



LENOX TOWNSHIP
MICHIGAN

Zoning Ordinance

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Chapter 719 – Zoning

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Article 1 – Purpose and Authority

Section 719.1 – Purpose

This Zoning Ordinance for Lenox Township, Macomb County, Michigan, establishes standards and regulations for the use and development of land, buildings, streets, and other public and private property and infrastructure. It is designed to achieve the following goals and objectives for the benefit of those who live, work, visit, or own property within the township:

- A. To promote the health, safety, and welfare of the citizens of Lenox Township.
- B. To provide adequate light, air, convenience of access, and safety from fire, flood, and other dangers; and to reduce or prevent congestion.
- C. To provide for the township's future growth in a way consistent with the efficient and economically sound use of public funds.
- D. To ensure the township's growth does not adversely impact Lenox Township's environmental quality or natural resources.
- E. To promote the needs of housing, industry, and business.
- F. To promote the creation and expansion of adequate highway, utility, health, education, and recreational facilities to serve the needs of township residents and businesses.
- G. To protect against encroaching incompatible uses and buildings.
- H. To encourage economic development activities that provide employment opportunities and a broad tax base.
- I. To promote housing of such type, size, and cost to allow residents of various economic conditions to reside in safe and sanitary dwellings.
- J. To encourage new and innovative development approaches and promote a sense of community within the township.
- K. To implement the goals, objectives, policies, and initiatives of the township's adopted Master Plan.

Section 719.2 – Authority

This Chapter is enacted into law according to Michigan Act 110, Public Acts of 2006, as amended.

Section 719.3 – Rules Applying to Text

- A. For this Chapter, specific terms are defined to clarify the intent of the provisions. The following rules shall apply, except when indicated otherwise.
 1. The particular shall control the general.
 2. If there is any difference in meaning or implication between the text of this Chapter and any caption, the text shall control.
 3. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; words in the singular number shall denote the plural, and the plural shall indicate the singular.
 5. A "building" or "structure" includes any part thereof.
 6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
 7. Unless the context indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and" or "either...or", such conjunction shall be interpreted as follows:
 - a. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 8. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company, or other legal entity or their agents.
 9. Any word or term not defined herein shall be assumed to have the meaning customarily assigned to it.
 10. "Township" shall refer specifically to Lenox Township.
 11. The Lenox Township Zoning Board shall make any necessary interpretation of this Chapter.

Article 2 – Definitions

Section 719.4 – Definitions

A. For this Chapter, the following terms and words are defined as follows:

Accessory Building—A subordinate building whose use is incidental to that of the main building or use of the land.

Accessory Use – A use subordinate to the primary use on a lot and used for purposes incidental to those of the primary use.

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

Agriculture – The art and science of cultivating land to raise and harvest trees, fruit, field crops, or animals for economic gain.

Alley – Any dedicated public way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations – Any change, addition, or modification in construction or type of occupancy or any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

Animals:

Domestic Pet – animals that are ordinary household pets, such as dogs or cats, and which are kept for pleasure.

Exotic or Wild Animal – Any animal not defined as a farm animal or domestic pet not native to southeast Michigan nor commonly found in the wild in southeast Michigan.

Farm Animal – Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other fur-bearing animals.

Animal Hospital – A self-enclosed building wherein domestic household pets and farm animals are given medical or surgical treatment and used as a boarding place for such animals limited to short-time boarding incidental to hospital use.

Apartments – The dwelling units in a multiple dwelling as defined herein.

Automobile Repair Garage – A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding, or reconditioning of motor vehicles; collision services, such as body, frame, or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service Center – A place where gasoline (stored in underground tanks only), kerosene, motor oil, and lubricants are retailed directly to the public. Minor accessories and services such as shock absorbers, brake lining, muffler installations, and the like are considered principal parts of the operation.

Automobile Gas and Service Station – A place where gasoline (stored only in underground tanks), kerosene, motor oil, and lubricants (for the operation of automobiles) are retailed directly to the public on the premises.

Basement – That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Inn – An owner-occupied, single-family dwelling with not more than five (5) guest rooms in which the owner/operator provides overnight accommodations to guests in return for payment and without kitchen facilities for service or preparing meals for the overnight guests, which are separate from those for the residence.

Block – The property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, river, or live stream, or between any of the previous and any other barriers to the continuity of development.

Board – The Lenox Township Board of Trustees

Building – Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, or vehicles on private property used for buildings.

Building Height – The vertical distance measured from the grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridges for gable, hip, and gambrel roofs or to a point equivalent to the on any other roof. When a building is situated on sloping terrain, the height may be measured from the average ground level of the grade at the building's wall.

Building Inspector – The Building Official of Lenox Township or designated assistant.

Building Line – A line formed by the face of the building, and for this Chapter, a minimum building line is the same as a front setback line.

Building, Main or Principal – A building in which the principal use is situated.

Campground—Any parcel or tract of land where sites are offered for the public or members of an organization to establish temporary living quarters for five (5) or more recreational units, free of charge or for a fee.

Canopy – A structure other than an awning made of cloth, metal, or material frames affixed to a building and carried by a frame supported by the ground.

Club – An organization of people for particular purposes or the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

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

Clinic, Veterinary – A building or group of buildings and structures where domestic animals are admitted for examination, treatment, and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight.

Condominium Project – A plan or project consisting of not less than two (2) units, if established and approved in conformance with the Michigan Condominium Act 59 of 1978. A condominium project may include multi-family structures (traditional), single-family homes (site condominiums), or non-residential structures (non-residential site condominiums).

Convalescent or Nursing Home – A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing, and medical care, and which qualifies for licensure under the applicable Michigan law.

Deck—An unroofed structure used for outdoor living that may or may not be attached to a building and protrudes more than four inches above the finished grade.

Density – The number of dwelling units on, or to be developed upon, an acre of land.

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

District—A portion of the township within which specific regulations and requirements, in various combinations, apply under the provisions of this Chapter.

Dwelling Unit – A building or portion thereof designed for residential occupancy and cooking facilities.

Dwelling Unit (Efficiency)—A dwelling unit consisting of one room exclusive of a bathroom, kitchen, hallway, closets, or dining nook directly off the principal room and providing not less than three hundred twenty (320) square feet of floor area.

Dwelling Unit (Single Family) – A detached building containing one (1) dwelling unit designed for residential use.

Dwelling Unit (Two Family) – A building containing two (2) dwelling units, with separate exterior access, designed for residential use.

Dwelling Unit (Multiple Family) – A building containing three (3) or more dwelling units designed for residential use.

Easement – The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Erected – Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises required for construction, excavation, fill, or drainage.

Essential Services – The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm, and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation – Any groundbreaking except common household gardening and ground care incidental to maintaining and improving residential landscaping.

Family—An individual, two (2) or more persons related by blood, marriage, or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity, or similar dwelling for group use.

Family Daycare Home—A private residence licensed under the Childcare Organizations Act, MCLA 722.111, to provide care, protection, and supervision for six or fewer unrelated minor children under the age of 18.

Farm – Structures, facilities, and properties for carrying on any agricultural activity or raising livestock or small animals. Farms encompass both general and specialized operations (including furs, fowl, dairy, fruits, vegetables, and livestock), but exclude kennels and reptile facilities.

Farm Buildings – Any building or structure other than a dwelling, moved upon, maintained, used, or built on a farm that is essential and customarily used on farms of that type for the pursuit of agricultural activities, but shall not include buildings for landfills, yard waste, or composting operations.

Farm Livestock – Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids, and similar animals.

Filling – The depositing or dumping of any matter onto or into the ground, except for common household gardening and ground care.

Floor Area – The square footage of floor space measured from the exterior-to-exterior wall for all floors, not including enclosed and unenclosed porches, breezeways, garages, attics, basements, and cellar areas.

Garage (Commercial) – A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term 'repairing' does not include rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage (Private) – An accessory building used primarily for storing vehicles for the occupants of a lot on which such a building is located.

Grade – An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt – A strip of land of definite width and location reserved for planting shrubs and trees to serve as an obscuring screen or buffer in carrying out the requirements of this Chapter.

Group Childcare Center – A building or structure where care, protection, and supervision are provided regularly, at least twice a week, to more than twelve (12) children, including children of the adult provider.

Group Day Care Home – Private residential homes where seven (7) to twelve (12) minor children are given care and supervision. Such facilities must be licensed according to the applicable laws of the State of Michigan.

Hazardous Substances – A substance or material that, because of its toxic, caustic, corrosive, abrasive, or otherwise harmful properties, may harm the health of any person handling or encountering such materials or substances.

Home Occupation—An occupation or profession executed by the occupant of a dwelling unit that is conducted within a dwelling or accessory building and is incidental and secondary to the use of the lot and dwelling for residential purposes.

Hospital – An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel – A building occupied or used as a temporary abiding place by individuals or groups of individuals, with or without meals, and in which there are more than five (5) sleeping rooms and in which there is no provision for cooking.

Industrial Park – A planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk – All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, dumped, inoperative, dismantled or partially dismantled motorized vehicles or parts.

Junk Yard – An open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap or other metals, paper, rags, rubber tires, and bottles. A "Junkyard" includes automobile wrecking yards and consists of any area of more than two hundred (200) square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

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

Lot – A parcel of land.

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

Lot (Double Frontage) – A lot, other than a corner lot, having frontage on two (2) or more parallel roads. If existing structures are in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those roads where such structures front.

Lot (Interior) – Any lot other than a corner lot.

Lot Coverage – That part or percent of the lot occupied by buildings, including accessory structures.

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

Lot Lines – The exterior perimeter boundary lines of a lot or parcel.

Lot Line (Front) – In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, both lot lines abutting the streets shall be treated as the front lot lines. In the case of a double-frontage lot, the front lot line shall mean the line separating the lot from the street designated as the front street on the plat or in the application for a building permit.

Lot Line (Rear) – The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and within the lot.

Lot Line (Side) – Any lot line other than the front or rear lot line. A side lot line separating a lot from another lot, or lots, is an interior lot line.

Lot of Record – A parcel of land, the dimensions of which are shown on a recorded plat on file with the Macomb County Register of Deeds, or any parcel which has been separated therefrom per the provisions of the Subdivision Control Act and which exists as described. A lot of record must front a public street that is dedicated for access as a public street, or upon an approved private road.

Lot Width – The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Main Building – A building occupied by the principal use of the lot upon which it is situated.

Major Thoroughfare – An arterial street intended to serve a large volume of traffic for both the immediate area and the region and has a right-of-way width of one hundred twenty (120) feet or more.

Manufactured Home – A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is intended to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

Manufactured Housing Community – A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

Manufactured Housing Home Site – The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marginal Access Road – A service roadway parallel to a major thoroughfare that provides access to abutting properties and protection from traffic.

Master Plan – The comprehensive plan includes graphic and written proposals indicating the general location of streets, parks, schools, public buildings, and all physical development of the community.

Medical Marijuana Grower – A state licensee that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

Medical Marijuana Processor – A state licensee that purchases marijuana from a grower and extracts resin from the marijuana or creates a marijuana-infused.

Medical Marijuana Provisioning Center – A state licensee that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients directly or through the patient's registered primary caregivers. Provisioning centers include any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.

Medical Marijuana Safety Compliance Facility – A state licensee that receives marijuana from a marijuana facility or registered primary caregiver and tests it for contaminants.

Medical Marijuana Secure Transporter – A state licensee that stores and transports medical marijuana between facilities for a fee.

Medical Marijuana Primary Caregiver – A qualifying medical marijuana caregiver who has been issued a current registry identification card under the Michigan Marijuana Act of 2008.

Medical Marijuana Qualifying Patient – A qualifying medical marijuana patient who has been issued a registry identification card under the Michigan Marijuana Act of 2008.

Motel—A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space. Rooms shall provide overnight lodging, be offered to the public for compensation, and cater primarily to the public traveling by motor vehicle.

Municipality – Lenox Township, Macomb County, Michigan

Nonconforming Building or Structure – A building or portion existing at the effective date of this Chapter or amendments that does not conform to the provisions of this Chapter relative to height, bulk, area, or yards for the district in which it is located.

Nonconforming Lot – A lot of record that legally existed on or before the effective date of this Chapter or any amendment to this Chapter that does not meet the dimensional requirements of this Chapter or amendment.

Nonconforming Use – A use that lawfully existed at the effective date of this Chapter or amendments and does not conform to the use regulations of the district in which it is located.

Nuisance – An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line.

Nursery (Plant Materials)—A space, building, structure, or combination thereof for storing live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of a nursery per this Chapter does not include or preclude any space, building, or structure used to sell fruits, vegetables, or Christmas trees.

Off-Street Parking Lot or Area – A facility providing vehicular parking spaces and adequate drives and aisles. Sufficient maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Front Store—A business establishment so developed that service to the patron may extend beyond the structure's walls, without requiring the patron to enter the structure. The term “open front store” shall not include automobile repair or service stations.

Open Space – Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use.

Open Storage – A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parking Space – An area of definite length and width, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Place of Worship (Large Scale) – A use located in a permanent building that provides regularly organized religious worship and related incidental activities, except in primary or secondary schools. Large places of worship have a planned capacity exceeding 400 persons and may include ancillary facilities, such as daycare centers.

Place of Worship (Neighborhood) – A use located in a permanent building that provides regular, organized religious worship and related incidental activities, except primary or secondary schools and daycare facilities. Neighborhood places of worship have a planned capacity of 400 persons or fewer.

Planning Commission – The Lenox Township Planning Commission

Planned Unit Development (PUD)—A use that allows the property to be planned and built as a unit and permits, upon review and approval, variation in many of the traditional controls related to density, land use, open space, and other design elements, and the timing and sequencing of the development.

Porch (Enclosed) – A covered entrance to an enclosed building that projects out from the main wall of said building or structure.

Porch (Open) – A covered entrance to a building or structure that is not enclosed except for columns supporting the porch roof and projects from the main wall of the building or structure.

Public Utility – Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish to the public (under local, state, or federal statutes), gas, steam, electricity, sewage disposal, communication, transportation, or water.

Quarry – Any tract or parcel of land or part thereof used to search or extract stone, gravel, sand, peat, topsoil, or similar materials, including stripping and pit operations.

Road, Private – Any road that is privately constructed and has not been accepted for maintenance by the Macomb County Department of Roads, the State of Michigan, or the federal government.

Road, Public – Any road or portion dedicated to and accepted for maintenance by the Macomb County Department of Roads, the State of Michigan, or the federal government.

Seasonal Outdoor Sales—Small seasonal establishments, including, but not limited to, Christmas tree stands, pumpkin patches, and fireworks tents.

Seasonal Attractions – Large seasonal businesses that draw visitors to the area, including but not limited to haunted houses, corn mazes, outdoor concerts, fairs, and carnivals.

Storage Container: Any prefabricated structure designed for transporting goods or for the temporary storage of property, such as pods, steel shipping containers, cargo containers, packing or storage crates, and parts or all of a semi-trailer.

Telecommunication Towers and Facilities – All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum to transmit or receive radio signals, including, but not limited to, radio towers, television towers, telephone devices, and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. This definition excludes citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities subject to state or federal law or regulations that preempt municipal regulatory authority.

Collocate – To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Equipment Compound – An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

Wireless Communications Equipment (WCE) – The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communications Support Structure (WSS) – A structure designed to support wireless communications equipment, a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

Temporary Use or Building – A use or building permitted to exist for a limited time.

Use – The purpose for which land and buildings are arranged, designed, or intended, or for which land or a building is or may be occupied.

Variance – A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vehicle Sales (New)—An authorized dealership primarily for the sale of new vehicles, but as an incidental use, it may also sell used vehicles and have complete and enclosed facilities on the premises for the display, service, repair, and sale of new vehicles and accessories.

Vehicle Sales (Used) – An authorized dealership for used vehicles with a completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles, such as minor repairs, servicing, and restoration, shall be performed within completely enclosed facilities.

Wall – An obscuring structure of definite height and location to serve as an obscuring or protective screen.

Yard – The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward, except for projections, such as porches and steps, and specific accessory uses or structures allowed in such open space under the provisions of this Chapter.

Yard (Front) – An open space extending the entire width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard (Rear) – An open space extending the entire width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard (Side) – An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the said lot line to the nearest point of the main building.

Yard (Non-Required) – A yard more than the yard required.

Zoning Board of Appeals – The Lenox Township Zoning Board of Appeals.

Article 3 – Zoning Districts

Section 719.5 – Classification of Zoning Districts

The Township of Lenox is divided into the following Zoning Districts.

AG	Agricultural District
R	Single-Family Residential District
RM	Multiple-Family Residential District
MH	Manufactured Home Community
OS	Office Service
NB	Neighborhood Business
CB	Community Business
GB	General Business
LI	Light Industrial
HI	Heavy Industrial
REC	Recreation
F	Floodplain

Section 719.6 – Zoning Map

The areas assigned to each Zoning District and the boundaries shown on the “Lenox Township Zoning Map” are hereby established.

Section 719.7 – Boundaries of Districts

The boundaries of the zoning districts are now established as shown on the “Lenox Township Zoning Map,” which accompanies this Chapter, and with all notations, references, and other information shown thereon shall be as much a part of this Chapter as is described herein:

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of a change in the shoreline, shall be construed as following the actual shoreline.
- C. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

D. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or its motion, by the Zoning Board of Appeals.

Section 719.8 – Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the centerline according to the zoning of the properties immediately adjacent to the public right-of-way.

Section 719.9 – Zoning of Vacated Areas

Whenever any street, alley, or another public way within Lenox Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of the land formerly within such vacated street, alley, or public way, said property shall automatically, and without further governmental action, thenceforth acquire and be subject to the same zoning regulations as apply to the lands to which same shall attach.

Section 719.10 – Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland to create a usable or buildable space, such fill area shall take on the zoning district and accompanying provisions of the land abutting said fill area. No use on any lake or stream that does not conform to the Chapter provisions on the property from which said property emanates shall be allowed. Fill material shall not be placed in any lake or stream within the Township unless appropriate permits are obtained from local, state, or federal agencies.

Section 719.11 – Zoning District Changes

When district boundaries change, any legal nonconforming use may continue, subject to all other applicable provisions of this Chapter.

Article 4 – District Regulations

Section 719.12 – AG, Agricultural District

The Agricultural District encompasses the open areas of the township where farming, dairying, forestry operations, and other rural activities are located. Vacant land, fallow land, and wooded areas are also present and are often interspersed among farms. Gradually, portions of the Agricultural District may be converted into other land uses. The Agricultural District safeguards land essential for agricultural pursuits from encroachment by premature and unplanned residential, commercial, and industrial development.

Section 719.13 – Principal Permitted Uses in the Agricultural District

- A. Single-family farm dwellings related to agricultural operations.
- B. Farm buildings and greenhouses
- C. Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure. The keeping of horses for farming or riding purposes, without remuneration, cattle or similar livestock shall be permitted only on a lot or parcel of five (5) acres or more. Keeping fowl, poultry, and small livestock other than raising fur-bearing animals, including commercial dog kennels, mink, rabbit, cat, and canine establishments, shall be regulated according to yard setbacks. All land used for keeping livestock or fowl shall be no nearer to the front street line than the rear building line of the dwelling on said lot and no closer than fifty (50) feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outdoor use by horses, hogs, cattle, or similar livestock. Except for a dairy farm, feedlot, or similar livestock farm being operated according to generally accepted good farming practices, the keeping of horses, hogs, cattle, or similar livestock shall require five (5) acres of land for the first animal and one (1) acre of additional land for each additional animal kept.
- D. Truck gardening
- E. Tree and shrub nurseries
- F. Single-family dwellings
- G. Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- H. Public, parochial, and private elementary, intermediate, and high schools offering courses in general education, not operated for profit.

- I. Township offices and accessory buildings and uses.
- J. Private residential ponds
- K. Swimming pools
- L. Home Occupations (Section 719.137).
- M. Accessory buildings, structures, and uses customarily incidental to any of the above uses when located on the same property.
- N. Family daycare home
- O. Adult foster care family homes

Section 719.14 – Special Land Uses Permitted in the Agricultural District

- A. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations (Section 719.113).
- B. Cemeteries (Section 719.115).
- C. Places of worship (Section 719.116).
- D. Convalescent, Rest homes, and Assisted Living Facilities (Section 719.119).
- E. The raising, boarding, and training of fur-bearing animals, including kennels, veterinarian offices, animal clinics, and mink, rabbit, cat, and canine establishments (Section 719.121).
- F. Large-scale recreation uses (Section 719.126).
- G. Migratory labor camps (Section 719.128).
- H. Group day-care home (Section 719.131).
- I. Public and private colleges and universities (Section 719.132).
- J. Soil, sand, clay, gravel, or similar removal operations (Section 719.133).
- K. Yard Waste Composting Facilities (Section 719.138).
- L. Group Childcare Centers (Section 719.129).

- M. Private Kennels (Section 719.124).
- N. Commercial Kennels (Section 719.123)
- O. Bed & Breakfast Inns (Section 719.147).
- P. Fraternal organizations, lodge halls, and clubs (Section 179.152).

Section 719.15 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.16 – R, Single Family Residential District

The Single-Family Residential District was established to accommodate single-family dwellings and accessory uses, while prohibiting business, commercial, industrial, or other uses of the land that would interfere with development within the district.

Section 719.17 – Principal Permitted Uses in the Single-Family Residential District

- A. One-family detached dwellings.
- B. Farms and other agricultural uses having an area of not less than five (5) acres, subject to the standards of the Michigan Department of Agriculture and Rural Development.
- C. Public, parochial, and private elementary, intermediate, and high schools offering courses in general education.
- D. Publicly owned and operated libraries, parks, parkways, and recreation facilities.
- E. Township offices and accessory uses.
- F. Home occupations (Section 719.137).
- G. Accessory buildings and uses customarily incidental to the above-permitted uses when located on the same property.
- H. Swimming Pools
- I. Family Daycare Homes
- J. Adult foster care home.

Section 719.18 – Special Land Uses Permitted in the Single-Family Residential District

- A. Places of Worship (Section 719.113).
- B. Cluster Housing Developments (Section 719.117).
- C. Large-scale recreation (Section 719.126)
- D. Public and private colleges and universities (Section 719.132).

E. Bed and Breakfast Establishment (Section 719.147).

Section 719.19 – Area Regulations

A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.20 – RM, Multiple Family Residential District

The Multiple Family Residential District is designed to permit more intensive residential use of land, featuring various multiple-family attached dwellings and related uses. Various types and sizes of residential units are available for ownership or rental, catering to the Township's diverse age and family groups.

Section 719.21 – Principal Permitted Uses in the Multiple-Family Residential District

- A. All permitted uses in the R – Single Family Residential District.
- B. Two-family residential dwellings
- C. Multiple-family residential dwellings.
- D. Accessory buildings and uses customarily incidental to the above-permitted uses
- E. Swimming pools
- F. Family daycare homes
- G. Adult foster care homes

Section 719.22 – Special Land Uses Permitted in the Multiple-Family Residential District

- A. Assisted living, independent living, and other homes for the aged, disadvantaged, or physically handicapped (Section 719.113)
- B. Group daycare homes (Section 719.131).
- C. Group childcare centers (Section 719.129).
- D. Places of worship (Section 719.116).

Section 719.23 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.24 – MH, Manufactured Home Community District

The Manufactured Home Community District is a moderate-density residential district designated to provide safe and adequate housing for ownership or rental to meet the needs of different age and family groups.

Section 719.25 – Principal Permitted Uses in the Manufactured Home Community District

- A. Manufactured home communities in compliance with Michigan Public Act 419 of 1976, as amended.
- B. Swimming pools
- C. Accessory buildings and uses customarily incidental to the above-permitted uses.

Section 719.26 – Special Land Uses Permitted in the Manufactured Home Community District

- A. Group childcare centers (Section 719.129)

Section 719.27 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.28 – OS, Office Service District

The Office Service District was established to accommodate various office uses, including professional, administrative, financial, and medical.

Section 719.29 – Principal Permitted Uses in the Office Service District

- A. Office buildings for executive, administrative, professional, financial, real estate, and insurance uses.
- B. Medical offices, including clinics.
- C. Publicly owned buildings.
- D. Retail businesses, generally associated with and complementary to office districts.
- E. Banks, credit unions, and similar uses.
- F. Accessory buildings and uses customarily incidental to the above-permitted uses.
- G. Other uses similar to the above, as determined by the Planning Commission.

Section 719.30 – Special Land Uses Permitted in the Office Service District

- A. Retail and personal service establishments (Section 719.146).
- B. Group childcare centers (719.129)

Section 719.31 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.32 – NB, Neighborhood Business District

The Neighborhood Business District was established to provide local retail areas and to meet the need for day-to-day, convenient shopping and services by persons residing in adjacent residential areas.

