

**CHAPTER 3
GENERAL PROVISIONS**

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

A. No **lots** or **lots** in common ownership and no **yard**, parking area or other space shall be so divided, altered or reduced as to make that area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

B. Existing **lots** of record.

1. A **lot** which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the **lot** conforms to the applicable requirements of the Washtenaw County Department of Environment and Infrastructure Services.

2. The main **building** on a **lot** shall be located so that it meets the **yard setback** requirements of the **Zone District** in which it is located.

**SECTION 3.02
HEIGHT EXCEPTIONS**

A. The following **buildings** and **structures** shall be exempt from **height** regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, or wind-powered electrical generators.

B. Television and radio reception and transmission antennas, and towers for **commercial wireless telecommunication services** which do not exceed one hundred (100) feet in **height** shall also be exempt from height requirements. Those structures exceeding one hundred (100) feet in **height** shall be subject to a Special Land Use, as indicated in the appropriate **zoning districts**.

C. Additions to existing **buildings** and **structures** which exceed the **height** limitations of their District as of the effective date of this Ordinance may be constructed to the height of the existing **building** to which the addition is attached provided that the **lot** is large enough to encompass a circular area with a radius at least equal to the **height** of the tallest **structure** or **building**.

**SECTION 3.03
PRINCIPAL USE**

A. No **lot** or parcel of land shall contain more than (1) **main building** or one (1) **principal use**.

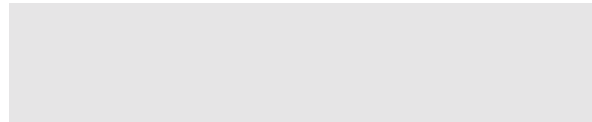
B. Land and **buildings** may be considered a **principal use** collectively if the following conditions are met.

1. The land and **buildings** are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.

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

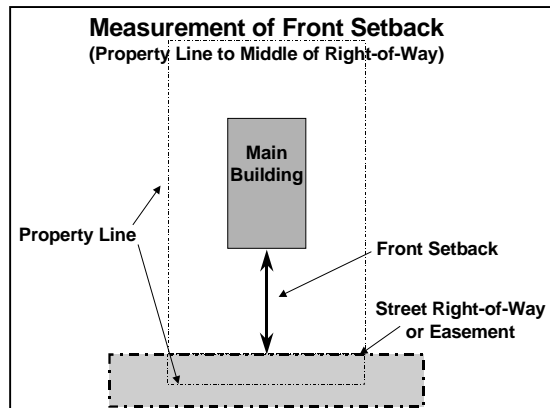
**SECTION 3.04
STREET ACCESS**

Any **lot** of record created after the effective date of this Ordinance shall front upon a **public street**.

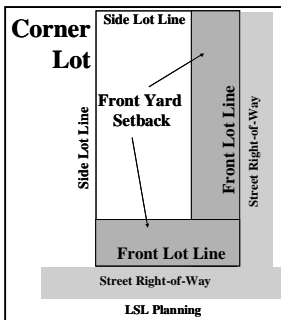


**SECTION 3.05
BASIS OF DETERMINING FRONT YARD REQUIREMENTS**

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



B. Where an average **setback** line less than that required by this Ordinance has been established by existing **buildings** located within two hundred (200) feet of the proposed **building** on the same side of the **street**, the average **setback** shall apply.



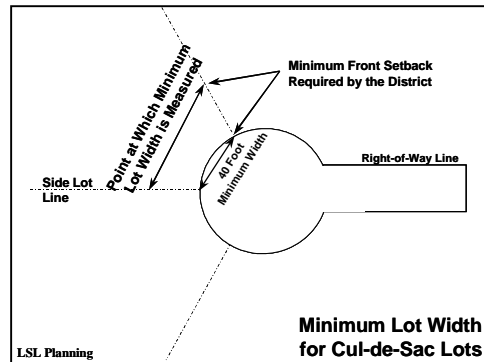
C. On **corner** and **through** lots, the **front yard** requirements shall apply on both **streets**.

