

# **FRANKLIN TOWNSHIP**

## **ZONING ORDINANCE**

**Prepared with the Assistance of  
Region 2 Planning Commission Staff**

**As Amended Through November 12, 2019**

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## **ENACTING CLAUSE**

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, MCL 125.271 et seq.). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.), hereinafter referred to as the “Zoning Act.”

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## **ARTICLE I**

### **TITLE**

Section 1.01. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Township of Franklin.

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## **ARTICLE II**

### **CONSTRUCTION OF LANGUAGE**

Section 2.01. 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 Resolution 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 (2) 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, or provisions, or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

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## **ARTICLE III**

### **ZONING DISTRICTS AND MAPPING INTERPRETATION**

Section 3.01. DISTRICTS. The Township of Franklin is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following:

AG;	Agriculture
SE;	Suburban Estate
R-1;	Single-Family Residential
RM;	Multiple Family Residential
RMH;	Mobile Home Park Residential
C-1;	General Commercial
CR;	Commercial Recreation
M-1;	Industrial

Section 3.02. MAP. The boundaries of these districts are shown upon the Official Zoning Map of the Township of Franklin and made a part of this Ordinance. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

Section 3.03. INTERPRETATION OF DISTRICT BOUNDARIES. 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 center lines of streets, highways, or alleys shall be construed to following such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, as determined at high water datum determined by the Lenawee County Drain Commission. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines as determined by Lenawee County Drain Commission.

5. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground conflict with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 5 above, the Zoning Board of Appeals shall interpret the district boundaries.

Section 3.04. INTERPRETATION OF UNSPECIFIED LAND USES. It is recognized that it is neither possible nor practical to list all of the potential land uses indicated and intended for the individual zoning districts. Therefore, any other use that is determined by the Township Board, after hearing and recommendation by the Township Planning Commission, to be of the same general character, compatibility and similarity as the indicated permitted or conditional use, may be permitted provided the use is not mentioned or permitted within another zoning district. However, notwithstanding, a use mentioned or permitted in another zoning district may be permitted under this section, after hearing, recommendation and approval, if it is of a less intense nature and otherwise compatible with the zoning district for which it is proposed.



## ARTICLE IV

### GENERAL PROVISIONS

Section 4.01. CONFLICTING REGULATIONS. 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, the provisions of this Ordinance shall govern.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed 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 the Ordinance.

1. Permitted Area and Placement. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.
2. Permitted Height. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except the penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke-stacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purposes or any commercial or industrial purposes other than a use incidental to the main use of the building. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.
3. Lot Limitations. In Single Family Zoning Districts, only one (1) principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one (1) or more principal building when the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided according to the Land Division Act.
4. Lots, Yards, and Open Spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may,

by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

5. Porches, Patios, and Terraces. An open, unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet.
6. Projections into Yard. Architectural features, as defined not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard not more than three (3) feet.
7. Required Street Frontage. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public or private street or a recorded and developed easement which meets one of the following conditions:
  - a. A public street with a roadway which has been accepted for maintenance by the county, or
  - b. A permanent, unobstructed, recorded and developed easement in accordance with Section 4.27 (Private Roads).
8. Appearance. Any case where a building or accessory building in an Industrial District is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of two hundred (200) feet shall be constructed of stone, face brick, or materials approved by the Planning Commission.
9. Dwellings in Non-Residential Districts. Except as otherwise provided herein, no dwelling shall be erected in the Commercial or Industrial Zoning Districts.

Section 4.03. ZONING OF STREET AND ALLEYS. All streets and alleys, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting.

Section 4.04. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In residentially zoned districts, accessory buildings, except as otherwise permitted in this Ordinance, 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 Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard except:

- a. A deck may project a maximum of ten (10) feet into the required front or rear set backs.
2. An accessory building shall not exceed twenty-five (25) feet in height.
3. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than five (5) feet to any side or rear lot line.
4. For the purposes of this Ordinance, wood deck or decks, porches or pergolas made of other materials, not attached to the principle structure, shall be considered accessory structures, and subject to the provisions applicable to accessory structures within this Ordinance. In addition, within all lots abutting on a body of water, or road abutting a body of water, the following additional provisions shall apply:
  - a. Railings surrounding said decks shall not exceed code minimum heights and shall be constructed to maintain the view of the body of water from adjacent properties.
5. A building permit shall be required for the construction of all decks, porches and pergolas.

Section 4.05. OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

Section 4.06. TEMPORARY OCCUPANCY OF MOBILE HOMES. A mobile home may be used as a temporary dwelling during the period of reconstruction of a permanent dwelling which has been wholly or partially destroyed by fire, explosion, public enemies, or acts of God subject to the following:

1. Such mobile home shall be located on the reconstruction site in a zoning district permitting single-family dwellings, and be occupied by the owner of such premises and the owner's immediate family.
2. Such mobile home shall not be located between the established property line and the public right-of-way line of such premises.
3. Such mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof according to the Lenawee County Health Department.

4. The water supply system and waste disposal system of such mobile home shall be connected to their respective facilities and approved by the Lenawee County Health Department.
5. The occupancy of such mobile home shall be subject to a non-renewable permit for one (1) year, issued by the Franklin Township Board, and a fee to be set by resolution of the Franklin Township Board, shall be deposited by the owner with the Township, to be invested in a mutually agreeable interest bearing account. The fee shall be refunded to the owner together with accrued interest thereon upon removal of such mobile home on or before the expiration of this permit. If such mobile home is not removed from the premises on the day after expiration of this permit, the said fee and interest shall be forfeited to the Township.
6. The forfeiture of said fee shall not exempt the owner from compliance with the requirements of this section.

Section 4.07. BUILDING GRADES. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building in such a manner as to meet existing grades and not to permit run-off surface water to flow onto the adjacent property.

Section 4.08. BUILDINGS TO BE MOVED. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

Section 4.09. EXCAVATIONS OR HOLES. The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are property protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 4.10. CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

Section 4.11. ESSENTIAL SERVICES. Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Section 4.12. SIGN REGULATIONS.:

1. Intent and Purpose

The intent and purpose of this section is to regulate on-site and off-site outdoor advertising to protect the public health, safety and general welfare, to protect property values, to improve communication, and to protect the character of the various neighborhoods in the Township of Franklin. While this Ordinance recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to deterioration and blight of business or residential areas of the Township, conflicts between different types of land use, and/or reduction in traffic safety for pedestrians and motorists.

2. Definitions

Refer to Article XXI (DEFINITIONS) Zoning Ordinance of Franklin Township under the heading of SIGN. This replaces the existing definition.

3. Political Signs:

Signs (for example, that include but not limited to candidates, proposals or any other opinion on how to vote) are permitted within Franklin Township with certain time, place and manner regulations, are not content regulated. Such signs are prohibited on public right-of-way, except as provided by state election law as follows:

- a. Signs advocating or opposing a candidate for public office or a ballot proposition, except as prohibited elsewhere in this ordinance, shall be permitted to be displayed in advance of any political election. Such signage shall be removed within fourteen (14) days following the election.
- b. These signs shall be set back in accordance with this ordinance and shall be permitted in the public right-of-way at the location of the voting place on the day of the election only.
- c. Political signs may be placed upon private property, subject to the following conditions:
  1. No political sign may be placed upon private property without the property owners consent, and

2. The campaign committee that places the political sign(s) and the property owner on which the political sign(s) is located will be responsible for the removal of said sign(s).

#### 4. GENERAL SIGN REGULATIONS

The following shall apply to all signs in Franklin Township:

- a. No sign shall be erected at any location, where by reason of the position, size, shape, color, movement, or illumination may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- b. No sign shall be attached to utility poles, trees or any landscaping features (such as landscaping blocks).
- c. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- d. Sign materials and construction: Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with Michigan's construction code; and shall be maintained in safe and good repair at all times so that all sign information is clearly visible.
- e. Illuminated Signs:  
  
Agricultural, Commercial, and Industrial Districts: Illuminated signs are permitted that are either internally or externally lit provided such signs are shielded to prevent direct light rays from being visible from a public right-of-way or any adjacent residential property.
- f. Sign Area:
  - i. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos and symbols. The area of a sign shall not include any supporting framework, bracing or trim which are incidental to the display, provided that it does not contain any lettering, wording or symbols.
  - ii. Where the sign consists of individual letters, designs or symbols attached to a building, awning, wall or window, the area shall be that

of the smallest rectangle which encompasses all of the letters, designs and symbols.

iii. Signs may be double-sided

- a. Are allowed on-site and off-site.
  - b. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than forty-five (45) degrees, and the two faces are not more than eighteen (18) inches apart.
  - c. Where the faces are not equal in size, but the interior angle formed by the faces is less than forty-five (45) degrees and the two faces are not more than eighteen (18) inches apart, the larger sign face shall be used as the basis for calculating sign area.
  - d. When the interior angle formed by the faces is greater than forty-five (45) degrees, or the faces are greater than eighteen (18) inches apart, all sides of such sign shall be considered in calculating the sign area.
- g. Height of Sign: No freestanding sign shall exceed a height of twenty-five (25) feet as measured from the adjacent ground level.
- h. Setback Required for Signs: All signs shall be set back from the adjacent road right-of-way by a distance of not less than one-quarter (1/4) of the setback required for a principal structure on said parcel as provided for in the setback requirements of this Zoning Ordinance. The Planning Commission may, as part of a Site Plan Review, allow a sign to be closer to the road right-of-way provided that no part of any sign extends into the road right-of-way.
- i. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within one hundred eighty (180) days after the business which it advertises is no longer conducted on the premises. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business conducted on the premises and provided the signs comply with the other provisions of this Ordinance.

5. Prohibited Signs

- a. Banners: Banners, pennants, search lights, twirling signs, sandwich boards signs, sidewalk or curb signs, balloons, or other forced air or gas filled figures are prohibited except as provided in Section 4.12.12, Temporary Signs.
- b. Animated and Flashing Signs: An animated or flashing sign that by itself or by source of the illumination creates a hazard for persons using the public street or sidewalk or otherwise cause discomfort or interference to the occupants of neighboring property.
- c. Advertising Vehicles: A sign affixed to a vehicle or trailer in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle or trailer sits or is otherwise not incidental to the vehicle or trailers primary purpose. Licensed or unlicensed vehicles or trailers shall not be permanently parked for the purpose of advertising. Vehicles that are used regularly are exempt from this ordinance.
- d. Abandoned Signs: (See Article XXI, DEFINITIONS)
- e. Flags: All flags shall be flown as prescribed by Flag Etiquette Standards of Respect, (refer to <http://www.usflag.org/flaquetiquette.html>).
- f. Portable Signs: Portable signs, except any signs permitted by Section 4.12.12 herein, Temporary Signs, are prohibited.
- g. Unclassified Signs: The following signs are prohibited:
  - i. Signs that imitate an official traffic sign or signal which contain the words stop, go, slow, caution, danger, warning, or similar words except as otherwise provided in this section.
  - ii. Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
  - iii. Signs that contain statements, words, or pictures of an obscene, pornographic, or immoral character.
  - iv. Signs that are painted on or attached to any fence or wall that is not a structural part of a building except to identify a residence.
  - v. Signs that emit audible sound, odor, or visible matter (which include but are not limited to: vapor, smoke, water).



vi. Roof signs that extend above the peak of the roof.

6. Signs Permitted in all Districts

Subject to the other conditions of this Ordinance, the following signs shall be permitted anywhere within the Franklin Township.

- a. Community Welcome Signs: Each sign shall not be more than thirty-two (32) square feet in area, shall not exceed a height of eight (8) feet as measured from the adjacent grade, and shall be set back a minimum of ten (10) feet from the property lot line. All signs shall be consolidated within a single frame, if more than one (1) sign is placed at one (1) location.
- b. Directional Signs: Each sign shall not exceed eight (8) square feet in area. Horizontal directional signs however, on and flush with paved area, may exceed eight (8) square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind the front right-of-way line.
- c. Announcement Bulletins: One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains said organization or building, regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area and a height of twenty-five (25) feet, and is set back from an adjacent road a minimum of one quarter (1/4) of the setback required for a principal structure on said parcel as provided for in this Zoning Ordinance. In such instances said announcement bulletin may be incorporated within the identification sign for said organization or building.

7. Signs Permitted in Residential Districts

- a. One identification sign shall be permitted for each public street frontage of subdivision, multiple-dwelling building development, or mobile home park. Each sign shall not exceed twenty-four (24) square feet in area. One additional sign advertising “For Rent” or “Vacancy” may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed four (4) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the property lot line of any public street, and shall not exceed four (4) feet in height.
- b. One non-illuminated identification sign shall be permitted for a Home Occupation, a Family Day Care Home, or a Group Day Care Home. The sign

shall not exceed four (4) square feet and shall be attached to the front of the home or placed in the window.

8. Signs Permitted in Agricultural District (AG)

- a. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twelve (12) square feet in area.
- b. One identification sign shall be permitted for a Home Occupation, a Family Day Care Home , or a Group Day Care Home. The sign shall not exceed twelve (12) square feet in area.
- c. Signs shall be permitted for Centennial Farms, Historical Landmarks or other State program signs.

9. Signs Permitted in Commercial and Industrial District(s)

On-site canopy or marquee signs, wall signs, and freestanding signs are permitted in all commercial and industrial districts and are subject to the following conditions:

- a. Signs permitted for single buildings on developed lots or a group of lots developed as one lot, not in a business center subject to Section 4.12.9.b.
  - i. Area: - Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. If the message on the second side of a sign having two faces is related to the same business which is advertised on the first side, the area of the second side shall not be counted in computing the area of the sign. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one (1) public street.
  - ii. Number: - Each developed lot shall be permitted two (2) exterior on-site signs. For every developed lot that has frontage on two (2) streets, three (3) exterior on-site signs shall be permitted. Only one (1) freestanding identification sign shall be permitted on any street frontage. All businesses without ground floor frontage shall be permitted one (1) exterior wall sign, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in Subsection 4.12.9.a.i.
- b. Signs permitted for a shopping center, office park, industrial park, or other integrated groups of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 4.12.9.a.

- i. Freestanding Signs: Each business center shall be permitted one (1) freestanding identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual freestanding identification signs.
  - ii. Wall Signs: A business center shall be permitted a total exterior wall sign area of one (1) square foot for each one (1) linear foot of building frontage for all ground floor tenants.
  - iii. Park Signs: A freestanding sign, identifying the primary tenants in an office park or industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one quarter (1/4) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.
- c. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign and further provided that the total area of the sign does not exceed thirty-two (32) square feet.
  - d. No canopy or marquee sign shall extend into a public right-of-way. The sign shall not obstruct pedestrian or vehicular view; and the sign shall not create a hazard for pedestrian or vehicular traffic.
  - e. Service Station Signs: In addition to the provisions of Section 4.12.9.a and 4.12.9.b, an automobile service station may have up to an additional thirty-two (32) square feet of sign area within each of the allowed freestanding signs, for the purpose of advertising gasoline prices and other services provided on the premises. An identification or legend sign may also be placed on the canopy.
10. Electronic Message Signs
- a. Allowed as a permitted or conditional use as follows:

- i. Electronic message signs shall be allowed as a permitted use in C-1, CR and 1-1 districts. The square footage of these signs shall be counted into the maximum sign area allowed for the district.
  - ii. Electronic message signs may be allowed as a conditional use for all announcement bulletins, to include schools, churches, civic organizations, and public buildings in any district.
- b. All electronic message signs shall be subject to the following limitations in all districts:
  - i. Applications for electronic message signs shall contain a complete copy of the manufacturer's specifications including, but not limited to, the maximum capable light output, information on automatic dimming features, and evidence that the electronic message board is UL listed.
  - ii. The size of the electronic message board or screen cannot exceed twenty-five (25) square feet.
  - iii. Message must be changed using subtle transitions such as dissolve or fade. No scrolling, blinking, spinning, or slot machine type transitions are allowed.
  - iv. Electronic message signs must utilize automatic dimmer software and solar sensors or daylight harvesters, to control brightness for viewing at night or in cloudy conditions.

11. Off-Site Signs (Billboards)

Off-site signs shall be permitted only in accordance with the following regulations and accompanied by an appropriate site plan review:

- a. Billboard signs shall be permitted on state or federal highways in Agricultural, Commercial, Industrial Districts, subject to the Highway Advertising Act of 1972 (PA 106 as amended by PA 533 of the PA of 1998).
- b. Off-site signs shall conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated however, these signs shall not exceed twenty-five (25) feet in height from adjacent ground level.
- d. Where two (2) or more off-site signs are along the frontage of a highway they shall not be less than one thousand (1000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign

provided the interior angle of such signs does not exceed twenty (20) degrees.