Section 719.33 – Principal Permitted Uses in the Neighborhood Business District

- A. Office buildings for the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, photographic, and sales organizations.
- B. Medical offices and clinics
- C. Funeral homes
- D. Banks, credit unions, savings and loan associations, insurance offices, real estate offices, and similar uses.
- E. Public utilities offices
- F. Retail businesses that supply commodities on the premises.
- G. Personal service establishments that perform services on the premises.
- H. Dry cleaning establishments or pick-up stations dealing directly with the consumer.
- I. Accessory buildings and uses customarily incidental to the above-permitted uses when located on the same property.

Section 719.34 – Special Land Uses Permitted in the Neighborhood Business District

- A. Auto Wash facilities (Section 719.114).
- B. Gasoline Service Stations (Section 719.125).
- C. Planned Unit Developments (Section 719.101).
- D. Group Childcare Centers (Section 719.129).

Section 719.35 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.36 – CB, Community Business District

The Community Business District is established to serve the needs of a larger consumer population than the Neighborhood Business District. It is generally characterized by an integrated or planned grouping of establishments served by a common parking area, generating large volumes of vehicular and pedestrian traffic.

Section 719.37 – Principal Permitted Uses in the Community Business District

- A. Any retail business or service establishment permitted in the NB – Neighborhood Business District.
- B. Fraternal organizations, lodge halls, and clubs (Section 719.152).
- C. Indoor commercial recreation establishments.
- D. Theaters, assembly halls, concert halls, or similar places of assembly, when conducted entirely within enclosed buildings.
- E. Business schools and colleges or private schools operated for profit.
- F. Other uses similar to the above uses.
- G. Accessory buildings and uses customarily incidental to the above-permitted uses.
- H. Open-air businesses developed in a planned relationship with the CB District.
- I. Automobile service centers, when developed as part of a larger planned shopping center.
- J. Places of Worship. (Section 719.116).
- K. Accessory buildings and uses customarily incidental to the above-permitted uses when located on the same property.

Section 719.38 – Special Land Uses Permitted in the Community Business District

- A. Public utility buildings, telephone exchange buildings, repeater stations, transformer stations and substations, and gas regulator stations, when the operation requirements necessitate the location within the district to serve the immediate vicinity.

Section 719.39 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.40 – GB, General Business District

The General Business District is established to provide sites for a more diverse range of business types, which may often be incompatible with pedestrian movement in the Neighborhood Business District or the Community Business District.

Section 719.41 – Principal Permitted Uses in the General Business District

- A. Any retail business or service establishment permitted in the CB District.
- B. Gasoline Service Stations, subject to the following:
 - 1. A minimum of one hundred fifty feet of street frontage on the lot proposed for the service station shall be provided on the principal street serving the station. The lot shall be a minimum of one acre.
 - 2. All buildings shall be set back not less than forty (40) feet from all street right-of-way lines.
 - 3. Gasoline pumps, air and water hose stands, and other appurtenances shall be set back at least fifteen (15) feet from all street right-of-way lines.
 - 4. Curb cuts shall be no closer than twenty (20) feet to any adjoining non-residential zoning district, no closer than seventy (70) feet to any corner of two intersecting street right-of-way lines, and no closer than twenty-five feet to any abutting residential district.
 - 5. Prohibited activities include the following: outdoor storage or parking of vehicles for more than three consecutive calendar days, vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, auto dismantling, and other such activities whose external physical effects could adversely extend beyond the property line.
- C. Bus passenger stations
- D. Storage of materials or goods to be serviced or sold at retail, provided such storage is within a building or is enclosed so as not to be visible to the public from a street or property line.
- E. Greenhouses
- F. Open-air businesses, including outdoor space for the sale or rental of automobiles, agricultural implements, boats, or house trailers, and open-air businesses, such as but not limited to retail sales of lawn furniture, plant materials, nursery playground equipment, and other home garden supplies subject to the following:

1. The lot or area shall be provided with an improved, durable, and dustless surface and drained to dispose of all surface water accumulated. The surface must be paved for automotive vehicles, trailers, boats, or similar vehicles.
2. Ingress and egress to the outdoor sales area shall be at least seventy (70) feet from the intersection of any two (2) street right-of-way lines or an abutting residential district.
3. No major repair or refinishing shall be done on the lot, except that auto repair garages may be permitted, subject to the following conditions.

G. New or used vehicle sales showrooms and service facilities.

H. Commercial recreation uses such as golf driving ranges, miniature golf courses, par three golf courses, and other similar uses. Such uses shall not include go-kart tracks or similar activities.

I. Hotels or motels are subject to the following:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare.
2. No kitchen or cooking facilities are to be provided within the units, except for the use of the manager or caretaker. However, 25% or less of the total units may have kitchenettes for the convenience of the traveling public.
3. Each unit shall contain at least two hundred fifty (250) square feet of floor area.
4. Units shall not be occupied as primary residences, and the hotel or motel shall maintain a guest register.

J. Veterinary hospitals or veterinary clinics, excluding outside kennel facilities, provided all activities are conducted with an enclosed main building.

K. Mini-storage, mini-warehouse, and similar facilities, when wholly enclosed in a building not more than one story in height. No outdoor storage shall be permitted as part of the development.

L. Accessory buildings and uses customarily incidental to any of the above-permitted uses when located on the same property.

M. Other uses similar to the above.

Section 719.42 – Special Land Uses Permitted in the General Business District

A. Auto Wash (Section 719.114).

- B. Businesses in the character of a drive-in or open-front store (Section 719.120).
- C. Public Utility Buildings (without storage).
- D. Planned Unit Developments

Section 719.43 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.44 – LI, Light Industrial District

The Light Industrial District was established primarily to accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to the area of the district and do not detrimentally affect any of the surrounding districts. The IR District is structured to permit, in addition to any specified uses, the manufacturing, compounding, processing, packaging, assembly, and treatment of finished or semi-finished products from previously prepared materials.

Section 719.45 – Principal Permitted Uses in the Light Industrial District

- A. Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation required for conducting basic research shall be excluded from the enclosure requirement.
- B. Warehousing, mini-storage, and wholesale establishments, as well as trucking facilities. Outdoor storage may be permitted, provided it is screened from view by a minimum six (6) foot high masonry wall, or an obscuring greenbelt approved by the Planning Commission.
- C. The manufacture, compounding, processing, packaging, or treatment of products such as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, cutlery, tool dies, gauge, and machine shops, but not limited to.
- D. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood, and yarns.
- E. The manufacture of pottery, figurines, or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- F. The manufacture of musical instruments, toys, novelties, metal or rubber stamps, or other molded rubber products.
- G. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and similar.
- H. Laboratories - experimental, filming, or testing.
- I. Manufacturing and repair of electric or neon signs and light sheet metal products, including heating and ventilating equipment, cornices, caves, etc.

- J. Storage and transfer, and electric and gas service buildings and yards.
- K. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas distribution stations.
- L. Sewage disposal plants.
- M. Propane tank holders
- N. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.
- O. Storage facilities for building materials, sand, gravel, stone, lumber, contractor equipment, and supplies.
- P. Central dry-cleaning plants or laundries.
- Q. Automobile repair garages, auto engine and body repair, and undercoating shops, when wholly enclosed within a building.
- R. Non-accessory signs.
- S. Commercial Kennels (Section 719.123).
- T. Other uses similar to the above, as determined by the Planning Commission following review and findings of fact.
- U. Accessory buildings and uses customarily incidental to any of the above-permitted uses when located on the same property.

Section 719.46 – Special Land Uses Permitted in the Light Industrial District

- A. Retail uses that have an industrial character (Section 719.141).
- B. Lumber mills (Section 719.142).
- C. Metal plating & similar uses (Section 719.143).
- D. Planned Unit Developments (Section 719.101).
- E. Landfills, transfer stations, waste processing plants (Section 719.136).

- F. Large-scale recreation uses (Section 719.126).
- G. Medical Marijuana Facilities, as regulated in Chapter 802 of the Lenox Township Code of Ordinances.
- H. Accessory buildings and uses customarily incidental to any of the above special land uses when reviewed and approved as part of the application for the special land use.

Section 719.47 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.48 – HI, Heavy Industrial District

The Heavy Industrial District was established primarily for manufacturing, assembly, and fabrication activities, including large-scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The Heavy Industrial District is structured to permit, in addition to Light Industrial uses, the manufacturing, processing, and compounding of semi-finished or finished products from raw materials.

Section 719.49 – Principal Permitted Uses in the Heavy Industrial District

- A. Any permitted use permitted in an LI District.
- B. Heating and electric power-generating plants, and all necessary uses.
- C. Production, processing, cleaning, servicing, testing, repairing, or storing materials, goods, or products.
- D. Other uses similar to the above, as determined by the Planning Commission following review and findings of fact.
- E. Accessory buildings and uses customarily incidental to any of the above-permitted uses when located on the same property

Section 719.50 – Special Land Uses Permitted in the Heavy Industrial District

- A. All special land uses permitted in the LI District.
- B. Junk & Salvage Yards (Section 719.145).

Section 719.51 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.52 – REC, Recreation District

Recognizing that a substantial portion of the Township's land area is devoted to public and private recreational activities, the Recreation District is designed to encourage the full utilization of the Township's recreational potential while protecting the character of these lands and preserving them for future generations of Township residents.

Section 719.53 – Principal Permitted Uses in the Recreation District

- A. Public and private day-use parks and similar facilities on a minimum-sized property of ten (10) acres.
- B. Single-family detached residences when accessory to a permitted recreation facility.
- C. Accessory uses customarily incidental to the above-permitted uses.
- D. Uses, in the opinion of the Planning Commission, are similar to the above-permitted uses.

Section 719.54 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Section 719.55 – F, Floodplain District

The Flood Plain District was established to protect the health, safety, and general welfare of the inhabitants of Lenox Township and its environs by promoting its development with land use that will not reduce the river valley's reservoir capacity nor impede, restrict, accelerate, or change the direction of water flow or the carrying capacity of the river valley or otherwise increase the possibility of a flood.

Section 719.56 – Principal Permitted Uses in the Floodplain District

- A. The open space portion of any abutting use district, providing that no structure, other than at-grade parking, shall be provided.
- B. For residential districts, the flood plan may be used to compute density and, therefore, can be applied to yard and open space areas.
- C. Gardening, general farming, horticulture, forestry, or similar agricultural activity.
- D. Public and private open recreation areas, including parks, playgrounds, playfields, golf courses, and bridle paths.

Section 719.57 – Area Regulations

- A. See Article 11, Schedule of District Regulations, for height, bulk, density, area, and setback requirements.

Article 5 – General Provisions

Section 719.58 – Purpose

The provisions of this Section shall apply to all districts except as noted herein. Where the requirements of a general provision and a district regulation differ, the more restrictive conditions shall prevail.

Section 719.59 – Application of Regulations

- A. Zoning affects every structure and use and extends vertically. The following shall apply to all of Lenox Township.
 1. To carry out the intent of this Chapter, no use or activity on a piece of land shall be commenced or maintained, and no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Chapter, and a zoning compliance permit has been obtained, except in the case of lawful nonconforming uses.
 2. No building shall hereafter be erected or altered to exceed the height limitations, to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard, or inner or outer courts, or to accommodate or house a greater number of families, or to provide less space per dwelling unit than is specified for the district in which such building is located.
 3. No lot area and no yard, court, parking area, or other required space shall be so divided, altered, reduced, or diminished as to make said area or dimension less than the minimum required under this Chapter, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If a required area is already less than the minimum required under this Chapter, said area or dimension shall not be further divided or reduced.
 4. If any activity, use, building, structure, or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Chapter, such activity, use, building, or structure shall be declared a nuisance. It may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Chapter.
 5. If any lawful use, activity, building, or structure that exists or is under construction at the time of the adoption of this Chapter and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including

the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Chapter for completion.

Section 719.60 – Conflicting Regulations

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

Section 719.61 – Frontage

- A. Every dwelling or principal building shall be located on its own lot, which shall front upon a public street for the minimum width required in the district for the use proposed. The only exception to this frontage requirement shall be lots located on a cul-de-sac or similar turnaround in an approved subdivision plat or condominium subdivision, which shall have a minimum of fifty (50) feet of frontage on the public street.
- B. Development of new private roads is prohibited.

Section 719.62 – Lot Limitations

In all residential subdivisions, only one principal building shall be placed on a lot of record except parcels of record described and designated as "out lots," which may be so arranged or subdivided as to provide for one or more principal buildings 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 of the district in which it is located; provided further that no building shall be erected on land subdivided in violation of Act 288 Public Acts of the State of Michigan, 1967, as amended.

Section 719.63 – Proportional Requirements for Single-family Dwellings

All lots in the AG, RL, and RM districts shall have a width-to-length proportion that does not exceed 1 to 4.

Section 719.64 – Single Family Dwelling Standards

- A. All single-family dwellings erected in Lenox Township or brought into Lenox Township shall

comply with the following:

1. A building permit issued by Lenox Township shall be required before beginning construction of any site-built dwelling and before any factory-built dwelling is brought into the township.
2. All single-family dwelling units shall comply with the Township Building Code in effect at the time. If a dwelling is required by law to comply with state or federal standards different from the Township Building Code, then such state or federal standards or regulations shall apply.
3. All single-family dwelling units shall be fastened to a minimum 8-inch masonry foundation, which is continuous around the perimeter of the dwelling to a depth of at least 42 inches. If the dwelling is a mobile home, it shall be installed according to the manufacturer's setup instructions, secured to the premises by an anchoring system complying with the rules and regulations of the Michigan Mobile Home Commission, and shall have a perimeter wall as described above.
4. All single-family dwellings shall comply with this Chapter's minimum square footage requirement for the zone in which they are located.

B. To promote compatibility and relative uniformity of single-family dwellings, the following features shall be present in all single-family dwellings:

1. A roof overhang of not less than 12 inches.
2. A roof with a pitch no less than 4/12 (4 inches vertical for every 12 inches horizontal) on the main structure, excluding porches, patio roofs, attached garages, overhang, and similar subordinate architectural features or components of the dwelling, as determined by the Building Inspector. The roof of the main structure shall be in the shape of a hip, gable, shed, gambrel, or similar style.
3. At least two exterior doors on different sides of the dwelling with steps or porches connecting said doors with the ground, where an elevation change requires the same.
4. The exterior surfaces of exterior walls shall be covered with wood, stucco, or material of metal, metal alloy, brick, masonry, vinyl, or plastic with major actual or visual vertical or horizontal joints spaced at not more than 8 inches apart.
5. Incorporates a storage of at least 100 square feet, in addition to the minimum floor area required in that zoning district, located in a basement, attic, closet, or a separate structure of standard construction similar to or better quality than the principal dwelling. The previous standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard-

designed home.

- C. If a dwelling is a mobile home, it shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- D. The dwelling shall contain no additions, rooms, or other areas not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- E. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- F. The preceding standards shall not apply to a manufactured home in a licensed home community.

Section 719.65 – Lot Building Relationship

Every building erected, altered, or moved shall be on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure, or permanent accessory building shall be erected without obtaining a zoning permit from the Zoning Administrator.

Section 719.66 – Restoration of Unsafe Buildings/Barrier-Free Modifications

- A. Nothing in this Chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Lenox Township Building Official.
- B. Nothing in this Chapter shall prevent the unlimited modification of a building only as necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

Section 719.67 – Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking, and loading spaces, and all other requirements, including the proper

maintenance and repair of screening arrangements, for a building or use specified within this Chapter shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 719.68 – Buildings to be Moved

- A. Any building, structure, or manufactured home that has been wholly or partially erected or placed on any premises within Lenox Township or outside Lenox Township shall not be moved or placed upon any premises in the Township until a building permit for such removal shall have been secured.
- B. Wholly or partially erected site-built structures and previously occupied mobile homes shall require a physical inspection by the Building Inspector before being brought into the Township. Any such building, structure, or manufactured home, whether moved from within or outside the Township, shall fully conform to all provisions of this Chapter and all other Ordinances of Lenox Township in the same manner as a new building or structure. The applicant shall pay an inspection fee and a cash performance bond, in an amount determined by the Township Board's resolution, in addition to all required building permit fees and bonds. The purpose of the bond is to ensure the completion of the moving of the building, structure, or mobile home, the removal of all debris, and the proper restoration of the site in question.
- C. All new, factory-built, manufactured, or modular buildings or structures shall fully conform to all provisions of this Chapter and other ordinances of Lenox Township before being brought into the Township. Any such building or structure shall be subject to all building permit fees and bonds required for new, site-built structures. New mobile homes will not be required to post a moving bond or pay a prior inspection fee.

Section 719.69 – Accessory Buildings and Structures

- A. Unless otherwise provided for in this Ordinance, accessory buildings and structures in all zoning districts shall meet the following standards:
- B. Accessory buildings two hundred (200) square feet or greater in area shall require a building permit and must comply with all applicable standards of the adopted township building code.
- C. Accessory buildings less than two hundred (200) square feet are permitted, provided the floor elevation is at least eight (8) inches above grade, and a rat wall is constructed.
- D. When an accessory building is structurally attached to the main building, it shall conform to all regulations of this Chapter that apply to the main building.

- E. The maximum size permitted for an attached accessory building is $\frac{1}{2}$ of the home's floor area or eight hundred fifty (850) square feet, whichever is less.
- F. The maximum height of an attached accessory building is sixteen (16) feet.
- G. No detached accessory building shall be erected before the enclosure of the main building. However, in some instances, the building inspector may allow the construction of an accessory building before the construction of the principal building, subject to each of the following:
 - 1. The applicant shall obtain a building permit for the principal building before or simultaneously with obtaining the permit for the accessory building.
 - 2. The applicant shall deposit a cash performance guarantee with the Township to ensure the completion of the main building. The guarantee shall be equal to the cost of completing the principal structure.
 - 3. An accessory building shall not be used for any business, professional trade, or occupation except when approved as a home occupation.
- H. Detached accessory buildings may be erected in the front of a principal structure, provided a minimum six hundred (600) foot front yard setback is maintained.
- I. Detached accessory buildings on corner lots shall maintain the specified front yard setbacks from both streets, as required for the main building in the same zoning district.
- J. For accessory buildings having a height of twenty-two (22) feet or less, the minimum rear and side lot line setbacks are ten (10) feet. The minimum rear and side lot setbacks are twenty (20) feet for accessory buildings with heights greater than twenty-two feet.
- K. Detached accessory buildings shall maintain a minimum of ten (10) feet from any other building.
- L. Detached accessory structures, which are accessory to single-family residences in the AG, R, RM, and REC zoning districts, shall comply with the following area and height requirements:

Parcel Size	Total Allowable Area of All Detached Accessory Buildings	Maximum Height Allowed
Less than 5 acres	2,500 square feet, or 3% of the total land area, whichever is greater	Twenty-two (22) feet
Five (5) acres or more	10,000 square feet	Thirty-five (35) feet

- M. Detached accessory buildings, which are accessory to residential buildings in the RL, RM, RH, and MH zoning districts on lots less than .25 acres, shall be limited to one (1) attached or detached garage and one (1) storage shed or similar structure under two hundred (200) square feet.
- N. No quantity, size, or height restrictions apply where a detached accessory building is utilized solely for activities directly related to agriculture or farm operations on the same parcel.
- O. One detached storage building, not exceeding twelve hundred (1,200) square feet may be allowed on vacant land in the AG, R, and REC zoning districts, subject to the following:
 - 1. Property owners shall use the accessory building exclusively for maintaining and utilizing their property.
 - 2. The building shall not be used for business purposes.
 - 3. The building shall not be used for residential purposes.
 - 4. The applicant shall consent to Township officials inspecting the structure upon reasonable notice to verify compliance with this Chapter.

P. Storage Containers

- 1. A maximum of five (5) storage containers are permitted in any business or industrial-zoning district, subject to the following conditions:
 - a. A permit from the Lenox Township Building Department is required.
 - b. The Building Inspector and Fire Department shall review all permits.
 - c. The maximum size of a metal shipping container shall not exceed forty (40) feet (length) by ten (10) feet (width) by ten (10) feet (height).
 - d. Containers must meet the setback requirements of the zoning district in which they are located.
 - e. Containers shall not occupy any required off-street parking areas, fire lanes, easements, or landscape areas.
 - f. Containers shall not be stacked above the height of a single container.
 - g. Containers shall maintain a minimum distance of ten (10) feet from each other.

- h. No structural modifications may be made to the container.
- i. No electricity or plumbing may be connected to a container.
- j. Metal shipping containers shall be painted a solid color and maintained free of graffiti.
- k. No container may be used for advertising or signage.
- l. Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- m. Containers shall not be used as living quarters.
- n. No livestock or pets may be kept in the container.

2. The number of storage containers allowed in a residential or agricultural zoning district is:

Property Size	Number of Containers Allowed
Less than 1 acre	One (1) 10' x 20' container
1.00 to 1.99 acres	One (1) 10' x 40' container
2.00 to 4.99 acres	Four (4) 10' x 40' containers
5.00 acres or more	Five (5) 10' x 40' containers

- a. A permit from the Lenox Township Building Department is required.
- b. The Building Inspector and Fire Department shall review all permits.
- c. Containers must meet the setback requirements of the zoning district in which they are located.
- d. The maximum size of a metal shipping container shall not exceed forty (40) feet (length) by ten (10) feet (width) by ten (10) feet (height).
- e. Containers shall not occupy any required off-street parking areas, fire lanes, easements, or landscape areas.
- f. Containers shall not be stacked above the height of a single container.
- g. Containers shall maintain a minimum distance of ten (10) feet from each other.

- h. No structural modifications may be made to the container.
- i. No electricity or plumbing may be connected to a container.
- j. Metal shipping containers shall be painted a solid color and maintained free of graffiti
- k. No container may be used for advertising or signage.
- l. Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- m. Containers shall not be used as living quarters.
- n. No livestock or pets shall be kept in a storage container.

3. Storage containers are permitted as a temporary use, subject to the following conditions:

- a. A permit from the Lenox Township Building Department is required.
- b. A temporary storage container may be permitted on the property for six (6) months. The building inspector may grant an additional six (6) months extension, as necessary.
- c. The Building Inspector and Fire Department shall review all permits.
- d. Containers must meet the setback requirements of the zoning district in which they are located.
- e. The maximum size of a metal shipping container shall not exceed forty (40) feet (length) by ten (10) feet (width) by ten (10) feet (height).
- f. Containers shall not occupy any required off-street parking areas, fire lanes, easements, or landscape areas.
- g. Containers shall not be stacked above the height of a single container.
- h. Containers shall maintain a minimum distance of ten (10) feet from each other.
- i. No structural modifications may be made to the container.
- j. No electricity or plumbing may be connected to a container.
- k. Metal shipping containers shall be painted a solid color and maintained free of graffiti
- l. No container may be used for advertising or signage.

- m. Containers shall not be used to store hazardous materials, as defined by the Michigan Fire Code.
- n. Containers shall not be used as living quarters.
- o. No livestock or pets shall be kept in a storage container.

Section 719.70 – Swimming Pools

- A. Application – The application for a building permit to erect a swimming pool shall include detailed information about construction and safety features deemed necessary by the Building Inspector.
- B. Pool Location – The minimum setback shall not be less than fifteen (15) feet between the pool outside wall and any side or rear property line, or less than the established easement width at the rear property line, or less than ten (10) feet between the pool wall and any building on the lot. No pool shall be constructed in any front yard.
- C. Swimming Pool Safety Devices - Every person owning land on which a swimming pool thirty-six (36) inches or more in-depth is situated shall erect and maintain an adequate enclosure, either surrounding the pool or the property upon which the pool is located, consisting of a chain-link fence, vertical board fence, or solid frame or masonry wall not less than four (4) feet in height above the underlying ground.
- D. Vertical board fences may have spaces between boards not more than two (2) inches in width. The solid frame or masonry walls, including woven fences, with more than three-eighths-inch spacings or projections over 3/8 inch shall be prohibited.
- E. All openings in any such fence shall be equipped with a self-closing, self-latching gate that is securely locked with a tamper-proof lock when the pool is not in use.
- F. Above-ground pools, four (4) feet or more above the underlying ground, need not be fenced if the ladder or entry device, or pertinent equipment, is of such a nature that it can be locked to prohibit entry and such locking device is at least four (4) feet in height above the underlying ground.

Section 719.71 – Temporary Buildings for Construction Purposes

- A. Temporary buildings may be utilized during construction to store construction materials and for construction offices during a construction period, as permitted herein.