D. In the case of a row of **double frontage** lots, one (1) **street** will be designated as the front **street** for all lots. Where there are existing **structures** fronting on one (1) or both of the **streets**, the required **front yard setback** shall be observed on those streets where the **structures** presently front.

E. On **waterfront** lots, the **front yard** requirements shall apply on the waterfront side of the **lot**. The **street** side, or **lot line** opposite the **front lot line** shall be considered the **rear lot line**. Setbacks for **waterfront** lots are subject to the requirements of Chapter 7.

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

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



**SECTION 3.07
PROJECTIONS INTO YARDS**

A. Architectural features may project a maximum of four (4) feet into a **front** or **rear yard setback** area, but shall not project into the **side yard setback**.

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

1. may project a maximum of ten (10) feet into a **front yard setback** area;
2. may project a maximum of fifteen (15) feet into a **rear yard setback** area; but
3. shall not project into a **side yard setback** area; nor

4. be placed closer than ten (10) feet to any **front** or **rear lot line**.

C. If these **structures** are permanently enclosed on any side or covered in any manner they shall be considered part of the **main building**.

**SECTION 3.08
ACCESSORY BUILDINGS AND USES**

A. **Accessory buildings** attached to dwellings or other **main buildings**, including enclosed porches walls, roofs, or garages, shall be deemed a part of the **buildings** and must conform to all regulations of this Ordinance applicable to the **main buildings**.

B. Except for **buildings** related to active farming operations, an **accessory building** or use shall only be permitted on **lot** which contains a **principal use** or **main building**.

C. No part of an **accessory building** shall be used as a **dwelling** for residential purposes.

D. Detached **accessory buildings** shall be located:

1. At least ten (10) feet from a **main building**;
2. At the same **setbacks** as required for the **main building**,

E. Setbacks for **accessory buildings** shall be measured to the eaves of the **building**.

F. **Accessory buildings** sizes and **heights**.

1. The total area for all **accessory buildings** shall not exceed the floor areas noted in 2, below.
2. Maximum **gross floor areas** and **heights** for **buildings** accessory to **single** and **two family dwellings**:

Lot Size	Maximum Size	Height
Less than 1 acre	800 square feet	14 feet
1 acre but less than 2 acres	960 square feet	18 feet
2 acres but less than 5 acres	1,200 square feet	22 feet
5 acres but less than 20 acres	2,400 square feet	22 feet
20 acres or greater	3,000 square feet	22 feet

3. Maximum floor areas for **buildings** accessory to other uses:

- a. **Buildings** accessory to agricultural operations: no size limitation.
- b. **Multiple family** developments: nine hundred sixty (960) square feet, excluding garages for the use of residents.
- c. **Manufactured home parks**: as required by Chapter 8.
- d. Other uses in **Nonresidential Districts** and nonresidential uses in **Residential Districts**: not to exceed twenty-five percent (25%) of the **gross floor area** of the **main building(s)**.

4. Except for **accessory buildings** used for **agricultural** operations **accessory buildings** in **Nonresidential Districts** may be constructed to the permitted maximum **height** for the **zoning district** in which it is located.

G. Accessory storage of hazardous substances. The accessory storage of hazardous substances shall be subject to the following provisions.

1. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided. The information shall describe the type of materials, location within the site and method of containment.
2. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
3. Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Environmental Quality, Surface Water Quality Division. Any discharge of liquids, sludge, wastewater and/or

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

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

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

SECTION 3.09 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

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

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

1. new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
2. used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition, safe and fit for residential occupancy.

B. The **dwelling unit** shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the County or **Township**, and with applicable federal or state standards or regulations for construction. Appropriate

evidence of compliance with the standards or regulations shall be provided to the Building Inspector.

C. The **dwelling unit** shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the **lot area, lot width, residential floor area, yard, and building height** requirements of the District in which it is located.