- e. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area and no less than twenty-five (25) square feet in area.
- f. Off-site signs shall not be erected on the roof of any building, nor have one sign above another sign.
- g. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from any adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

## 12. Temporary Signs

- a. In single dwellings and multiple dwellings districts, one (1) sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75) percent of all lots or units within the subdivision or development are sold or rented, whichever first occurs.
- b. One identification sign shall be permitted for all building contractors, one for all professional design firms, and one for all lending institutions on sites under construction, each sign not to exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms, and lending institutions join together in one identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed, or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.
- c. Temporary signs announcing any event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet. Signs shall be allowed not more than thirty (30) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height. Signs shall be set back in accordance with this Ordinance.

- d. Banners, pennants, search lights, balloons, or other forced air or gas filled figures or objects shall be permitted at the opening of a new business or special event in a commercial or industrial district , for the period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe vehicular and/or aircraft traffic flow.
- e. Temporary directional signs, not exceeding four (4) square feet in area and four (4) in number, showing a directional arrow, shall be permitted on approach routes to the location, only for the days of the event. Signs shall not exceed four (4) feet in height.
- f. In residential districts, one (1) temporary real estate sign, located on the property and not exceeding four (4) square feet in area or twenty-four (24) square feet in area in all other districts shall be permitted. If the lot has frontage on multiple streets , one (1) additional sign not exceeding four (4) square feet in area in residential districts or twenty-four (24) square feet in area in all other districts shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot. Such signs shall be removed within fourteen (14) days following the advertised event. In no case shall a sign advertise an event not occurring on the property on which the sign is located.

13. Non-Conforming Signs

Except as allowed by section 4.12.12.e, non-conforming signs shall not:

- a. Be reestablished after the activity, business, or usage to which it relates has been discontinued for sixty (60) days unless the sign owner(s) are actively seeking (and can prove such upon request) new advertising content or business. This search is limited to one hundred eighty (180) days.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign, unless the sign is being structurally altered to conform with the Ordinance.
- c. Be reestablished after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50) percent of the replacement costs as determined by the Township Official.

14. Enforcement and Penalties

- a. The Zoning Official shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal non-conforming

signs. Thirty (30) day notice, in writing, shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign.

- b. Failure to comply with such notice within the timeframe allowed by the owner and/or occupant shall constitute a violation of this ordinance and subject to Section 22.04, VIOLATION-PENALTY of the Zoning Ordinance in Franklin Township.

15. Permits and Fees

All signs require a zoning compliance approval permit to erect or replace a sign that is regulated and permitted by this ordinance. A site/plot plan indicating the proposed sign, its dimensions and location, and the location and dimensions of all existing signs is to be submitted for review prior to installation. As part of record keeping: within fifteen (15) days of a sign being erected or replaced, a photograph of the sign is to be submitted to the Zoning Official. Depending on the sign design and dimension, building and/or electrical permits may be required per approved ( fee schedules.

Section 4.13. FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Building Inspector, shall conform to the requirements of the zoning district where located or required because of land use development and to the requirements of this section.
2. Fences which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
  - a. No fence shall hereafter be erected, along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
  - b. All fences hereafter erected shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fences, or electric current or charge in said fences are prohibited, except in the Agricultural and Industrial Districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
3. No fence, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching any intersection, excepting that shade trees would be permitted where all branches are

not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

**Section 4.14. FILLING OPERATIONS.** From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with materials of any kind without approval of the Township Board and subject to the requirements as may be appropriate.

**Section 4.15. ANIMALS.** Except as otherwise permitted under the Michigan Right to Farm Act, livestock shall be kept or maintained in agricultural zoning district only on parcels of land of five (5) acres or more in area. Maintaining animals in other zoning districts shall be prohibited, except that for each dwelling unit the occupant may keep for his personal use domestic pets provided they are not kept or used for commercial breeding purposes and do not constitute a kennel. Any animal defined in the Michigan Generally Accepted Agricultural Management Practices (GAAMP) shall not be considered a domestic pet. See table below for allowed Animal Units:

<b>Acres</b>	<b>Animal Units</b>
5 - 6.99	2
7 - 8.99	3
9 - 11.01	5
11.1 - 20	1 additional animal unit per acre above 11 acres.

Cow, Horse, Pony, Llama (or similar size large animal) = 1 Animal Unit  
 Sheep, Goats, Pigs (or similar size medium animal) = .5 Animal Unit  
 Chickens, Rabbits, Ducks, Geese (or similar size small animals) = .1 Animal Unit

**Section 4.16. OUTDOOR STORAGE OF RECREATIONAL VEHICLES.** Except as otherwise permitted by this Ordinance, the outdoor storage or parking of recreation vehicles shall be prohibited unless the following minimum conditions are met:

1. All recreational vehicles shall be placed behind the front face of the principal building in the Single Family Residential District. Recreational vehicles shall be placed behind the front face of the building closest to the front lot line in the Agricultural and Suburban Estate Districts
2. Storage or parking shall be limited to a lot or parcel of land upon which an inhabited dwelling unit is located and the recreational vehicle is owned by the occupant.



3. Storage of recreational vehicles intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.

Section 4.16a. OCCUPATION OF RECREATIONAL VEHICLES IN THE SUBURBAN-ESTATE, SINGLE FAMILY RESIDENTIAL, AND AGRICULTURAL DISTRICTS. The outdoor occupation of recreation vehicles shall be prohibited, except in the Suburban-Estate, Single Family Residential and Agricultural Districts when the following conditions have been met or where expressly permitted by other provisions of this Ordinance:

1. Recreational vehicles shall be placed behind the front face of the principal building in the Single Family Residential District. Recreational vehicles shall be placed behind the front face of the building closest to the front lot line in the Agricultural and Suburban Estate Districts.
2. The outdoor occupation of recreation vehicles shall be limited to a lot or parcel of land upon which an inhabited dwelling is located.
3. Recreational vehicles shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
4. The number of units shall not exceed two units per parcel.
5. Occupation of a recreational vehicle shall not exceed a maximum of fourteen (14) days during a single calendar year.

Section 4.17. SITE PLAN REVIEW AND APPROVAL. It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

1. Buildings, Structures, and Uses Requiring a Site Plan:

The Building Inspector shall not issue a zoning compliance permit for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect.

- a. Any conditional use.
- b. Any development in a commercial or industrial zoning district.

- c. A multiple family building containing three (3) or more dwelling units.
- d. More than one multiple family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
- e. A mobile home park.
- f. A site condominium development and platted subdivisions.
- g. Open Space Communities
- h. Marinas

2. Application and Fee for Site Plan Review:

Any person may file a request for a site plan review to the Planning Commission by filing with the Secretary the completed application and payment of a fee established by the Franklin Township Board.

Fees applicable to site plan reviews for Open Space Communities and conditional uses are waived in lieu of fees established by resolution of the Franklin Township Board for these purposes. As an integral part of said application, the applicant shall file at least four (4) copies of a site plan.

3. Planning Commission Review of Site Plan:

Upon receipt of such completed application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within forty-five (45) days, approve or disapprove such site plan, advising the applicant in writing of the approval or any changes or modifications to the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance. Contingent Approvals or partial approvals may be granted at the discretion of the Planning Commission. Full compliance with review criteria will be required for approval.

4. Required Data for Site Plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- a. Every site plan submitted, except site plans required for uses as prescribed in subsection 4.17.4.b of this Ordinance, shall be drawn to a readable scale and shall include the following:
  - 1. The name of the applicant, scale used, a north arrow, the date

prepared, and the name and address of the preparer if other than the applicant;

2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
  3. The location of all existing and proposed streets, parking lots, driveways, buildings, utilities and other improvements to be constructed or used as a part of the project;
  4. The current zoning classifications on the subject property and all adjacent property.
- b. Site plans submitted for the following uses shall be subject to the requirements of subsection 4.17.4.c.
1. The following conditional uses:
    - a. Sand and gravel operations.
    - b. Travel trailer parks.
    - c. Airports, airfields and landing strips.
    - d. Open air businesses.
    - e. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
    - f. Amusement parks.
    - g. Planned-unit residential, commercial developments, and open space communities.
    - h. Private roads.
    - i. Automobile service and repair stations. New and used automotive sales facilities.
    - j. Hotels or motels.
    - k. Drive-in businesses.

- l. Drive-in theaters.
  - m. Junk yards.
  - n. Bulk oil storage.
  - o. Mobile home park.
  - p. Site condominium development and platted subdivisions
2. A multiple-family building containing six (6) or more dwelling units.
  3. More than one (1) multiple-family building on a lot, parcel, or tract of land, or on a combination of lots under one (1) ownership.
  4. An office in any Residential District.
  5. Any gasoline service station abutting a Residential District.
  6. Development in a commercial or industrial zoning district.
  7. Open Space Communities
  8. A site plan shall be required for any use when deemed necessary by the Building Inspector, Township Planning Commission or Township Board.
- c. Site plans submitted for the uses prescribed in subsection 4.17.4.b shall be submitted in accordance with the following requirements:
1. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one (1) drawing where required for clarity.
  2. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.
  3. The site plan shall show the scale; north point; boundary dimensions; topography (at least two [2] foot contour intervals); and natural features, such as; woodlots, streams, rivers, lakes, drains,

wet lands, and similar features

4. The site plan shall show existing manmade features, such as buildings; structures; high tension towers; pipe lines; and existing utilities; such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
  5. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure rotation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
  6. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking. Location and illumination levels of any site lighting.
  7. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- d. Additional Site Plan Submittal Requirements for Certain Uses. For single-family residential subdivisions twenty-five (25) acres or larger in total area, and for multiple-family, mobile home park, commercial, or industrial developments or any combination thereof, fifteen (15) acres or larger in total area, the developer shall provide a site investigation report. This report shall address itself to the probable impact the proposed development would have on the immediate environment and the community as-a-whole.
1. Specifically, the report shall contain:
    - a. A description of the natural and cultural features of the project including but not necessarily limited to:

1. A description of the topography of the land and soil.
  2. The existing water resources including surface water, groundwater, drainage, floodplains and wetlands, water quality, and the effect of the project on any aquifer and neighboring wells.
  3. A description of the existing vegetation, habitat, and wildlife.
  4. A description of the proposed land use, water use, economic, and social conditions, any archaeological and historic resources and community facilities and services which are in existence.
- b. A statement as to whether any local, county, state and federal permits are required for the project.
- c. A statement describing the environmental impact of the proposed project which shall include the following:
1. A description of the impact on the topography and soils including any disruption, erosion, etc.
  2. A description of the impact on water resources including:
    - a. Potential for surface water contamination and efforts to protect surface water bodies;
    - b. Potential for groundwater contamination and efforts to protect groundwater;
    - c. The effect of any water discharges, increased storm water runoff, or alteration of natural drainage;
    - d. A description of the water quality of both surface and ground water;
    - e. A description of the susceptibility of the project to flooding;
    - f. A description of any wetlands impact;

g. An analysis of prevailing winds, including impacts of odors and efforts to mitigate odor, control of fugitive dust emissions, road dust, etc.

d. The site investigation report shall summarize the environmental impact on the cultural environment which shall include a summary of the following:

1. The effect on neighboring land and water uses.
2. The impact on public facilities and services including, but not limited to, schools, roads, police and fire services, etc. An impact analysis of local roads and traffic patterns surrounding and including the site before, during, and after construction shall be provided.

2. Modifications

The Planning Commission shall have the function, duty, and power to require any modification in the site investigation report or impose any condition before approval of any project which requires a site investigation report. This report is intended to ensure that the purpose and intent of the Franklin Township Zoning Ordinance is fulfilled.

3. Alternatives

The site investigation report shall include a discussion of prudent and feasible alternatives for the proposed activity on the subject site.

4. Appeal

The decision of the Planning Commission with respect to the site investigation report approval is appealable to the Township Zoning Board of Appeals in accordance with Article XIX of this Ordinance. Such appeal shall be filed within sixty (60) days after a decision by the Planning Commission.

5. Standards for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in

consideration of each site plan, the Planning Commission shall find that provisions of Subsections 4.17.3 and 4.17.4 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditions required for approving a site plan shall be based upon requirements and standards contained in the zoning ordinance.

A site plan shall be approved if it contains the information required in Subsection 4.17.4 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the Franklin Township zoning ordinance, modifications or conditions imposed by the Planning Commission under 4.17.4.d.2 (other applicable ordinances and state and federal statutes)

In addition, each of the following standards shall apply:

- a. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property including but not limited to the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- b. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- c. The use shall not place undue demands on public services and facilities in excess of current capacity.
- d. The use shall be consistent with the intent and purpose of this Ordinance. If the Planning Commission finds that a site plan satisfies the criteria listed within this section, and meets all other requirements of this and any other applicable Ordinance or regulation, it shall be deemed to be consistent with the intent and purpose of this Ordinance.

6. Approval of Site Plan:

Upon the Planning Commission's approval of a site plan, the Secretary of the Planning Commission shall, within ten (10) days, transmit to the Building Inspector one (1) copy with the signature of the Chairman of the Planning Commission affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Planning Commission, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Building Inspector shall not grant zoning approval or issue a building permit until he has received a certified approved site plan.



The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is completed in accordance with Subsection 4.17 (8).

7. Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has granted zoning approval for any proposed work authorized under a said site plan certificate.

8. Amendment, Revision of Site Plan:

A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission with agreement from the landowner upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section 4.17 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

Section 4.18. CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP. Where churches are allowed, they shall meet the following requirements:

1. Minimum lot width of one hundred fifty (150) feet.
2. Minimum site size of three (3) acres.
3. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining lot lines.

Section 4.19. OPEN AIR BUSINESSES. Open air businesses when permitted in a Commercial or Agricultural District, shall be subject to the following regulations:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.

5. All open air businesses shall comply with all applicable Township and County health regulations.
6. Christmas tree sales may be permitted in the Agricultural District for a period not to exceed forty-five (45) days. Adequate off-street parking shall be provided and situated so as not to create a traffic hazard. The site shall be cleared of trees and debris ten (10) days after the last day of the sale.

Section 4.20. SWIMMING POOLS. All swimming pools of more than 2 feet deep erected in the Township shall comply with current regulations as adopted by the Franklin Township Board and the following requirements:

1. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Building Inspector.
2. Pool Location. Minimum side yard setback shall comply with the Schedule of Regulations of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than five (5) feet between the outside wall of the pool and the rear property line or less than five (5) feet between the pool wall and any building on the lot.

Section 4.21. LANDS ABUTTING RIVERS AND LAKES. In any district, land which abuts any creek, tributary or drainage ditch, or any natural or man-made lake shall be subject to applicable regulations of the State of Michigan.

Section 4.22. STORAGE OF FLAMMABLE, CORROSIVE OR HAZARDOUS LIQUIDS AND CHEMICALS. In any zoning district, flammable, corrosive, or otherwise hazardous liquids and/or chemicals shall neither be stored (either above or below ground level) nor be dispensed within twenty-five (25) feet of any property line.

Section 4.23. STORAGE OF MATERIALS. The location, or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

1. On any lot in any agricultural district, residential district, or commercial district, the owner or tenant shall locate and store such materials within a completely enclosed building.
2. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials within a completely enclosed building or within an area surrounded by a solid, visibly impervious fence or wall at least seven (7) feet in height and not less in height than the materials located or

stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.

3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a passenger vehicle on a driveway located on private property shall not be prohibited.