- B. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work.
- C. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Chapter or any applicable building codes, provided the Zoning Board of Appeals may allow variances in the size of temporary dwelling units.
- D. No garage or other accessory building or structure, travel trailer, basement, tent, barn, or partial or temporary structure, whether fixed or portable, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the Township Board.

Section 719.72 – Moving Buildings

Moving a building to a different location shall be considered the same as the erection of a new building. All provisions, regulations, or requirements relative to the erection of a new building shall apply to the moved structure. No building shall be moved within, into, or out of Lenox Township without obtaining a permit from the Building Inspector.

Section 719.73 – Demolition of Buildings

No principal structure shall be demolished until the Lenox Township Building Inspector has completed an inspection. The demolition shall be completed within a reasonable period as prescribed by the Building Official and under conditions that may be necessary to protect public health, safety, and welfare. The Lenox Township Building Official is authorized to prescribe conditions relating to the filling of excavations, the proper termination of utility connections, and how demolition will be carried out in situations where asbestos is present.

Section 719.74 – Projections into Setbacks

- A. The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:
 - 1. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements, provided such structures are unroofed and without walls or other continuous enclosures by a maximum of eight (8) feet.
 - 2. Chimneys, flues, cornices, eaves, gutters, and similar features may project a maximum of twenty-four (24) inches into any required setback.

3. Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required setback, a maximum of five (5) feet.

Section 719.75 – Height Limit

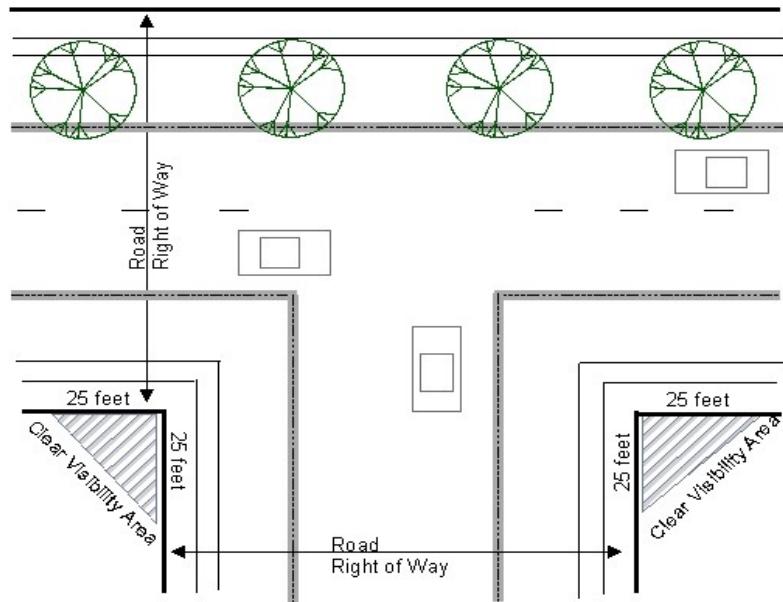
The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, public monuments, wireless transmission towers, communications, and cellular towers, provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a use permitted subject to special conditions of this Chapter.

Section 719.76 – Excavation 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 prohibited; provided however, this section shall not prevent any excavation under a permit issued, according to this Chapter, where such excavations are adequately protected and warning signs posted in such manner as may be approved by the Building Inspector; and, provided further, that this section shall not apply to natural bodies of water or ditches, streams, reservoirs, or other significant bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

Section 719.77 – Intersection Visibility

No fence, wall shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.



Section 719.78 – Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township; it is the intention to exempt such essential services from the application of this Chapter.

Section 719.79 – Voting Place

This Chapter shall not be construed as interfering with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 719.80 – Residential Yard Fences

Fences or walls in residential districts may be constructed within a required side or rear yard only.

Section 719.81 – Driveways

Driveways may be constructed within the required front, side, and rear yards.

Section 719.82 – Lot Area

Any lot that was of record at the time of the adoption of this Chapter that does not meet the requirements of this Chapter for lot width, depth, and area may be utilized for permitted purposes, provided that the available open space for yards and other provisions of this Chapter are met.

Section 719.83 – Lots Adjoining Alleys

In calculating the area of a lot that adjoins an alley, to apply lot area requirements of this Chapter, one-half (1/2) of the width of such alley abutting the lot shall be considered as part of such lot.

Section 719.84 – On-site Drainage and Runoff

No premise shall be filled or graded to discharge surface runoff onto abutting properties in such a manner that will cause inconvenience or damage to adjacent properties. Existing grades are prioritized when a property is adjacent to previously developed properties.

Section 719.85 – Manufactured Homes on Individual Lots

- A. A manufactured home, newly sited on an individual lot, shall meet the standards for minimum lot size, setbacks, and minimum floor area for the district in which it is located and shall meet the following additional criteria:
 1. A manufactured home shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the requirements of the Michigan Manufactured Housing Commission.
 2. The wheels, axles, and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation.
 3. Manufactured homes shall have an exposed undercarriage or chassis.
 4. Mobile homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards." The construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) rules entitled "Manufactured Home Construction and Safety Standards," being 24 CFR part 3280, as amended.
 5. Mobile homes may not be attached. Additions, new roofs, and accessory buildings may be attached to mobile homes.

6. No person shall occupy a mobile home as a dwelling within Lenox Township until the Lenox Township Building Official has issued a certificate of compliance with the HUD Code.
7. No mobile home shall be located or placed in Lenox Township without prior completion of site preparation to include electric, water, sewage disposal, and foundation to meet the current HUD rules and regulations and District Health Department regulations.
8. Mobile homes shall not be used as accessory buildings.
9. No unoccupied mobile home shall be stored on any lot or parcel in Lenox Township.

Section 719.86 – Recreational Vehicles

- A. In all districts, campers, boats, and other recreational vehicles may be stored on a lot or parcel containing a dwelling unit, subject to the following conditions:
 1. The recreational shall be currently registered and have a state license.
 2. The recreational vehicle may be stored in a lot's rear or side yard containing a permanent dwelling, provided applicable setbacks for the district are met.
 3. The recreational vehicle shall not be connected to water and sewer services.
 4. The recreational vehicle shall not be used for permanent or continuous dwelling purposes.

Section 719.87 – Parking Lot Landscaping

- A. Separate landscaped areas shall be required within or at the perimeter of parking lots. There shall be one (1) tree for every eight (8) parking spaces. A minimum distance of three (3) feet shall be established between the proposed tree or shrub plantings and the backside of the curb or edge of the pavement.

Section 719.88 – Street Frontage Landscaping

- A. A strip of land with a minimum width of twenty-five (25) shall be located between the abutting right-of-way of a public street or major thoroughfare and shall serve as a "landscape buffer."
- B. The landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting for each thirty (30) linear feet of frontage abutting said right-of-way. The remainder

of the buffer shall be landscaped with grass, ground cover, shrubs, and other natural, living, and landscape materials.

- C. Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement outlined in this Section.

Section 719.89 – Berms

- A. When required or proposed, berms shall be constructed to maintain a side slope not to exceed one (1) rise to three (3) feet of run.
- B. Berms not containing planting beds shall be covered with grass or living ground cover and be maintained in a healthy, growing condition.
- C. Berms shall be constructed so they do not alter drainage patterns on-site or on adjacent properties, nor shall they obstruct vision for safety, ingress, or egress.

Section 719.90 – Greenbelts, Fences, Walls, and Other Barriers

- A. All fences of any nature, type, or description located in the Township shall conform to the following regulations:
 1. When required by this Chapter for site plan approval, the erection, construction, or alteration of any fence, wall, or other type of protective barrier shall be approved by the Planning Commission and shall be ornamental.
 2. Fences that are not explicitly 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 higher than six (6) feet in height or less than three (3) feet above the grade of the surrounding land.
 - b. No fence shall hereafter be located in the front yard of the lots or parcels in question more than three (3) feet in height.
 - c. All fences hereafter erected shall be ornamental. Barbed wire, spikes, nails, or any other sharp point or instrument on top or the sides of any wall, electric current, or charge in said fences is prohibited, except as provided below. Barbed wire cradles may be placed on top of fences enclosing public utility buildings as deemed necessary for

public safety.

3. Fences on property used primarily for agricultural purposes may be located on all property or road right-of-way lines of a parcel of land, provided such fences are maintained in good condition and do not result in an unreasonable hazard to persons who might come near them.
4. No fence, wall, structure, or planting shall be erected, established, or maintained on any corner lot that will obstruct the view of a driver of a vehicle approaching the intersection, except that shade trees would be permitted where all branches are not less than eight (8) feet above road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and the 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.
5. A zoning compliance permit shall be required for all fences 6 feet or less in height and all boundary line fences, except fences for agricultural uses or for the enclosure of farm animals, as defined in this Chapter.

B. Whenever this Chapter or landscaping requires a greenbelt to be proposed by a developer, it shall be planted within six (6) months from the date a certificate of occupancy is issued. It shall, after that, be maintained in a healthy, growing condition. The planting area shall also be free of weeds, debris, and refuse. Specific planting requirements are as follows:

1. Plant materials shall not be placed closer than two (2) feet from the property line.
2. No earthen berm shall exceed a height of four (4) feet. To avoid a monotonous appearance and ensure proper drainage, the berm shall be broken or provided with openings at least every seventy-five (75) feet.
3. Plantings that die or are unhealthy shall be replaced during the following spring or summer.
4. Evergreen trees shall not be under five (5) feet tall. Large deciduous trees shall not be less than three (3) inches in trunk caliper (measured six inches above ground up to and including four-inch caliper trees; measured twelve inches above ground for giant trees). Small deciduous trees shall not be less than two (2) inches in caliper.

C. When a greenbelt is specifically required, the following additional planting requirements shall apply:

1. The planting strip (greenbelt) shall be no less than fifteen (15) feet in width.
2. Within two (2) years of installation, the greenbelt shall provide a minimum opacity of fifty (50) percent during winter and eighty (80) percent during summer. This opacity shall be

maintained up to a minimum height of five (5) feet or higher if required by the Planning Commission.

3. A minimum of one (1) evergreen tree shall be planted at fifteen (15) foot intervals. Evergreen trees shall not be under five (5) feet tall.
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees. These medium shrubs shall not be less than thirty (30) inches tall.
5. Additional deciduous and evergreen trees and shrubs shall be provided to achieve the above opacity standards.
6. Plant materials within the greenbelt should have a pleasing natural appearance. To this end, plants should be staggered in two or more rows or grouped together.
7. At the discretion of the Planning Commission, a five-foot-high (minimum) decorative screen wall made of brick, precast brick panels, decorative treated wood panels, or poured concrete with a brick-like texture may be substituted for a greenbelt.

D. Screen Walls

1. Wherever a non-residential use adjoins a residential district and wherever a parking lot of eight (8) or more spaces adjoins a single-family residential district, a screen wall is required. (For purposes of this section, a parking lot of eight (8) or more spaces shall be considered a non-residential use.)
2. All required screen walls shall be a minimum of six (6) feet in height and shall be placed along the lot line for non-residential use. Screen walls shall not exceed eight (8) feet in height.
3. Required screen walls shall not be extended into a required front setback area to ensure proper visibility of pedestrians and vehicles by drivers exiting the non-residential site.
4. Required screen walls shall be of masonry construction, be designed to withstand frost heave, hydrostatic pressure, and weather effects, and be protected from vehicles by bumper guards or setbacks. The appearance of the wall in terms of material, design, and workmanship shall benefit the residential districts. To that end, the wall shall be decorative, constructed of face brick, poured concrete with a brick pattern, or cement block with a facing of decorative brick, stucco, or similar treatment.
5. The Planning Commission may approve in partial or complete substitution for the wall(s) the use of existing and or proposed topography, dense vegetation, or other natural or manufactured features that would produce substantially equivalent results of screening and durability; approve reduction or increase in wall height where a lesser or greater height

is found appropriate based on considerations of topography, sight lines, and distances; support variations in the design standards for reasons of topography or characteristics peculiar to the site, its usage, and environs. In taking such actions, the Planning Commission shall consider that the principal purpose of the wall(s) is to screen non-residential activities, including parking, loading, and noise, from nearby residential districts. In such cases where the Planning Commission finds that there would be no substantial need for a screen wall, the requirements of this section may be reduced or substituted. For example, the Planning Commission might find that a church, school, or park in a residential district without a screen wall would not significantly affect adjoining residential areas. The basis for such a decision shall be recorded in the minutes of the Planning Commission.

E. Open Storage

1. The open storage of any industrial or commercial equipment, vehicles, and all materials, including wastes, except new vehicles for sale and display, shall be screened from public view, from a public street, and adjoining properties by an obscuring wall or fence not less than six feet (6') nor more than eight feet (8') high. The required height of the wall shall be determined by the Planning Commission so that all materials, vehicles, and waste can be properly screened. Vehicles and equipment over eight (8) feet high must be appropriately screened, but not thoroughly screened above eight (8) feet. Materials must be thoroughly screened if stored within twenty (20) feet of the screen wall or fence. All waste must be completely obscured from view. No equipment, vehicles, or materials storage shall be permitted within a required front yard in any zoning district.

F. Dumpsters and Trash Storage Enclosures

1. All areas that store trash and other waste products shall be screened from public view, a street or alley, and an adjoining residential district. The following standards shall apply to all such trash enclosures:
 - a. Enclosure shall be constructed of the same exterior materials as the buildings intended to serve.
 - b. Enclosures shall be at least five (5) but not more than eight (8) feet high and shall obscure all wastes and containers within.
 - c. In all office and business districts, no enclosure shall be permitted within ten (10) feet of the right-of-way of a street or alley that provides access to the side or rear of the building.
 - d. No trash enclosure shall be located within a required front or side setback.
 - e. Where possible, the applicant is encouraged to incorporate the dumpster enclosure

into the building and provide gates, roll-up doors, or similar means of access for trash removal personnel.

- f. Dumpster enclosures for restaurants, grocery stores, and similar establishments that generate food waste shall provide a hose bib and a drain connected to the sanitary sewer. The trash container(s) shall be emptied daily (Monday through Friday) and hosed out with fresh water as needed to minimize odors.

G. Transformer and Mechanical Equipment Screening

1. All ground-mounted transformers, climate control, and similar equipment shall be screened from view from any street or adjacent property by a wall constructed of the same exterior materials as the building and not less than the height of the equipment to be screened. Alternatively, the equipment may be screened by a dense landscaped planting approved by the Planning Commission.
2. All rooftop climate control equipment, elevator towers, transformer units, and similar equipment shall be screened from the view of any street or adjacent property. The materials used to filter the equipment shall be compatible in color and type with the exterior finish materials of the building. A parapet wall or similar architectural feature should be selected as the preferred method. All rooftop equipment shall conform to the maximum height regulations of this Chapter.

Section 719.91 – Parking Requirements

A. Requirements

There shall be provided in all districts at the time of erection or enlargement of any principal building or structure an automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided before issuing any certificate of occupancy.

1. Off-street parking spaces for single and two-family residences shall not be within the required minimum side yard. Off-street parking spaces for all other uses shall not be within five (5) feet of any lot line within the first twenty-five (25) feet abutting the existing right-of-way or within a required side yard abutting a residential district or use.
2. A single commercial vehicle not exceeding a licensed gross vehicle weight rating of 26,000 pounds or a semi-truck tractor may be parked on a parcel in the AG (Agricultural) and R (Residential) districts, subject to the following requirements:
 - a. Subject parcel must be two (2) acres or greater.

- b. Commercial vehicles must be operated by the occupant of the residential dwelling unit.
- c. Commercial vehicles exceeding a gross vehicle weight rating of 10,000 pounds - including but not limited to truck tractors - shall be parked in the side or rear yard and a distance greater than one hundred (100) feet from the principal building of any neighboring residence.
- d. No commercial trailers or semi-trailers may be parked in any residential district.
- e. No commercial vehicle should be parked within a designated right-of-way or any public easement.
- f. Vehicles licensed or used for agricultural activities protected by the Michigan Right to Farm Act (P.A. 93 of 1981) and parked on agricultural property are exempt from the requirements of this Chapter.
- g. The right to park a commercial vehicle on residential property does not grant any occupant of that residence the right to operate a home-occupied business without Township review and approval, subject to the standards of this ordinance.
- h. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve (with a direct pedestrian connection that does not require crossing a public street), measured from the nearest point of the building to the closest point of the off-street parking lot. Ownership of all lots or parcels intended for use as parking by the applicant shall be shown.
- i. Required off-street parking for residential uses shall be provided in a parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. A residential driveway shall be set back at least fifteen (15) feet from all side lot lines, and all required off-street parking spaces should be located outside the required side yard.
- j. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- k. Off-street parking existing at the effective date of this Chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than from now on required for a similar new construction or new use.
- l. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

- m. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- n. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited unless otherwise permitted in the district. The sale of personal vehicles shall be exempted from this requirement, provided, however, that no more than two (2) motor vehicles shall be offered on any one parcel at any time, and said motor vehicle(s) shall be owned by an occupant of a dwelling unit on the subject parcel.
- o. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers to be similar in type.
- p. When units or measurements determining the number of required parking spaces result in the requirement of a fraction space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded, and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- q. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the specifications below. In addition, no parking lot shall contain more than the minimum required spaces plus twenty (20) percent of said minimum requirement unless the Planning Commission grants a waiver upon receiving appropriate justification from an Applicant.

Residential	Minimum Parking Space Requirements
One-Family & Two-Family, including Manufactured Homes on private or subdivision lots.	Two (2) for each dwelling unit
Residential, Multiple Family	Two (2) for each dwelling unit
Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, two (2) spaces per unit shall be provided.
Manufactured Home Park or Manufactured Home Condominium Project	No Township requirement. Subject to State of Michigan Manufactured Home Commission regulations

Institutional	Minimum Parking Space Requirements
Churches, temples, or places of worship	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
Hospitals	One (1) for each one (1) bed
Homes for the Aged and Convalescent Homes	One (1) for each two (2) beds
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, buildings, or health codes.
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or similar uses	One (1) for each two (2) member families or individuals, plus spaces required for each use, such as a restaurant or bar.
Golf courses open to the public, except miniature or "par 3" courses	Six (6) for each one (1) golf hole and one (1) for each employee, plus spaces required for each bar or restaurant.
Business and Commercial	Minimum Parking Space Requirements
Planned Commercial or Shopping Center	One (1) for each two hundred (200) square feet of gross leasable area for developments under 400,000 square feet. One (1) for each one hundred eighty (180) square feet of gross leasable area for developments between 400,000 and 600,000 square feet. One (1) for each one hundred seventy (170) square feet of gross leasable area for developments over 600,000 square feet.
Auto Wash (self-service, tunnel wash, coin-operated) or quick oil change facility	Two (2) spaces plus one (1) for each employee.
Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one half (1 ½) space for each additional chair

Bowling Alleys	Five (5) for each one (1) bowling lane, plus accessory uses.
Dance Halls, Pool or Billiard Parlors, Roller Rinks, Exhibition Halls, and Assembly Halls without fixed seats	One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Establishments for sale and consumption, on the premises, of beverages or food.	One (1) for each seventy (70) square feet of gross floor space.
Fast food restaurants	One (1) for each sixty (60) square feet of gross floor area. In addition to the required waiting space requirements.
Furniture and Appliance, Household equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or similar trade, shoe repair, and other	One (1) for each eight hundred (800) square feet of gross floor area.
Automotive Service Stations	Two (2) for each lubrication stall, rack, or pit, and one (1) for each gasoline pump.
Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing and dry-cleaning machines.
Motel, Hotel, or other commercial lodging establishments.	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus parking for accessory uses.
Motor Vehicle Sales and Service Establishments	One (1) for each two hundred (200) square feet of sales room and one (1) for each one (1) auto service stall in the service room.
Nursery School, Day Nursery, or Childcare Centers	One (1) for each three hundred fifty (350) square feet of usable floor space
Retail Stores, except as otherwise specified herein.	One (1) for each one hundred fifty (150) square feet of leasable floor space.
Self-storage Facilities, Mini-Warehouses, and Similar	One (1) space for each thirty (30) units that do not have direct access from outside the building or directly from a vehicular aisle within the building, three (3) for the office or residence, and one (1) for each employee.

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Offices	Minimum Parking Space Requirements
Business Offices or Professional Offices	One (1) for each two hundred fifty (250) square feet of leasable floor space.
Offices of doctors, dentists, or similar professions	One (1) for each fifty (50) square feet of usable floor area in the waiting rooms, and one (1) for each examining room, dental chair, or similar use area.

Industrial	Minimum Parking Space Requirements
Industrial or Research Establishments and related accessory offices.	Five (5) plus one (1) for each 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 periods of plant construction.
Warehouses and Wholesale Establishments, and related accessory offices.	Five (5) plus one (1) for each (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Other	Minimum Parking Space Requirements
Other Uses Not Mentioned	One (1) for each one hundred fifty (150) square feet of usable floor space.

B. Off-Street Parking Space Layout Standards, Construction, and Maintenance

Whenever the required off-street parking requires the building of an off-street parking lot, said off-street parking lot shall be laid out, constructed, and maintained in accordance with the following regulations:

1. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. All drives and aisles shall be surfaced in a manner equivalent to that which is herein after provided for the parking area.

2. All parking areas shall be laid out to provide smooth, efficient, and safe circulation, and shall not cause traffic to back up or impede traffic flow.
3. All spaces shall be provided with adequate access using maneuvering lanes.
4. Bumper stops, or wheel chocks of concrete or similar permanent material, shall be provided to prevent any vehicle from projecting over the green strip.
5. The parking lot shall be drained to eliminate surface water.
6. The parking lot's surface, including drives, shall be constructed of concrete or asphalt surfacing.
7. Parking lot lighting shall be arranged to reflect away from residential areas and public roadways.
8. Plans for the layout of off-street parking facilities shall be by the following minimum requirements:

Parking Pattern	Maneuvering Lane 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)	12 ft.	9 ft.	23 ft.	20 ft.	28 ft.
30°-53°	15 ft.	9 ft.	20 ft.	31.5 ft.	48 ft.
54°-74°	18 ft.	9 ft.	20 ft.	36 ft.	54 ft.
75°-90°	24 ft.	9 ft.	18 ft.	42 ft.	60 ft.

- a. All parking spaces shall be striped to facilitate movements and to help maintain an orderly parking arrangement.
- b. Except for barrier-free spaces, all parking spaces shall be nine (9) feet wide and eighteen (18) feet long. Measurements shall be to the face of the curb when curbing is provided. The Planning Commission may permit the stall length to be reduced to seventeen (17) feet when a vehicle overhangs a four (4) inch high curb or sidewalk slab. For a sidewalk overhang to qualify, it must be at least seven feet

wide.

- c. The number and final design of handicapped parking spaces to be provided shall be determined based on the building code requirements and the Americans with Disabilities Act.
- d. All parking lots shall have access from a limited and defined driveway not less than fifteen (15) feet wide for one-way and twenty-four (24) feet wide for two-way traffic.
- e. All parking spaces shall have access from an aisle on the site to eliminate the need for backing onto a street and having a potential traffic hazard.
- f. Vehicular access to a parking lot shall not be across any zoning district that would not permit the principal use of the parking lot.

Section 719.92 – Off-Street Waiting Area for Drive-through Facilities

- A. On the same premises with every building structure or part thereof, erected and occupied to serve customers in their automobile using a service window, there shall be provided off-street waiting spaces as follows:

B.

Uses Served by Drive-Through Lane	Minimum Stacking Requirements (per lane)
Restaurant	The distance between the menu board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board). The above shall be increased by one hundred (100) percent for drive-through-only facilities.
Financial Institutions	Six (6) vehicles per lane, inclusive of the vehicle at the window
Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1 ½) beyond the washing bay as a drying and vacuum area.

Car Wash (tunnel wash)	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
Childcare Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking areas or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Dry Cleaners	Four (4) vehicles per lane, including the vehicle at the window.
Quick Oil Change	Four (4) vehicles per lane, inclusive of the car being serviced.
Convenience Market	Three (3) vehicles per lane, including the vehicle at the window.
Other Uses	For uses not listed above, the Planning Commission shall decide the minimum required vehicle stacking at the time of site plan review based upon analysis by the planning consultant or staff.

- C. Drive-through lanes shall not utilize any space necessary for adequate access to parking spaces from internal maneuvering lanes.
- D. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
- E. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

Section 719.93 – Off-Street Loading and Unloading

- A. On the same premises with every building, structure or part thereof, erected and occupied for manufacturing, storage, warehouse goods, display, department store, wholesale store, market, hotel, a hospital, mortuary, laundry, dry cleaning establishment, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services adjacent to the opening and use for loading and unloading to avoid undue interference with public use of the streets or alleys.