D. The **dwelling unit** shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the **Township** or County.

E. If the **dwelling unit** is a **manufactured home**, it shall be installed with the wheels and towing mechanism removed.

F. The **dwelling unit** shall have a minimum horizontal dimension across any front, side or rear elevation of twenty-four (24) feet at time of manufacture, placement or construction. A minimum floor to ceiling height of seven and one-half (7 ½) feet shall also be provided.

G. The **dwelling unit** shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Washtenaw County Department of Environment and Infrastructure Services.

H. The foregoing standards shall not apply to a **manufactured home** located in a **manufactured home park** licensed by the Michigan Manufactured Home Commission and approved by the **Township** according to the provisions contained in Chapter 8 of this Ordinance, except to the extent required by state or federal law.

SECTION 3.10 TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION

A. Upon application, the **Zoning Administrator** may issue a permit for the

following temporary **buildings** or uses. Each permit shall specify a location for the **building** or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the **Zoning Administrator** for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.

1. Temporary office **building** or construction yard incidental and necessary to construction at the site where located.
2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, the temporary office or model home shall be removed when fifty percent (50%) or more of the **lots** or units have been sold or leased.
3. The applicant shall pay a fee to the Township Treasurer as determined by the **Township Board** for the permit.

B. The **Zoning Administrator** may issue a permit to an individual to park and occupy a temporary **manufactured home** in any **Residential District**. Prior to issuing the permit the **Zoning Administrator** shall make the following determinations:

1. The **manufactured home** will be used only as a temporary use on the same **lot** while the individual is constructing a permanent residence.
2. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary **manufactured home** permit.
3. The **manufactured home dwelling** meets the requirements of the Washtenaw County Department of Environment and Infrastructure Services and all applicable **Township** ordinances.
4. Upon applying for a temporary **manufactured home** permit, the applicant shall pay a fee to the **Township** Treasurer as determined by the **Township Board**. The fee shall also be collected for any extensions granted by the **Zoning Administrator**.

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

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

SECTION 3.11 FENCES

A. Fences shall not be constructed in any public right-of-way.

B. Unless provided for elsewhere in this Ordinance, a fence may not exceed a **height** of three (3) feet within any **front yard setback** area.

C. Except as noted in Section 3.11, D and E, fences outside the **front yard setback** shall:

1. not exceed a height of six (6) feet;
2. if over three (3) feet in height, not be greater than fifty percent (50%) opaque if placed within the **side** or **rear setbacks**; or
3. be placed at the **setback** required for **main buildings** in the **district** in which it is located if greater than three (3) feet and greater than fifty percent (50%) opaque.

D. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes. Barbed wire may be used for security in a **Nonresidential District**, or for the protection of public utility **buildings** or improvements. The barbed portion of the fence shall be at least six (6) feet from the ground, in

which case the height of a fence may extend to a maximum of seven (7) feet.

E. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any **yard**, provided that any fence over four (4) feet in height shall be not greater than fifty percent (50%) opaque.

E. Densely landscaped areas, such as hedges and closely spaced shrubs, bushes or other growing plants, may be considered a fence when they have the effect or accomplish the purposes normally associated with fences.

**SECTION 3.12
GREENBELTS AND LANDSCAPING**

A. In order to provide protective screening for **Residential Districts** or uses adjacent or near **Nonresidential Districts** or uses, a landscaped greenbelt may be required by the **Township** to be installed on the **Nonresidential District** or use property.

B. A required greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting. The greenbelt shall be situated so as to provide an effective sound and visual permanent buffer.

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

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

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

**SECTION 3.13
INSTALLATION OF LANDSCAPING**

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

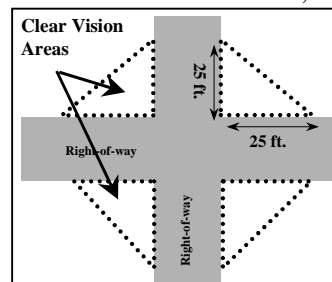
B. A performance guarantee as provided in Section 17.08 may be required by the **Township** to ensure that landscaping is installed within the six (6) month period.