Section 4.24. FUNNELING. Funneling, as defined in this Ordinance shall be permitted in any zoning district subject to the following restrictions:

1. A lot or parcel used for funneling shall comply in size with the requirements of the Franklin Township Zoning Ordinance for the district in which it is located.
2. A minimum of twenty five (25) feet of waterfront frontage shall be provided for each dwelling unit, parcel, or lot, afforded waterfront access.
3. Not more than five (5) power craft and not more than ten (10) non-power craft shall be allowed for each one hundred (100) feet of waterfront approved for funneling.
4. Funneling shall not be construed as to apply to members of the immediate family or occasional guests of the riparian property owner.
5. Wetlands shall not be utilized to calculate water frontage or the lot area of a common waterfront access site.
6. The adjacent property owners may request that on common waterfront sites with water frontage greater than three hundred (300) feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
7. Overnight vehicle parking and the usage of camping tenants, motor homes, and trailers shall not be permitted within the boundaries of the common waterfront site. No facilities for launching power craft from the common waterfront site shall be permitted.
8. The provisions of Section 5.01, Non-conforming uses of parcels or lots used for funneling at the date of adoption of this amendment to the Zoning Ordinance shall be permitted to be used for such purposes in accordance with the provisions of Section 5.01.
9. A site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

Section 4.25. BED AND BREAKFAST ESTABLISHMENTS. A Bed and Breakfast, as defined in this Ordinance shall be subject to the following requirements.

1. An application to operate a Bed and Breakfast shall be submitted to the Planning Commission for review and approval in accordance with Section 18.14.
2. A Bed and Breakfast shall maintain a guest register for persons using the Bed and Breakfast.
3. The maximum use for any one guest for a Bed and Breakfast shall be fourteen (14) days in a three consecutive month period.
4. A Bed and Breakfast shall comply with the parking requirements as set forth in Article VI.
5. The minimum lot size for a Bed and Breakfast shall be 22,000 square feet; shall have frontage on a public road and shall otherwise comply with the Schedule of Regulations in Article XVI.
6. Signs for a Bed and Breakfast shall not exceed twelve (12) square feet; shall not be illuminated and shall comply with Section 4.12.
7. A Bed and Breakfast shall not be operated whenever the Bed and Breakfast endangers or interferes with the safety or rights of others so as to constitute a nuisance.
8. A site plan for a Bed and Breakfast shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

SECTION 4.26. SITE CONDOMINIUMS.

1. Purpose. Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plats must be approved by the Franklin Township Planning Commission. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.
2. Definitions. The following definitions shall apply in the construction and application of this section:
  - a. Area Line

Front Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line

is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

**Rear Yard Area Line** - A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.

**Side Yard Area Line** - A line located at the outer edge of a limited common area associated with a particular building envelope. The side yard area lines are those area lines which are neither front or rear yard area lines.

- b. **Building Envelope** - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any attached garage.
- c. **Condominium Lot** - The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- d. **Condominium Plan** - The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.
- e. **Condominium Unit** - The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- f. **Contractible Condominium** - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- g. **Convertible Condominium** - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- h. **Expandable Condominium** - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- i. Lot - The same as "Condominium Lot".
- j. Master Deed - The condominium documents recording the condominium project as approved by the Building Inspector to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
- k. Setback:
  - Front Yard Setback - The distance between the front yard area line and the condominium dwelling.
  - Rear Yard Setback - The distance between the rear yard area line and the condominium dwelling.
  - Side Yard Setback - The distance between the side yard area line and the condominium dwelling.

3. Condominium Plan – Required Contents

- a. All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:
  - 1. A survey plan of the condominium subdivision.
  - 2. A flood plain plan, when appropriate.
  - 3. A site plan showing the location, size, shape, area and width of all condominium units.
  - 4. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted for installation, repair and maintenance of all utilities.
  - 5. A street construction, paving and maintenance plan for all private roads within the proposed condominium subdivision which shall comply with the Lenawee County Road Commission specifications and applicable Franklin Township regulations.
  - 6. A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.
- b. Easements for Utilities

The condominium plan shall include all necessary easements of record for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

c. Streets

Streets within and serving Condominium developments shall be developed and constructed under Lenawee County standards.

d. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.

e. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Building Inspector, and this requirement shall be made part of the by-laws and recorded as part of the master deed.

f. Subdivision of Condominium Units

All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Building Inspector, and these requirements shall be made part of the by-laws and recorded as part of the master deed.

g. Condominium Subdivision Layout, Design and Approval

All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design, layout and improvements standards of Section 4.17 (Site Plan Review and Approval) of the Franklin Township Zoning Ordinance. A deposit in the form of cash, certified check, irrevocable bank letter or credit or performance bond as required by the Township of Franklin to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage

facilities, within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.

4. Condominium Subdivision Approval – Additional Regulations. The following regulations shall apply to all condominium projects within the Township of Franklin:
  - a. Initial Information. Concurrently with notice required to be given the Township of Franklin pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
    1. The name, address and telephone number of:
      - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
      - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
      - c. The developer or proprietor of the condominium project.
    2. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.
    3. The acreage content of the land on which the condominium project will be developed.
    4. The purpose of the project (for example; residential, commercial, industrial, etc.).
    5. Approximate number of condominium units to be developed in the subject parcel.
  - b. Information to be Kept Current. The information shall be furnished to the Building Inspector and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Franklin Township Zoning Ordinance.
  - c. Site Plans - New Projects, Master Deed and Engineering and Inspections. Prior to recording of the master deed required by Section 72 of Public Act



59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site review and approval pursuant to Section 4.17 of the Franklin Township Zoning Ordinance. A site plan complying with all ordinance requirements shall be submitted for review at a regularly scheduled monthly meeting of the Planning Commission. The site plan will then be set as an agenda item at the next regular monthly meeting of the Planning Commission for site plan approval. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

- d. Site Plans - Expandable or Convertible Projects. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 4.17 and 4.26.4.c of the Franklin Township Zoning Ordinance.
- e. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished. The condominium project developer or proprietor shall furnish the Building Inspector with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Building Inspector for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Franklin Township Board.
- f. Monuments Required - Site Condominium Projects. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection:
  - 1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the travelled portion of a street to mark angles in the boundary of the condominium project, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
  - 2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  - 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature,

points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.

4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
  5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  6. All required monuments shall be placed flush with the final ground elevation where practicable.
  7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
  8. The Franklin Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit turning to Franklin Township, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- g. Monuments Required - All Condominium Projects. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of 4.26.4.f, above.
- h. State and County Approval. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.
- i. Temporary Occupancy. The Building Inspector may allow occupancy of the condominium project before all improvements required by this Ordinance

are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to Franklin Township.

- j. Single Family Detached Condominiums. Single family detached condominiums in the R-1 district shall be subject to all requirements and standards of the R-1 zoning district including minimum floor area requirements and minimum lot size.

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met. This distance shall be measured from the outside limits of the building envelope to the outside limits of its constituent limited common area. If a condominium lot shares a lot line with a property not contained within the condominium development, R-1 setback requirements shall be maintained.

- k. Agricultural, Suburban Estates, Multiple Family, Commercial and Industrial Condominiums. Agricultural, suburban estates, multiple-family, commercial and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.

- l. Site Plan. After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on a photographic hard copy, laminated photostatic copy or mylar sheet of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches.

Section 4.27. PRIVATE ROADS. A private road, as defined in Article XXI of this Ordinance, shall be subject to the following restrictions:

- 1. Any private road constructed after the effective date of this amendment to the Zoning Ordinance shall meet the requirements of Article XVIII of the Franklin Township Zoning Ordinance.

2. No person shall construct, alter, or extend a private road without compliance with this Ordinance and obtaining a permit in accordance with the requirements of Article XVIII of the Franklin Township Zoning Ordinance.
3. Applicants for private road approval shall provide a complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvement including provisions in subparagraph G including any new development which results in the upgrade of the private road from one class to another as defined in Article XXI. Furthermore, said maintenance agreements and road improvement agreements shall be in such form as to be recordable with the Lenawee County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain and improve the private road pursuant to the specifications of this section, including but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Lenawee County Road Commission.
4. Every private road authorized under this ordinance shall bear a separate and distinct road or street name, approved by the Franklin Township Board and Lenawee County Road Commission.
5. Unless specifically regulated under this section, private roads shall meet the standards set forth in the Standards and Specification for Plat Development and Street Construction of Lenawee County.
6. All improved private roads and developed access easements which have been in existence as of the date of the adoption of this section, are exempt from the application of this section, and shall be deemed to be in conformance with the Franklin Township Zoning Ordinance.
7. Whenever new development on a private road results in the upgrade of the road from one class to another as defined in Article XXI of this ordinance, the private road shall be improved according to the higher standards of the new classification. Whenever new development on a private road results in the upgrade of the road to a Public road, the private road shall be improved according to the standards of the Lenawee County Road Commission.
8. All dead end private roads and developed easements shall include a cul-de-sac at the dead end designed and built to the Lenawee County Road Commission standards. Private roads that serve three (3) or less single-family residential lots may terminate with a T-Type turnaround with a branch leg, fifty foot (50') minimum in length.
9. The following schedule of minimum requirements and specifications for private roads shall apply:

	Class I Private Streets and Roads	Class II Private Streets and Roads
Easement Width	66 feet	66 feet
Sub-base	6 inches of sand unless the native soil is of a granular type suitable for a subbase. Spread to a minimum width sufficient to extend to the front slope of the roadside ditch.	Same as Class I
<b>BASE</b>		
For Gravel Surface	6 inches of 22A or 23A processed road gravel in two equal courses, each compacted 20 feet wide.	Same as Class I except 16 feet wide.
<b>TURNAROUND AREA</b>		
Cul-de-sac	75' radius to the center line of the right-of-way.	Same as Class I
T Type	Not permitted	May be substituted for cul-de-sac on roads serving three (3) or less single-family residential lots, if applicant can show that it will function as well as the required turning circle.
<b>DITCHES See Footnote 1</b>		
Minimum grade 0.5%-4.0%, grades 4.1% and steeper; grades front/back slopes	0.5% sod or otherwise stabilize  rip rap 1 on 4	Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage.
<b>ROADWAY GRADES</b>		
Minimum	0.5%	0.5%
Maximum	6.0%	6.0%
<b>ROADWAY CURVES</b>		
Horizontal-minimum	Per Lenawee County Road Commission standards.	Same as Class I
Vertical-minimum	100 feet long for changes in gradient of 2% or more.	Same as Class I

Footnote 1: All surface water drainage, not retained on-site, from lots served by private roads shall be conveyed to an approved point of discharge. Approval of the design and construction of the

conveyance system shall be by the Lenawee County Road Commission, Lenawee County Drain Commission or other regulatory agency having jurisdiction.

Section 4.28. COMMUNICATION TOWERS:

1. The following site and developmental requirements shall apply:
  - a. A minimum site of one (1) acre.
  - b. Two hundred (200) feet of road frontage or a sixty (60) foot road easement shall be required.
  - c. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
  - d. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high non-climbable chain-link fence.
2. The following special performance standards shall apply to communication towers:
  - a. Communication towers must be set back from all property lines a distance equal to its height plus twenty-five feet. Setback from all overhead electric power and other overhead utility lines shall equal the tower height and an additional ten (10) feet.
  - b. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district as found in Article XVI, Section 16.01 (Area, Yard, Height, and Bulk Requirements).
  - c. Accessory structures shall not exceed eight hundred (800) square feet of gross building area.
  - d. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
  - e. The plans of the tower shall be certified by a registered structural engineer.
  - f. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
  - g. All towers must meet the standards of the Federal Communications Commission and the Federal Aviation Administration; as well as the Electronics Industrial Association Code—Reference No. 222-E-91.

- h. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.
- i. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
- j. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- k. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
- l. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with current regulations.
- m. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least twelve (12) feet above the ground at all points, unless buried underground.
- n. Towers shall be located so that they do not interfere with reception in nearby residential areas.
- o. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
- p. The base of the tower shall occupy no more than five hundred (500) square feet.
- q. Minimum spacing between tower locations shall be two (2) miles in order to prevent a concentration of towers in one area.
- r. Height of the tower shall not exceed two hundred (200) feet from grade within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural zoning district.
- s. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.

- t. Existing on-site vegetation shall be preserved to the maximum extent practicable.
  - u. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
  - v. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
  - w. Where the property adjoins any residentially-zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
  - x. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the colocation of communication towers. Pursuant to this policy, the following standards apply to communication towers:
    - 1. All new and modified communication towers shall be designed and constructed so as to accommodate colocation.
    - 2. A special use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
3. The following information shall be submitted prior to Township approval to construct a communication tower:
- a. Site plan in accordance with Section 4.17.
  - b. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.
  - c. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Planning Commission shall specify the form of security as approved by the township attorney and recordable at the office



of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.

4. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause or provisions of this ordinance shall not affect the validity of any part of this ordinance that can be given effect without such invalid part or parts.

Section 4.29. MARINA. A Marina, as defined in this Ordinance, shall not be permitted in any Single-Family Residential District. A Marina, as defined in this Ordinance, shall be permitted as a permitted use in Commercial Recreation Districts, and as a conditional use in Agricultural and Industrial Districts, subject to the following restrictions:

1. A Lot used for Marina shall comply in size with the requirements of the Zoning Ordinance of the Township of Franklin for the Zoning District in which it is located.
2. A Lot used for Marina shall have a minimum of one hundred (100) feet of waterfront frontage.
3. Not more than five (5) power craft and not more than ten (10) non-power craft shall be launched, docked, moored or stored, daily in-season, for each full one hundred (100) feet of waterfront approved for Marina.
4. No storage, mooring, or dockage of any watercraft shall be permitted except in-season. In-season shall be from May 1 to September 30 each year.
5. Wetlands or lands subject to utility, maintenance or other easements, shall not be utilized to calculate water frontage or the lot area.
6. Upon the request of adjacent property owners located within three hundred (300) feet of a Marina, vegetative or other appropriate buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
7. A Marina shall not operate before sunrise nor past sunset.

8. Overnight vehicle parking, camping or boat docking or mooring shall not be permitted. Public bathing, swimming, or toilet facilities, restaurants, food preparation or serving, picnicking or retail establishments shall not be permitted.
9. In the event petroleum products are to be sold, stored or dispensed, the site shall comply with the requirements for Automobile Service Stations and all environmental and safety regulations mandated by Federal, State and/or Local law, regulations or ordinances, and such further conditions as may be imposed by the Township to promote public health, safety and welfare. Petroleum products shall not be sold, stored or dispensed except in-season.
10. All Federal and State laws, regulations and/or ordinances, including but not limited to MCL 324.30101 et seq., governing the location and operation of marinas, and any permits required thereunder shall be obtained prior to the operation of a marina.
11. A site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

#### Section 4.30. LOW-IMPACT HOME BASED BUSINESS

1. Within the AG, SE and R-1 Zoning Districts, home occupations, as defined herein, if conducted as an accessory use to a dwelling unit, are permitted as a “Conditional Use” subject to the following requirements.
  - a. When included as a part of the Conditional Use application, up to two (2) nonresident employees may be approved, but the number of nonresident employees cannot exceed the number of resident employees.
  - b. No more than one (1) home occupation may be located in any dwelling unit;
  - c. The home occupation shall not alter the appearance of the building as a dwelling unit;
  - d. No mechanical equipment shall be employed in a home occupation, other than that customarily utilized for hobby or domestic purposes;
  - e. Other than those goods or merchandise which is produced on the premises; no sales of any goods or merchandise shall occur on the premises that would require customer visit to the site.
  - f. The business activity may not use any equipment or process which creates noise or produces potential nuisances associated with such use, including vibration, glare, fumes, odors or electrical or electronic interference,

including interference with radio or television reception, which is detectable in the neighborhood.

- g. A home occupation shall not generate or discharge any waste or effluent not normally created or generated in residential dwellings. In addition, no toxic, explosive, flammable, combustible, corrosive, etiologic agents, radioactive, hazardous or other restricted materials may improperly be used or stored on site.
- h. No heavy manufacturing shall occur on the premises.
- i. No goods shall be displayed so as to be visible from the exterior of the dwelling or accessory building.
- j. All vehicular traffic, in frequency, volume and vehicle type, shall be limited to that normally associated with residential areas.
- k. Home occupations shall be limited to not more than twenty-five percent (25%) of the floor area of the dwelling unit. If an attached garage or unfinished basement area is used for the home occupation, the area of those spaces shall be calculated with a reduction factor of 50% when determining the area limitation.
- l. An accessory building or structure may be utilized for a home occupation, provided that said accessory structure area, calculated with a reduction factor of 50%, shall be included in the total area permitted for a home occupation use, and further, that no such accessory building or structure shall be accessible to the public for business purposes.
- m. In addition to the required parking spaces for the dwelling unit, one (1) parking space shall be provided for each nonresident employee and patron on site at one time.
- n. Only one sign advertising a home occupation may be permitted on the premises. Such sign shall not be illuminated and shall be limited to four (4) square feet in area and shall contain only the name of the occupant and the nature of the business.
- o. The applicant shall submit the following;
  - I. A detailed written description of the compliance with all requirements of this Section.
  - II. A Site Plan for review as detailed in Section 4.17

- III. Evidence of all applicable State and Local license and approvals;
  - IV. If applicable, a written description of a waste disposal plan indicating that the disposal of all materials and waste will be accomplished in a manner that is in full compliance of all applicable Federal, State and Local regulations.
  - V. Other documents and/or information, requested by Franklin Township Planning Commission, necessary to fully evaluate the applicant's request.
2. Should the nature of the Home Occupation change, the applicant is required to immediately advise the Zoning Enforcement Officer and submit written information, consistent with sub-paragraph (1-o) above, demonstrating continued compliance with the requirements of this section.