- B. All loading and unloading areas, including all access drives, shall be paved in addition to the required off-street parking area requirements.
- C. Loading and unloading spaces, unless otherwise adequately provided for, shall be in area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance and shall be provided according to the following table:

Gross Floor Area (in square feet)	Loading and Unloading Spaces Required
0 to 3,000	None
3,001 to 20,000	One (1) space
20,001 to 100,000	One (1) space plus one (1) for each 20,000 square feet of excess over 20,000 square feet.

Section 719.94 – Sign Regulations

A. Intent

The following sign regulations are designed to ensure proper identification and adequate on-site messaging for all businesses, industries, institutions, and residences within Lenox Township. The rules are further intended to eliminate competition among establishments for sign size, prevent overcrowding of signs on individual properties and within business districts, and maintain the Township's pleasing, rural atmosphere.

B. General Requirements that Apply to All Signs

1. Except for the exempt signs listed in Section 719.94 E-9, a permit shall be required for the erection, construction, or alteration of any sign.
2. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display; nor shall there be any streamers, windblown devices, spinners, temporary or portable signs, pennants, or flags other than those permitted by specific action of the Township Board. Changeable electronic message signs shall feature only static text or graphics; text or graphics that move, scroll, rotate, fade, or flash shall be prohibited. The message(s) displayed on a changeable electronic message sign shall change no more frequently than once every thirty (30) seconds.
3. Vehicle signs are hereby prohibited regardless of form, size, character, or placement. A vehicle sign is an advertising sign when the vehicle upon which the sign is painted or attached is parked or placed on the premises for advertising purposes.

4. No sign except those established and maintained by the Township, County, State, or Federal government shall be in, project into, or overhang a public right-of-way or dedicated public easement.
5. Unless otherwise permitted, no sign shall project above twenty-five (25) feet in height or be greater in sign area than one hundred (100) square feet. All calculations of the total sign area shall be measured on one side of the face of the sign. Calculation of sign area shall include only the sign's display area, not elements such as the sign's base, support pole(s), decorative cap, or similar non-display features. The calculation of sign height shall include all elements of the sign. The display area of an irregular sign shall be calculated by multiplying its tallest dimension by its longest dimension.
6. No sign above a height of three (3) feet shall be located within, project into, or overhang the triangular area formed at the intersection of street right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.
7. Non-accessory and off-site signs (such as billboards) shall be prohibited except in IND Industrial Districts.
8. Except for freestanding signs, or unless otherwise permitted, all motions shall be displayed flat against the wall of the building and shall not project more than one (1) foot from the wall nor be perpendicular to the wall, except in the case of a sign that is part of an approved canvas, vinyl, or similar awning.
9. All signs shall be lit by internal illumination unless the lighting equipment is designed as an integral part of the display. This means that the lights themselves are part of the sign structure and will not interfere with driver visibility or project onto adjoining property.
10. Wall signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above or beyond the highest point of the roof or parapet.
11. Freestanding signs shall not be located closer than one hundred (100) feet to any property line of an adjacent residential district. Freestanding sign shall not be located closer than ten (10) feet to any property line. Freestanding signs shall be located at least ten (10) feet from any right-of-way line unless a greater setback distance is required elsewhere in this Chapter. In addition, no freestanding sign shall be constructed in a manner that impairs the vision of pedestrians and vehicles.
12. Parking lot directional signs that are not illuminated and do not exceed two (2) square feet in area are exempt from calculating the total allowable sign area.
13. To protect drivers from glare and distractions, the maximum brightness of any sign shall not exceed 5,000 candelas per square meter (cd/m^2 , a.k.a. "nit") during daylight hours,

and 500 cd/m² between dusk and dawn, as measured from within 6 (six) inches of the face of the sign. Such signs shall include an automatic dimmer to control sign brightness consistent with this standard.

14. All freestanding signs shall display the property's street number, either within the copy area, on the base, or on the framing of the sign.

C. Signs Permitted in AG Districts

1. Temporary Signs, as regulated in this chapter.
2. One (1) non-illuminated accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground.

D. Signs Permitted in R, RM, MH, and REC Districts

1. Temporary Signs are regulated in this chapter.
2. Permanent subdivision signs, not to exceed sixteen (16) square feet, may be permitted at the time of Final Plat Approval.
3. Special Approval Uses, under permit from the Planning Commission, may have a single, non-illuminated sign that does not exceed sixteen (16) square feet in area, nor six (6) feet in height above the ground, nor shall it be located closer than twenty (20) feet to the right-of-way line.
4. One (1) non-illuminated accessory sign not to exceed thirty-two (32) square feet or six (6) feet in height above the ground may be permitted for each multiple-family or mobile home park residential development project.
5. No sign shall be located closer than twenty (20) feet to the right-of-way line and shall not exceed six (6) feet above the ground.

E. Signs Permitted in OS, NB, CB, GB, LI, and HI Districts

1. Temporary Signs are regulated in this chapter.
2. Individual freestanding buildings with one or two establishments located on a separate parcel of property may have one (1) freestanding sign not to exceed one hundred (100) square feet, as measured on one side of the sign. In addition, each separate tenant may have one wall sign. The total sign area of all wall signs shall not exceed twenty percent (20%) of the wall area facing the front lot line up to a maximum of two hundred (200) square feet.

3. Planned developments of more than two office, business, or industrial tenants may have one freestanding sign with a display area not to exceed two hundred (200) square feet, as measured on one side of the sign. Each tenant within the complex shall be permitted one (1) individual display area within the total display area of the freestanding sign. Each display area shall comprise a minimum of ten percent (10%) of the entire display area (whatever it may be) and a maximum of one hundred (100) square feet. In addition, each separate tenant may have one (1) wall sign, not to exceed twenty percent (20%) of its front wall area facing the lot line considered as the front on the approved site plan, up to a maximum of two hundred (200) square feet per establishment.
4. Obsolete Signs. All obsolete signs due to the discontinuance of the business or activity advertised thereon shall be removed within thirty (30) days of closing said business or activity.
5. Window Signs. Window signs inside the building that are visible from the front lot line shall be included in the calculation of the total allowable wall sign area if displayed longer than fourteen (14) days.
6. Message Board Signs In NB, CB, GB, LI, and HI districts. One (1) message board sign may be approved for each freestanding business building located on its own lot, and one (1) message board sign may be approved for each complex of two or more individual offices, stores, businesses, or industries. All message board signs shall comply with the following:
 - a. No portable message board signs shall be permitted. All such signs shall be permanently anchored to the ground and incorporated as a part of the business's permanent, freestanding sign.
 - b. All electrical service to message board signs shall be permanently installed, inspected, and approved by the Township. No message board sign shall obtain its electrical service from an extension cord or similar means.
 - c. There shall be no flashing lights, arrows, or similar devices designed to attract attention as a part of any message board sign.
 - d. Message board signs for individual businesses shall not exceed thirty-two (32) square feet, measured on one side of a two-sided sign.
 - e. Message board signs for a complex of individual offices, stores, or businesses shall be incorporated as a part of the complex's permanent, freestanding sign and shall not exceed fifty (50) square feet, as measured on one side of a two-sided sign.
 - f. The area of message board signs shall be included when calculating the total sign area. Nothing herein is intended to imply that message board signs of any area are permitted in addition to the maximum permissible sign area.

7. Temporary Message Board Signs in All Districts. One (1) temporary message board sign may be permitted subject to the following:

- a. A permit shall be required, and a cash performance guarantee shall be posted, in an amount established by resolution of the Township Board, to ensure timely removal of the sign at the end of the permit period. The entire amount shall be returned to the applicant upon compliance.
- b. Temporary message board signs shall not exceed thirty-two (32) square feet.
- c. The total display period shall not exceed fourteen (14) days.
- d. Temporary message board sign shall not be illuminated unless the electrical service and connection have been inspected and approved by the Township.

8. Temporary signs in all Zoning Districts

- a. One temporary sign not exceeding 12 square feet shall be allowed per property.
- b. Temporary signs over 12 square feet require a permit, and once the temporary sign is removed, there shall be a gap of at least 30 days between the display of the same temporary sign on the same parcel. The maximum display time of temporary over 12 square feet is 30 days up to a maximum of four times per calendar year.

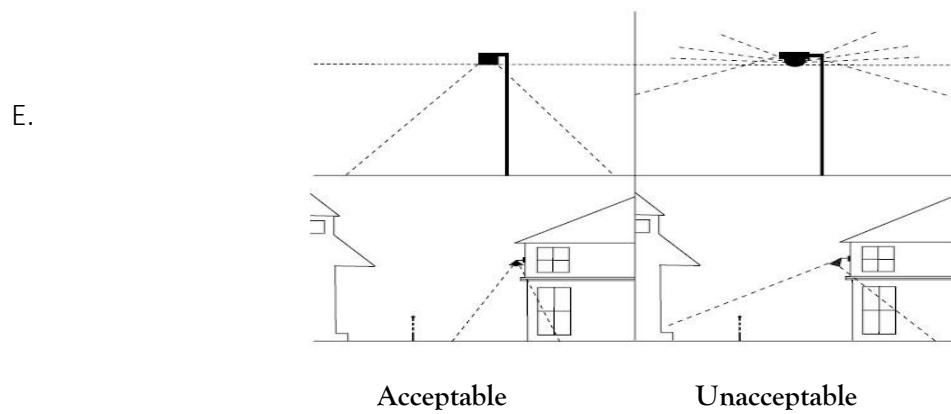
9. Certain Signs Exempt from Permit Requirements – The following signs shall be exempt from the permit requirements of this Section:

- a. Temporary signs not exceeding twelve (12) square feet.
- b. All directional and traffic signs required for orientation and safety when established by Lenox Township, the Macomb County Department of Roads, the Michigan Department of Transportation, or the Federal Government.
- c. Federal, State, County, or Township required signs.
- d. Flags bearing the official design of a nation, state, municipality, educational institution, church or fraternal organization, and flags bearing the official seal or emblem of a company or corporation, ted slogans, messages, or graphics. Each parcel shall be limited to four (4) flags.
- e. Temporary window signs in business and industrial districts that are displayed no longer than fourteen (14) days if they shall not occupy more than fifty percent (50%) of the total window area.

- f. One nameplate located on a dwelling provided that the nameplate shall not be illuminated or exceed four (4) square feet.
- g. Memorial signs or tablets, historical markers, or names of buildings and date of erection, when cut into any masonry surface or constructed of bronze or similar materials.

Section 719.95 – Exterior Lighting

- A. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- B. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- C. All lighting in nonresidential districts used for the external illumination of buildings to feature said buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or property.
- D. There shall be no flashing, oscillating, or intermittent type of illuminated sign or display in any residential district or within one hundred (100) feet of any residential district, street intersection, or railroad intersection with a street.



Section 719.96 – Building Grades

- A. It shall be unlawful for any person to change the drainage pattern of any land by excavating, grading, or filling without first obtaining a written permit from the Township.
- B. The existing grade of all properties within the Township shall not be changed without approval

of the Township Board. Any request for a change to an existing grade shall be submitted to the Township. The Board shall make its determination based on a recommendation from the Township Engineer and the Building Department. The Board shall charge reasonable fees in connection with determining the property owner in accordance with a fee schedule in an amount to be specified by the resolution. Grade changes of less than one (1) foot are exempt for agricultural purposes only.

- C. 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. A sloping grade shall begin at the finished grade line at the front of the building to the front lot line. However, this shall not prevent the maintenance of natural existing grades or the grading of a yard space to provide a sunken or terraced area, provided proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties. Grade elevations shall be determined using the elevation at the road's center line in front of the lot as the established grade.
- D. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the yard around the new building shall be graded in such a manner as to prevent the run-off of surface water onto the adjacent properties.
 - 1. Generally, each lot shall drain from the front of the house or other principal structure to the road and from the rear to the rear of the lot.
 - 2. Whenever a lot is graded toward the sides or the rear, a drainage structure must be provided across the side or the rear lot line to receive surface run-off. The structure shall direct the run-off water to an appropriate natural drainage way or a County drain.
 - 3. Drainage for each site must be self-contained to avoid drainage across adjacent sites unless easements are provided for that purpose.
 - 4. Whenever drainage is required to cross an adjacent lot, an easement must be obtained across the adjacent lot.
- E. All grade changes shall be approved by the Building Department, where the owner and/or the developer are required to submit a Plot, preliminary, and Final Certificate of Grade Plans (standard forms furnished by the Township) prepared and certified by a registered civil engineer or land surveyor. The Township Planner shall review plans for setback requirements, and the Township Engineer shall determine that the proposed site grading is proper, drainage from abutting properties is not obstructed, and downstream properties will not be adversely affected by runoff from the subject property. All Certificates of Grade shall be field verified by the Township Engineer, who will compare the elevations shown on the certificates to those shown on the approved Plot Plan.
- F. Health Department requirements for "elevated" or "engineered" septic system tile fields shall

not constitute a reason for direct stormwater onto adjacent properties. In no instance shall the finished grade of the lot be more than six (6) inches above the approved finished grade of the septic system.

Section 719.97 – One Residential Dwelling per Lot or Parcel

Only one single-family residential structure is permitted per parcel or lot in single-family and agricultural zoning districts.

Section 719.98 – Condominium Subdivision Approval

A. Purpose - It is the purpose of this Section to regulate the condominium subdivision of land; to promote public health, safety, and general welfare; to further the orderly layout and use of land; to require the land be suitable for building sites, public and private improvements and that there be adequate drainage thereof; to provide for the proper ingress to and egress from buildings; to provide a procedure for condominium subdivision approval and, except as otherwise provided in this Chapter, assure that a condominium subdivision of land meets the standards and requirements of the Lenox Township Subdivision Regulations Ordinance No. 21 and any amendments to it.

B. Definitions

As used in this Chapter, the following words, terms, and phrases are defined and, where applicable, equate words and terms utilized in the Condominium Act with words and terms used in this Chapter and Lenox Township Subdivision Regulations Ordinance No. 21, as amended.

1. General Common Elements – The portion of the condominium project other than the condominium unit and limited common elements.
2. Condominium Act – Michigan Act 59 of 1978, as amended.
3. Condominium Subdivision Plan – The site, survey, and utility plans; flood plain plans; and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof on the land. The condominium subdivision plan shall show each unit's size, location, area, and horizontal boundaries, as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and appropriate size of common elements and limited common elements.
4. Condominium Unit – A portion of the condominium project designed and intended for

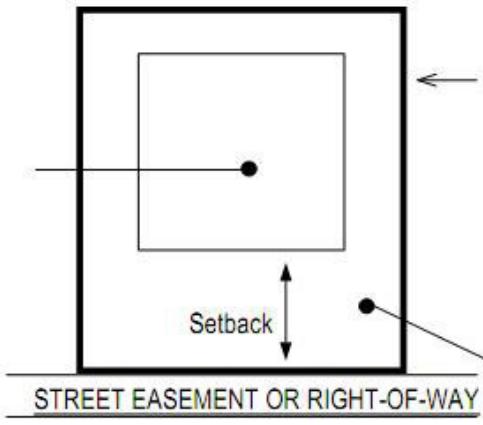
separate ownership and use, as described in the Master Deed.

5. Limited Common Elements – A portion of the common elements, reserved in the Master Deed for the exclusive use of the co-owners.
6. Condominium Building Site – The area containing the limited common elements, together with its condominium unit or, where there is no fixed common element associated with each unit, the condominium unit alone shall conform to the requirements of a lot and a lot's required elements as contained in Lenox Township's Zoning Ordinance and Subdivision Regulations Ordinance.
7. Mobile Home Condominium Project – A condominium project in which mobile homes are intended to be in separate units.
8. Master Deed – A condominium document recording the condominium project as approved by the Planning Commission, which is attached as exhibits and incorporated by reference to the approved Bylaws for the project and the approved condominium subdivision plans.
9. Setback – The distance between the boundary of the condominium unit and the outer boundary of the limited common element for that unit or, where no fixed common element is provided, the distance between the nearest point on the condominium dwelling or structure and the outer boundary of the condominium unit, is the equivalent phrase for the word "setback" as contained in this Zoning Ordinance.
10. Site Condominium – The resulting subdivision of land created under the Condominium Act.
11. Subdivision Regulations – The Township of Lenox Subdivision Regulations.
12. Zoning Ordinance – The Township of Lenox Zoning Ordinance.
13. Yard Area – That Limited Common Element for the exclusive use of a single condominium unit, or where there is no limited common element associated with each unit, shall mean that area of the Condominium Unit outside the area where the structure is or will be placed.

C. Illustration of a Lot or Building Site

The following drawing is provided to illustrate, in general, the correlation between a lot and the elements of a lot as provided for in the Subdivision Regulations Ordinance, the Lenox Township Zoning Ordinance, and a Site Condominium Building site and its elements

"Condominium Unit" means the portion of the condominium intended for separate ownership. In this illustration, it is the area in which the structure may be erected to meet setback requirements.

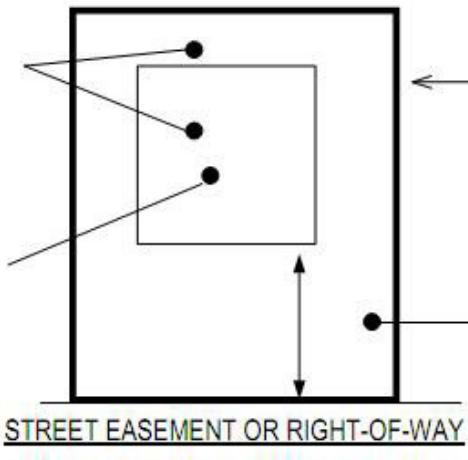


"Boundary Line" means the boundary of the Limited Common Element

"Yard Area" means the Limited Common Element for the exclusive use of this one condominium unit.

"Condominium Unit" means the portion of the condominium intended for separate ownership.

"Structural Placement Area" means the area within which the structure may be erected to meet setback requirements.



"Boundary Line" means the boundary of the Condominium Unit.

"Yard Area" means the area outside the structure placement area.

D. Review

All site condominium development shall be submitted to the Lenox Township Planning Commission for review and approval according to the terms of this Chapter; all building sites and condominium units created from the subdivision of land under the Condominium Act shall, at a minimum, contain the required square footage, dimensions, ratios, setbacks and other requirements of a lot as provided in this Zoning Ordinance and Subdivision Regulations Ordinance.

E. Condominium Subdivision Plan and Document Requirements

1. All condominium subdivision applications submitted for review by the Planning Commission shall contain all required information for site plan review and shall, by applying the equivalent words or terms, conform to the plan preparation requirements, design, layout, and requirements of Chapter 709, Engineering and Construction Standards.
2. A copy of the proposed Master Deed and Bylaws shall be submitted to the Planning

Commission for review.

3. All condominium subdivision plans submitted for review by the Planning Commission shall include the information required by Section 66 of the Condominium Act and the following:
 - a. A Survey Plan of the Condominium Subdivision.
 - b. A floodplain plan when appropriate.
 - c. A site plan showing all condominium units' location, size, shape, area, and width.
 - d. The boundaries of all wetlands as determined by an individual organized by the Michigan Department of Natural Resources as a Wetlands Consultant.
 - e. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair, and maintenance of all utilities.
 - f. A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
 - g. A storm drainage and stormwater management plan, including all swales, drains, basins, and other facilities.
 - h. Easement for utilities. The Condominium Subdivision Plan shall include all necessary easements granted to Lenox Township to construct, operate, inspect, and maintain sewage, water, and stormwater runoff across, throughout, and under the property, subject to said easement and excavating and refilling ditches and trenches necessary for the location of such structures.

F. Minimum Building Separation Requirements

Where there is any ambiguity in the application of minimum setback requirements of the Zoning Ordinance to a condominium subdivision plan, the individual condominium units shall maintain the following separation requirements between individual units and from individual units to the center of all internal project streets:

Minimum Building Separation:

Zoning District	Front to Center	Side to Side	Side to Rear	Rear to Rear	Side to Center	Rear to Center
AG	80'	20'	60'	100'	80'	80'
RL	70'	20'	38'	60'	70'	60

RM & RH	60'	12'	35'	60'	60'	60'
MH	(a)	(b)	(b)	(b)	(a)(b)	(a)(b)

1. The minimum setback from an individual mobile home shall be 30 feet from the edge of the planned right-of-way as designated in the Township's Thoroughfare Plan, included within the Township's Master Plan.
2. The minimum setback from an individual mobile home to the park boundary shall be 20 feet along any side or rear lotline.
3. For condominium developments in commercial and industrial districts, the Planning Commission shall specify the building separation requirements based on the zoning district's setback requirements.

G. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the Condominium Bylaws. It shall all be recorded as part of the Master Deed. In addition, no common elements shall be permitted within the limited common elements utilized as part of the building site.

H. Private Condominium Streets

All private streets in the condominium subdivision shall have a paved driving surface of asphalt or concrete and meet the current standards and specifications of the Macomb County Department of Roads.

I. Master Deeds

The Planning Commission shall approve the Master Deed for condominium subdivisions. The Master Deed shall not be amended without the prior approval of the Lenox Township Planning Commission.

J. Amendments and Renewals

Any amendments or renewals to a condominium site plan, including its Master Deed, must be approved by the Planning Commission. The Planning Commission shall apply its standards in determining whether to grant a renewal or amendment to its then-existing Condominium Subdivision Ordinance.

Section 719.99 – Non-Residential Building Design Standards

- A. The non-residential design standards are intended to provide guidelines for using architectural materials and designs that will positively contribute to the character of Lenox Township. The objective of the standards is to promote the use of durable materials and designs that are harmonious with the rural identity of the community.
 1. The following design standards shall apply to non-residential structures located in residential, commercial, office, and industrial districts:
 - a. Those sides of new buildings visible from the public right-of-way or the internal road accessing the facility shall be constructed of high-quality, durable masonry building materials such as face brick, stone, or decorative block.
 - b. The use of concrete masonry units or cinder blocks for walls that are visible from a street or building entrance must be architecturally treated in one or more of the following ways:
 - (1) Use of textured surfaces, such as split-faced or grooved.
 - (2) Use other masonry types such as brick, glass block, or tile in conjunction with the proposed concrete material.
 - (3) Use of decorative coursing to break up blank wall areas.
 - (4) Use matching colored mortar where color is an element of architectural treatment for any of the options above.
 2. The Planning Commission shall consider other building materials if they are equivalent in quality and appearance.
 3. The architecture and exterior facing materials of any building shall be designed to achieve a high-quality character throughout the Township. Variations in design and materials shall be considered and encouraged.
 4. The color of each façade material shall be harmonious with the color of all other façade materials used on the same building. Façade colors should have low reflectance and be complementary in hue, tone, and intensity. The use of façade materials to form a background or component in a sign or to increase the visual presence of the building for advertising shall be prohibited. Neon tubing may not be an accent material in building trim or windows.
 5. The total square footage of windows along a façade facing a street shall be at least 15% of the square footage of the façade. The Planning Commission may waive or reduce this

requirement if one or more of the following techniques is employed:

- a. The installation of a landscaped bed at least 8 feet in width, planted with evergreen materials that will obscure or screen at least 50% of the wall's surface within three years.
- b. Using building ornamentation such as mosaic tile, relief sculpture, ornamental wood, or metal trim.

6. Prototype design for franchises should be consistent with the Township's rural character and reinforce visual consistency with adjacent buildings.

7. All roof-mounted and ground-mounted mechanical and telecommunications equipment shall be screened from view or isolated so as not to be visible from any public right-of-way. Proposed roof screening shall be indicated on the façade drawings. Roof screens, when used, shall be coordinated with the building to maintain a unified appearance. This provision shall not require that screening be taller than the objects being screened.

B. The Gratiot Avenue Corridor is the gateway to Lenox Township and provides many residents and visitors with their first glimpse of the community's character. In addition to the standards above, the following design standards shall apply to non-residential uses located along the Gratiot Corridor:

1. All new developments within the Gratiot Corridor shall reflect the area's rural character. The use of extensive amounts of glass, irregular footprints, large signs, and bright lights shall be discouraged. Structures reminiscent of older rural buildings in the area shall be encouraged.
2. Exterior building materials shall be composed primarily of high-quality, durable, low-maintenance materials, such as masonry, stone, brick, glass, or equivalent. To the maximum extent practical, concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, embossed, patterned, imprinted, sandblasted, or covered with a cement-based acrylic coating shall not be used as exterior building materials and shall be prohibited on all exterior walls.
3. The following materials are prohibited in visible locations along the Gratiot Corridor:
 - a. Corrugated or beveled metal siding.
 - b. Vinyl or plywood siding.
 - c. Corrugated fiberglass.
 - d. Chain-Link fencing.