C. No landscape materials other than lawn and street trees approved by the Washtenaw County Road Commission/MDOT shall be planted within any public street right-of-way.

**SECTION 3.14
CLEAR VISION AREAS**

A. No plantings, fencing, or other **structures** shall be established or maintained on any **corner lot** which will obstruct the view of a vehicle driver approaching the intersection.

B. An unobstructed corner shall mean a triangular area formed by the **street** property lines or right-of-way easement line for lots with the front lot line in the center of the right-of-way, and a line connecting them at points twenty-five (25) feet from the intersection of the **street** or easement lines, as applicable, or in the case of a rounded property corner from the intersection of the **street** property lines or easement lines extended, as applicable.



C. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.

D. No vegetation or **structure** shall be maintained in any **setback** area which, in the opinion of the **Zoning Administrator**, will obstruct the view of vehicles entering or leaving the site from driveways or adjacent roadways.

SECTION 3.15 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any **District**, it being the intention to exempt the erection, construction, alteration, and maintenance from the application of this Ordinance.

SECTION 3.16 TEMPORARY STORAGE OF USED MATERIALS

A. The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other commercial or industrial by-products or waste is prohibited without a Temporary Permit obtained from the **Zoning Administrator**, which shall be accompanied by a performance guarantee.

B. In reviewing the request, the **Zoning Administrator** shall consider the length of time requested, the visibility of the storage area from surrounding properties, potential safety concerns, the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

SECTION 3.17 ILLEGAL DWELLINGS

A. The use of any **basement** for dwelling purposes is forbidden in any **Zoning District** unless said basement meets the appropriate building codes for the Township or County and the remainder of the **dwelling** has been completed and available for occupancy.

B. **Buildings** erected as garages or **accessory buildings** shall not be occupied for dwelling purposes.

SECTION 3.18 EXCAVATIONS, HOLES, OR PONDS

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

B. This Section shall not prevent any excavation under a permit issued by the Building Inspector where the excavations are properly protected and warning signs posted in a manner as approved by the Building Inspector.

C. This Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other the bodies of water created or existing by authority of governmental units or agencies.

D. This Section shall not include excavations related to approved operations for the commercial removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources as regulated by the Lyndon Township Mining Ordinance.

E. Ponds created by excavations shall be subject to setbacks applicable to **accessory buildings** in Section 3.08. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

SECTION 3.19 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

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

1. Any **recreational vehicles** parked outside, shall not be located in any **required front** or **side yard setback** area.

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

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

SECTION 3.20 SATELLITE DISH ANTENNAS

A. Nonresidential Districts:

1. The dish antenna shall be permitted in an interior **side** or **rear yard**, or mounted on top of a **building**, and securely anchored.

2. The nearest part of the antenna shall be at least five (5) feet from any property line.

3. The **height** shall not exceed the **height** restrictions in the **Zoning District** in which the proposed device is to be located.

B. Residential Districts:

1. The antenna shall be permitted in the **rear yard** only.

2. The nearest part of the antenna shall be at least (5) feet from any property line.

3. The unit shall be securely anchored as determined by the **Zoning Administrator**.

4. The maximum **height** measured from the ground to the top edge of the dish shall be fourteen (14) feet.

5. The antenna shall be an unobtrusive color, as approved by the **Zoning Administrator**.

C. No portion of the antenna shall contain any name, message, symbol, or other graphic representation.

D. A site plan shall be submitted to the **Zoning Administrator** for approval prior to the issuance of a zoning permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.

E. These regulations shall not apply to antennas that have a diameter of one (1) meter or less in **Residential Districts**, or two (2) meters or less in **Non-residential Districts**.

F. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that the dish antennas are located and constructed in a manner which will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

G. The **Zoning Administrator** shall be permitted to waive or modify any of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing **buildings**, vegetation, topography, or other factors cause interference with reception.

SECTION 3.21 EXTERIOR LIGHTING

A. All lighting of a high intensity nature shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.

B. Light poles used to illuminate parking lots or storage areas shall be limited to fifteen (15) feet in **height**.

C. Lights used for canopies for the uses as **vehicle service stations, drive-in establishments** and other similar uses shall be completely recessed in the canopy **structure** and shall not extend lower than the underside surface of the canopy.

D. Lighting of parking areas, **buildings**, or **structures** shall be minimized to reduce light pollution and preserve the rural character of the **Township**.

SECTION 3.22 HOME OCCUPATIONS

A. **Home occupations** shall be approved by the **Zoning Administrator**. An application for a permit for a **home occupation** shall be accompanied by a letter from the applicant indicating the nature of the **home occupation** and sufficient facts to indicate that the **home occupation** will comply with the requirements of this Section.

B. No persons other than the resident occupants shall be engaged in the **home occupation**, except for two (2) other persons who need not be residents of the home.

C. The use of the dwelling unit for the **home occupation** shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D. The **home occupation** shall be operated in its entirety within the principal dwelling or **accessory buildings**, but shall not in any case, exceed a total floor area equal to not more than twenty five percent (25%) of the **usable floor area** of the **dwelling unit**.

E. No articles or materials used in connection with the **home occupation** shall be stored other than in the **main building** or **accessory building** so used.

F. Only those materials produced on the premises as a result of the **home occupation**, or are clearly related and incidental to the **home occupation**, may be provided for sale

G. No merchandise or articles for sale shall be displayed for advertising purposes, and no sign or device relative to the sale of the merchandise shall be displayed on the premises.

H. There shall be no change in the outside appearance of the **building** or premises, or other visible evidence of the conduct of the **home occupation** other than one (1) **sign**, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the **main building**.

I. Any traffic generated by the **home occupation** shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for the **home occupation** shall be located off the **street**, and shall not be located in the **front yard setback** area.

J. No equipment or process shall be used in the **home occupation** which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 3.23 SEASONAL USES

A. The **Zoning Administrator** may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Seasonal uses shall include the sale of Christmas trees, and similar activities, but shall not include **roadside stands**.

B. In considering a request for a temporary permit, the **Zoning Administrator** must determine that the operation of the use is seasonal in nature and will not be established as a permanent use. The **Zoning Administrator** will also determine:

1. That the use does not have an unreasonable detrimental effect upon adjacent properties.
2. That the use does not impact the nature of the surrounding neighborhood.
3. That access to the area will not constitute a traffic hazard due to ingress or egress.
4. That adequate off-street parking is available to accommodate the use.

C. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the **Zoning Administrator** for up to one (1) additional successive month

provided the season or event to which the use relates is continued.

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

A. General Conditions

1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the use of any **building** or **structure** or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment to this Ordinance, then on the effective date of the amendment, may be continued even though the use does not conform with the provisions of this Ordinance or any amendment thereto.

2. Except where specifically provided to the contrary and subject to the provisions of this Section, a **building** or **structure** which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of the amendment, may be maintained and continued even though the **building** or **structure** does not conform with the provisions of this Ordinance or any amendment thereto.

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

1. **Nonresidential Districts.**

a. **Nonconforming buildings or structures** in **Nonresidential Districts** may be extended, enlarged, altered, remodeled or modernized when the **Zoning Board of Appeals** determines that the following conditions are met:

(1) The building or structure complies with all height, area, and parking and loading provisions with respect to the extension, enlargement, alteration, remodeling or modernization.

(2) The alteration, remodeling, or modernization does not substantially extend the life of any **nonconforming building** or **structure**.