## **ARTICLE V**

### **NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES AND NON-CONFORMING USES OF STRUCTURES AND PREMISES**

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structure which were lawful prior to adoption of this Ordinance but were made unlawful by regulations imposed by this Ordinance, they shall be termed non-conformities. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of non-conforming uses, including the addition of other structures or uses prohibited elsewhere in the same district.

Section 5.01. NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS). In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Zoning Board of Appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership area of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and area as established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this resolution.

Section 5.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption 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:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Zoning Board of Appeals.

2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than one hundred (100) percent of State Equalized Valuation, the time of destruction, which shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations of the district in which it is located after it is moved.

Section 5.03. NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance a lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a State Equalized Valuation exceeding five hundred (\$500) dollars, the use may be continued so long as it remains otherwise lawful provided:

1. No such non-conforming 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.
2. No such non-conforming 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.
3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 5.04. NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures or of structure and premises in combination with a State Equalized Valuation of five hundred (\$500) dollars or more exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. 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.
2. Any non-conforming 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.

3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that approval is secured from the Zoning Board of Appeals and that the proposed use is equally appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year (3) period, 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.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this section is defined as damaged to an extent of more than one hundred (100) percent of State Equalized Valuation at time of destruction.

Section 5.05. REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding twenty (20) percent of the current State.

Equalized Valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation 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 the Building Inspector.

Section 5.06. NON-CONFORMING USE - BUILDING DAMAGED BY FIRE, ETC. Any non-conforming use or non-conforming building which has been destroyed by fire, explosion, Act of God, or by public enemy to the extent of one hundred (100) percent of its State Equalized

Valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage is less than one hundred (100) percent of its State Equalized Valuation before said damage occurred, exclusive of the foundation, then such structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall be subject to the approval of the Zoning Board of Appeals. Said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

Section 5.07. CHANGE OF TENANCY OR OWNERSHIP. There may be change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature of character of such non-conforming use.



## **ARTICLE VI**

### **OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 6.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main buildings or structure remains, unless an equivalent number of such space are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half (1/2) be disregarded and fraction over one-half (1/2) shall require one (1) parking space.
3. Location of Parking Space for One and Two Family Dwellings. The off-street parking facilities required for one and two family dwelling shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
4. Location of Parking Space for Other Land uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts, the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
5. Seating Capacity of Seats. Seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
7. Protective Screening. Whenever off-street parking facilities abut a residential district an obscuring wall, fence, or compact planting shall be provided of not less than four (4) feet or more than six (6) feet in height.
8. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
9. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 6.02.

Section 6.02. TABLE OF OFF-STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses or buildings, additions, thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
1. <u>Residential</u>	
a. Residential, One-Family, Two-Family, and Multiple Family	Two (2) for each dwelling unit.
b. Trailer Park and Mobile Home	Two (2) for each trailer or mobile home site and one (1) for each employee of the trailer or mobile court. Plus one (1) for every four (4) sites adjacent to a recreation area. Parking areas to be restricted to passenger vehicles.
c. Bed and Breakfast	Two (2) offstreet parking spaces plus one (1) additional space per room to be rented.
2. <u>Institutional</u>	
a. Churches, Temples or Synagogues	One (1) unit for each three (3) seats in the main unit of worship.
b. Homes for the Aged and Convalescent Homes	One (1) per six hundred (600) square feet gross floor area.
c. Elementary Schools	One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium.
d. Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
e. Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One (1) for each two (2) member families or individuals.
f. Golf Courses Open to the General Public Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
g. Theaters (Drive-In)	One (1) for each vehicle plus a ten (10) percent reservoir of the total vehicle capacity.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
3. <u>Business and Commercial</u>	
a. Shopping Center or Clustered Commercial	One (1) for each two hundred (200) square feet of gross floor area.
b. Amusement Parks and Establishments	One (1) per each two hundred (200) square feet of gross floor area.
c. Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
d. Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one-half (1/2) spaces for each additional chair.
e. Bowling Alleys	Five (5) for each one (1) bowling lane.
f. Dance Halls, Pool or Billiard Parlor, Roller or Ice Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats	One (1) for each three (3) seats.
g. Drive-in Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
h. Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) for each seventy-five (75) square feet of gross floor area.
i. Carry-out Restaurant	One (1) for each two hundred (200) square feet of gross floor area.

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
j. Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses.	One (1) for each one thousand (1,000) square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
k. Automobile Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.  One (1) for each two (2) washing machines.
l. Laundromats and Coin Operated Dry Cleaners	One (1) for each one (1) hole plus one (1) for each one (1) employee.
m. Miniature or "Par-3" Golf Courses	One (1) for each two hundred (200) square feet of gross floor area.
n. Mortuary Establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ball rooms, or meeting rooms.
o. Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one thousand (1000) square feet of lot area.
p. Open Air Businesses	One (1) for each two hundred (200) square feet of gross floor area.
q. Retail Stores Except as Otherwise Specified Herein	Three (3) for each employee.
r. Riding Stables or Academies	Two (2) offstreet parking spaces plus one (1) additional space per room to be rented.
s. Bed and Breakfast	

<u>Use</u>	<u>Number of Minimum Parking Spaces Per Unit of Measure</u>
4. <u>Offices</u>	
a. Drive-in Banks	Waiting space equivalent to six (6) spaces for each drive-in windows.
b. Banks, Business Offices or Professional Offices, Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professions	One (1) for each two hundred (200) square feet of gross floor area.
5. <u>Industrial</u>	
a. Industrial or Research Establishments	Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during period of plant construction.
b. Wholesale Establishments	Five (5) plus one (1) every one (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area which ever is greater.

**Section 6.03. OFF-STREET PARKING DESIGN REQUIREMENTS.**

- Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 feet	18 feet	23 feet	20 feet	28 feet
30° to 53°	12 feet	9 feet	20 feet	32 feet	52 feet
54° to 74°	18 feet	9 feet	21 feet	39 feet	60 feet
75° to 90°	25 feet	9 feet	19 feet	44 feet	63 feet

- All such parking lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate without or upon such area. No surface water from which such parking areas shall be permitted to drain on adjoining private property.

3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light, in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
4. Side yards shall be maintained for a space of not less than six (6) feet between the side lot lines of adjoining residential lots and the parking area.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
6. Wheel chocks shall be provided so located as to prevent any vehicle from projecting over the lot line.

**Section 6.04. OFF-STREET LOADING REQUIREMENTS.** On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale market, hotel, restaurant, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such unloading and loading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area <u>In Square Feet</u>	Loading and Unloading Spaces Required In Terms of Square Feet of Gross Floor <u>Area</u>
0 - 2,000	None
2,000 - 20,000	One (1) space.
20,000 - 100,000	One (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of one hundred thousand (100,000) square feet.
100,000 - 500,000	Five (5) spaces plus one (1) space fore each forty thousand (40,000) square feet in excess of one hundred thousand (100,000) square feet.
Over 500,000	Fifteen (15) spaces plus one (1) space for each eighty thousand (80,000) square feet in excess of five hundred thousand (500,000) square feet.

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## **ARTICLE VII**

### **AG - AGRICULTURAL DISTRICT**

Section 7.01. STATEMENT OF PURPOSE. The purpose of the Agricultural District is to protect land best suited for agricultural purposes from encroachment of incompatible land uses.

Section 7.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an AG - Agricultural District. Any use not expressly permitted is prohibited.

1. Single family detached dwellings, both farm and non-farm related.
2. Farms.
3. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreational facilities, and conservation.
4. Public, parochial or other private elementary, intermediate schools and/or high schools offering courses in general education and not operated for profit on sites of not less than ten (10) acres.
5. Accessory uses and buildings customarily incidental to the above permitted principal uses.
6. No-Impact Home Based Business as defined in Article XXI.

Section 7.03. CONDITIONAL USES. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. The raising of fur-bearing animals subject to the following conditions:
  - a. The commercial raising of fur-bearing animals, including minks, chinchillas, rabbits, fox, guinea pigs, and similar animals, shall be located on a continuous parcel of land ten (10) acres or more in area. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet.
  - b. The commercial raising of domestic or laboratory animals such as cats, dogs, mice, rats or other similar animals shall be located on a parcel of

property not less than ten (10) acres in area. All outdoor runs or breeding areas shall be enclosed on all sides by a wall or fence.

2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fences as designated in Section 4.13.
3. Churches, subject to the requirements set forth in Section 4.18.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
6. Golf course, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structure shall be so located and related so as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Private parks, country clubs and gun clubs. Roadside stands, principally for the marketing of agricultural products produced on the premises.
8. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the County. Land beneath all aircraft approach lands, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Lenawee County Planning Commission after consultation with the appropriate aeronautical agencies.
9. Stables and riding academies with a minimum site size of ten (10) acres.
10. Low-Impact Home Based Business as defined in Article XXI.

11. Sand and gravel operations in accordance with the standards listed in Article XIV.
12. The sales and transporting of agricultural commodities including seed, fertilizer, and other accessories and the service or repair of farm machinery provided that such sales, service or repairs are conducted on an operating farm and incidental and secondary to the use of the farm for agricultural activities. All potentially dangerous chemicals shall be stored in closed and locked building.
13. Open Air Business Uses as follows in conformance with Section 4.19.
  - a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
  - b. Retail sale of fruit and vegetables.
14. Bed and Breakfast subject to the requirements set forth in Section 4.25.
15. Private roads as regulated in Section 4.27.
16. Communication towers as regulated in Section 4.28.
17. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand square feet and shall be screened from any adjoining lot in any residential district.
18. Marina as regulated in Section 4.29.
19. Open space communities as set forth in Article XVII.

Section 7.04. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Area Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVI, "Schedule of Regulations."

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## **ARTICLE VIII**

### **SE - SUBURBAN-ESTATE DISTRICT**

Section 8.01. STATEMENT OF PURPOSE. The purpose of the Suburban-Estate District is to permit the development of those lands in rural areas that are generally not suitable for agricultural purposes with uses and densities that preserve the rural nature of the area and discourage urban sprawl.

Section 8.02. PERMITTED PRINCIPAL USES. The following uses are permitted in the SE-Suburban-Estate District. Any use not expressly permitted is prohibited.

All permitted principal uses in the AG - Agricultural District subject to the terms and conditions provided therein. Keeping of animals shall be in accordance with Section 4.15.

Section 8.03. CONDITIONAL USES. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Nursery schools, day nurseries and child care centers (not including dormitories) providing that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fences as designated in Section 4.13.
3. Churches, subject to the requirements set forth in Section 4.18.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
6. Golf courses, which may or may not be operated for profit subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.

- b. Development features including the principal and accessory buildings and structures shall be so located and related to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.
- 7. Low-Impact Home Based Business as defined in Article XXI.
- 8. Bed and Breakfast subject to the requirements set forth in Section 4.25.
- 9. Private roads as regulated in Section 4.27.

Section 8.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVI, "Schedule of Regulations."

## **ARTICLE IX**

### **R-1 - SINGLE FAMILY RESIDENTIAL**

Section 9.01. STATEMENT OF PURPOSE. The Single Family Residential Districts are established as districts in which the principal use of land is for single-family dwellings.

Section 9.02. PERMITTED PRINCIPAL USES. The following provisions apply in all Single Family Residential Districts. Any use not expressly permitted is prohibited.

1. Single-family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, playfields, playgrounds, recreation facilities and conservation.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum site size of ten (10) acres.
4. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.
5. No-Impact Home Based Business as defined in Article XXI.

Section 9.03. CONDITIONAL USES. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of at least five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.13.
3. Churches, subject to the requirements set forth in Section 4.18.
4. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.

5. Temporary building for use incidental to construction work for a period not to exceed one (1) year. Such building shall not be used for a residence.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned so as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Low-Impact Home Based Business as defined in Article XXI.
8. Cluster Residential Development subject to the requirements of Article XVII.
9. Bed and Breakfast subject to the requirements set forth in Section 4.25.
10. Private roads as regulated in Section 4.27.

Section 9.04. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVI, "Schedule of Regulations."

Section 9.05. LAKE DISTRICT OVERLAY ZONE.

In the growth and development of Franklin Township certain neighborhoods/residential districts have evolved, especially around Evans Lake and Sand Lake, from subdivisions that were platted in the early decades of the twentieth century and occupied by seasonal housing units, which have been, and are being converted into year round residences. Initially these areas were subdivided into lots, which tend to be significantly smaller than the standard established by the Franklin Township Zoning Ordinance. Dwellings and accessory buildings have been constructed on them, which do not conform to minimum yard and spacing requirements.

The Township recognizes the special nature of certain neighborhoods/residential districts and wishes to preserve their unique characteristics through special regulations. It is the intent of this section to allow greater flexibility in site standards, such as minimum yards and related requirements in these specific areas as described herein, to promote the improvement. renovation or reconstruction of dwellings and accessory structures in a manner that conforms to the character



of the existing development in the area and to continue the prevailing setbacks in such neighborhoods/residential districts while protecting public health safety and general welfare.

These neighborhoods/residential districts are hereby declared to be a Lake District Overlay Zone. The Lake District Overlay Zone appears on the Zoning Map as an "Overlay District" imposed on top of the other base (or underlying) zoning districts created by the Zoning Ordinance. Development of properties in the Lake District Overlay Zone must comply with all of the regulations of the base district in which they are located except as specifically set forth or excepted in this section. When there is any conflict between the regulations of the Lake District Overlay Zone and the regulations of the base district the conflict shall be reconciled by the zoning enforcement officer in conference with the planning commission and all rights of appeal provided by the Zoning Ordinance shall be preserved.

Permitted and special uses allowed in the Lake District Overlay Zone shall be consistent with those authorized by the regulations of the base zoning district, subject to the limitations placed thereon by this Section.

1. The standards of the Lake District Overlay Zone shall be applied only to structures located or proposed to be located on those parcels within the following plats.
  - A. Evans Lake:
    1. Plat of F.W. Lemm's Subdivision
    2. Supervisor's Plat #2
    3. Plat of Evans Lake Park Subdivision Area #1 and Area #2
  - B. Sand Lake:
    1. Plat of Kennedy Subdivision
    2. Supervisor's Plat #1
    3. Plat of R. J. Law's North Shore Subdivision
    4. Plat of Ardendale Subdivision (except lots I through 13)
2. Front yard setback:
  - A. Minimum required front yards (or back yards of those lots where the front yard is defined as facing the lake) when adjacent to a street or road, may be reduced to the average established yard of all developed adjacent parcels in the subject plat within three hundred feet (300') on each side of the subject property or the three nearest residences on each side the subject property, whichever is less, provided that the reduction will not create a traffic safety hazard or encroach on any easement or right of way.
  - B. Parcels used in the setback averaging shall include only those in the same plat as defined in subsection 1 above.

- C. At no time shall the structure be located less than twenty feet (20') from the traveled portion of the adjacent road or street and at no time shall the structure be located closer than 50' from the high water mark of the lake.
3. Rear yard setback: Rear yard setbacks shall be a minimum of thirty-five feet (35') except for lots that front on the lake where paragraph 2. A. above shall apply for the rear yard facing the street.
  4. Side yard setbacks: The minimum required side yards may be reduced to a dimension equal to 10% of the lot width provided the resulting structure is no less than 5 feet(5') from the adjacent property line and no less than ten (10') from the dwelling on the adjacent lot.
  5. Decks, porches or other projections from the main structure shall be considered a part of the main structure and subject to the same setbacks as the structure except that eaves and overhangs may extend not more that twelve (12) inches into the setback.
  6. The remainder of the area, height and bulk regulations shall be as specified in the Schedule of Regulations, Section 16.0 J. R-1 Single-Family Residential.
  7. The application of these special standards shall be reviewed and approved by the Township Zoning Administrator and/or Building Inspector prior to issuance of a building permit.
    - A. Given the density of the lots in these plats; to adjacent neighbors; to the lake edge; to road right-of-ways; and possible encroachments on adjacent property lines and right-of-ways, as a requirement for evaluation for a building permit, the property owner may be required, by the Zoning Administrator and/or Building Inspector, to provide a site plan and /or detailed survey of the property including the dimensions of the proposed improvements.
    - B. A detailed survey and site plan is a requirement for any submission of these standards to the Board of Appeals for a variance request.
    - C. This survey and site plan shall be prepared by a registered surveyor and shall include at a minimum the following items:
      1. Show on plan and locate in the field all property lines, corners, easements, uses, road right-or-ways and high water mark including dimensions and angles correlated with the legal description of the property.