- e. Crushed colored rock / crushed tumbled glass.
4. Mirrored glass with a reflectance of more than 40 percent shall be prohibited from covering more than 40 percent of the exterior walls of any building.
5. Buildings shall be designed with varied architectural details to provide visual interest; large expanses of blank walls shall be avoided. To the maximum extent practicable, structures with more than 1,500 square feet of wall area must incorporate fascia, canopies, arcades, building setbacks of 3 feet or more, or other design features to break up large wall surfaces on those sides visible from the road.
6. New buildings should face the street with entrances, windows, and architectural features oriented toward Gratiot Avenue. No overhead doors shall face Gratiot Avenue unless approved by the Planning Commission based upon a finding that the door is recessed back from the front façade and adequately screened from public view.
7. Nothing in this section should be construed to prohibit standing seam metal or other high-quality building materials.

Section 719.100 – Tree and Woodlands Protection

A. The Township finds that the protection of natural resources is a matter of paramount public concern as provided by Article IV, Section 52 of the Constitution of the State of Michigan, and the Environmental Protection Act of 1970, being Act No. 127 of the Public Acts of 1970, as amended. Continued growth, new development and redevelopment in Lenox Township, and increased demand for natural resources have the effect of infringing upon, despoiling, or eliminating many of the trees and other forms of vegetation, natural resources, and processes associated with wooded areas. If preserved and maintained in an undisturbed and natural condition, these resources constitute essential aesthetic, recreational, and economic assets to existing and future residents of the Township.

B. Definitions

1. Agricultural Use - The production of plants and animals beneficial to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive Cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; beneficially stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use does not include the management and harvesting of a woodlot.
2. Clear Cutting – The indiscriminate removal of any or all trees from a parcel of land in the Township of Lenox that an approved Woodlands Management Plan does not govern. As

defined herein, nominal activity and development shall not constitute clear-cutting.

3. Commercial Nursery or Tree Farm – A licensed plant or tree nursery that plants and grows trees for sale to the public.
4. Diameter Breast Height (d.b.h.) – The diameter of a tree, in inches, measured at 4½ feet above the ground.
5. Farmland Exemption – Property that has filed a claim for Farmland Exemption with the Michigan Department of Treasury under P. A. 237 of 1994 as amended and where the owner has agreed with Lenox Township in writing that the property shall be actively maintained for agricultural use for a minimum of four years from the time that the Farmland Exemption is claimed.
6. Historic Tree – A tree designated by the Planning Commission to be of notable historic interest to the Township because of its age, type, size, or historic association.
7. Indiscriminate Removal – The removal of trees in any fashion not consistent with tree harvesting, as permitted and defined herein.
8. Normal Activity – Remove three or fewer trees having 6 inches or greater d.b.h. within 12 months.
9. Nominal Development – The removal of any tree within 10 feet of the foundation wall of a building, structure, or addition to a building.
10. Removable Tree – Those trees designated by a Township Board resolution as appropriate for removal due to their characteristics. The Zoning Administrator shall maintain such a list and initially include the following tree species.

Chinese Elm
Cottonwood
Large-Toothed Aspen
Lombardi Poplar
Russian Olive
Trembling Aspen
Weeping Willow
White Poplar

11. Regulated Development – All commercial, office, industrial, or multiple-family development or redevelopment, and all new single-family residential development that results in 4 or more lots (including the terms parcels, homesites, units, or the like) or any single lot that is five (5) acres or larger upon which there is an occupied residence.

12. Specimen Tree – A tree that the Planning Commission has designated because of its high value as a representative tree of a particular type or species due to its size, age, or other prominent botanical characteristics.
13. Tree Harvesting – The removal of trees from a parcel of land in accordance with an approved Woodlands Management Plan for purposes of woodlot improvement.
14. Woodlands Trust Fund – A fund to be exclusively used for activities associated with the acquisition and maintenance of woodland areas, land acquisition for preservation and reforesting, or planting woodland areas and natural corridors.

D. Applicability

The provisions of this Section shall apply to a Regulated Development or a Nominal Development, as defined herein, that requires site plan approval, special land use approval, lot split approval by the Planning Commission, subdivision plat approval, or condominium approval. The provisions of this Section shall also apply to all property in the Township regarding clear-cutting, indiscriminate removal, and tree harvesting.

E. Requirement Established

1. For all Regulated Development, no person shall remove, cause to be removed, transplant, or destroy any tree having 6 inches or greater d.b.h. or any conifer greater than 20 feet in height without obtaining approval from the Township. Approval shall require submitting a tree survey for the property under consideration. In instances where the applicant is proposing to remove fewer than 10% of the total trees on site, not including those trees identified by this Chapter as a removable tree, the applicant may provide generalized information showing the location and the number of trees that will be removed to satisfy the survey requirements of this section.
2. Provisions for protecting trees on-site and on adjoining properties during construction and preservation of trees in connection with grading and drainage shall be provided. All trees to be retained shall be protected from heavy equipment, material storage, and other construction activities by temporary fencing at the drip lines and posting signs prohibiting encroachment in that area during construction.

F. Tree Survey Content

For any site that proposes to remove more than 10% of the total trees on site that are not classified as removable trees, a tree survey shall be prepared to scale. It shall identify the location and type of all trees 6 inches or greater, d.b.h., and all conifers over 20 feet tall.

G. Minimum Preservation Requirements

Except for the area within the right-of-way of a public street, an easement for public utilities, or the area defined as Nominal Development, all Regulated Development shall leave standing and undamaged a minimum of 80% of the total number of trees having 6 inches or greater d.b.h. and 80% of all conifers greater than 20 feet in height.

H. Replacement Option

If a developer must remove certain trees more than the 80% Minimum Preservation Requirement, replacement of trees shall occur on the site of the principal building, within a public right-of-way, in a boulevard island, or on property permanently preserved as open space [for example a subdivision outlot-park, dedicated public park or open space, and the like]. Every tree 6 inches or greater d.b.h. and all conifers greater than 20 feet in height that will be removed shall each be replaced with one or more trees of equal value, as determined by the Tree Value Evaluation Guide currently in use by the Township and adopted by resolution of the Township Board.

I. Agriculture and Other Exemptions

The following activities are exempted from the requirements of this Section:

1. The removal, transplanting, or destruction of trees located on five (5) acres or less in the area upon which there is an occupied residential structure for which a valid certificate of occupancy has been issued.
2. The removal of dead or damaged trees where the death or damage resulted from an accident or non-human cause.
3. The trimming, maintenance, or care of trees by standard forestry and horticultural practices and techniques as established by the American Association of Nurserymen or an equivalent organization promulgating standards for the care and improvement of trees.
4. The removal or destruction of trees damaged by a tornado, windstorm, flood, freeze, fire, insect infestation, or man-made or natural disaster to prevent injury or damage to persons or property.
5. The removal, transplanting, or destruction of trees occurring during a farm operation if the farm operation conforms to generally accepted agricultural and management practices and meets the farmland exemption definition of this Section.
6. The removal, transplant, or destruction of trees to perform maintenance or repair of lawfully located roads, public utilities, structures, and facilities used in public service, provided that such roads, public utilities, structures, and facilities are not materially changed or enlarged.

J. Woodlands Management Plan

Tree removal may occur on property where a Woodlands Management Plan, prepared by a Michigan Registered Forester or Michigan Registered Landscape Architect, is approved by the Township Board following consultation with and a recommendation from a consulting Township Forester and the Planning Commission. The Woodlands Management Plan shall demonstrate that removal activities are designed to reduce the density of trees to promote and maintain the health and viability of the remaining trees. The Woodlands Management Plan shall include how cut trees shall be removed from the property without damaging the remaining trees. No more than 20% of existing trees 6 inches or greater d.b.h. shall be released in 12 months under an approved Woodlands Management Plan.

K. Nominal Activity Exemption

As defined herein, Nominal Activity is exempt from tree preservation and replacement requirements.

L. Right-of-Way, Public Utility Exemption

The area encompassed by the right-of-way of a public street or an easement for public utilities is exempt from tree preservation and replacement requirements.

M. Historic or Specimen Tree Designation

Any resident or property owner in the Township of Lenox may nominate a tree for Historic Tree or Specimen Tree designation by the Planning Commission based on age, type, size, and historical or cultural association. The nomination shall be made on a form provided by the Planning Commission. Suppose the nomination is caused by a person who is not the owner of the property on which the tree is located. In that case, the owner shall be notified in writing, by regular U.S. Mail, at least 15 days before the date, time, and place the Planning Commission will consider the designation. The notice shall advise the owner that the designation will make damaging, destroying, or removing the tree unlawful. If the owner does not object, the Planning Commission may designate the tree if it meets one or more of the criteria above.

N. Clear-Cutting Prohibited

Clear-cutting, as defined in this Chapter, shall be prohibited. All removal of trees, including tree harvesting, that does not constitute nominal activity or nominal development or that is not incidental to a regulated development shall require the approval of a Woodlands Management Plan.

O. Violation

Any person who violates any provision of this Section shall forfeit and pay the Township a fine equal to the total replacement value of those trees illegally removed or damaged as determined by the Tree Value Evaluation Guide currently in use by the Township and adopted by resolution of the Township Board. Such a sum shall accrue to the Township. It may be recovered in a civil action brought by the Township and placed in the Township Woodlands Trust Fund. Replacement of illegally removed trees may be required as restoration instead of money. This replacement will be computed on an inch-for-inch ratio based on the total diameter at breast height (d.b.h.) in inches of the illegally removed trees and include labor costs associated with replanting.

Section 717.101 – Planned Unit Development (PUD)

- A. Purpose – The Planned Unit Development option provides design and use flexibility on a given site while also protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach enables the applicant to utilize innovative designs and methods to mitigate the impact of development, rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Chapter is entirely upon the applicant. The Lenox Township Planning Commission shall determine whether the design contains sufficient safeguards to make the effects of the development compatible with the intent of this Chapter. This section's expressed purpose is to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.
- B. Criteria – The criteria set forth below apply to Planned Unit Developments. Procedures outlined in this Section shall be followed, and the design submitted for Planning Commission review and approval.
 - 1. Size – A Planned Unit Development shall be of sufficient size to contain on the site, both physically and aesthetically, not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the impact of permitted uses on the adjacent properties.
 - 2. Internal Design Standards – A Planned Unit Development shall be designed to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, parking areas, and public services.
 - 3. External Effects – A Planned Unit Development shall be designed not to create any significant adverse impact upon adjacent properties, residents, or public facilities.
- C. Approval Procedures – Each of the following steps in the submittal process is mandatory, and failure to complete all will result in a suspension of the process until the requirements of this Chapter are met.

1. Pre-Application Meeting – A PUD permit's application and approval procedure shall include one (1) or more informal conferences between the applicant and the township planner. The applicant shall inform the Township Planner of the applicant's general intentions at this time. The Township Planner may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff, and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.
2. Preliminary Plan Submission Requirements – Following the pre-application conference, the applicant may file a PUD application with the Township Planner to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property.
3. Planned Unit Development Review Procedures
 - a. Public Hearing – The Planning Commission shall conduct a public hearing on the preliminary site plan as outlined in this Chapter.
 - b. Preliminary Site Plan Approval/Action – Following the Public Hearing, the Planning Commission shall recommend approval, disapproval, or approval subject to specified conditions/revisions. Once approved, the preliminary site plan shall be valid for two (2) years. If a final site plan for the entire project or a phased portion is not submitted within two years, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.
 - c. Final Site Plan Approval – Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof and a filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared by incorporating any changes specified in the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with this Chapter. Following the public hearing, the Commission shall act on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Township Planner. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the resubmittal of the previously approved final site plan to the Planning Commission for review and re-approval before issuing a Building Permit. The Planning Commission may reject or require modifications to the plan if, in its opinion, conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
 - d. Performance Guarantee - To ensure compliance with the approved final site plan, the Township may require a performance guarantee.

4. Amendments to an Approved PUD – Minor amendments to an approved PUD site plan may be approved administratively by the Township Planner provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law.

A significant amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Significant amendments include, but are not limited to, an increase in density or the number of dwelling units, an increase in land area or building size, or the addition of other uses not authorized by the original Planned Unit Development (PUD) approval. The Township Planner shall determine if other similar changes constitute a significant amendment.

Section 719.102 – Special Land Use Procedures

- A. General Requirements – A site plan shall be submitted to the Lenox Township Planning Commission for all special land uses and conform to the Requirements and Procedures for Site Plan Review outlined in Section 719.103. If the plans meet the required standards of this Chapter, Article, and applicable Section and indicate no adverse effects which, in the opinion of the approval authority, cause injury to the residents, users, or adjoining property, or the Township as a whole, the Planning Commission shall approve the use.

The power to approve or disapprove all special land uses shall be vested with the Planning Commission as provided by State Law and this Chapter. Considering all applications for special land use approval, the Planning Commission shall review each case individually as to its applicability and must affirmatively find that it meets each of the following standards of the proposed special land use if it is to be approved. Such uses shall be subject to conditions, restrictions, and safeguards deemed necessary within the scope of the law as set forth below.

1. The proposed special land use shall be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is typical for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relation to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic.
3. The proposed use shall be designed as to the location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance

emanating therefrom which might be harmful to the occupants of any other nearby permitted uses, whether because of dust, noise, fumes, vibration, smoke or lights.

4. The proposed use shall be such that the proposed location and height of buildings or structures and the place, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall harmoniously relate to the physical and economic aspects of adjacent land uses, considering prevailing shopping habits, convenience of access for prospective patrons, continuity of development, and the need for specific services and facilities in particular areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is designed, located, planned, and operated in a manner that ensures public health, safety, and welfare are protected.
8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located. It will not be detrimental to existing and/or other permitted land uses in the zoning district.

B. Approval - If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and outlined in a special land use permit a statement of findings and conclusions relative to the particular land use which specifies the basis for the decision and any conditions imposed, and specific use(s) which have been allowed and applicable conditions. The enforcing officer may issue a building permit in conformity with the particular approved special land use.

C. Denial – If the Planning Commission determines that the particular special land use(s) requested do not meet the standards of this Chapter or otherwise will tend to be detrimental to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written endorsement thereon which sets forth the reason for such denial.

D. Record – The decision of a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

E. Hearings – The Planning Commission shall investigate the circumstances of each such case and shall hold a public hearing on the proposed special land use. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township and by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the

property or occupant is located within Lenox Township. The notice shall be given not less than fifteen (15) days before the public hearing date, per the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. It shall describe the nature of the special land use request, indicate the property that is the subject of the request, including a listing of all existing street addresses within the subject property, state the time and place of the public hearing, and indicate when and where written comments will be received.

F. Conditions – The Planning Commission may impose such conditions or limitations in approving as may be permitted by State Law and this Chapter, which it deems necessary to fulfill the spirit and purpose of this Chapter. The conditions may include conditions required to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes affected by the proposed use or activity.
3. It is necessary to meet the intent and purpose of the zoning regulations, be related to the standards established in this Chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed concerning the approval of a land use or activity shall be recorded in the approval action record. They shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

G. Revocation – In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than eighteen (18) months thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission or Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such periods not exceeding six (6) months as it shall determine to be necessary and appropriate.

H. A special land use permit shall be valid for twelve (12) months after the building permit issuance date. Suppose construction has not commenced and proceeded meaningfully toward completion by the end of these 12 months. In that case, the Building Official shall notify the

applicant in writing of the expiration of said permit, provided, however, that the Planning Commission may extend the period in which the permit is to expire for a period not exceeding six (6) months if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Once the special land use is established and the conditions of the permit are fulfilled, the special land use permit shall be valid until there is a change of conditions or use related to the permit. The Planning Commission reserves the right to review the status of Special Use Permits annually with the applicant and the Township Zoning Administrator.

- I. If any special land use fails to conform to the specific standards for the particular use, any conditions imposed as part of the special land use permit, the Performance Standards of Article 20, the lot area and width requirements of this Chapter, or any other provisions of the Zoning Ordinance, or any federal, state and local statutes governing the particular land use allowed under the permit, then the Township Board shall have the authority to revoke the Special Land Use Permit based on a site inspection by the Ordinance Enforcement Officer and its findings of fact. Before revoking the special land use permit, the Township shall:
 1. Have its Ordinance Enforcement Officer inspect the site and use under consideration and issue a written notice of the violations found to the current permit holder by Regular US Mail.
 2. Offer the permit holder thirty (30) days to correct all violations without penalty.
 3. If all violations are not corrected within thirty (30) days, the Township Board shall hold a hearing to consider revocation.
 4. The Township Board shall notify the permit holder by Regular U.S. Mail of the date, time, and place of a hearing concerning the proposed revocation of the special land use permit.
 5. During the hearing, the permit holder shall be allowed to present any reasons why the permit standards and this Chapter are not being met.
 6. Following the hearing, the Township Board may revoke the special land use permit based on the findings made in the specific case and the testimony received during the hearing, and shall notify the permit holder of the findings and decision in writing.
- J. If at any point the original Special Land Use permit holder transfers the land and the use to another party, the Permit shall remain valid for the property subject to the conditions and requirements of Article 18: g and any conditions placed on the original special land use and permit by the Planning Commission. The new permit holder shall submit notification of the transfer and an affidavit agreeing to all conditions of the original approval to the Planning Commission within sixty (60) days of the transfer.

Section 719.103 – Site Plan Review Procedures

- A. All permitted uses in RM, MH, OS, NB, CB, GB, LI, HI, REC, and F Districts zoning districts, and all uses allowed under special land use approval, except individual single-family dwelling units, farm buildings, and ponds, shall submit a site plan for approval by the Planning Commission.
- B. Whenever this Chapter requires the submission of a site plan for approval by the Planning Commission before the issuance of a building permit or certificate of occupancy, the procedures outlined below shall be followed:
 - 1. Requirements – The required number of copies of the Site Plan Review and Special Land Use Application (obtainable from the Township Clerk), together with the same number of copies of all required drawings and illustrations, and the site plan review fee as established by the Township Board, shall be presented to the Township Clerk 15 days before the next regular meeting of the Planning Commission, to be forwarded to the Planning Commission, Community Planner, Township Engineer, Zoning Administrator and Township Attorney where necessary. All of the following detailed information must be submitted:
 - a. Application Form
 - Applicant's name and address
 - Name of the proposed development
 - Common description of the property and complete legal description
 - Dimensions of land, width, length, acreage, and frontage
 - Existing zoning and zoning of adjacent properties
 - Proposed use of land
 - Name, address, city, and phone number of the firm or individual that prepared the plan, the legal owner property, and the applicant
 - Signature of the legal owner, if not the applicant
 - b. Site Plan Drawings and Illustrations (fully dimensioned)
 - Location map drawn at a scale of 4" = 1 mile (showing site in relation to nearest major intersection)
 - A scale of not less than 1" = 30¹ if the subject property is five (5) acres or less, and 1" – 100' if over five (5) acres

- Date and north point
- Location of all existing and proposed structures and uses
- All aisles, drives, and parking areas (include the number of spaces)
- Designation of units by type of buildings
- Interior sidewalks and sidewalks within the right-of-way
- Exterior lighting location and method of screening
- Trash receptacle location and method of screening
- Landscape plan
- Drive or street approaches, including acceleration, deceleration, and passing lanes, if appropriate
- All utilities located on or serving the site
- Loading and unloading area
- Total floor area
- Designation of fire lanes
- Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimension, noise, vibration, emission levels, and other data of all such equipment or machinery
- Location and extent of development of recreation areas, where necessary
- Grading and Drainage Plan showing catch basins, retention, and detention areas, point of discharge for all drains and pipes, the direction of flow on all impervious services, existing and proposed contours at one (1) foot intervals or spot elevations sufficient to document direction of flow and areas of filled or reclaimed land. All uses shall detain or retain stormwater so that the runoff from the property occurs at not more than the agricultural runoff rate. The requirement for existing and proposed contours or spot elevations may be waived by the Planning Commission where small areas of impervious surfaces are proposed (less than 8,000 square feet), and it is clear that the drainage from the site will not negatively impact adjacent properties or internal site operations.

c. Sign Information

The location of all signs shall be shown on the site plan, but the following detailed information may be deferred until later:

- Height of the sign above ground
- Surface of the sign (materials and dimensions)
- Area of the sign surface
- The lettering of the sign, drawn as it will appear on the erected sign, need not be in the style of the finished sign, but must be neatly printed in size and of a weight approximating that of the final constructed sign
- Method of illumination, if any

d. Documentation Verifying Approval by Other Agencies

If the proposed development is subject to approval by other public or private agencies, documentation verifying approval by applicable agencies shall be submitted at the time of site plan review or a later date, as determined by the Planning Commission. Review and approval by other public or private agencies, such as the Macomb County Public Works Office, Michigan Department of Environment, Great Lakes and Energy, or utility companies, as applicable, is required before a building permit can be issued.

2. Procedures – The petition will be placed on the agenda of a Planning Commission meeting. After the Commission has received a report from all Township Planning Commission meetings, the Township Engineer, and the Township Attorney, where necessary, the Commission shall review the site plan for compliance with the standards of this Chapter and other applicable ordinances and statutes and take one of the following actions:

- a. Table action and request that the applicant revise the site plan or provide additional documentation or information, or
- b. Approve the site plan upon finding that the standards of this Chapter and other applicable ordinances and statutes are met or
- c. Approve the site plan with conditions that the Commission determines are reasonable and necessary to achieve conformance with this Chapter and other applicable ordinances and statutes, with such conditions listed in the motion; or

d. Deny the site plan upon a determination that the site plan does not meet the standards, spirit, and intent of this Chapter and other applicable ordinances and statutes. The applicant must then submit a new application and site plan if they are still interested in pursuing the project.

3. Time Limit Approval

a. Upon approval of a site plan by the Planning Commission, the applicant shall submit five (5) final stamping set copies of the complete approved site plan to the Township within one (1) year of approval being granted by the Commission, or approval shall automatically expire. If applicable, the approved site plan must include an approved grading and drainage plan. If the site plan was approved with conditions, the approved site plan must incorporate the conditions imposed by the Planning Commission. The Planning Commission may grant one (1) or more six (6) month extension(s) of site plan approval if the applicant demonstrates legitimate cause for the delay.

b. Upon determination that the site plan meets all applicable conditions and requirements, five (5) copies of the site plan shall be stamped by the Township Planner, and the Planning Commission Chairperson shall stamp four (4) copies as the final approved site plan. The applicant shall request a building permit within one (1) year of the latest final stamping date, or site plan approval shall automatically expire. The Planning Commission may grant one (1) or more six (6) month extension(s) of site plan approval if the applicant demonstrates legitimate cause for the delay.

4. Zoning Administrator's Review – All single-family detached dwelling units, farm buildings, and private residential or farm ponds shall be reviewed and approved by the Zoning Administrator before issuance of a building permit or certificate of occupancy. Site plans for these shall contain the following information:

- a. The actual shape, location, and dimensions of the lot.
- b. The shape, size, and location of all buildings, other structures, or ponds to be constructed, erected, altered, or moved, and of any buildings, other structures, or ponds already on the lot.
- c. The existing and intended use of the lot and all such structures upon it.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.

5. Administrative Approval of Site Plans – Minor amendments to site plans may be approved administratively by the Zoning Administrator or their designee, subject to the conditions described below. To qualify for administrative review, the Zoning Administrator or their designee must determine that the proposed revision does not alter the basic design,

compliance with the approval standards, or any specified conditions of the approved site plan.

6. For purposes of interpretation, the following shall be considered minor amendments that may be subject to administrative review:
 - a. The size of structures may be reduced or increased by up to ten percent (10%). New structures may be added provided 1) the overall density of residential units does not increase, and 2) the total gross square footage of all non-residential buildings on a parcel does not increase by more than 1,000 square feet from the size approved by the Planning Commission.
 - b. Expanding or establishing a special land use shall not qualify for administrative site plan approval.
 - c. Movement of a building or buildings by no more than ten (10) feet, which does not significantly alter other aspects of the site.
 - d. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping that provide a similar screening effect on a one-to-one or greater basis.
 - e. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - f. Changes of building materials to another of higher quality, both in appearance and durability (e.g., change split-faced block to brick).
 - g. Changes in floor plans that do not alter the character of the use.
 - h. Slight modification of sign placement or reduction of size.
 - i. Addition of an outdoor dining area to an existing restaurant that does not exceed a total outdoor capacity of 16 people.
 - j. Changes required or requested by the Township, county, state, or federal agency for safety reasons.
 - k. Paving of gravel parking and circulation areas where the total area of all impervious parking and driveway surfaces is less than 8,000 square feet.
 - l. Compliance with the Americans with Disabilities Act.
 - m. Situations similar to the above.