(3) The enlargement or extension is limited to the same parcel the **nonconforming use** was located on at the time of the adoption of the existing Lyndon Township Zoning Ordinance.

(4) The enlargement or extension does not interfere with the use of other properties in the vicinity.

(5) The enlargement or extension does not exceed fifty percent (50%) of the **GFA** of the original **building** when it became **nonconforming**.

b. Any **building** or **structure** which is **nonconforming** by reason of parking or loading provisions and which later provides additional parking or loading spaces to meet the provisions of this Ordinance, shall not be permitted to use the additional spaces to meet requirements for another extension, enlargement, or change of use which requires additional parking or loading spaces, without providing the spaces.

2. **Residential Districts and Uses.**

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

a. The enlargement or extension is limited to the same parcel the **nonconforming building** or **structure** was located on, at the time of the adoption of the existing Lyndon Township Zoning Ordinance.

b. The enlargement or extension will not interfere with the use of other properties in the vicinity.

c. The enlargement or extension shall not further encroach into any **setback** area.

C. Restoration and Repair

1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any **building** or **structure** which is unsafe.

2. All repairs and maintenance work required to keep a **nonconforming building** or **structure** in sound condition may be made, but it shall not

be structurally altered to permit the use of the **building** or **structure** beyond its natural life except for repairs necessary to maintain public safety.

3. Nonconforming **buildings** or **structures** damaged by fire, wind, act of God or public enemy may be reconstructed provided that the reconstruction does not increase the prior nonconformity.

4. Any reconstruction shall commence within one (1) year of the date on which the **structure** was damaged. Further, the work must be completed and eligible for occupancy, as determined by the **building** Inspector, within eighteen (18) months of the date on which the **structure** was damaged.

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

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

a. Re-established after it has been changed to a conforming use.

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

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

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

a. The **building** or premises may be changed to a Permitted Use for the **Zoning District** in which the existing **nonconforming use** is located. However, the new use shall not require more off-street parking than exists on the premises.

b. The use of the **building** or premises may be changed to another nonresidential use which would be permitted by right in a more restricted **Zoning District**, than it is located in. For this purpose, the least restrictive district is the LI District.

c. The use shall be performed entirely within an enclosed **building**.

E. Any **building** or **structure** shall be considered existing and lawful, and for purposes of Section 3.24, A, to have been in use for the purpose it was constructed if:

1. On the effective date of this Ordinance, a building permit has been obtained for the **building**; or

2. If no building permit is required, a substantial start has been made toward construction, and construction is thereafter pursued diligently to conclusion.

F. Any **structures** or uses which fail to conform to the previous Lyndon Township Zoning Ordinance, were not constructed or used legally, were not permissible **nonconforming uses** or **structures** thereunder, or which violated that Zoning Ordinance, shall not be considered **nonconforming uses** or **structures** under this Ordinance. The **structures** or uses shall be considered illegal and subject to the enforcement provisions of this Ordinance.

**SECTION 3.25
DEMOLITION PERMITS**

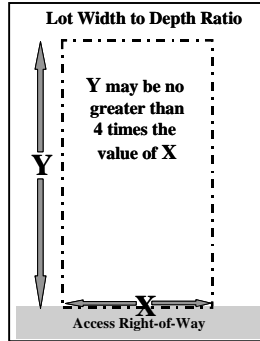
No **buildings** shall be razed until a zoning permit has been obtained from the **Zoning Administrator**.

**SECTION 3.26
PRIVATE STREETS**

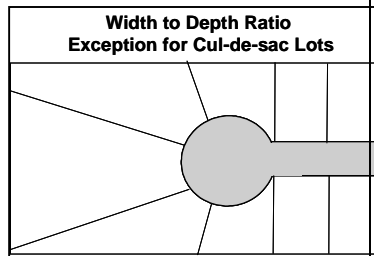
Private streets shall be maintained in accordance with the Lyndon Township Private Road Ordinance.