2. Locate and dimension all existing and proposed main structures and accessory structures on the site and the facing sides of existing structures on adjacent lots. Indicate the distance from the property lines of all these structures.
  3. Locate all drives patios, walks and other paved areas.
  4. Locate all poles, manholes and other utility services.
  5. Any additional information, including grades, as determined by the Township Building Inspector as required due to the complexity of the proposed improvements.
8. Where two or more adjacent lots within a lake district overlay zone are under single ownership, as a condition to issuance of a building permit, these properties shall be permanently conjoined and enjoined by a building and use restriction, acceptable to the Township that prevents future dividing of the property consistent with the requirements of Article V, Section 5.01 of the Franklin Township Zoning Ordinance and the following additional standards.
- A. Should the resulting lot be 80' wide or greater the side setbacks shall be as specified in the Schedule of Regulations for R-1 Single – Family Residential.
  - B. Should the resulting lot be 120' long or greater the front and rear yard setbacks shall be as specified in the Schedule of Regulations for R-1 Single-Family Residential.

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## **ARTICLE X**

### **RM - MULTIPLE FAMILY RESIDENTIAL DISTRICT**

Section 10.01. STATEMENT OF PURPOSE. The RM - Multiple Family Residential District is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and garden apartments.

Section 10.02. PERMITTED PRINCIPAL USES. The following provisions apply in all RM - Multiple Family Residential Districts. Any use not expressly permitted is prohibited.

1. All Permitted Principal Uses in the Single-Family Residential Districts subject to the terms and conditions provided in the R-1 District.
2. Multiple family dwelling units including townhouses (single-family attached dwellings), apartment and row or terrace dwellings.
3. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 10.03. CONDITIONAL USES. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Hospitals, provided the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
  - b. The proposed site shall have at least one (1) property line abutting a County Primary Road. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road.
  - c. In the event one (1) or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories, the building shall be set back from the initial one hundred (100) foot setback an additional one (1) foot for each foot of additional height above two (2) stories.

- d. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
  - e. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
  - f. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height and said wall shall be further subject to the requirements of Section 4.13.
  - g. Development Plan shall show any future construction and projected maximum patient census.
  - h. Noise producing activities, such as ambulance and delivery areas shall be located not less than five hundred (500) feet from any residential area.
2. Housing for the elderly. All housing for the elderly shall be provided as a planned development consisting of at least one (1) acre in area and may provide for the following:
    - a. Cottage-type dwellings and/or apartment-type dwelling units.
    - b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.
    - c. All dwellings shall consist of at least three hundred and fifty (350) square feet per unit (not including kitchen and sanitary facilities).
    - d. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed fifty (50) percent of the total site exclusive of any dedicated public right-of-way.
  3. Convalescent and/or nursing home, when the following conditions are met:
    - a. The site shall be so developed as to create a land to building ratio on the parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of land area.
    - b. No building shall be closer than forty (40) feet from any property line.
  4. Bed and Breakfast subject to the requirements set forth in Section 4.25.

5. Private roads as regulated in Section 4.27.

Section 10.04. SITE PLAN REVIEW. For all principal permitted uses in an RM - Multiple Family Residential District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

Section 10.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are provided in Article XVI, "Schedule of Regulations."

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## **ARTICLE XI**

### **RMH - MOBILE HOME PARK DISTRICT**

Section 11.01. STATEMENT OF PURPOSE. The purposes of the Mobile Home Park District is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure.

Section 11.02. PERMITTED PRINCIPAL USES. The following provisions apply in all RMH - Mobile Home Park Districts. Any use not expressly permitted is prohibited.

1. Mobile Homes.
2. Mobile Home Parks, subject to the requirements as established and regulated by Act 243 of the Public Acts of 1959, as amended, except that the same shall conform to the following requirements:
  - a. Greenbelt: The park shall have a greenbelt twenty (20) feet in width and its rear and sides. The greenbelt shall be forty (40) feet at the front of the mobile home park. The greenbelt shall be measured from the nearest edge of the road right-of-way to the line of the closest mobile home site.
  - b. Recreation: The minimum of ten (10) percent of the total park should be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, lands under water or having excessive grades and shall be so graded and developed as to have adequate drainage and usability by residents of the park.
  - c. Site Dimensions: Each mobile home shall have its own home site which shall be at least forty (40) feet wide and a minimum of three thousand six hundred (3,600) square feet in area. A double-wide mobile home shall have a mobile home site which shall be at least fifty-five (55) feet wide and a minimum of five thousand five hundred (5,500) square feet in area.
  - d. Mobile homes shall be at least thirty (30) feet from the rear of the nearest mobile home and twenty-five (25) feet from the side of the nearest mobile home.
  - e. Mobile homes shall be placed at least ten (10) feet from the pavement of the access drive.
3. Mobile Home Subdivisions provided that minimum lot sizes and yard spaces shall be:

- a. Lot width: Single - 45 feet  
Double wide - 60 feet
  - b. Lot area: Single - 5,000 square feet  
Double wide - 7,200 square feet
  - c. Minimum front yard: 20 feet
  - d. Minimum side yard: 10 feet
  - e. Minimum rear yard: 25 feet
4. Accessory uses and building customarily incidental to the above permitted principal uses.

Section 11.03. **CONDITIONAL USES.** The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
2. Nursery schools, day nurseries and child care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play space, shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
3. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year. Such buildings shall not be used for residences.
4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
  - a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

Section 11.04. SITE PLAN REVIEW. For all uses permitted in an RMH - Mobile Home Park District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

Section 11.05. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article XVI, "Schedule of Regulations."

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## **ARTICLE XII**

### **C-1 - GENERAL COMMERCIAL**

Section 12.01. STATEMENT OF PURPOSE. The C-1 - General Commercial District, is intended to permit retail business and service uses which are needed to serve the nearby residential area.

Section 12.02. PERMITTED PRINCIPAL USES. The following provisions apply to all C-1 - General Commercial Districts. Any use not expressly permitted is prohibited.

1. Office buildings resulting from any of the following occupations; executive; administrative; professional services; accounting; writing; clerical; stenographic; drafting; sales and governmental service.
2. Medical, optical or dental office, including clinics and medical laboratories.
3. Banks, credit unions, savings and loan associations.
4. Private schools operated for profit.
5. Photographic studios.
6. Funeral homes.
7. Retail establishments for the sale of alcoholic and non-alcoholic beverages, baked goods, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, printed materials, sundry small household articles, tobacco, and similar establishments.
8. Personal service establishments performing services on the premises, such as barber and beauty shops, watch, electronic equipment, small appliance clothing and shoe repair, tailor shops, locksmith and similar establishments.
9. Laundry or dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one (1) customer service outlet are prohibited.
10. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are not a permitted use and shall comply with Section 12.03.

11. Public utility buildings and uses, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
12. Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
13. Business service establishments performing services on the premises such as office machine and electronic equipment repair; printing, and photographic studios.
14. Passenger bus stations.
15. Theaters, dance halls, assembly halls and banquet/rental halls.
16. Hotels and motels.
17. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

Section 12.03. **CONDITIONAL USES:** The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Vehicle fuel dispensing, repair and service stations.
2. Private service clubs, fraternal organizations and lodge halls, subject to the following:
  - a. The minimum lot area shall be one (1) acre.
  - b. The site shall have at least one (1) property line abutting a County Primary Road.
  - c. All vehicular ingress and egress to the site shall be directly from said County Primary Road.
3. Eating and drinking establishments of a drive-in or carry-out character as defined in Article XXI subject to the following:
  - a. The establishment shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) square feet.

- b. All driveways providing ingress or egress shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same establishment.
  - c. Where an establishment adjoins property located in any residential district, buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.
  - d. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
  - e. There may be no more than one (1) free-standing sign per street frontage, each face not exceeding one hundred (100) square feet in area, which shall display only the name of the user or occupant of the premises.
4. Automobile car wash establishments when completely enclosed with a building, including steam-cleaning, but not rust-proofing; provided further that off-street storage space for at least ten (10) cars waiting to be washed per car wash lane is provided for manual or self-serve establishments and at least twenty-five (25) storage spaces for automatic establishments.
5. Open air business uses as follows in conformance with Section 4.19.
- a. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment.
  - b. Retail sale of fruits and vegetables.
  - c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreation uses.
  - d. Recreational vehicles, trailers, motor vehicle new and used car lots, mobile and manufactured homes, boats, or farm, lawn and garden equipment sale or rental services.
  - e. Outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses.

6. Drive-in theaters, provided that any such site is adjacent to a County Primary Road; that there shall be no vehicular access to any residential street, that suitable screening is provided to insure that there be no vehicular access to any residential street, that suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and so that the picture is not visible from a major thoroughfare; and that any such drive-in theaters shall be located no closer than one thousand (1,000) feet to any residentially zoned or developed property.
7. Construction and/or contracting business which provides labor, materials, equipment or services, of any nature or trade, for the construction, service or repair of residential, commercial or industrial buildings.
8. Communication towers as regulated in Section 4.28.
9. A single-family dwelling as an accessory use for the sole and exclusive use of the owner, caretaker or watchman.
10. Bed and Breakfast subject to the requirements set forth in Section 4.25.
11. Private roads as regulated in Section 4.27.
12. Single and multiple family dwelling units within a newly constructed or existing commercial building subject to the following conditions:
  - a. It is the intent herein to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the construction of single and multiple-family residential dwelling units.
  - b. Dwelling units or sleeping rooms shall not be located below the second floor.
  - c. A minimum floor area of 400 square feet for efficiency apartments;
  - d. A minimum floor area of 600 square feet for a one (1) bedroom apartment;
  - e. A minimum floor area of 750 square feet for a two (2) bedroom apartment;
  - f. A minimum floor area of 950 for a three (3) bedroom apartment;
  - g. All dwelling unit entrances shall be by way of an entrance separate from and apart from the commercial use occurring on the lower floor(s).
13. Self-Service Storage Facilities

Section 12.04. SITE PLAN REVIEW. For all uses permitted in the C-1 General Commercial District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.



Section 12.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Area, Height, Bulk, and Placement Requirements, unless otherwise specified are provided in Article XVI, "Schedule of Regulations."

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## **ARTICLE XIII**

### **CR - COMMERCIAL RECREATION DISTRICT**

Section 13.01. STATEMENT OF PURPOSE. The CR - Commercial Recreation District is intended for those areas oriented towards outdoor recreation uses and at the same time interested in the preservation of the natural features of the land.

Section 13.02. PERMITTED PRINCIPAL USES. The following provisions apply in the CR - Commercial Recreation District. Any uses not expressly permitted are prohibited.

1. Boat launching facilities, marinas, including the sale of gasoline, oils and accessory parts, service of boats and motors, docking and berthing space and supporting facilities to dry dock and store boats and motors when not in use.
2. Public and private parks, playgrounds, picnic areas and beaches.
3. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, and health clubs.
4. Indoor ice skating and roller skating rinks.
5. Ski lodges and resorts.
6. Restaurants, only in conjunction with the principal recreational use.
7. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

Section 13.03. CONDITIONAL USES. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Stables with a minimum of five (5) acres; riding academies with a minimum site of ten (10) acres.
2. Campgrounds, travel trailer parks and tent sites subject to the following requirements:
  - a. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean a campground or travel trailer park.

- b. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste contained and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
  - c. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
  - d. Each lot shall provide a hard-surfaced, dust-free vehicle parking area for site occupants and guest parking. Such parking area shall be located within four hundred (400) feet of the site is intended to serve (except in the case of sites specifically designed only for tent camping).
  - e. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that a minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
  - f. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
3. Horse or automobile race tracks and drag strips subject to the following requirements:
- a. The minimum site size shall be ten (10) acres.
  - b. The sites shall have direct access to a County Primary Road.
  - c. There shall be provided at least one hundred (100) foot setback from the property line that abuts the County Primary Road.
  - d. Such use shall be located at least three hundred (300) feet from any property line of abutting residentially zoned lands.
4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
- a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - b. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all

principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

5. Amusement parks, fairgrounds, zoological gardens, botanical gardens and arboretums.
  - a. The lot size shall be a minimum of ten (10) acres.
  - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - c. There shall be provided at least one hundred (100) foot setback from the property line abutting the County Primary Road.
  - d. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
6. Miniature golf courses, arcades, go-cart tracks, private museums, and other recreation enterprises of similar nature.
  - a. Lot size shall be a minimum of one (1) acre.
  - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
7. Amphitheaters, for musical or theatrical performances.
  - a. Lot size shall be a minimum of ten (10) acres.
  - b. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
  - c. There shall be provided at least one hundred (100) foot setback from the property line of abutting residentially zoned lands.
8. Country clubs, gun clubs, and skeet-shooting ranges.
  - a. Lot size shall be a minimum of ten (10) acres.
  - b. Recreation facilities utilizing fire arms, bows and arrows, etc., shall have the site plan approved by the Lenawee County Sheriff to insure adequate safety.

9. A detached single-family dwelling as an accessory use, or a single-family dwelling as an accessory use located within a principal structure, for the sole and exclusive use of the owner, caretaker or watchman.
10. Bed and Breakfast subject to the requirements set forth in Section 4.25.
11. Private roads as regulated in Section 4.27.
12. Banquet/Rental Hall.
13. Self-Service Storage Facilities

Section 13.04. SITE PLAN REVIEW. For all uses permitted in the CR - Commercial Recreation District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

Section 13.05. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Area, Height, Bulk, and Placement Requirements shall unless otherwise specified, are as provided in Article XVI, "Schedule of Regulations."

## **ARTICLE XIV**

### **M-1 - INDUSTRIAL DISTRICT**

Section 14.01. STATEMENT OF PURPOSE. In the M-1 - Industrial District, the intent is to permit industries to locate in planned areas of the Township. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects.

Section 14.02. PERMITTED PRINCIPAL USES. Any of the following uses when the manufacturing, compounding or processing is conducted entirely within a completely enclosed building. That portion of the land uses for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by six (6) foot wall and/or barrier of suitable material on those sides abutting any residential district, in accordance with Section 4.12.

1. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware; plumbing; heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishing, and any commodity the manufacture of which is permitted in this District; trunk terminals.
2. Industrial Establishments:
  - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering) candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
  - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yarns.
  - c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tool; manufacturing of tools, dies, jugs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.

- d. Laboratories - research or testing.
  - e. Central dry cleaning plants and laundries.
3. Public Utility Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses, gas regulator and municipal utility pumping stations.
  4. Retail and Service Establishments:
    - a. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
    - b. Truck, tractor and trailer sales, rental and repair.
    - c. Dog kennels.
    - d. Automobile service stations.
  5. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

Section 14.03. **CONDITIONAL USES.** The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. The excavation, mining, stock-piling or removal of sand and/or gravel deposits subject to the issuance of a permit by the Township Board and upon compliance with the conditions upon which the permit provided for hereunder is issued.
2. Processing plants in connection with the washing, grading, or other similar processing excavated materials.
3. Stock piles of sand/or gravel as the produce of an excavation operation.
4. Sleeping quarters of a watchman or caretaker as an accessory use.
5. Private roads as regulated in Section 4.27.
6. Communication towers as regulated in Section 4.28
7. Marina as regulated in Section 4.29.



8. Self-Service Storage Facilities

Section 14.04. INDUSTRIAL PERFORMANCE STANDARDS IN ACCORDANCE WITH ARTICLE XV.