7. The Zoning Administrator shall notify the Planning Commission within 30 days of any administrative site plan approvals.
8. The Zoning Administrator or designee may grant an exception from a particular site plan submittal item(s) upon determining that a complete site plan is not required to review the project for compliance with this Chapter or such a requirement would be unreasonable. In particular, the comprehensive list of submittal items may not be required under the following circumstances:
 - a. The project involves a minor revision or improvement to an existing site, such as a parking lot improvement.
 - b. The project involves a temporary building or structure to be approved by the Zoning Board of Appeals.
 - c. The project involves one of the following uses in residential districts: utility or telephone exchange buildings, swimming pools, animal keeping, cell tower co-locations, family daycare homes, and similar uses.
 - d. The project involves a change in use within an existing building, where the use will be similar to or less intense than the previous use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics, and other external impacts.
 - e. Compliance with the Americans with Disabilities Act.
9. If one or more of the above is met, the requirement for a site plan to be sealed by a design professional, as specified above, may be waived.
10. The Zoning Administrator shall notify the Planning Commission within thirty (30) days of any request for waivers granted under this Section and shall include the reason for granting the request.

Article 6 – Performance Standards

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

Section 719.104 – Smoke

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source, whatever to an opacity greater than 20 percent, such measurement being taken as the average over six minutes, as measured by U.S. EPA Method #9.

Section 719.105 – Dust, Dirt, and Fly Ash

- A. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, methods, device or contrivance to reduce the quantity of gas-borne or air-borne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas borne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.
- B. To determine the adequacy of such devices, these conditions must be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The A.S.M.E. Test Code for dust-separating apparatus shall measure the preceding requirement. All other forms of dust, dirt, and fly ash shall be eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require additional data necessary to show that adequate and approved provisions for preventing and eliminating dust, dirt, and fly ash have been made.

Section 719.106 – Odor

The emission of obnoxious odors shall be prohibited.

Section 719.107 – Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding or acetylene torch cutting) that emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point

beyond the property line and as not to create a public nuisance or hazard along lot lines. Radioactive materials and waste, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.

Section 719.108 – Fire and Explosive Hazards

- A. In the LI and HI Districts, the storage, utilization, or manufacture of materials or products ranging from non-combustible to moderate burning, as determined by the Fire Chief, is permitted, subject to compliance with all performance standards mentioned above.
- B. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and providing that the following conditions are met:
- C. Said materials or products shall be stored, utilized, or produced within wholly enclosed buildings or structures having non-combustible exterior walls that meet the requirements of the Building Code.
- D. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
- E. The storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the State Rules and Regulations established by Public Act No. 207 of 1941, as amended.

Section 719.109 – Noise

- A. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Within LI Districts, sound levels not exceeding 70 decibels may be permitted. Within HI Districts, sound levels not exceeding 75 decibels may be allowed.
- B. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings, shall be controlled so as not to become a nuisance to adjacent uses.

Section 719.110 – Vibration

Machines or operations that cause vibration shall be permitted in Industrial Districts, but no operations shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

Section 719.111 – Open Storage

The open storage of any commercial or industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view from adjoining Residential Districts and public streets by an enclosure consisting of a masonry wall or pressure-treated wood fence not less than the height of the equipment, vehicles, and all materials to be stored, except as otherwise permitted in this Chapter.

Section 719.112 – Water Supply and Sewage

- A. Provision for Safe Supply - Every building hereafter erected, altered, or moved upon any premises and used in whole or in part for human habitation, including buildings to be used for dwelling, business, recreational, commercial, office, industrial, or other purposes, shall be provided with a safe, sanitary, and potable water supply. Where a private water supply is proposed, a report on the water quality shall be obtained from the Macomb County Health Department and submitted to Lenox Township. All private water supply wells shall be located on the premises they are intended to serve.
- B. Public Water Supply - Where a public water supply is available, every fixture from which human consumption can be obtained shall be supplied with water from such supply system, except where a private water supply meets the requirements of paragraph A above.
- C. Location of Well - Where a public water supply system is not available, each well utilized for human consumption shall be so located that the area within 50 feet of the casing or suction pipe shall be free from sources of contamination such as soakage pits, seepage pits, cesspools, outhouses, barn yards, septic tanks, drainage fields, and other sources of contamination. (See Section 1823 for High Volume Wells)
- D. Macomb County Health Department Certification of Water Supply Well - Before the issuance of a building permit for any residence, business, or other occupied structure requiring a water supply facility for human consumption, the applicant shall submit to the Building Inspector evidence that the water supply well meets the water well standards of the Michigan Department of Public Health. Such evidence shall be on the appropriate forms of the Macomb County Health Department. When a water supply is to be installed where the existence of any structure or condition before the effective date of this Chapter prevents full compliance with the provisions thereof, the Macomb County Health Department may approve exceptions in

writing, which, in its opinion, will not constitute a potential menace to public health.

- E. Sewage Disposal - Sewage disposal must meet the requirements and regulations of the Macomb County Health Department. When an approved public sewer becomes available, existing dwelling and habitable buildings shall be connected within twelve (12) months after such sewer becomes available for use.
- F. Sewage Wastes - All commercial or industrial wastes discharged into the public sewer system must conform with Standards and Regulations controlling such discharges as issued by the City of Detroit and approved or modified by the Macomb County Agent.

Article 7 – Supplemental Regulations

The uses listed below shall be subject to the requirements of this Article, in addition to those of the zoning district in which the use is located, along with provisions located elsewhere in this Chapter.

Section 719.113 - Airports

- A. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations are permitted uses in the AG Districts, subject to Special Land Use approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and following conditions:
 1. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aviation Administration, which agency shall approve the preliminary plans submitted to the Township. (Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as not to endanger safe flight conditions to and from a designated airport. Permitted height of buildings, structures, telephone and electrical lines, and appurtenances shall be established after consultation with the appropriate aeronautical agencies.
 2. Yard and Placement Requirements:
 - a. No building or structure, or part thereof, shall be erected closer than sixty (60) feet from any property line.
 - b. Those buildings for servicing or maintenance shall not be located on the outer perimeter of the site where the abutting property is zoned residential.
 3. Prohibited Uses: The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that destroyed aircraft may be stored in the open for not more than thirty (30) days from the date of the accident.
 4. Off-Street Parking Requirements:
 - a. One (1) parking space shall be required for every three airplanes stored on the site.
 - b. All off-street parking shall be paved.

Section 719.114 – Auto Wash

A. Auto wash or motor vehicle washes are permitted uses in the CN and CG Districts, subject to the Special Land Use approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare, except that allowing vehicles to exit from the facility onto a public alley shall be permissible.
2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to stay on the public right-of-way as part of the traffic approach.

Section 719.115 – Cemeteries

A. Cemeteries are permitted in all agricultural and single-family residential zoning districts, subject to the Special Land Use approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:

1. The area to be occupied by the cemetery shall not have more than fifty-one (51) percent of its land area in recorded plots.
2. The continuity of all roads present or planned for adjacent areas shall be satisfactorily resolved to provide safe and prompt access and egress to and from such areas.
3. All ingress and egress shall be direct to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
4. All sides of the cemetery shall be screened from any residential view by providing a continuous and completely obscuring wall or fence, four feet eight inches (4'8") in height, measured from the surface of the ground. The Planning Commission may permit a "chain-link" type fence adequately screened with deciduous and evergreen material.
5. Approval shall be given contingent on a satisfactory drainage plan approved by the Township Engineer and the Macomb County Health Department.

Section 719.116 – Places of Worship

A. Places of worship are permitted subject to Special Land Use approval by the Planning Commission in any zoning district except F – Floodplain and REC – Recreational, subject to the following conditions:

1. Access to and from the site shall be directly from a paved public roadway with a planned or existing right-of-way of not less than 86 feet.
2. Off-street parking shall be screened from adjoining residential districts and uses.
3. Off-street parking and access drives shall be paved.
4. Ancillary uses such as group childcare centers, classrooms, and accessory retail uses shall require special land use approval.

Section 719.117 – Cluster Development

- A. Cluster Development is a permitted use in the AG, R, and RM zoning districts. It shall be reviewed per the appropriate procedure for the type of development (lot split, subdivision, site condominium, etc.) and must meet the intent and requirements of this Chapter.
- B. This section intends to permit residential developments to be planned as a comprehensive unit with an allowance for residential open space. Certain modifications to standards outlined in Article 11, Schedule of Building Regulations, are therefore permitted when the following conditions are met:
 1. Lot dimensions in the AG, R, and RM Districts may be reduced per the following schedule, provided that the number of residential lots shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas conventionally required for each district.
 2. All density calculations shall be predicated upon the maximum number of dwelling units per acre (including roads), as generally shown for each district. A yield plan (a parallel plan) demonstrating the number of units feasible under conventional development must be submitted.
 3. Lot widths and overall area reductions shall not be more than twenty-five (25) percent. Approved modifications to side yard setbacks for single-family structures shall not result in side yards less than nine (9) feet. Side yards shall be oriented so that any detached single-family structure shall be located at least twenty (20) feet from any other detached single-family structure.
 4. Rear yards may be reduced to thirty (30) feet when bordering on land dedicated to the common use of the development.
 5. The total area of open space shall equal or exceed the total area by which proposed lot areas are reduced below the district minimum requirements. Open space shall be dedicated to the common use of the lot owners in the development in a manner approved

by the Township, or may, if approved by the Township, be dedicated to the Township. If dedicated to the Township, no individual land areas shall be less than four (4) acres in size, except that said parcel may be divided by a road or stream.

6. One-half (1/2) of the existing wetland, flood plain, open water bodies, and "wet" stormwater detention/retention areas on the site may be counted toward the required open space under this Section, provided all other requirements are met. Such areas shall be adjacent to other usable open space areas, where possible, for the benefit of the community. To qualify, open-space detention areas must be well-designed and improved. Community wastewater treatment facilities may not be credited as dedicated open spaces.
7. The area to be dedicated for either a public park or private open space shall be in a location and shape approved by the Planning Commission in reviewing the proposed Cluster Development. Said land shall be so graded and developed as to have natural drainage.
8. Under this cluster approach, the developer or subdivider shall dedicate the total open space area when filing the final plat on all or any portion of the plat or final site plan unless otherwise agreed to by the Township.
9. Where the open space is dedicated to the landowners or their representatives, such land area shall be maintained by them. In the event of a default in maintenance, said open space shall either be conveyed to Lenox Township or, in lieu thereof, the lots in the development shall be assessed equally as a tax lien to provide necessary maintenance.

10. The following objectives will be observed in reviewing a proposed Cluster Development:

- a. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, topography, and similar natural assets.
- b. To encourage developers to use a more creative approach to develop residential areas.
- c. To encourage more efficient, aesthetic, and desirable use of open areas while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles in the site.
- d. To encourage the provision of open space so benefits may accrue directly to residents of the development and to further promote the establishment of recreational facilities and linkages within the Township.

11. The Cluster Development shall contain the information required by other Sections of this Chapter or the Subdivision Regulations.

- a. A complete description of the land proposed to be dedicated to the Township or to the common use of lot owners (herein called open space).

- b. The legal description of open space.
- c. Topographical survey of open space.
- d. Soil types in open space, as classified in the "Soil Survey, Macomb County, Michigan.
- e. Description of natural features of open space (stands of trees or other vegetation, streams or other bodies of water, etc.).
- f. The proposed method of maintenance and use of open space shall be submitted with the Preliminary Plat for tentative approval or Preliminary Site Plan in the form of a recordable Master Deed and shall include the following as a minimum:
 - 1) The proposed manner in which the title to land and facilities is to be held by the landowners in the development.
 - 2) The proposed manner and collection of maintenance costs, financing costs, or assessments so that nonpayment will constitute a lien on the property, thus avoiding Township responsibility in the future.
 - 3) The proposed manner of regulating the use of the common facilities and open space areas to eliminate possible nuisance to property owners.
 - 4) The proposed method of notifying the Township when any change is contemplated in plans that would affect the original specifications approved by the Township.
 - 5) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability, and paying taxes relating to these properties.
 - 6) A statement of the benefits to be realized by the residents of the proposed cluster development and the Township upon approval.

12. Before any action is taken upon any Cluster Development application, copies of the Preliminary Plat or Site Plan and supporting data shall be submitted through the Clerk to the Township Planner, the Township Engineer, and the Township Attorney for review and recommendation.

- a. The Township Planner shall review and render an opinion upon the proposed Cluster Development based on the materials furnished, from visits to the site, or such other information as he may deem necessary and render his opinion concerning the following:
 - 1) The suitability of the proposed open space for the purposes proposed.

- 2) The need for the proposed uses in the general area.
- 3) The location and layout of the open space with the lots within the development.
- 4) The effect upon neighboring areas, which would result from the Cluster Development, and the appropriateness of the proposed lot sizes in the development area involved.
- 5) Any other factor related to the development and proper design of the proposed development.

b. The Township Engineer shall review and render an opinion upon the proposed Cluster Development as it relates to the following details:

- 1) The development can be suitably provided with utilities as proposed.
- 2) The development would not require any undue alteration of the natural grade.
- 3) The development can be physically developed, as proposed, without injuring the abutting lands as to the capacity available in existing utility services.

c. The Township Attorney shall review the proposed Cluster Development and render his opinion concerning the following:

- 1) The proposed manner of holding title to the open space.
- 2) The proposed manner of payment of taxes.
- 3) The proposed method of regulating the use of open space.
- 4) The proposed method of maintenance of property and financing thereof.
- 5) Any other factor related to the legal or practical concerns regarding ownership and the use and maintenance of open space.

13. If the Planning Commission is satisfied that the proposed Cluster Development meets the letter and spirit of the Zoning Ordinance and should be approved, it shall recommend approval to the Township Board.

14. If the Planning Commission is not satisfied that the proposed Cluster Development meets the letter and spirit of the Zoning Ordinance or finds that the approval of said development will be detrimental to existing development in the general area and should not be approved, the basis for such disapproval shall be recorded in the decision-making motion in the Commission minutes and communicated to the Township Board.

15. Upon approval of a proposed Cluster Development, the Township Attorney shall prepare a development agreement setting forth the conditions upon which such approval is based, which shall be entered into between the Township and the Proprietor.
16. The Development Agreement shall be recorded with the development's plat, condominium, or land division deeds.

Section 719.118 – Medical Marijuana Uses

A. Intent

1. Voters in the State of Michigan approved the referendum authorizing the use of marijuana for specific medical conditions.
2. The referendum intended to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate/ grow, use, and distribute marijuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
3. Despite the specifics of the state legislation and the activities legally allowed as set forth therein, marijuana is still a controlled substance under Michigan law. The legalization of obtaining, possession, cultivation/growth, use, and distribution in specific circumstances has a potential for abuse that should be closely monitored and regulated by local authorities to the extent permissible.
4. If not closely monitored or regulated, the presence of marijuana, even for the purposes legally permitted by the legislation, can present an increase in illegal conduct and/or activity, and this threat affects the health, safety, and welfare of residents of Lenox Township.
5. Lenox Township intends that nothing in this Chapter be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, to allow the use, possession, or control of marijuana for non-medical purposes, or to allow activity relating to cultivation /growing, distribution, or consumption of marijuana that is otherwise illegal.

B. All types of medical marijuana facilities shall be subject to the following minimum conditions:

1. All operations must be completely enclosed within a building.
2. Issuance of a license for the medical marijuana facility by the State of Michigan.
3. Issuance of a license for the medical marijuana facility by the Township.

4. Compliance with all provisions of the Medical Marijuana Facilities Licensing Act 281 of 2016, as it may be amended.
5. Compliance with all provisions of the Lenox Township Medical Marijuana Facilities Licensing Ordinance Chapter 802 as amended.
6. Compliance with all other relevant provisions of the Lenox Township Zoning Ordinance, as it may be amended.
7. No marijuana facility operating or purporting to operate before the effective date of the amendment to the Township Zoning Ordinance shall be deemed to have been a legally existing use, nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this Zoning Ordinance.
8. The discontinuation of a State-issued or Township-issued medical marijuana facility license shall constitute *prima facie* evidence that an otherwise lawful nonconforming medical marijuana facility use, structure, or condition on the premises has been discontinued.
9. All medical marijuana facilities require Special Land Use Approval.

C. Medical marijuana provisioning centers shall also be subject to the following minimum conditions:

1. Medical marijuana provisioning centers must be located on property zoned GB, General Business, LI, Light Industrial, or HI, Heavy Industrial.
2. Medical marijuana provisioning centers shall not operate between 9:00 PM and 9:00 AM.
3. Outdoor seating is not allowed.
4. The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads.
5. The medical marijuana provisioning center must be connected to municipal water and sewer.
6. The medical marijuana provisioning center shall be no closer than 1000 feet* to any school and 500 feet* to any place of worship, park, playground, public library, or residentially zoned and occupied property.
7. The medical marijuana provisioning center shall be no closer than 500 feet* to any other medical marijuana provisioning center.

*The distances outlined in subsections 5 and 6 above shall be measured as the shortest straight-line distance between the property line of the parcel on which the marijuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.

D. Medical marijuana grow facilities and medical marijuana processing facilities shall also be subject to all the following minimum conditions:

1. Medical marijuana grow and processing facilities must be located on property zoned LI, Light Industrial, or HI, Heavy Industrial.
2. The property on which the facility is located must abut and have access to a major thoroughfare, as defined by the Macomb County Department of Roads.
3. The facility must be connected to municipal water and sewer.
4. The facility shall be located no closer than 1000 feet* to any school and no closer than 500 feet* to any place of worship, park, playground, public library, or residentially zoned and occupied property.
5. The distances set forth in subsection 2 above shall be measured as the shortest straight-line distance between the property line of the parcel on which the marijuana facility is located that is nearest to the listed use and the nearest property line of the parcel on which the listed use is located.

Section 719.119 – Convalescent, Rest Home, and Assisted Living Facilities

A. A Convalescent or Rest Home, a home for the aged, indigent, or physically handicapped, or an orphanage is a permitted use in the AG, R, and RM zoning district subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:

1. All ingress and egress shall be directly onto a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
2. The maximum extent of development shall not exceed thirty (30) children or patients per acre.

Section 719.120 – Drive-in Businesses

- A. Drive-in businesses or open-front stores are permitted uses in the GB zoning district, subject to the approval of the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:
 - 1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
 - 2. Ingress and egress points shall be located at least twenty-five (25) feet from the intersection of any two (2) street right-of-way lines or abutting residential district.

Section 719.121 – Keeping or Raising of Animals

- A. The keeping of animals shall be allowed in every district, subject to the following:
 - 1. Nothing in this Chapter shall be construed to prevent the keeping of domestic pets in any district. A commercial kennel, however, shall not constitute the keeping of domestic pets.
 - 2. The keeping of farm animals shall only be allowed on a minimum size of five (5) acres in the AG district and R district. Raising animals for a school project, 4H project, or similar educational program shall be exempt from the five (5) acre requirement only for animals sold at the agricultural fair. Horses being raised for a 4H or similar equestrian project shall be limited to one (1) horse on parcels less than five (5) acres and one (1) additional horse per acre over five (5) acres.
 - 3. The keeping of animals on any property shall be per Article VIII of the Macomb County Animal Control Best Practices Ordinance.
 - 4. It shall be unlawful to own, possess, or harbor any dangerous, wild, or exotic animals without proper Federal, State, or Local permits.

Section 719.122 – Raising or Keeping of Fur-Bearing Animals

- A. The raising or keeping of fur-bearing animals may be permitted on sites of at least five (5) acres.
- B. Pens and runs shall be located no closer than one hundred fifty (150) feet to any property line.
- C. All runs and breeding areas shall be enclosed.

- D. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties or create any hazard or detriment to public health, safety, or general welfare.
- E. All objectionable noise shall be controlled.
- F. Any use permitted by the Township shall immediately terminate when the lot area requirements set forth herein are decreased in any manner or the provisions of this Chapter are violated.

Section 719.123 – Commercial Kennels

- A. In AG, LI, and HI districts, commercial kennels may be permitted on sites of at least five (5) acres.
- B. Macomb County shall license all commercial kennels and shall comply with the regulations of the Macomb County Animal Control Ordinance. Where the standards of the Lenox Township Zoning Ordinance are stricter, the Lenox Township Ordinance shall control.
- C. The site shall abut either a public road shown as a major or secondary thoroughfare on the Township's adopted Master Plan or an internal industrial park street.
- D. All animals shall be adequately housed, fenced, and maintained so as not to be or become a public or private nuisance. The premises shall be maintained in such a manner so as not to be harmful to surrounding properties or create any hazard or detriment to public health, safety, or general welfare.
- E. Kennels housing more than ten (10) dogs shall provide one (1) off-street parking space for each five (5) animals that can be boarded. Other uses shall provide parking to accommodate the maximum number of patrons using the facility at any one time.
- F. Between 10:00 p.m. and 6:00 a.m., all animals shall be confined in a sound and odor-proof kennel building that is completely enclosed and climate-controlled. During all other hours, the animals may be exercised as provided for in item G below.
- G. All objectionable noise shall be controlled as required by Section 2008 and shall not be permitted to become a nuisance for adjoining residential properties.
- H. Outdoor animal exercise shall be conducted within the confines of a fenced exercise yard on the property and limited to:
 1. Leashed animals under the direct supervision of their owners or commercial kennel staff.

2. Small "play groups" of animals pre-selected for compatibility, supervised by kennel staff.
- I. Exercise yards and kennel buildings shall be located no closer than one hundred fifty (150) feet to any abutting residential property line.
- J. A dog kennel shall have at least the following two levels of outdoor exercise:
 1. Individual outdoor pens, separated by privacy panels to prevent the dogs from seeing one another.
 2. A yard completely enclosed by an obscuring fence.
- K. A second yard, enclosed by a 5-foot-high chain-link fence, is optional and may be substituted for the above.
- L. Unsupervised outdoor dog runs and pens are not permitted.
- M. The number of dogs housed, boarded, or kept in a kennel building shall not exceed one (1) dog for every fifty (50) square feet of floor area.
- N. All kennel buildings shall be fitted with soundproofing on walls, windows, and doors.
- O. The interior of the kennel building shall be capable of being hosed down and sanitized. Water supply shall be available, and floor drains shall be connected to the septic system.
- P. All kennels shall have an isolation pen for dogs that bark uncontrollably, to reduce their influence on other dogs.
- Q. Privacy panels are required between isolation pens.
- R. A variety of pen sizes shall be provided to accommodate both individuals and "families" of dogs.

Section 719.124 – Private Kennels

- A. Private kennels for housing only those animals owned by the proprietor may be permitted as a use requiring Planning Commission approval, subject to the following:
 1. A private kennel shall be an accessory to a permitted single-family residence.
 2. No animal shall be allowed to run free. Outdoor exercise areas shall be properly fenced and located no closer than 100 feet to any abutting residential property line.

3. The minimum site size shall be five (5) acres with a minimum width of 300 feet.
4. No animal that is not the personal property of the proprietor shall be housed except for incidental breeding.
5. All animals shall be adequately housed, fenced, and maintained so as not to become a public or private nuisance. The premises shall be maintained in such a manner as not to be harmful to surrounding properties or create any hazard or detriment to public health, safety, or general welfare.
6. The maximum number of dogs over one (1) year of age permitted to be housed simultaneously in a private kennel is six (6). Private kennels housing more than six dogs shall comply with the standards for commercial kennels. Parking requirements for commercial kennels shall be waived for private kennels.
7. Breeding kennels shall be limited to two (2) litters per calendar year.

Section 719.125 – Gasoline Service Stations

- A. Gasoline Service Stations are permitted use in the GB zoning district, subject to approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:
 1. The use must be located at the intersection of two public roads, each having a proposed right-of-way of a major thoroughfare or one with a proposed right-of-way of a major thoroughfare and the other having a designation of a secondary thoroughfare on the Macomb County Thoroughfare Plan.
 2. It must have no more than one driveway to each public roadway. Said driveway(s) shall be located at least 100 feet from the centerline of the intersecting public street.
 3. It must be determined to be appropriate for the proposed neighborhood commercial development at the location, as substantiated by an independent market analysis.
 4. It must be located on at least one (1) acre.

Section 719.126 – Large-Scale Recreation Uses

- A. The following uses may be permitted, subject to Special Land Use Approval by the Planning Commission in the AG, REC, LI, and HI zoning districts. Large-scale recreation uses, whether operated privately or for profit, including golf courses, driving ranges, large sports/playfields, ice skating or similar indoor arenas, riding stables, gun clubs, overnight camper and/or tent

parks (subject to the state law governing travel trailer parks), hay rides, snowmobile trails, picnic grounds, swimming facilities, and water parks, golf course/gun or archery range, sports fields, indoor riding areas, stable, gun clubs, camper and RV parks, snowmobile trails, picnic areas, and swimming facilities.

