and final plan subject to conditions, which are imposed in order to insure the special land use, complies with standards stated in this Ordinance. The Zoning Administrator shall be directed to issue the special exception use permit.

-or-
    - iii. Disapprove application and final site plan.
  - g. All decisions shall be accompanied with a concluding statement citing the reasons for decision and any conditions imposed.

### 3. **Criteria for Approval**

In addition to compliance with the specific district regulations and general regulations as outlined in this Ordinance, the following criteria shall be met in order for the Planning Commission approval of a special exception use:

- a. The special exception use will comply with the requirements, intent, and purposes of this Ordinance.
- b. The special exception use will comply with the intent and purposes of the district in which it is located.
- c. The special exception use will comply with the standards and purposes set forth in the Township Master Plan.
- d. The special exception use will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by such special exception use.
- e. The special exception use will be consistent with the health, safety and welfare of the Township.

### 4. **Appeal**

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Board of Appeals.

## **Section 1605 Building Permits**

The issuance of building permits, certificates of occupancy, and conducting final inspections shall be conducted by the Building and Zoning Administrator.

## **Section 1606 Interpretation and Application of Ordinance Provisions**

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

## **Section 1607 Changes and Amendments**

### 1. **Procedure for Amendments**

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more owners of property in Lyon Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- a. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Township Clerk to set a hearing date and publish notices.

- b. The Planning Commission shall conduct a public hearing, the notice of which shall be given by one (1) publications in a newspaper of general local circulation, not less than fifteen (15) days prior to the date of said hearing.
- c. If the property involved borders another local government, the Clerk of said municipality is also to be given notice of the public hearing and said municipality to be given an opportunity to comment on any coordinated action or review deemed necessary.
- d. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, notice of the public hearing shall be mailed to property owners, as reflected on the tax rolls, of property which lies within three hundred (300) feet of the affected property. If eleven (11) or more adjacent properties are proposed for rezoning, the notice is not required to be mailed to property owners within three hundred (300) feet of the affected property.
- e. If the affected property is within five hundred (500) feet of a Municipal boundary, the Planning Commission, following the public hearing, shall transmit its recommendation to the Roscommon County Planning Commission which shall review and comment upon the request within thirty (30) days of its receipt. Following such review period, if applicable, the Township Board shall deny, approve, or approve with conditions such amendment.
- f. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be published not less than fifteen (15) days before the

hearing. Higgins Hideaway and Park 24 were rezoned from R-1 to R-4 and Arrow Head Hills and Arrow Head II Subdivision wee rezoned from R-4 to R-1.

- g. No petition for rezoning which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

## 2. **Criteria for Rezoning**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

- a. Consistency with the goals, policies, and future land use map of the Lyon Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
- b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district;
- c. 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;
- d. 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;

- e. 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;
- f. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand;
- g. Where a rezoning is reasonable given the above criteria, a determination of the requested zoning district is more appropriate than another district or amending the list of permitted or special exception uses within a district.

### **Section 1608 Violations and Penalty**

#### **1. Violations**

Use of land, buildings, structures and recreational vehicles in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.

#### **2. Penalties**

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a civil infraction. Upon conviction thereof, before any

court having jurisdiction, he or she shall be punishable by a fine not to exceed five hundred (500) dollars at the discretion of the court. Each day during which a violation continues shall be deemed a separate offense. The imposition of any fine shall not exempt an offender from compliance with the provisions of this Ordinance. The forgoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

### **Section 1609 Public Nuisance Per Se**

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

### **Section 1610 Civil Penalties**

- 1. The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines as established by this Township Ordinance and enforced by the courts of law.
- 2. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**Section 1611 Rights and Remedies  
are Cumulative**

The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

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