**SECTION 3.27
MAXIMUM WIDTH TO DEPTH RATIO**

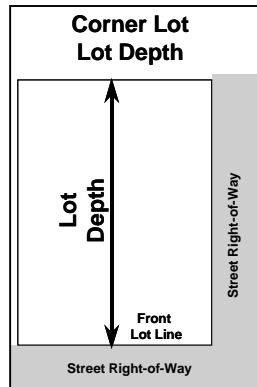
A. In all Residential Districts, no lot shall be created whose lot depth exceeds four (4) times its width, except for residentially zoned lots or parcels that have more than one half (1/2) of their street frontage on a cul-de-sac.



B. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.



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



D. The Zoning Board of Appeals may permit the creation of a lot or parcel which does not comply with this Section. In determining whether to grant its approval, the Zoning Board of Appeals shall first find that:

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

**SECTION 3.28
SITE CONDOMINIUMS**

A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

B. A site condominium unit shall be treated as a separate lot or parcel. It may have buildings constructed on it, and uses conducted on it as allowed in the Zoning District in which it is located. However, the unit shall meet the District Regulations for the Zoning District in which it is located.

C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 14.

**SECTION 3.29
KEEPING OF ANIMALS**

A. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses, subject to the requirements of this Section.

B. Any land, building, or structure where four (4) or more cats and/or dogs six (6) months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel.

C. Kennels shall only be permitted as required by the Zoning District in which the property is located.

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

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

D. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a suitable fence to keep the animals from leaving the premises at will, shall be provided and regularly maintained. House pets shall be kept on the premises of their owner.

E. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use for medical care of fowl or animals other than house pets of an occupant of the premises or as part of an active farming operation, is subject to the following provisions:

Animal Type Acres/# of Animals	Horses and Cattle	Hogs	Sheep*	Chickens, Turkeys & similar fowl
2.0 to 5.0 acres	2	5	10	50
5.01 to 10 acres	4	10	15	100
10.01 to 20 acres	8	20	25	200
Over 20 acres	No Limit			

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

**SECTION 3.30
SWIMMING POOLS**

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

B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a **building** permit has been obtained.

C. The outside edge of the pool wall shall meet the **side** and **rear yard setbacks** of the **zone district** in which it is located. Swimming pools shall not be located in the **front yard**.

D. Each pool shall be enclosed by a fence or wall with a **height** of at least four (4) feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching, and latches shall be placed four (4) feet above the ground or otherwise made inaccessible from the outside to small children. See Section 3.11 for other fence requirements.

E. All swimming pool installations shall comply with any applicable Construction Codes and all other standard codes to which it refers.

**SECTION 3.31
STORAGE AND REPAIR OF VEHICLES**

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any **Residential District** for the private use of the owner or occupant of the property on which

the procedures or projects are conducted, shall be so conducted entirely within an enclosed **building**. When the work is not conducted entirely within an enclosed **building**, following limitations shall apply:

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

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

SECTION 3.32 RIPARIAN ACCESS

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

A. In all Districts there shall be at least forty (40) feet of lake **frontage**, as measured along the shoreline or **ordinary high water mark** of the lake, for each **dwelling unit** utilizing or accessing the lake **frontage**. For example, a **multiple family building** with four (4) **dwelling units** would require one hundred and sixty (160) feet of lake **frontage** to gain access to the lake for all of the units.

B. Notwithstanding any other requirement of this Ordinance, any **lot** within the Lake Residential District, as denoted in Chapter 7 of this Ordinance, providing riparian access shall meet the following requirements:

1. A minimum of one hundred and fifty (150) feet of **frontage**, as measured along the shoreline or **ordinary high water mark** of the lake.

2. A minimum **lot area** of thirty thousand (30,000) square feet.

3. Only one (1) boat mooring per **dwelling unit** served by riparian access shall be permitted.

C. The restrictions of this Section shall apply to all **lots** and parcels on or abutting any lake in all **Districts**, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.