B. Such uses and site plans must meet the requirements of this Chapter and the following conditions:

1. A public park for outdoor recreation may be conducted on a site of ten (10) acres or more. All other approved uses shall be on a contiguous parcel of twenty (20) acres or more in area.
2. All vehicular ingress and egress from the site shall be directly onto a major thoroughfare, having a designated right-of-way of 120 feet on the Township's adopted Thoroughfare Plan or a secondary thoroughfare with an existing right-of-way of 86 feet.
3. A review of the proposed site plan shows that a proper relationship exists between the major or secondary thoroughfare and all proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
4. All development features, including the principal building, shall be designed and arranged to minimize the possibility of any adverse effect upon adjacent property.
5. No activity shall take place within thirty (30) feet of the recreational area's perimeter.
6. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in Section 300 of this Chapter.
7. Related accessory commercial uses may be permitted in conjunction with recreation use when they are incidental to the main recreational character of the use. Such related accessory uses shall not include the sale, servicing, or repair of any vehicles or equipment used on the site except those owned by the proprietor.
8. Permitted accessory uses, which are generally commercial, shall be housed in a single building. Minor accessory uses that are strictly related to the operation of the recreation use itself, such as a maintenance garage, may be in a separate building.
9. No buildings shall be located in the Flood Plain area.
10. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate or turnstile.
11. When a gun club is proposed, it shall be clearly established that the activities shall in no way endanger the health, safety, or welfare of any persons and will not become a nuisance

in any manner whatsoever. Approval shall be for a specific designated use or uses, such as camping, snowmobiling, or the like, and approval under these provisions shall be subject to the approval of the use and site plan. The addition of other special approval uses must again be approved by submitting an amended site plan.

Section 719.127 – General Hospitals

- A. General Hospitals are permitted in the GB zoning district, subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:
 - 1. All ingress and egress shall be directly onto a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
 - 2. The site plan shall clearly indicate the proper relationship between the abutting thoroughfare and any proposed service roads, driveways, and parking areas to ensure pedestrian and vehicular traffic safety.
 - 3. All such hospitals shall be developed on sites consisting of at least five (5) acres in area for the first one hundred (100) beds or less, plus one (1) acre for each additional twenty-five (25) beds.
 - 4. All the development features, including the principal building and any accessory buildings, open spaces, and all service roads, driveways, and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent property.

Section 719-128 – Migratory Labor Camps

- A. Migratory Labor Camps for seasonal labor are a permitted use in the AG District, subject to the approval by the Planning Commission upon a finding that the plan meets the requirements of this Chapter and the following conditions:
 - 1. Migratory labor camps shall only be used for seasonal labor between April 1 and November 15.
 - 2. All buildings or structures shall be maintained in a safe and sanitary condition and furnished with a safe and sanitary water supply and sewage disposal facilities that are at least as safe as those required by the County and State of Michigan Health Department.

3. All buildings or structures shall be located so as to comply with regulations for structures in an AG, Agricultural District, with the exception that no building shall be located nearer than fifty (50) feet to any side property line.

Section 719.129 – Group Childcare Centers

- A. Group childcare centers, including nursery schools, day nurseries, and adult/child care centers, are permitted uses in the AG, R, MH, NB, CB, and GB zoning districts subject to approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:
 1. All such uses shall provide adequate drop-off and waiting space so that parents' cars are not required to stand in a public right-of-way. At least one (1) drop-off space shall be provided for each five (5) persons or children enrolled or cared for at the facility.
 2. Outdoor play space shall be provided in the ratio of one hundred (100) square feet per child cared for to a maximum required of ten thousand (10,000) square feet. No outdoor play area shall be less than one thousand (1,000) square feet. An outdoor recreation area is recommended, but not required, for adult day-care facilities.
 3. To ensure child safety, all outdoor use areas shall be enclosed by a 6-foot-high fence of a non-climbable design. On those sides abutting a residential zoning district or use, a 6-foot-high obscuring fence of masonry or other material approved by the Commission shall be required.
 4. The site layout shall be designed to ensure pedestrian safety by separating play areas from parking and driveways.
 5. Overnight and nighttime care after 8 p.m. shall require evidence of compliance with the Michigan Department of Social Services' rules.
 6. All day-care facilities shall provide fifty (50) square feet of indoor space for each adult or child in their care, based upon their current license and any conditions of their Special Land Use Permit. This space shall be exclusive of space for offices, restrooms, and kitchens.
 7. Sufficient on-site parking shall be provided to satisfy the needs of the staff, visitors, and clients of all day-care facilities, but not less than one (1) space for each five (5) people cared for shall be provided on-site.

Section 719.130 – Open Space Preservation Option

- A. Intent – The Open Space Preservation Option aims to promote the long-term preservation of

open space and natural features, as well as the provision of recreation and open space areas, as outlined in P.A. 177 of 2001.

- B. Eligibility Requirements—In areas served by municipal sewers, eligible properties shall be zoned for three (3) or fewer dwelling units per acre (AG and R districts). In areas not served by municipal sewers, eligible properties shall be zoned for two (2) or fewer dwelling units per acre (AG, R, and RM zoning districts).
- C. Density – Land meeting the above eligibility requirements may be developed with the same number of dwelling units on a portion of the site, but not more than 50%, that could otherwise be developed under existing ordinances, laws, and rules on the entire land area, as determined by the approving body.
 - 1. Density shall be calculated as follows: A parallel plan shall be submitted to the approving body to establish the maximum permitted density. A parallel plan shall identify how a parcel could be developed, including all roads and other infrastructure improvements, under the conventional development standards of the Township. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including but not limited to wetlands, watercourses, drains, floodplains, steep slopes, habitat areas, woodlands, and similar features. The approving body shall determine that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the plan, determine the number of dwelling units permitted under the Open Space Preservation Option. A separate review fee for the parallel plan shall be submitted with the application.

D. Design Requirements

- 1. A minimum of fifty (50%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
- 2. Permanent open space shall include important natural, environmental, agricultural, and/or cultural features, such as:
 - a. steep slopes,
 - b. wetlands, floodplains, natural water courses,
 - c. woodlands and wildlife habitats
 - d. scenic views,
 - e. agricultural or equestrian components,
 - f. historical structures, and historical or archeological sites,

- g. recreational pathways and facilities,
- h. buffers from major thoroughfares and more intensive land uses,
- i. similar features acceptable to the approving body.

3. Under the Open Space Preservation Option, the minimum lot size and width shall be according to the following table unless the approving body determines that a smaller minimum lot size shall be necessary to comply with the requirements of P.A. 177 of 2001. In such cases, the approving body may modify lot area and lot width requirements to assist in the creation of open space if the Applicant can demonstrate approval of reduced lot area and width from the County Health Department. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by the zoning district that has minimum lot area and width standards that correspond to the dimensions of the typical lot within the development.

DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM SETBACK				NET BUILDABLE AREA
			FRONT	REAR	LEAST SIDE	TOTAL OF TWO SIDES	
AG, Land divisions without sewer	1.0 acre	120'	50'	50'	20'	40'	21,040
AG, subdivision or condominium	0.5 acre	120'	40'	30'	15'	30'	10,035
R without sewer	0.5 acre	120'	40'	30'	15'	30'	10,035
R with sewer	7500 sq. ft.	75'	25'	20'	10'	25'	2,750
RM without sewer	0.5 acre	120'	40'	30'	15'	30'	10,035

* The minimum lot area is subject to approval by the Macomb County Health Department for on-site sewage disposal.

4. Open space areas shall be accessible to all lots in the development, either directly from a pathway system or from the internal road network. Where the open space is agricultural land, the open space dedication and maintenance agreement shall include limitations on physical access to the open space for non-agricultural purposes and provisions for adequate, unrestricted access to agricultural implements, farming equipment, or other necessary access for agricultural uses or activities. Access to agricultural use areas shall be separate from residential access to units and open space areas.

5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.
6. Homes shall be visually screened from view along existing roadway corridors in order to reduce visual impact and the appearance of a compact subdivision in a rural area. A minimum 100-foot buffer area along existing county and State roads shall be maintained for the entire development frontage. Only access to new internal roadways shall be permitted to bisect this buffer area. The buffer shall be landscaped or maintained in its natural vegetative state if it provides an equivalent level of screening and will count as part of the required minimum open space.

B. Open Space Maintenance

1. All open space shall remain perpetually undeveloped using a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land.
2. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by Township legal counsel before acceptance by the approving body.
3. All open space agreements which involve donations of land to the Township, or which name the Township as a party to any agreement shall be approved by the Township Board prior to final approval of the development.

C. Review Process

1. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
2. All open space preservation option plans shall include a resource inventory that contains the following:
 - a. All floodplains, wetlands, and water bodies
 - b. A woodland analysis identifying all significant woodlands.
 - c. All wildlife habitat areas
 - d. An analysis of on-site soils and topography to identify limitations to development.
 - e. An analysis of the cultural features of the site, such as scenic views, historic structures,

patterns of original farm fields, fences or stone walls, recreational uses, archeological sites, and the like.

Section 719.131 – Group Day Care Homes

- A. Group day care homes may be permitted as a special land use in the AG, R, and RM zoning districts, subject to each of the following:
 1. It is not located closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 P.A. 218.
 - c. A facility offering substance abuse treatment and rehabilitation services to 7 or more people licensed under Michigan P.A. 368 of 1978.
 - d. A community correction center, resident home, halfway house, or similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group daycare home as determined by Lenox Township.
 3. Maintains the property consistent with the characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The township may limit but not prohibit the operation of a group daycare home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group day care home to identify itself.
 6. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodation for their employees.

Section 719.132 – Public and Private Colleges and Universities

- A. Public and private colleges and universities and other similar institutions of higher learning beyond the high school level are permitted uses in the AG, R, and RM zoning districts, subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:

1. All ingress and egress shall be direct to a public road having a right-of-way of not less than that of a secondary thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the Township's adopted Thoroughfare Plan.
2. No building other than a structure for residential purposes shall be closer than seventy-five (75) feet to any property line.
3. The height of residential buildings in excess of the minimum requirements may be allowed provided minimum yard setbacks where yards abut land zoned for residential purposes, are increased by not less than thirty (30) feet for each yard, for each twelve (12) feet or fraction thereof by which said building exceeds the minimum height requirements of the zone.
4. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where the abutting property is zoned for residential purposes.

Section 719.133 – Soil Removal Operations

- A. Soil, sand, clay, gravel, or similar removal operations, quarrying, and excavating are permitted as a Special Land Use only on parcels of at least fifty (50) acres in the AG, Agriculture district subject to review and approval by the Planning Commission upon a finding that the use meets the requirements of this Chapter and the Lenox Township Soil Removal Ordinance. Post-mining development shall be required as a condition of original approval.
- B. It is the intent and purpose of this Section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time, allow for the extraction of earth materials in locations where they have been naturally deposited and to ensure that mining of earth materials shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mining activities are consistent with the public health, safety, and welfare of the Township.
- C. The mining of earth materials in the Township shall be prohibited unless first authorized by the grant of a special use application by the Planning Commission.
- D. Such use shall be prohibited in R, RM, and MH zoning districts.

E. Definitions:

1. EARTH MATERIALS shall mean any soil, topsoil, subsoil, sand, gravel, rock, clay, peat, minerals, or other materials.

2. MINING OPERATIONS shall mean the excavation and removal of any earth materials from their existing site.
3. OPERATOR shall mean the owner of the site, and the person responsible for the day-to-day activities at the mining site, and the person responsible for payment of all application fees, annual permit fees, and performance bonds.

F. The mining of earth materials may be permitted as a special land use only after proper notice has been given and after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of the Lenox Township Soil Removal Ordinance. Earth material mining operators shall also be required to obtain an annual operating permit from the Township Board, subject to the Lenox Township Soil Removal Ordinance.

G. The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein:

1. Mining, or earth materials (hereinafter referred to as mining or mined).
2. Construction and maintenance of processing plants, be they temporary or permanent, for the processing of such earth materials, and to include necessary accessory uses, buildings, and equipment.
3. Storage and stockpiling of said earth materials.

H. In reviewing the application for special land use approval, the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of earth materials will be accomplished in a manner that minimizes the effect on adjacent properties.
2. Uses permitted herein shall be screened from view by one of the following:
 - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6) feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be seeded, mulched, and planted with evergreen trees, and similar vegetation.
 - b. Plantings of coniferous trees having a minimum diameter of three (3) inches along the boundaries of the property with two (2) rows five (5) feet apart, staggered fifteen (15) feet center to center, to guarantee effective screening.

3. Uses permitted shall comply with all applicable pollution control requirements of the State of Michigan, Macomb County, and Lenox Township.
4. Mining of earth materials shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for other use of uses permitted in the district.
5. Uses permitted shall comply with all requirements of the Lenox Township Soil Removal Ordinance.

H. Application Procedures for Annual Mining Permit.

- I. All applicants for the Mining of Earth Materials special land use permit shall also concurrently apply for an annual permit under the Soil Removal Ordinance.
- J. Application procedures are explained in the Soil Removal Ordinance. The application procedure shall be complied with prior to the commencement of any new mining and/or the horizontal expansion of any mined area that exists as of the effective date of this Chapter.
- K. All applicants shall complete and submit to the Township Clerk eighteen (18) copies of a Community Impact Statement (CIS).
- L. The Planning Commission shall approve the issuance of a Special Land Use permit only upon an affirmative finding of all the following:
 1. The Community Impact Statement demonstrated minimal adverse impact on Township services, the immediate neighborhood, the areas of the Township affected by the haul route, and the natural environment.
 2. All of the general requirements of this Chapter have been complied with.
 3. All application requirements of Chapter 601, the Soil Removal Ordinance, have been met.

Section 719.134 – Two-family Residential Dwellings

- A. Two-family residential dwellings are a permitted use in the RM District, subject to the approval by the Planning Commission upon a finding that the plans meet the requirements of this Chapter and the following conditions:
 1. The construction or placement of a two-family structure in this district shall be on a single or a series of single platted or officially recorded lots or on a larger tract where each structure will face a public road. In the latter instance, each structure shall be considered to occupy one lot for yard and placement requirements.

2. The character and quality of construction shall be such as to blend with existing homes in the district.
3. The minimum required floor areas are:
 - a. One-bedroom unit: 600 square feet
 - b. Two or more-bedroom units: an additional 200 square feet for each bedroom over one, added to the minimum floor area requirement of 600 square feet.

Section 719.135 – Private Residential Ponds

A. Private residential ponds may be permitted only in the AG and R zoning districts, subject to the following standards and guidelines:

1. Primary Level Requirements – The following requirements shall not be varied (including the Zoning Board of Appeals).
 - a. A site plan shall be submitted to the Building Inspector for review and approval, and a building permit obtained by the owners of the property before the construction of all ponds, enlargement of an existing pond, or cleaning of a pond that results in the removal of over thirty (30) cubic yards of material.
 - b. All ponds shall be inspected three times during construction: an initial stake inspection to verify setbacks, a rough inspection to verify size, final slopes, and depth, and a final inspection to verify lift stations, final slopes, grading around the pond, and vegetation placement.
 - c. On the beach side of the pond, the slope shall be no more than 5:1 (five feet horizontal to one foot vertical) until the water reaches a depth of five (5) feet. In no case shall any slope exceed 3:1.
 - d. There shall be a minimum setback of twenty-five (25) feet from the edge of the excavation to the nearest point of the house or any accessory building on the same parcel.
 - e. All ponds shall require the maintenance of lifesaving devices. A Coast Guard-approved life ring attached to 50 feet of suitable rope is mandatory, along with one of the following: planks, wooden ladders, or wooden poles of at least twelve (12) feet in length.
 - f. Where a pond will be used for swimming, a suitable rope with a flotation device shall

be properly anchored to mark the line along which the pond reaches a depth of five (5) feet.

- g. All excavated soil material must be used on the same parcel as the pond. No materials may be hauled off-site. Excavation materials used for grading around the pond shall not be placed closer than twelve (12) feet to the edge of the excavation.
- h. The pond shall comply with the following minimum setbacks from a septic tank and/or tile disposal field based upon the soil type:

50 feet – heavy clay soils

75 feet – clay loam, loam, sandy loam soils 76-100 feet – sandy, loamy sand soils

2. Secondary Level Requirements

- a. There shall be a minimum setback of one hundred (100) feet from all property lines and street right-of-way lines, based upon the planned future right-of-way as shown on the Township's adopted Thoroughfare Plan.
- b. The minimum depth of a pond shall be twelve (12) feet. To prevent winter fish killings, a depth of fifteen (15) feet is recommended. The maximum depth of all ponds shall be eighteen (18) feet.
- c. The maximum size of any one pond shall not exceed twenty thousand (20,000) square feet and the cumulative total of all ponds on any one parcel of land shall also not exceed twenty thousand (20,000) square feet.
- d. All ponds shall be completed within forty-five (45) days of commencement but not less than sixty (60) days following issuance of the pond permit.
- e. The minimum site size required for the construction of all ponds shall be five (5) acres.
- f. Plans submitted should show the location and approximate depth of any domestic water supply well.

3. Optional Design Guidelines (Recommended for High-Quality Ponds)

- a. Where excavated material is used for berms or contouring on-site, the maximum slope of the overburden should not exceed 1:2.
- b. Where excavated material is to be used for berms or other landforms on-site, avoid interrupting the existing horizon with the top of the redistributed overburden.
- c. Where very porous soils are present, an eight (8) inch thick sealer or liner of well-

graded material containing at least twenty (20) percent clay should be used for depths of water up to ten (10) feet. For each foot of water over ten (10) feet, increase this thickness by two (2) inches.

- d. During the design of the pond, the applicant should take into account the pond's orientation to prevailing winds. Wave action helps reduce unwanted aquatic weed growth.
- e. Installation of a "dry hydrant" is encouraged to assist with fire protection of the owner's property, following the guidelines of Figure 5 in the USDA Agriculture Handbook Number 590.

Section 719.136 – Landfills, Transfer Stations, Waste Processing Plants, and Similar Uses

- A. The Lenox Township Board recognizes the Michigan Department of Natural Resources' authority to issue construction and operating permits for sanitary landfills and similar uses.
- B. The Township considers the requirements of Act 641 of 1978, as promulgated under the authority of said Act, as the minimum standards for approval of any landfill, transfer station, or similar use. As such, it shall also be necessary for all proposed landfills to obtain a permit from the Lenox Township Zoning Board of Appeals, and all transfer stations and similar uses to obtain special land use approval from the Township Board, subject to the following requirements:
 - 1. Landfills shall be regulated by the Lenox Township Landfill Ordinance and shall be operated in conformance with a permit issued by the Township Board.
 - 2. The Planning Commission shall review all proposed landfills in the same manner as a special land use and make findings and recommendations as to whether the granting of a permit as proposed would:
 - a. Permanently impair the intended land use potential of the property in question.
 - b. Detrimentally affects the adjoining properties.
 - c. Be consistent with the planning and zoning of the area where the proposed operation is to be located.
 - 3. Transfer stations, waste processing plants, incinerators, and similar uses shall meet the following criteria for special land use approval:
 - a. Must be in an HI – Heavy Industrial District.

- b. Must be located on a paved, public road capable of carrying Class A loadings on a year-round basis.
- c. Shall not be in a floodplain or wetland.
- d. Shall not be located within 1,500 feet of any occupied residences.
- e. All internal roads and drives shall be paved with asphalt, concrete, or similar hard surface material.
- f. All such uses shall be set back at least 200 feet from all property lines.
- g. An 8-foot-high, landscaped berm shall be constructed along all sides of the proposed use.
- h. The active area of the transfer station, waste processing plant or incinerator shall be surrounded by a 6-foot-high security fence of chain-link or similar non-climbable design.

Section 719.137 – Home Occupations

- A. Home occupations, except for medical use of marijuana home occupations, may be permitted in any agricultural or residential zoning district, subject to the following:
 - 1. Such occupation is incidental to the residential use to the extent that not more than twenty (20) percent of the gross floor area of the principal building shall be occupied by such home occupation.
 - 2. All articles or services sold or offered for sale on the premises shall be produced by the home occupation.
 - 3. All employees shall be members of the resident's family.
 - 4. Such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
 - 5. The occupation shall not generate excess traffic.
 - 6. Separate entrances for the home occupation are prohibited.
 - 7. One (1) non-illuminated nameplate, not exceeding four (4) square feet in area, may be attached to the building and shall only contain the name and occupation.

B. Home Occupations pertaining to medical marijuana.

1. A registered “primary caregiver,” as that term is defined in MCL 333.26423(k) of the Michigan Medical Marijuana Act of 2008 (MMMA), shall be permitted to grow marijuana as a home occupation in any agricultural or residential zoning district subject to the following:
 - a. Up to twenty (20) percent of the floor area of the dwelling, or 300 square feet, whichever is less, may be devoted to the home occupation.
 - b. No signage identifying the medical marijuana home occupation is permitted.
 - c. The home occupation shall not change the character of the dwelling in which it is conducted, nor shall it constitute or create a nuisance.
 - d. Distribution, including sale of marijuana and/or sale or use of items in the administration of marijuana, shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain, or receive possession of marijuana.
 - e. No more than two registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate on any one property.
 - f. No other employees are permitted.
 - g. Except for lighting, heating, watering, drying, or other equipment, or fertilizers, herbicides, or other chemicals directly related to the medical use of marijuana, no other materials or equipment not generally associated with normal home ownership, use, and maintenance of a dwelling shall be permitted. The use of any equipment that negatively affects the property’s insurance rating is prohibited.
 - h. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate in “an enclosed, locked” facility (as that phrase is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use if the primary caregiver is also registered as a qualifying patient under the MMMA.
 - i. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.

- j. No one under the age of 18 years shall have access to medical marijuana.
- k. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the property) of the primary caregiver, except for lawful consumption as regulated by the State of Michigan statute.
- l. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing, or harvesting of marijuana are located or used.
- m. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- n. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver apart from the permitted quantity of medical marijuana.
- o. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, is subject to inspection and approval by a township building official.
- p. The property, dwelling, and all enclosed locked facilities shall be available for inspection upon request by the zoning administrator, building official, or law enforcement official.
- q. The operations of a registered primary caregiver as a home occupation shall be permitted only with the prior issuance of a Township permit, which requires the following:
 - (1) A complete and accurate application shall be submitted on a form provided by the Township, and an application fee in an amount determined by the resolution of the Township Board shall be paid.
 - (2) The permit application shall include the name and address of the applicant, the address of the property, proof, such as a driver's license, voter registration card, or similar record showing that the dwelling is the applicant's full-time residence, a current state registration card issued to the primary caregiver, a full description of the nature and types of equipment which will be used in marijuana cultivation and processing, and a description of the location at which the use will take place. The zoning administration may require additional information necessary to demonstrate compliance with all requirements.

(3) The use shall be maintained in compliance with the requirements of this section, the MMMA, and the MMMA General Rules. If the application demonstrates compliance with this section, a permit shall be granted.

- r. The use of a dwelling or other permitted facility of a qualifying patient to cultivate medical marijuana in accordance with the MMMA solely for personal use does not require a permit under this section. However, all applicable state and township ordinance requirements must be met.
- s. The provisions of this section do not apply to the personal use or internal possession of marijuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

Section 719.138 – Yard Waste and Composting Facilities

- A. Yard waste composting facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions, may be permitted in Agricultural districts only, subject to the issuance of a Special Land Use Permit by the Planning Commission and compliance with the following conditions and standards:
 - 1. Only yard waste, typically including leaves, grass clippings, brush, and tree or shrub trimmings, shall be composted at such facilities.
 - 2. Material shall only be accepted in paper bags or unbagged.
 - 3. The decomposition process shall be appropriately managed and maintained in an aerobic condition to prevent all unnecessary odors.
 - 4. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for the collection, retention, and drainage of stormwater shall be provided for review and approval. The Planning Commission shall require that the plan provide a settling basin/detention pond and vegetation filtration of runoff before discharge off-site. Vegetation filtration shall be accomplished by using a 50-foot-wide perimeter strip of grass or a similar measure.
 - 5. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum, this shall include a front-end loader or similar machinery for loading and unloading operations; a windrow machine for turning and aeration operations; a shredder for reducing new material to smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.