Section 14.05. APPLICATION FOR PERMIT. A separate item shall be required for each separate excavation site. Each application for a permit shall be made in writing to the Building Inspector and shall contain the following information as a precedent to the obligation to consider such request:

1. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
2. Vertical aerial photograph, enlarges to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals one thousand (1,000) feet, and certified as flown not earlier than two (2) months prior to date of application. The vertical aerial photograph shall cover:
  - a. All land requested in permit application.
  - b. All contiguous land which is or has been used by the owner or lease-holder applicant for sand and gravel extraction, processing, storage or other permitted use.
  - c. All lands within one-half (1/2) mile of proposed planned mining area.
  - d. All public or private roads which provide access to property.
  - e. Boundary of the entire planned mining area by courses and distances.
  - f. Site topography and natural features including location of water courses within the planned mining area.
  - g. Average thickness of overburden in the area of proposed operations.
  - h. Means of vehicular access to the proposed operation.
  - i. Any additional information required by the Township Planning Commission.
3. Geological and engineering survey prepared by a geologist and engineer licensed by the State of Michigan, indicating:

- a. Quality of material to be excavated.
  - b. Depth of water table throughout the planned mining area for which permit is sought.
4. Sectional map at a scale of one (1) inch equals two hundred (200) feet covering the area within one (1) mile of the boundaries of the land included in the permit application, showing existing classification of all land appearing on the map as shown in the official zoning map, and all roads, streets, alleys, parks and other public or governmental areas in public ownership or on public rights-of-way, or proposed on master plans of local and regional planning agencies, all railroad rights-of-way, within the area covered by the map, and the names thereof, and corrected by an engineer of surveyor licenses by the State of Michigan as to property lines.
  5. Operations Plan for operation of the sand and gravel deposit, to be presented on a transparent overlay at the same scale as the vertical aerial photograph and delineating:
    - a. Area of active excavation.
    - b. Area requested for excavation.
    - c. Area of active settling ponds and washing plant facilities.
    - d. Area requested for settling ponds and washing facilities.
    - e. Area of existing treatment facilities and sand and gravel storage.
    - f. Area requested for treatment facilities and sand and gravel storage.
    - g. Area of production facilities for resource-related industry.
    - h. Area requested for production facilities for resource-related industry.

Section 14.06. PERMITS. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township, the Township Board, after hearing findings from the Township Planning Commission, shall determine whether or not a permit shall be issued. The permit shall be issued in the event of the Township Board shall determine that the issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the Township.

Section 14.07. SURETY BOND REQUIREMENTS. The Township Board shall, to insure compliance with any regulation contained herein or required as a condition of the issuance of a

permit for the excavation, mining, stockpiling or removal of sand and/or gravel deposits, require the permittee to furnish a Surety Bond executed by a surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the Surety Bond be less than one thousand (\$1,000) dollars for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such Surety Bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by Court Judgment, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. Said Surety Bond shall be kept in a special account in the Township depository and shall not be used for any other purpose than those specified herein.

Section 14.08. MANDATORY PHYSICAL REQUIREMENTS. The following requirements shall be mandatory.

1. No more than thirty (30) acres, excluding land used for processing, weighing, and administration may be under excavation at any open time; subject, however, to the following limitations:
  - a. No more than ten (10) acres for mining.
  - b. No more than ten (10) acres for stripping or future mining preparation.
  - c. No more than ten (10) acres for rehabilitation, however, additional acreage may be excavated if and providing a like amount exhausted acreage is rehabilitated as prescribed in Section 14.09.
2. Where an excavation in excess of five (5) feet below the average grade of the property surrounding the excavation area will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends, said fence will be of wire mesh or other suitable material and to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
3. No excavation shall be made closer than one hundred (100) feet from the nearest street or highway right-of-way line nor nearer than five hundred (500) feet to the nearest residence nor closer than one hundred (100) feet to the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in order to give sublateral support to surrounding property where soils or geographic conditions warrant it.
4. Any roads used for the ingress and egress to said excavation site shall be located not less than three hundred (300) feet from a residential dwelling unit and shall be kept dust free by hardtopping with Portland Cement, concrete or bituminous blacktop.

Section 14.09. RESTORATION PLAN. To require an orderly continuing restoration of all land permitted to be excavated for its resources, with these objectives:

1. To prevent soil erosion which may menace life or limb, endanger property or affect the safety, usability or stability of any public property; and
2. To prepare the mined land, by grading, fertilizing and planting on approximately an annual basis, for its ultimate reuse at the expiration of the time limits set forth in the permit.
3. The plan for restoration shall be submitted in three parts; a general plan as an overlay for the vertical aerial photograph, a restoration contour plat, and a description of restoration methods and materials proposed for renewal of topsoil and replanting.
4. A general plan for restoration shall be presented on a transparent overlay at the same scale as the vertical aerial, showing:
  - a. General area of completely restored land.
  - b. General area of restoration under way.
  - c. General area currently used for topsoil and overburden storage.
  - d. General area proposed for restoration during period of special permit.
  - e. General area proposed for restoration during period of special permit.
  - f. The acreage for each item shown on the overlay shall be indicated on plan.
  - g. The restoration contour plat shall be prepared on the same base as the identification plat required above, to indicate the general grades and slopes to which excavated areas are to be backfilled.
  - h. A description of the method and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan, subject to approval of the County Agricultural Agent.
5. All these parts of the restoration plan shall be reviewed by the Township Planning Commission and subject to its approval.

Section 14.10. SITE PLAN REVIEW. For all uses permitted in the M-1 Industrial District, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.17.

Section 14.11 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Area, Height, Bulk, and Placement Requirements shall unless otherwise specified, are as provided in Article XVI, "Schedule of Regulations."

## **ARTICLE XV**

### **INDUSTRIAL PERFORMANCE STANDARDS**

Section 15.01. SCOPE. After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract of land developed, constructed or used for, any permitted or permissible principal or accessory use shall comply with all the performance standards herein set forth for the district involved.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect for such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Any use established in the M-1 Industrial District, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

1. Hot Forging, Steam or Board Hammers: Not permitted.
2. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed eighty (80) decibels with a center frequency of one hundred and twenty-five (125) cycles per second.
3. Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws as pertaining to air pollution and smoke abatement.
4. Glare and Heat: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
5. Fire and Safety Hazards: The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the First Prevention Act 207, Public Acts of 1941, as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and

shall be completely surrounded by earth embankments, dikes or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

6. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of ten (10) cycles per second

## ARTICLE XVI

### SCHEDULE OF REGULATIONS

#### Section 16.01. AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

Zoning District	Minimum Lot Size Per Dwelling Unit		Maximum Building Height (n)		Maximum Coverage of Lot by All Buildings (in Percent of Lot Area)	Minimum Yard Setback (in feet)* (a, b, m, n)				Minimum Floor Area per Dwelling Unit (d)
	Area in Sq. Ft.	Width in Feet	In Stories	In Feet		Front	Least		Rear	
							Total			
						Side Yard c				
						Minimum		Total		
AG (Agricultural)	1 Acre	210	2 1/2	35	35	50 (e)	15 (e)	40 (e)	40 (e)	800
SE (Suburban Estate)	5 Acres	220	2 1/2	35	30	100	15	40	50	800
R-1 (Single-Family Residential)	15,000	100	2 1/2	35	30	50 (l)	20	40	40 (l)	800
	9,600 (k)	80	2 1/2	35	30	50	10	25	35	800
RM (Multiple-Family Residential)	(g)	-	2 1/2	35	30	35	20	40	35	(h)
RMH (Mobile Home Park-1)	(i)	(i)	(l)	15	30	50	25	50	50	600
C-1 (General Commercial)	-	-	2 1/2	35	-	30 (j)	(f)	(f)	30	-
CR (Commercial Recreation)	-	-	2 1/2	35	-	50 (j)	20	40	50	-
M-1 (General Industrial)	-	-	2 1/2	35	-	50 (j)	20	40	50	-

\*From right-of-way of road not the center of the road.

Section 16.02. FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial districts, the same requirements shall apply except that only the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.
- b. In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- c. In all residential subdivisions, the width of side yards, which abut a street or road on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side yard may be reduced to ten (10) feet.
- d. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- e. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary, with the exception that the main barn building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.
- f. In any commercial district, except the Commercial Recreation District, side yards are not required except where a commercial district borders on a side street and a residential district exists in the same block there shall be provided a setback of twenty (20) feet for all buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided setback of twenty (20) feet for all buildings, parking, and loading areas.
- g. Minimum land area required for each dwelling unit in the RM - Multiple Family Residential District shall be:



AREA IN SQUARE FEET

<u>DWELLING UNIT SIZE</u>	<u>Apartment</u>	<u>Townhouse</u>
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom units	7,200	7,200

h. Required minimum floor area for each dwelling unit shall be:

Efficiency unit	400	
One-bedroom unit	600	600
Two-bedroom unit	750	800
Three-bedroom unit	950	1,000

i. A mobile home park shall be constructed and maintained on a parcel of land which has at least four hundred (400) feet of frontage on a County Primary Road, has a minimum area of twenty (20) acres, and provides individual mobile home lots of not less than four thousand (4,000) square feet.

j. Loading space shall be provided in the side or rear yard, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has four (4) enclosures facing other than the front property line.

k. Public sanitary sewers must be available.

l. Lakefront lots: For purposes of this Ordinance, the lake frontage end shall be considered the front yard and the road frontage shall be considered the rear yard. Permanent accessory buildings shall not be located in the required front yard.

m. Building setbacks for lands abutting lakes, rivers, creeks, tributaries, and drainage ditches, shall be set back 50 feet from the water's edge and shall be in accordance with Section 4.21.

n. Setbacks for Non-Conforming Lots in Agricultural and Residential Zoning Districts: Any lot in an Agricultural or Residential District that is non-conforming as to lot width and/or lot area, setbacks and heights shall be as stated in Article XVI or, in the alternative, the Zoning Inspector is authorized to grant zoning approval if a proposed ground floor construction or alteration, including porches and decks, are set back a distance corresponding to the more restrictive of the non-conforming setbacks to be found on the neighboring lot or lots. Whenever such non-conformity exceeds twenty percent (20%) of the permitted setback, a variance shall be required.

However, this exception shall not authorize any building or construction within a public right-of-way or that would otherwise constitute a safety hazard.

## **ARTICLE XVII**

### **OPEN SPACE COMMUNITIES**

Section 17.01. **STATEMENT OF INTENT.** The purpose of this Section of the Zoning Ordinance is to allow and encourage alternative subdivision designs which preserve Franklin Township's character and environmentally sensitive elements, while providing housing communities that are desired by the community and the general public.

Open Space Communities shall promote the following objectives:

1. Maintain the rural character of the Township.
2. Maintain an image of open space within the Township.
3. Preserve open space within the Township.
4. Preserve natural resources within the Township.
5. Preserve agriculture and farming within the Township.
6. Achieve a balance between farming, open space and residential growth within the Township.

Section 17.02. **SITE CRITERIA.**

1. Location Of Open Space Communities.

An open space community may be located as a conditional use in Residential (R-1), Suburban Estates (SE), and Agricultural (AG) zoning districts.

2. Access.

The open space community shall have direct access to an approved public or private roadway.

3. Open Space Criteria.

- a. In all open space communities, at least one (1) of the following items must be present.

1. Preservation of Natural Amenities - Sites preserving a significant quantity of any of the following:

- a. **Organic Amenities:** Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways),

wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade).

- b. **Nonorganic Amenities:** Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.
2. **Provisions for Recreational Facilities** - The submittal should include both passive and active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
3. **Creation of Natural Amenities** - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain “unmanicured,” allowing natural growth and processes to occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.
4. **Preservation of Agriculture** - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughter house, or similar use be allowed within an open space community. A buffer shall be maintained between the agricultural use and the residential units.
  - b. All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.
  - c. Under the open space community provision, the net density shall be no greater than that normally permitted within that zoning district. The maximum density shall be the maximum number of lots permitted by the approved parallel plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots which can be platted on the subject parcel.

Section 17.03. SUBMISSION REQUIREMENTS.

1. Parallel Plan.

A “parallel” or “yield plan” shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of any and all State, County and Township subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

A demonstration must be made to the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivisions regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the yield plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage.

The Planning Commission may also waive the submission of a yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the Franklin Township Land Use Plan and Zoning Ordinance.

2. Site Analysis.

A site Analysis Plan shall be submitted, showing the following site features:

- a. Wetlands, as determined by the Michigan Department of Environmental Quality
- b. Water areas, such as streams and ponds
- c. Woodlands and farmlands
- d. Soils and topography
- e. Drainage patterns and County drains
- f. Historic and cultural features
- g. Wildlife habitat corridors
- h. View sheds and view corridors
- i. Existing easements of record

- j. Existing and proposed rights-of-way
- k. Existing infrastructure
- l. Adjacent development within two hundred (200) feet

3. Conservation Areas Plan.

The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.

- a. Primary Conservation Areas - floodplains, regulated wetlands, drainage ways, easements, 150 - foot exterior road buffer, or other exceptional elements.
- b. Secondary Conservation Areas - farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
- c. Buildable Areas - areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located so as to complement the conservation areas.

4. Open Space Plan.

An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel/yard plan. The roads shall also be shown to provide interior access to all homes. At this stage, the drawings need not be engineered, only drawn to scale.

Section 17.04. REVIEW PROCESS.

- 1. The Planning Commission shall determine that the yield plan submitted meets all applicable regulations of the Land Division Act unless waived per Section 17.03.
- 2. The Planning Commission shall confirm the accuracy and feasibility of the open space plan noted above and determine that all provisions of Article XVII of this ordinance are met.
- 3. Planning Commission Determination.

- a. Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Parcel Division per State Law and Township Ordinance.
- b. Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space community.

Section 17.05. SITE DESIGN REQUIREMENTS.

1. Unless otherwise provided for this Ordinance, all other applicable Zoning Ordinance provisions shall apply.
2. Minimum Lot Size - Lot sizes shall be determined by the State and County Health Departments regulations or standards. In no case shall any lot be less than 15,000 square feet when central sewer are not available, or less than 7,500 square feet when central sewer facilities are available.
3. Minimum Yard Setbacks - The following minimum yard setbacks shall apply to open space developments: Front - 50', Side - 15', Rear - 40'.
4. Minimum Exterior Road Buffer - In order to buffer the development from the surrounding area and to preserve rural atmosphere, a perimeter greenbelt may be required as a condition of site plan approval.
5. Minimum Open Space - A minimum of fifty percent (50%) of the gross land area shall be set aside for common open spaces uses.

*Open Space shall be defined as follows:* All areas within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyable of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, or land area dedicated as limited commons.

6. Access to Open Space - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
7. General Lot Character - Flag lots or panhandle lots shall not be permitted within an open space community.

8. Natural Area - An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.

Section 17.06. ROADS. Roads may be public or private. Private roads must comply with the requirements of Section 4.27 of this ordinance.

Section 17.07. DEDICATION OF OPEN SPACE.

1. The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following.
  - a. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended (M.C.L.399.251).
  - b. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
  - c. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.
2. The conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

Section 17.08. SUBDIVISION PLAT, SITE CONDOMINIUMS, OR LOT DIVISIONS. After, or in conjunction with, the Open space or farmland Community Approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Franklin Township Subdivision Regulations, Site Condominiums Ordinance or Lot Division Ordinance, and all applicable engineering standards of the Franklin Township Land Development and Engineering Standards Ordinance.



## **ARTICLE XVIII**

### **ZONING ADMINISTRATION**

Section 18.01. ZONING ADMINISTRATION. It is hereby provided that the provisions of this Ordinance shall be administered and enforced by the Township Building Inspector or other Township official so designated by the Township Board or deputies of same being delegated to enforce the provisions of this Ordinance.

Section 18.02. FEES. Except as may be provided otherwise in this Ordinance, the Township Board shall by Resolution, determine and set the fees to be charged for all amendments, permits, certificates and copies thereof, and the fees for appeals to the Zoning Board of Appeals. The Township Board may revise said fees from time to time by Resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Building Inspector prior to issuance of said permit or certificate.

Section 18.03. APPLICATION FOR PERMITS. Applications for Land Use Permits shall be filed in quadruplicate with the Building Inspector upon forms furnished and approved by the Township Board and said application shall be printed in ink or typewritten and shall furnish a general description of the contemplated construction and definite information as to area of the lot on which the building is to be constructed and its location thereon. Said applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.

Section 18.04. BUILDING PERMITS. If the Building Inspector finds the application conforms to the requirements of this Ordinance and the statutes, he shall mark all copies of the application approved over his signature, one (1) copy of which shall be retained by him, one (1) copy shall be filed with the Township Clerk, one (1) copy to be filed with the Township Supervisor, and the other copy shall be returned to the applicant, together with a construction card signed by the Building Inspector stating the extent of the work authorized. The approval of the application and the issuance of construction card by the Building Inspector shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

Section 18.05. ERECTION OR ALTERATION. No building or structure excepting farm outbuildings shall hereafter be erected or altered and no land shall be used until a permit shall first have been obtained by the owner of said building or land to be improved, except that no permit shall be required for minor alterations or repairs to existing structures costing a sum to be set by resolution of the Township Board, or for wrecking of buildings or structures of less than one thousand (1,000) cubic feet capacity.

Section 18.06. CONFORMANCE. No Building Permit shall be issued to erect or alter a building or structure or make a use of land or make any changes in use thereof unless the same shall be in conformity with the provisions of this Ordinance. The Building Inspector shall record all non-conforming uses existing at the effective date of this Ordinance.

Section 18.07. INSPECTION. The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

Section 18.08. RESPONSIBILITY. It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that a proper Building Permit has been granted therefor and that such work and land use is in conformity with the provisions of this Ordinance.

Section 18.09. RECORDS. A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township Records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee of one (\$1.00) dollar for each copy.

Section 18.10. CERTIFICATES OF OCCUPANCY. It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a Building Permit is required, and to use any buildings or structure hereafter altered, extended, erected, repaired or moved until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

1. Certificate of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Certificate of Occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building and structure are in conformity with the provisions of this Ordinance.
3. Buildings or street uses accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwellings.

4. Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt. If it is found in compliance with paragraph one (1) above. If such certificate is refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

Section 18.11. ZONING MAP. The Official Zoning Map shall be identified by the signature of the Township Supervisor, as attested to the Township Clerk. One (1) copy of the Official Zoning Map and above mentioned record shall be maintained and kept up to date by the Township Clerk's office, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

Section 18.12. FINAL INSPECTION. The recipient of any building permit for the erection, construction, alteration, repair and moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

Section 18.13. AMENDMENTS. The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Zoning Act. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to this petition, and shall submit a petition for rezoning to the Township Clerk.

1. Fees. Any applicant desiring to have any change made in this Ordinance shall, with his petition for change, deposit the required fee with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No part of fee is returnable.
2. Procedure. The procedure for making amendments of this Ordinance shall be as follows:
  - a. Each petitioner for amendment by one (1) or more owners of property shall be submitted to the Township Clerk who shall refer the same for recommendation to the Planning Commission and who shall report the receipt of a requested zoning change to the Township Board at its next meeting.
  - b. The Planning Commission shall hold the public hearings as required by law.
  - c. Notice of public hearings on any petition for amendments of this Ordinance which proposes to change Land Use Districts as shown on the Zoning Map within five hundred (500) feet of the boundary of adjacent townships or municipalities may be sent to the Planning Commission or other zoning

agencies representing such townships or municipalities in order that coordination with adjacent zoning ordinances may be promoted.

- d. The petition, if approved by the Planning Commission shall be submitted to the Lenawee County Planning Commission for review.
- e. Where an individual parcel of property has to be rezoned, notice of public hearings shall be given in accordance with Article XX of this Ordinance.

Section 18.14. **CONDITIONAL USES.** Where a use is requested which is listed as a conditional use under a particular zoning district, the procedures stated below shall be followed:

- 1. The applicant shall notify the chairman of the Planning Commission and submit a site plan as specified in Section 4.17 SITE PLAN REVIEW.
- 2. At the next Planning Commission meeting, a date shall be set for the hearing of the request. Notice of the hearing shall be given in accordance with Article XX of this Ordinance.
- 3. At the hearing, the Planning Commission shall approve, approve with conditions, or disapprove the request. A record of the hearing shall be made which will include a written statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and any conditions imposed.
- 4. An appeal of the determination of the Planning Commission on requests for conditional uses in accordance with Section 18.14.3 may be taken with the Zoning Board of Appeals in accordance with Article XIX of this Ordinance.

## **ARTICLE XIX**

### **ZONING BOARD OF APPEALS**

Section 19.01. CREATION OF ZONING BOARD OF APPEALS. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by the Zoning Act, in such a way that the objectives of this Ordinance shall be observed, public health and safety, morals and general welfare assured, and substantial justice done. The Board of Appeals shall consist of three (3) to five (5) members as follows:

1. The first member shall be a member of the Planning Commission.
2. The second member shall be a member of the Township Board appointed by the Township Board.
3. The third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third member of, or as an employee of the Township Zoning Board of Appeals.
4. The member who is a member of the Township Board appointed by the Township Board shall not serve as chairman of the Zoning Board of Appeals.
5. The Township Board may provide that the Zoning Board of Appeals shall have five (5) members. The additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board.
6. Members of the Zoning Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance upon written charges and after public hearing by the Township Board.
7. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute malfeasance.
8. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the mission or Township Board respectively, and the period stated in the resolution appointing them. 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.

9. The Zoning Board of Appeals shall not conduct business unless a majority of its members is present.

Section 19.02. MEETINGS. All special meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and regular meetings at such times as the Township Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicate such facts, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

Section 19.03. APPEALS. An appeal may be taken to the Zoning Board of Appeals by a person, an officer, department, board or bureau of the state or local unit of government aggrieved by a decision of the Building Inspector or Planning Commission. Such appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by filing with the Building Inspector and with the Zoning Board of Appeal, a Notice of Appeal, specifying the grounds thereof and the payment of a fee established by the Township Board.

The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or Zoning Board of Appeals. The power of authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Township Board, as is provided by law. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 19.04. NOTICE OF HEARING. Notice of hearing of the appeal shall be given in accordance with Article XX of this Ordinance. Additional notices shall be sent to members of the Zoning Board of Appeals.

The notice shall include:

1. The nature of the appeal being requested.
2. The property(ies) for which the appeal or variance has been made.

3. A listing of all existing street addresses within the property(ies) which is(are) subject to the appeal. Street addresses do not need to be created and listed if no such addresses currently exist. If there are not street addresses, another means of identification may be used.
4. The location where the demand for appeal can be viewed and copied prior to the date of the zoning amendment hearing.
5. The date, time and location of when the hearing before the Zoning Board of Appeals will take place.
6. The address at which written comments should be directed prior to the hearing.
7. For members of the Zoning Board of Appeals only, a copy of the demand for appeal, the entire record on the case, the Building Inspector's report, and supporting documents in the record.

Section 19.05. POWERS OF ZONING BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES. The Zoning Board of Appeals as herein created, is a body of limited powers. The Board of Appeals shall have the following specific powers and duties:

1. Purpose. To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township Officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, general welfare assured and substantial justice done.
2. Authorization. In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances and conditional uses as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured, and substantial justice done, including the following:
  - a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map after recommendation from the Planning Commission.

- b. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area, than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for public convenience and service.
- c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
- d. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
- e. Approve a permitted use subject to special approval by the Planning Commission as specified in Section 18.14., Conditional Uses in accordance with the provisions and standards contained in this Ordinance.

**Section 19.06. STANDARDS FOR VARIANCE DECISIONS BY THE ZONING BOARD OF APPEALS.**

The Zoning Board of Appeals shall hold a hearing and demand for appeal.

- 1. Any party or parties may appear in person or by agent or by attorney.
- 2. The Zoning Board of Appeals shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public health and safety secured, general welfare assured, and substantial justice done based on the following standards:
  - a. For Dimensional (Non-Use) Variances: A dimensional or non-use variance



may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
  2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
  3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
  4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
  5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- b. For Use Variances: Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 19.07. ZONING BOARD OF APPEALS APPROVAL. The Zoning Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Zoning Board of Appeals to investigate thoroughly the matter before it.

1. If the demand for appeal is for a variance, the Zoning Board of Appeals shall either grant, grant with conditions, or deny the application. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the Zoning Board of Appeals is necessary to grant a dimensional variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.
  - a. At a minimum, the record of the decision shall include:

1. Formal determination of the facts,
  2. The conclusions derived from the facts (reasons for the decision), and
  3. The decision.
- b. Within eight (8) days of the decision, the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, and Building Inspector, and other parties.
2. Any person having an interest affected by such decision shall have a right to appeal to the Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.

Section 19.08. APPROVAL PERIODS. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals, permitting a use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

## **ARTICLE XX**

### **PUBLIC NOTICE**

Section 20.01. PUBLIC NOTIFICATION. All applicants for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification.

1. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Franklin Township and mailed or delivered as provided in this section.
2. Content: All mail, personal and newspaper notices for public hearings shall:
  - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax identification number, identifying the nearest cross street, or including a map showing the location of the property. No street address must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
  - d. Written comments: Include a statement describing when and where written comments will be received concerning the request
3. Personal and Mailed Notice
  - a. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
    1. The owners of the property for which approval is being considered, and the applicant, if different than the owner(s) of the property.

2. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Franklin Township. If the name of occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 20.02.
  - b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States Mail, first class, properly addressed, postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
  - a. For a public hearing on an application for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
  - b. For any other public hearing required by this Ordinance: not less than five (5) days before the date the application will be considered for approval.

Section 20.02. REGISTRATION TO RECEIVE NOTICE BY MAIL

1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 20.01.3.a.3, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.
2. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

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## **ARTICLE XXI**

### **DEFINITIONS**

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

**ACCESSORY BUILDING:** A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.

**ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same property as the principal structure, the use of which is incidental and accessory to that of the principal structure.

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

**ALLEY:** A public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**ALTERATIONS:** Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed."

**AMUSEMENT PARK:** A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals and other similar uses and their facilities, but not shooting galleries, race tracks, zoos, stables, and riding academies.

**APPEAL:** An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

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

**AUTOMOBILE SERVICE STATIONS:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is

such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

**BANQUET/RENTAL HALL:** A room or facility available for rent on a daily or short-term basis, not to exceed 48 hours, to accommodate meetings, conferences, receptions, business and social gatherings. Such a facility shall be operated in strict compliance with all laws and administrative rules promulgated by Federal, State or Local authorities that may be applicable to any such gathering or function to be conducted on the premises.

**BASEMENT:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "Basement and Story Definitions.")

**BED AND BREAKFAST:** A private residence with sleeping accommodations for paying guests in a dwelling having five (5) or fewer guest bedrooms and is the property owner's residence in which the property owner resides while renting the rooms to paying guests.

**BEDROOM:** A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

**BILLBOARD:** Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

**BLOCK:** The property abutting one (1) side of the street and lying between the two (2) nearest intersection streets, crossing or terminating; or between the nearest such street and railroad right-of-way; unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**BOARDING HOUSE:** A dwelling where means, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite period of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent home or nursing home.

**BUILDING:** An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part of divisions walls from the ground up, and without openings, each portion of such building shall be deemed a separated building. This refers to both temporary and permanent structures and included tents, sheds, garages, stables, greenhouses, and other accessory structures.

**BUILDING SETBACK LINE:** The line which pertains to and defines these minimum (building) setback lines which are established parallel to the front street or right-of-way line and within such



setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**CANAL:** An artificially constructed or excavated channel intended to connect two (2) bodies of water used for navigation purposes or boat docks; and as a means of ingress or egress to other bodies of water; or for building lots on the banks thereof; shall be known as a canal and must have a minimum width of seventy-five (75) feet and a minimum depth of water at the center line of ten (10) feet. All banks must be at a minimum angle of forty-five (45) degrees and completely sodded to prevent wash or erosion, thereof.

**CLINIC:** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

**COMMERCIAL USE:** A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of office or recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

**COMMUNICATION TOWER:** A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. This definition shall not include dishes, antennae, aerials, or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises and that does not exceed the height limitations for the appropriate zoning district as found in Section 16.01 (Area, Yard, Height and Bulk Requirements).

**CONVALESCENT OR NURSING HOME:** A convalescent home or nursing home is a home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

**DECK:** A flat floored roofless story or tier area adjoining a dwelling or building.

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

**DRIVE-WAY:** An area of land which is privately owned and maintained by its private owner(s), which provides vehicular access to one (1) or two (2) single-family residential lots which have the minimum Lot width Frontage, Required in Article XVI, on a public road, street or right-of way.

**DRIVE-IN ESTABLISHMENTS:** A business establishment so developed that its principal retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).

1. **DRIVE-IN RESTAURANT:** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business included one (1) or both of the following characteristics:
  - a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminate the need for the customer to exit the motor vehicle.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.
2. **FAST-FOOD RESTAURANT:** A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out consumption off the premises, of this and whose design or principal method of operation included both of the following characteristics:
  - a. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
  - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
3. **STANDARD RESTAURANT (FOR COMPARISON):** A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages as to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

**DWELLING:** A house or building, or portion thereof, which is occupied wholly as the home, residence or sleeping place by one (1) or more human beings, either permanently or temporarily, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

- 1. Dwelling, Multiple: A multiple dwelling is a building used for and as a residence for two (2) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile homes.
- 2. Dwelling, One-Family: A detached building occupied by one (1) family and so designed and arranged as to provide living, cooking and kitchen accommodations for one (1) family only. Also known as a single family dwelling.
- 3. Dwelling Unit: A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home, automobile chassis, tent or other portable building be considered a dwelling in single family, two family, or multiple family residential areas. In cases of mixed occupancy where a building is occupied part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof related to dwellings. In addition, a dwelling unit shall meet the following requirements:
  - a. A minimum exterior width of twenty (20) feet exclusive of areas not a part of the main living area (porches, architectural features, etc.).
  - b. Firmly attached to a foundation constructed in accordance with the current regulations and/or HUD Building Code.
  - c. No exposed wheels, towing mechanisms, undercarriage or chassis, no storage in any crawl space or skirted area.
  - d. Shall be connected to a public water and sewer supply or to private water and sewer supply facilities approved by the County Health Department.

- e. Shall contain storage areas in the basement, attic, closets, or in an area designed for the storage of personal property, exclusive of an attached or detached garage designed for the storage of automobiles, and exclusive of the crawl space of a dwelling not possessing a basement. Such storage shall be equal to ten (10%) percent of the interior living space.
  - f. Shall be aesthetically compatible in design and appearance to conventionally on-site constructed homes by having:
    - 1. A roof pitch of three (3) inches to one (1) foot.
    - 2. A roof overhang of not less than six (6) inches along all sides of the dwelling.
    - 3. Not less than two (2) exterior doors with one being in the front of the unit and the other being in either the rear or side of the unit.
    - 4. A roof drainage system to avoid drainage along the sides of the dwelling.
  - g. All additions shall be constructed with permanent foundation and compatible materials in similar quality of workmanship as the original structure.
  - h. Compliance with pertinent building and fire codes and conformance with all applicable Township Building, Plumbing, Electrical and Energy codes.
  - i. "Dwelling" shall include earth sheltered homes constructed in conformance with the current regulations.
  - j. Covered window sills with drip seals.
  - k. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or mobile home subdivision except to the extent required by Franklin Township, State or Federal laws and regulations.
4. Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than four hundred (400) square feet of floor area.

**ERECTED:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

**ESSENTIAL SERVICES:** Means the erection, construction, alteration, or maintenance of public utilities or public authorities, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Some shall be permitted as authorized by law and other ordinances, the intent here being to exempt such erection from the application of this Ordinance.

**FAMILY:** One (1) or more person living together in one (1) dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing open (1) kitchen facility for normal meal preparation--sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home. Every additional person or group of two (2) or more persons not related or included in the family as herein defined, shall be considered a separate family for the purpose of this Ordinance.

**FARM:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of member of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of more than twenty (20) acres in area; provided as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding, or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, stone quarries or gravel or sand its shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than forty (40) acres.

**FARM BUILDINGS:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**FILLING:** Shall mean the depositing of, dumping of any matter ONTO or INTO the ground, except common household gardening and general farm care.

**FILLING STATION:** A building designed or used for the retail sale of fuel (stored in underground tanks), lubricants, air, water, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles.

## FLOOR AREA:

1. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls in what this normally is referred to as, shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level or finished lot grade, whichever is higher (see Basement definition). Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.
2. Floor Area, Usable: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities, in the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustration entitled "Basic Structural Terms" and "Floor Area Terminology.")

FOOD: For purposes of this Ordinance, the word "food" used in connection with restaurant facilities shall include frozen desserts and non-alcoholic beverages.

FUNNELING: The use of an inland waterfront property, parcel, or lot as common open space to serve as waterfront access for a separate, multi-family development or property containing more than one parcel, lot or housing unit, which development or property is located away from the waterfront.

More particularly, funneling is the use of a waterfront property, parcel or lot contiguous to a body of water by the owners, lessees, occupants, or licensees of any of the following types of property, if such property contains more than one parcel or lot, or more than one dwelling unit;

1. Non-waterfront property under a separate legal description on the Lenawee County tax roll or property acquired under a separate deed on file with the Lenawee County Register of Deeds;
2. Non-riparian property, if such property contains more than one dwelling unit;
3. Property separated from shoreline properties by a public road;
4. The restrictions shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

**GRADE:** The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

**GREENBELT:** A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission and Building Inspector.

**HEIGHT, BUILDING:** The vertical distance measured from the grade of the building to the highest point of the roof.

**HOME OCCUPATION:**

**NO-IMPACT HOME BASED BUSINESS** – A business or occupational activity, administered or conducted entirely within a dwelling unit, as an accessory use, which is clearly secondary to the use of the dwelling unit, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, or pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential districts. The business or occupational activity must satisfy the following requirements.

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventorying of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, of a volume or type, which is not normally associated with residential use.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25 percent of the habitable floor area.
- H. The business may not involve any illegal activity.

**LOW-IMPACT HOME BASED BUSINESS** – A home occupation that is conducted as a “Conditional Use” in an R-1, AG or SE Zoning District, within a dwelling unit or accessory structure to a dwelling unit, that does not comply with the definition of a “No-Impact Home Based Business”, as set forth above and which shall be conducted pursuant to the requirements set forth in section 4.30.

**HOTEL OR MOTEL:** A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.

**JUNK:** For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose of which the produce was manufactured.

**JUNK YARD:** For the purpose of this Ordinance, junk yard shall mean any place where the storing, dismantling, wrecking, and disposition of junk is carried on, but does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance. The term includes automobile wrecking yards and salvage areas and any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk and scrap metals.

**KENNEL:** Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boards. All kennels shall comply with all applicable Township, County, and State regulations.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT:** A lot is a piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance, and having its frontage upon a public street or an approved private road or access easement per the requirements of Section 4.27.

Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a "Zoning Lot."

1. **Lot Depth:** The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.



2. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.
3. Lot, Interior: An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.
4. Lot, Lake: A lot having frontage directly upon a lake (natural or manmade), river, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
5. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

**LOT LINES:** Any line dividing one (1) from another or from the right-of-way, and thus constitute property lines bounding a lot.

1. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit.
2. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply, the Planning Commission shall designate the rear lot line.
3. Lot Line, Side: Any lot boundary line not a front line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an exterior lot line.

**LOT OF RECORD:** A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

**LOT AREA, GROSS:** The net lot area plus one-half (1/2) the area of the right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed property to be included by the Planning Commission.

**LOT, CORNER:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

**LOT, WIDTH:** Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the forty (40) percent requirement shall apply.

**MARINA:** A facility or use, other than a Funneling use as defined in Article XXI of this Ordinance, whether located on a waterfront or otherwise, with docks, ramps, launching facilities or other accommodation for in-season public mooring, launching, servicing or storage of recreational watercraft that may include attendant incidental sale of related products and services, including minor mechanical repair.

**MOBILE HOME:** A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equals or exceeds eight (8) feet in width and thirty-two (32) feet in length, and not motorized or self-propelled. Also known as a trailer coach or house trailer. A unit which requires being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, shall not be considered a mobile home.

**MOBILE HOME PARK:** For the purpose of this Ordinance, is a specifically designated parcel of land designed and developed to accommodate two (2) or more mobile home sites for residential use. Also known as a trailer court or trailer coach park.

**MOBILE HOME SITE:** For the purpose of this Ordinance is a plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.

**MOTOR HOME:** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to mobile homes.

**NON-CONFORMING USE OR BUILDING:** Non-Conforming Use: A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

Non-Conforming Building: A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located.

**OCCUPANCY LOAD:** The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

**OCCUPIED:** The word "occupied" includes the term arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited; not necessarily for dwelling purposes.

**OFF-STREET PARKING LOT:** A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two (2) vehicles.

**OPEN AIR BUSINESS USES:** Open air business uses shall include the following business uses:

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
2. Retail sale of fruit and vegetables.
3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
4. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale; rental or repair services.
5. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

**PARKING SPACE:** An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of self-propelled vehicles.

**PATIO:** A recreation area that adjoins a dwelling or building, is often paved, and is adapted especially to outdoor dining.

**PERGOLA:** A structure consisting of parallel colonnades supporting an open (or closed) roof of girders and cross rafters.

**PERMIT, MOBILE HOME PARK:** This term shall mean a written permit issued by the Building Inspector permitting the construction, alteration or enlargement of a Mobile Home Park, subject to all applicable provisions of this Ordinance and all other applicable local, State, and Federal Regulations.

**PIGGERY:** Any lot, parcel or tract of land on which hogs are kept, raised and fed on garbage or other refuse; same considered a nuisance because of offensive odors therefrom.

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

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

**POWER CRAFT:** Watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

**PRIVATE ROADS, PUBLIC ROADS & STREETS AND DRIVEWAYS:**

1. Private Road – An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and vehicular access to more than two (2) lots, unless otherwise specified herein.
2. Public road, public street or right-of-way – A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property, and which is under public ownership or control.
3. Driveway – An area of land which is privately owned and maintained by its private owners, which provides vehicular access to one (1) or two (2) single-family residential lots which have the minimum lot width frontage, required by Article XVI, on a public road, street or right-of-way.
4. A public road shall be required whenever any of the following conditions exist.
  - a. A proposed road that serves ten (10) or more single-family residential lots.
  - b. A proposed road that connects two or more public or private roads.

- c. A proposed road that serves more than one non-residential use, not including farm uses and farm buildings.
  - d. Public roads and streets shall be constructed to the standards of, and maintained by, the Lenawee County Road Commission.
5. Private Road, Class I – A road that does not meet any of the criteria for a public road or street, as defined above, but which does exceed the criteria for a Class II road as defined below.
- a. Roads exceeding 400 feet in length shall provide a developed shoulder and/or berm area, 75 feet in length and 26 feet in width inclusive of the traveled portion of the road, at the mid-point of the road developed length. There shall be an additional shoulder and/or berm area provided for every 400 feet, or portion thereof, of additional road length.
6. Private Road, Class II – A road that serves three (3) or four (4) single-family residential lots.
- a. A road that serves one (1) or two (2) single-family residential lots that do NOT have the minimum lot width frontage, required by Article XVI, on a public road, street or right-of-way, shall be a Class II private road.
  - b. Roads exceeding 400 feet in length shall provide a developed shoulder and/or berm area, 75 feet in length and 26 feet in width inclusive of the traveled portion of the road, at the mid-point of the road developed length. There shall be one additional passing area provided for every 400 feet, or portion thereof, of additional road length.

**PUBLIC NOTICE:** A notice of the time, place and purpose of the public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having a general circulation in the Township. Such notice shall not be less than fifteen (15) days prior to the date of such hearing for applications for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal or ordinance interpretation; or not less than five (5) days prior to the date of such hearing for any other public hearing required by this Ordinance.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

**QUARRY EXCAVATION:** Shall mean any breaking of ground to hollow out by cutting or digging or removing any soil matter, except common household gardening and general farm care.

**RECREATIONAL VEHICLES:** Recreational vehicles shall include airplanes, antique or racing automobiles, boats, floats, rafts, trailers, camping or travel trailers, motorized homes, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature.

**RESORT:** An establishment that may provide entertainment but principally provides recreational facilities and lodging, on a temporary basis, within a permanent structure or structures meeting Building Code requirements for such purpose. To qualify as a resort, the maximum length of stay on the premises by any guest or patron within any of the resort lodging facilities shall be 90 days during any 120 day period.

**RETAINING WALL:** A permanent solid barrier of brick, stone, wood, or other opaque material approved by the Building Inspector intended to enclose an area. For the purpose of this Ordinance all supporting members, posts, stringers, braces, plasters or other construction features of a retaining wall shall be located and placed on the inside of the wall away from public view. All retaining walls, moreover, shall be constructed and/or painted, tinted, or colored in one (1) color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted or designed thereon.

**ROADSIDE STANDS:** A roadside stand is a temporary or permanent building operated for the purpose of selling only produce raised on said premises by the proprietor of the stand or his family, and its use shall not make into a commercial district land which would otherwise be an agricultural district, nor shall its use be deemed a commercial activity, but such stand if of a permanent character, shall not be more than one (1) story high nor larger in floor area than twenty (20) feet by twenty (20) feet and must be set back from the nearest highway right-of-way line at least thirty-five (35) feet.

**SELF-SERVICE STORAGE FACILITY:** A building or group of buildings in a facility that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**SEPARATE OWNERSHIP:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof.

**SETBACK:** The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line. The required setback area is that area encompassed by the respective lot lines and setback lines.

**SIGNS:**

- a. **ABANDONED SIGN:** Any sign remaining in place or not maintained for a period of ninety (90) days, which no longer advertises a business, lessor, owner or activity conducted upon, or product available on the premises where such sign is displayed.
- b. **ANNOUNCEMENT BULLETIN:** A Changing Message Sign used by a church, civic organization, public building, or school, which may include an Electronic Message Sign.
- c. **BILLBOARD:** A sign on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.
- d. **BUSINESS CENTER:** A group of two (2) or more stores, offices, research or manufacturing facilities which collectively have a name different than the name of any individual establishments which have common off-street parking and entrance facilities.
- e. **CANOPY OR MARQUEE SIGN.** Any sign attached to a building that serves as a marquee, or a sign constructed within or on a canopy or marquee
- f. **COMMUNITY WELCOME SIGN:** Any sign that bears names, information, emblems of service clubs, places of worship, civic organizations, and quasi-public uses.
- g. **DIRECTIONAL SIGNS:** Any sign which directs traffic movement onto or within a property and which do not contain any advertising copy or logo.
- h. **DISTRICT:** See Article XXI Definitions of current Zoning Ordinances of Franklin Township.
- i. **ELECTRONIC MESSAGE SIGN:** A sign typically comprising liquid crystal diodes (LCD), light emitting diodes (LED) or plasma technology, or similar technology capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.
- j. **FREESTANDING SIGN:** A sign which is attached to, or is part of, a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary. Freestanding signs include, but are not limited to, monument signs, pole signs and pylon signs.
- k. **IDENTIFICATION SIGN:** A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises

or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.

- l. ILLUMINATED SIGN: A sign whose face area is illuminated by either an internal or external light source.
- m. NON-CONFORMING SIGN: A sign, lawfully erected prior to the adoption of this ordinance, which does not meet the requirements set forth in Section 4.12 of this Ordinance.
- n. OFF-SITE SIGN: A sign which advertises or identifies only goods, services, facilities, events or attractions at a site other than on the premises where the sign is located.
- o. ON-SITE SIGN: A sign which advertises or identifies only goods, services, facilities, events or attractions on the premises where the sign is located, and which is intended primarily for advertising purposes.
- p. LOT LINE, FRONT: Interchangeable with the term “road right-of-way”.
- q. ROOF SIGN: A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and that is wholly or partially supported by such a building.
- r. SIGN: Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.
- s. SIGN AREA: Except as otherwise modified or provided for herein, the total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols.
- t. SIGN HEIGHT: The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent ground level.
- u. TEMPORARY SIGN: A sign which is easily moveable, not permanently attached to the ground or a building and which is intended to be displayed for a limited period of time not to exceed thirty (30) days in a calendar year.
- v. WALL SIGN: Any sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel or perpendicular to the plane of such wall.



**SOIL REMOVAL:** Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care.

**STORY:** That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be not floor above it, then the space between the floor and the ceiling next above it.

1. **MEZZANINE:** A "Mezzanine" floor may be used in this definition of a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
2. **BASEMENT:** For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
3. **HALF:** A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

**STREET:** The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

**SWIMMING POOL:** The term "swimming pool" shall mean any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

**TEMPORARY STORAGE BUILDING:** An Accessory building which has no permanent foundation and is no greater than 8' x 10' in size.

**TENTS:** Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

**TRAVEL TRAILER:** A portable vehicular unit primarily designed for travel and/or recreation usage, which may also contain facilities for overnight lodging, but which does not exceed eight (8) feet in width or thirty-two (32) feet in length. This term also includes folding campers and truckmounted campers but not mobile homes.

**TRAVEL TRAILER PARK:** A family recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.

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

1. **ACCESSORY:** A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
2. **LEGAL, NON-CONFORMING:** An existing use of land and/or structures as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district, but which is not construed by this Ordinance as a nuisance, or damaging to abutting property, or hazardous to persons.
3. **ILLEGAL, NON-CONFORMING:** An existing use of land and structures as of the effective date of this Ordinance as a nuisance, or damaging to abutting property or hazardous to persons; such uses to be discontinued and abated.

**UTILITY ROOM:** A utility room is a room in a dwelling, not located in the basement, for use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

**VARIANCE:** A variance is relief from the literal provisions of the Zoning Ordinance practical difficulty upon the owner, because of the particular physical surroundings, shape, or topographical condition of the property, as distinguished from a mere inconvenience or a desire to make more money. The practical difficulty cannot result from the actions of the property owner or previous property owners. Under no circumstances shall a variance be granted to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**YARD, REQUIRED SIDE-REAR-FRONT:** An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (Refer to Section 4.02.)

1. **FRONT:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way.

2. REAR: An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way, except as otherwise provided in this Ordinance.
3. SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way.

**YARD, SIDE-REAR-FRONT:** A general term applied to the space on a lot or parcel which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building.

**UNDEFINED TERMS:** Any term not defined herein shall have the meaning of common or standard use.

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## **ARTICLE XXII**

### **REPEAL, INTERPRETATION, SEVERABILITY, PENALTIES, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND EFFECTIVE DATE**

Section 22.01. REPEAL OF PRIOR ORDINANCES. The Zoning Ordinance previously adopted by the Township of Franklin, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments do not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforce, prosecuted or inflicted.

Section 22.02. INTERPRETATION: In the interpretation and application, the provisions of this ordinance shall be held to the 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 above-described 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. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 22.03. SEVERABILITY. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. In any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentence or clauses be declared invalid.

Section 22.04. VIOLATION-PENALTY:

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$:100.00 nor more than \$2,500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses; and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days

within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Any use of land that is commenced or conducted, any activity; or any building item or structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- F. Any person, firm or entity that assists with or enables the violation of this ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successfully completed.

Section 22.05. RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 22.06. GENERAL RESPONSIBILITY. The Township Board or its duly authorized representative is hereby empowered, in the name of said Franklin Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 22.07. ENACTMENT AND EFFECTIVE DATE: The foregoing Zoning Ordinance and Zoning Map were adopted at a meeting of the Franklin Township Board, held at the Franklin Township Hall in said Township on March 13, 1979, after approval of the same by the Franklin Township Planning Commission following a public hearing on February 5, 1979, a notice of said Ordinance was order published in the Adrian Telegram, a newspaper having a general circulation in Franklin Township, Lenawee County, Michigan, pursuant to the requirements of Act 184 of the Public Acts of Michigan for the year 1943, as amended. This Ordinance shall become effective immediately.

## **ZONING ORDINANCE AMENDMENTS**

Section Number	Section Title	Amendment Date	Comment
Section 9.05	Lake District Overlay Zone	11/11/2008	
Section 12.03.12	Mixed Use as Conditional Use	11/9/2011	
Section 22.04	Violation-Penalty	1/8/2013	
Section 4.30	Low-Impact Home Based Business	1/14/2014	<i>Also involved a new definition in Art. XXI and uses in Sections 7.02.6, 7.03.10, 8.03.7, 9.02.5, and 9.03.7</i>
Section 4.16	Outdoor Storage of Recreational Vehicles	7/11/2017	<i>Also involved the occupancy of recreational vehicles in Section 4.16a</i>
Article XXI	Self-Storage Facilities	10/8/2019	<i>Also involved new uses in Sections 12.03.13, 13.03.13, and 14.03.8</i>
Section 4.04	Accessory Structures Max Height	10/8/2019	
Section 4.15	Animals	9/12/2017	<i>Align with Michigan Right to Farm Act.</i>
Section 4.12	Sign Regulations	11/12/2019	<i>Also involved a new definition in Art. XXI</i>

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