6. The site shall be level and well-drained. If the site abuts residentially zoned property, a buffer zone shall be maintained where no composting, storage, transfer, or loading activities will occur, equal to 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
7. All site access roads, drives, and areas for employee parking shall be paved with asphalt or concrete.
8. The facility's handling volume of yard waste shall not exceed 7,000 cubic yards of incoming yard waste per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
9. The operator shall provide the name, address, and phone number of the person responsible for operating the site and correcting all operational problems that may result in complaints being made to the Township.
10. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for revocation of the permit by the Planning Commission.
11. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for the proper disposal of non-yard waste at an approved sanitary landfill.
12. Treated yard wastes shall be actively rotated; that is, they shall not be allowed to accumulate for longer than eighteen (18) months before being finished and removed from the site.
13. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.
14. The operator shall submit a bond, in an amount established by resolution of the Township Board, to guarantee restoration in the event of abandonment, clean-up of chemical or other hazardous spills, and the like.
15. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board.
16. Copies of all Michigan Department Natural Resources applications/permits, where required, shall be provided to the Planning Commission as part of the application package.

17. A licensed pest control company shall perform an annual inspection for rodents. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate them in an environmentally safe manner.
18. An annual test shall be performed to ensure that on-site soil and surface waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides, and herbicides. .

Section 719.139 – Concrete and Asphalt Plants

- A. Concrete and asphalt plants may be permitted in the HI – Heavy Industrial District, subject to the issuance of a special land use permit. The Planning Commission may issue the permit only upon a finding that the following standards have been met:
 1. The application shall demonstrate that the plant location is as close as possible to the source of sand and aggregate materials for the plant.
 2. The application shall clearly demonstrate strict compliance with all requirements for air, groundwater, and surface water quality. In particular, the Performance Standards of this Chapter shall be strictly adhered to.
 3. A Community Impact Study shall accompany the application, according to a format provided by the Township.
 4. A Market Study, which demonstrates the need for the specific facilities proposed to serve the surrounding area, shall accompany the application.
 5. The stated life of the plant, in years, shall be specific and tied to the operator's anticipated local reserves of the sand and aggregate materials for the plant.
 6. The site shall have direct access to a paved thoroughfare.
 7. The plant equipment shall maintain a minimum separation of 1,300 feet from a residential zoning district.
 8. The plant itself should be screened from view from any adjoining residential zoning district or public street by a 20-foot-wide greenbelt planted with vegetation at a sufficient height and opacity to screen at least 90 percent of the facility during the summer months and 70 percent during the winter months. At the discretion of the Planning Commission, an obscuring wall of poured concrete with a brick-like texture, brick, or decorative, pressure-treated wood may be constructed in place of a greenbelt.

9. The permit for a concrete or asphalt plant shall be renewed every two (2) years. At least thirty (30) days prior to transferring a permit for a concrete or asphalt plant, the operator shall notify the purchaser of all conditions of the permit and shall notify the Township of the new owner/operator's name, address, and phone number.

Section 719.140 – Incinerators and Energy Recovery Plants

- A. The Planning Commission may permit incinerators and energy recovery plants in the HI – Heavy Industrial zoning district, subject to the following:
 1. All activities involving receiving incoming garbage or other waste shall be conducted within an enclosed building.
 2. Areas for storage of recycled materials shall be enclosed entirely within the building.
 3. The removal of ash for disposal shall occur in covered containers or trucks.
 4. The plant shall maintain a minimum setback of 300 feet from all lot lines.
 5. Blowing trash or debris shall not be permitted to leave the site and shall be collected daily.
 6. A chain-link-type fence at least 6 feet tall shall surround the entire perimeter of the plant and all other buildings and active use areas on-site.
 7. All internal drives, parking areas, roadways, and the like shall be designed and paved to handle the weight of anticipated heavy vehicles.
 8. All access to and from the site shall be directly onto a paved major thoroughfare with a right-of-way of at least 120 feet capable of carrying Class A loadings year-round.

Section 719.141 – Retail Uses that have an Industrial Character

- A. The Planning Commission may permit retail uses that have an industrial character in terms of their outdoor storage requirements or activities such as, but not limited to, lumber yards, building materials outlets, garage sales, upholsterers, cabinet makers, outdoor boat or house trailers, automobile, or agricultural implement sales.
- B. Retail uses that serve convenience needs of the industrial district such as, but not limited to, eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or hotels, trade or industrial schools, or medical or other offices serving the district, including an industrial clinic, may be permitted by the Planning Commission in the LI zoning district.

Section 719.142 – Lumber Mills

- A. Lumber mills may be permitted by the Planning Commission in the LI and HI zoning districts, subject to the following:
 - 1. The use shall be completely enclosed, with no outdoor activities except ancillary loading and unloading of raw materials and finished products.

Section 719.143 – Metal Plating and Similar Uses

- A. Metal plating, buffing, polishing, and similar uses may be permitted in LI and HI zoning districts, subject to the following:
 - 1. Appropriate measures shall be taken to control the type of process to prevent harmful results and nuisances.
 - 2. The use shall be completely enclosed, with no outdoor activities except ancillary loading and unloading of raw materials and finished products.
 - 3. The use shall be in the interior of the industrial district so that no property line shall form the exterior boundary of the LI or HI zoning district.

Section 719.144 – Commercial Radio & Television Towers

- A. Commercial television and radio towers, long-distance telephone microwave towers, and similar public utility transmitting towers and their attendant facilities may be permitted in LI and HI zoning districts, subject to the following:
 - 1. The use shall be located centrally on a continuous parcel having a dimension equal to the height of the tower measured from the base of said tower to all points on each property line or having construction characteristics that guarantee that should such tower collapse, it will occur within the property.

Section 719.145 – Junk and Salvage Yards

- A. Junk yards and salvage yards may be permitted in the HI zoning district, subject to the following:
 - 1. The premises shall be entirely enclosed within a minimum eight (8) foot high obscuring wall or pressure-treated wood fence, as determined by the Planning Commission.

2. There shall be no burning on the site.
3. All industrial processes, including the use of equipment for compressing or packaging, shall be conducted at least 200 feet from the exterior (fenced) property line. Occasional metal cutting shall be allowed anywhere behind the prescribed fence, provided adequate measures are taken to prevent fire and protect adjacent properties from glare.
4. Materials for processing or storage shall not be piled higher than the wall or fence for more than 60 consecutive days, and there shall be a free walkway around the fenced area.
5. All junk or salvage yards shall be located within the interior of the HI zoning district.
6. Junk or salvage yards shall have either direct access to a major thoroughfare or access to a major thoroughfare via an internal industrial service roadway.
7. Junk or Salvage Yards shall be at least 1,000 feet from any Residential District, including the Manufactured Home Districts.

Section 719.146 – Retail and Personal Service Establishments

- A. The Planning Commission may permit certain retail and personal service establishments in the OS, Office Service District, including office supplies, florist shops, tailors, hair stylists, travel agents, dry cleaners' drop-off without processing facilities, private mailing service, or group child daycare centers.
- B. Similar uses not specifically listed may be approved by the Planning Commission, subject to a finding that they are similar in character to the above.
- C. All uses shall be subject to the following standards:
 1. The use shall provide goods and services necessary for the convenience of employees in the Office Service District.
 2. Retail and personal service establishments shall not precede office development in the OS district.
 3. This section is not intended to promote fast-food restaurants or similar uses that derive most of their business from users outside the OS district.

Section 719.147 – Bed and Breakfast Inns

- A. Bread and Breakfast Inns are allowed, subject to the following:

1. They must be incidental to the principal use of a dwelling unit as a single-family dwelling unit.
2. Not more than twenty-five (25) percent of the total floor area of the dwelling unit, or five bedrooms, whichever is less, shall be used for bed and breakfast guest rooms.
3. Bed and breakfast inns shall be confined to the dwelling unit, the principal dwelling unit on the property.
4. Rooms for sleeping shall be a minimum of ninety (90) square feet for single occupancy, one hundred (100) square feet for double occupancy, one hundred fifty (150) square feet for triple occupancy, and two hundred (200) square feet for four-person rooms.
5. There shall be a maximum of four (4) occupants per room. Each sleeping room shall have a wall dimension of at least nine (9) feet in length.
6. No separate cooking facilities are permitted for the bed and breakfast stay. The food served will be limited by applicable state law and subsequent guidelines published by the Michigan Department of Public Health.
7. The maximum consecutive length of stay for any guests of bed and breakfast operations shall be fourteen (14) days.
8. The dwelling unit that contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast inn is in operation.
9. In the residential district, one sign not to exceed six square feet in area shall be permitted.
10. Parking shall be provided as follows: One (1) off-street parking space shall be provided for each guest room rented, in addition to the requirements for residential family vehicles. Front yard parking is prohibited. Parking lot lighting is not permitted in residential or multiple districts except for the use of porch lights or low-voltage landscape lights. The Planning Commission may approve low-intensity bollards that are not over 36 inches in height, based on catalog specifications, including illumination coverage details. In residential or multiple-district areas, parking shall not be permitted within a required rear yard setback unless the Planning Commission determines that adequate screening can be provided to ensure that the quality of life of the abutting residential property owners will not be deteriorated. To preserve the residential character of the area, the Planning Commission may permit the stacking of the owners' vehicles.

11. The Planning Commission may limit the number of guest rooms permitted if it finds that the proposed characteristics of the use will be excessive for the site or have the potential to negatively impact the residential character of the site and surrounding properties.
12. Screening for off-street parking shall be provided for abutting residential uses. Such screening shall consist of a dense evergreen planting with shrubs not less than three and one-half (3 1/2) feet tall at the time of planting. The operator of a bed and breakfast shall maintain screening.
13. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm. A fire extinguisher shall be kept on each floor in a location to be determined by the Building Inspector.
14. The owner/operator of the bed and breakfast inn shall install carbon monoxide monitors in each sleeping room and shall comply with all applicable adopted codes of the Township.
15. Special Land Use approval for bed and breakfast inns is not transferable to subsequent owners.

Section 719.148 – Pawnbrokers and Precious Metal Dealers

- A. The Township of Lenox recognizes that some uses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, and they can have a deleterious effect on the use and enjoyment of adjacent areas.

In connection with the adoption of this Chapter, the Township has received information that certain types of skid-row businesses, including pawnbrokers and used goods businesses, have, through studies in the City of Detroit, been found to have deleterious effects on the use and enjoyment of adjacent areas, including information associating blight. Special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. Furthermore, Lenox Township finds that the use of services provided by pawnbrokers and precious metal dealers presents an opportunity for the commission of crimes, notwithstanding State and Federal regulations.

The purpose of this Section is to minimize the impact on surrounding neighborhoods, minimize the commission of crimes associated therewith, and ensure that such businesses comply with these requirements as well as State and Federal regulations, thereby protecting the public health, safety, and general welfare of the citizens of Lenox Township.

B. Definitions:

1. Pawnbroker: Any person, partnership, or corporation, either as a principal, agent, or employee thereof, who loans money on deposit or pledge of personal property or other valuable thing and who deals in the purchasing of personal property or other valuable thing on condition of selling the same back at a stipulated price, or who loans money secured by mortgage on personal property, taking possession of the property or any part thereof so mortgaged.
2. Precious Metal Dealer: Any person, partnership, or corporation, either as a principal, agent, or employee thereof, who purchases or sells any jewelry containing gold, silver, platinum, or any precious gem, as defined in MCLA.

C. This Section does not apply to or include the following:

1. The sale is held on property principally occupied as a dwelling by the seller, provided that the sale does not exceed 72 consecutive hours.
2. None of the items offered for sale has been purchased for resale or received on consignment for resale.
3. The sale of bona fide antiques or collectibles, including secondhand books, magazines, and films.

D. A pawnbroker may be allowed by a special land use permit in the LI (Light Industrial) and the HI (Heavy Industrial) zoning districts.

E. A precious metal dealer may be allowed by a special land use permit in the GB (General Business) zoning district.

F. No pawnbroker or precious metal dealer shall be situated within 2000' of any church, park, or school.

G. No pawnbroker or precious metal dealer shall be situated within 2000' of an existing pawnbroker or precious metal dealer.

Section 719.149 – Adult Establishments and Adult Entertainment

In the development and execution of this section, it is recognized that some uses have seriously objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect on the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained

in this section, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two (2) such uses within one thousand (1,000) feet of each other), which would create such adverse effects.

- A. The Planning Commission may waive the locational requirement established in Subsection A herein for adult entertainment and business establishments if the following findings are made:
 - 1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Chapter will be observed.
 - 2. That the proposed use will not enlarge or encourage the development of a "skid row" area.
 - 3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 - 4. That all applicable regulations of this Chapter will be observed.
- B. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements if the findings required in subsection B. can be made after receiving a report and recommendation from the Planning Commission.
- C. It shall be unlawful to hereafter establish any adult bookstore, adult motion picture theater, adult novelty store, or class "D" cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition that indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing, or doing business within a radius of five hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
- D. The Township Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

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Section 719.150—Seasonal Businesses

- A. The Township Board finds and declares that the interests of the public health, safety, and welfare of the citizens of Lenox Township require the regulation, licensing, and control of seasonal businesses within Lenox Township. This Section is intended to provide standards for those temporary, seasonal businesses not explicitly permitted in any district.
- B. General Provisions:
 - 1. The allowance of a temporary, seasonal business shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary, seasonal business is permitted.
 - 2. Temporary, seasonal businesses shall be in harmony with the general character of the district.
 - 3. The allowance of the temporary seasonal business shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
 - 4. No temporary, seasonal attraction permit shall be granted without first giving notice to adjacent property owners and tenants of the time and place of a public hearing to be held as further provided in this Chapter.
- C. A person who owns or operates a seasonal attraction as defined herein must adhere to all of the site plan requirements as set forth in this Zoning Ordinance. The Planning Commission, in its discretion, may waive certain technical parts of the site plan requirements, such as requiring the stamp of a certified engineer or formal surveys, if good cause exists.
- D. A person shall not own or operate a seasonal attraction in Lenox Township unless and until that person has obtained special land use approval as defined in this Zoning Ordinance.
- E. Any person desiring to own or operate a seasonal attraction within Lenox Township shall make a formal site plan application, pursuant to Chapter 719.103, Site Plan Review Procedures, and shall pay the requisite site plan review fee and the requisite special land use application fee.
- F. In addition to the other requirements outlined in Section 719.102, Special Land Use Procedures, the application for the special land use approval shall also contain the following:
 - 1. The name, age, residence, and mailing address of the person making the application. (Where the person making the application is, this information shall be provided for all partnerships, corporations, or other associations. This information shall be provided for all partners, officers, directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided

of all shareholders having a financial interest greater than Five Hundred and 00/100 (\$500.00) Dollars.

2. A statement of the kind, character, and type of proposal the property, even if they are temporary and seasonal, must comply with the Lenox Township Building Code in its entirety should those structures be occupied at any time by either employees of the seasonal business or persons attending the seasonal business. In addition, such structures, including tents with sides, must comply with the Lenox Township Fire Code in every respect, including, but not limited to, safe ingress and egress by persons within the structure and emergency exit lighting. Likewise, all structures must have working fire extinguishers nearby, as approved by the Lenox Township Fire Chief.
- A. Seasonal Outdoor Sales Requiring Site Plan Approval: Seasonal Outdoor Sales establishments may be permitted in the AG, NB, CB, OS, LI, and HI zoning districts, subject to the following requirements:
 1. A site plan meeting the requirements of Section 305 shall be submitted to the Planning Commission for approval. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least sixty (60) days before the opening of the proposed seasonal retail sales use.
 2. Seasonal outdoor sales may occur not more than four (4) times per calendar year on a lot or parcel (i.e., four sales events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between two seasonal sales events on a lot or parcel.
 3. Seasonal outdoor sales may be conducted only on a lot or parcel of property with frontage on a major or secondary thoroughfare.
 4. Temporary outdoor sales areas and temporary structures, such as tents, shall comply with the district's setback requirements for buildings.
 5. If seasonal outdoor sales are proposed to be conducted in the parking lot of active use, the applicant shall demonstrate that there is ample space for the seasonal outdoor sales, any principal uses, and parking for both the seasonal outdoor use and any other use on the subject site, without adverse impact on parking lot circulation.
 6. The seasonal outdoor sales use shall have up to five (5) days to establish the temporary use, including the erection of tents, placement of merchandise, and temporary sign placement.
 7. Seasonal outdoor sales may include up to one (1) primary temporary tent plus one (1) additional temporary tent, temporary storage container, or trailer. Sales and storage shall

be limited to the approved tent(s) and, when provided, storage container. No tent shall exceed 2,400 square feet in area, nor shall it be greater than twenty (20) feet in height.

8. If a seasonal outdoor sales use has a temporary storage container or trailer for the purpose of temporary storage of related merchandise, sales, or a combination of storage and sales, the exterior design, appearance, and color scheme of the container/trailer shall be in keeping with the general color scheme of the surrounding development or a neutral color. For example, a bright yellow or orange container/trailer located in a shopping center with a brick façade shall not be permitted. When both a container/trailer and a tent are proposed, the container/trailer shall not be placed closer to a public street than the tent.
9. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. Additionally, signs required by law, such as those designating fire routes, tent entrances, and exits, shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than 3 feet in height may be allowed at driveways serving the site, and up to 4 additional directional signs may be placed at locations within the site if necessary for wayfinding and traffic safety. No balloons, festoons, inflatables, or other similar devices designed to attract attention to the site or use shall be permitted. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.
10. Provided that the seasonal outdoor sales use complies with all conditions of site plan approval and reuses the approved site plan without modification, re-approval of the seasonal use permit shall be automatic each year upon receipt of the fee.
11. Fireworks stands shall not be located within three hundred (300) feet of a residence.
12. Seasonal outdoor sales shall comply with all other applicable laws and ordinance regulations of the Township.

B. Seasonal Attractions Requiring Special Land Use Approval:

1. A person who owns or operates a seasonal attraction as defined herein must adhere to all the site plan requirements as outlined in this chapter. The Planning Commission, in its discretion, may waive certain technical parts of the site plan requirements, such as requiring the stamp of a certified engineer or formal surveys, if good cause exists. A person shall not own or operate a seasonal attraction in Lenox Township unless and until that person has obtained special land use approval as defined in this Zoning Ordinance.
2. Any person desiring to own or operate a seasonal attraction within Lenox Township shall make a formal site plan application and shall pay the requisite site plan review fee and the requisite special land use application fee.

3. The application for the special land use approval shall also contain the following:
 - a. The name, age, residence, and mailing address of the person making the applications. (Where the person making the application is, this information shall be provided for all partnerships, corporations, or other associations and all partners, officers, directors, or members. Where the person is a corporation, a copy of the Articles of Incorporation shall be filed, and the means and addresses shall be provided of all shareholders having a financial interest greater than Five Hundred and 00/100 (\$500.00) Dollars.)
 - b. A statement of the proposed assembly's kind, character, and type.
 - c. The address, legal description, and proof of ownership of the site at which the proposed assembly will be conducted. Where ownership is not vested in the prospective licensee, the licensee shall submit an affidavit from the owner indicating consent to use the site for the proposed assembly.
 - d. The date or dates and hours during which the proposed assembly will be conducted.
 - e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method that will be used for accounting purposes.
4. The application for site plan approval must be made in writing on such forms and in such manner as prescribed by the Clerk of the Township and shall be made at least ninety (90) days before the date of the opening of the proposed seasonal attraction.
5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the seasonal attraction owner or operator's plans to provide for the following:
 - a. Police and fire protection.
 - b. Food and water supply and facilities.
 - c. Health and sanitation facilities.
 - d. Medical facilities and services, including emergency vehicles and equipment.
 - e. Vehicle access and parking facilities.
 - f. Camping and trailer facilities, if applicable.

- g. All parking lot and exterior lighting, including controls to minimize glare and lighting on adjacent properties.
- h. Communications facilities.
- i. Noise control and abatements.
- j. Facilities for clean-up and waste disposal.
- k. Insurance and bonding requirements including, but not limited to, general liability insurance of no less than one million dollars (\$1,000,000.00) per occurrence with Lenox Township being named as an additional named insured together with an agreement on the part of the seasonal attraction owner or operator to hold harmless and indemnify Lenox Township from and against all causes of action whatsoever arising out of the use and operation of the seasonal attraction.

6. On receipt by the Clerk, copies of the application and site plan shall be forwarded to the Lenox Township Building Department and the Lenox Township Fire Chief. The Building Department and Fire Department have the right to inspect the property, including all the attractions proposed on the property. They shall review and investigate matters relevant to the application within twenty (20) days of receipt and report their findings and recommendations to the Township Board and the Township attorney.
7. If the application for special land use approval is approved at the public hearing, a signed special land use permit shall be a prerequisite to the opening of the seasonal attraction. The special land use permit shall contain all conditions imposed upon the approval. The special land use permit shall be valid for that year's seasonal attraction operation only.
8. Approval of one seasonal use shall not be construed to constitute approval of a different seasonal use to occur separately or simultaneously.
9. If a seasonal attraction is granted special land use approval and desires re-approval for the following year if all of the conditions for the initial special land use approval have been strictly adhered to, the seasonal attraction does not have to submit a new site plan if the prior year's site plan is going to be used and adhered to. However, a new site plan is required if the seasonal attraction changes the original site plan or adds any new structures, including temporary or seasonal structures, or any new attractions. If there are no changes to the original site plan and the nature and extent of the attraction remain unchanged, the applicant may rely upon the original site plan and representations set forth in the original application for special land use approval and shall request re-approval in writing from the Township Clerk.
10. If all the conditions of special land use approval have been strictly adhered to in prior years and there have been no complaints or problems relating to the operation of the seasonal

attraction, the Planning Commission may, at its discretion, waive the requirement for a new public hearing. However, if any of the prior requirements of the special land use approval were not adhered to, or if there were complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall schedule another public hearing.

11. If all the prior conditions of special land use approval were strictly adhered to and there have been no complaints or problems regarding the operation of the seasonal attraction, the Planning Commission shall re-approve the special land use for one (1) year.
- C. Seasonal attraction operations may occur not more than four (4) times per calendar year on a lot or parcel (i.e., four events per year per lot). The total duration of a sales event shall not exceed thirty (30) days. There shall be at least fifteen (15) days between two seasonal events on a lot or parcel. Businesses exceeding these standards shall not be considered seasonal businesses and shall be subject to the same regulations as other permanent businesses. This provision is intended to prevent approved seasonal attractions from becoming permanent businesses with rotating operations.

D. Minimum Requirements:

1. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the Township Board, in cooperation with the Law Enforcement Authority, is satisfied that the proposed security is necessary and sufficient for the duration of the assembly.
2. The Licensee shall provide potable water sufficient in quantity and pressure to ensure proper operation of all water-using facilities under conditions of such demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from source and delivered and stored in a manner approved by the Township Board.
3. The licensee shall provide separate enclosed flush-type water toilets as defined in Act 733, Public Acts of 2002, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local ordinances. If such flush-type facilities are not available, the Township Board may permit the use of other facilities that follow Act 368, Public Acts of 1978, and rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.
4. The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 733, Public Acts of 2002, and the rules and regulations

adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water, soap, and paper towels.

5. The number and type of facilities required shall be determined, based on the number of attendees, in the following manner:
 - a. Toilets 1:300
 - b. Urinals 1:100
 - c. Lavatories 1:200
 - d. Drinking Fountains 1:500
 - e. Spouts or Faucets 1:500
6. Where the assembly is to continue for more than twelve (12) hours and includes camping facilities, the licensee shall provide shower facilities based on the number of attendees in the following manner:
 - a. Shower Heads 1:100. All facilities shall be installed, connected, and maintained free from obstructions and defects and shall always be in operable condition as determined by the Township Board.
7. If food service is provided on the premises, it shall be covered only through concessions licensed and operated in accordance with the provisions of Act 368, Public Acts of 1978, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law.
8. If the assembly attracts more than 1,000 patrons at one time and is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The type, location, staff strength, medical and other supplies, and equipment of such facilities shall be prescribed by the Township Board.
9. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Township Board. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with any other applicable state or local law, and prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a true copy of

an executed agreement will assure proper, effective and frequent removal of liquid waste from the premises to neither create nor cause a nuisance or menace to the public health.

10. The licensee shall provide for solid waste storage on and removal from the premises. Storage shall be in approved, covered, fly-tight, and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township Board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective, and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
11. The licensee shall provide or make available public swimming pools only in accordance with Act 299, Public Acts of 1980, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision of state or local law.
12. The licensee shall provide for ingress to and egress from the premises to ensure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road that is a part of the county system of highways or that is a highway maintained by the State of Michigan—traffic lanes for access by ambulance, fire equipment, helicopter, and other emergency vehicles.
13. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall be provided less than one (1) automobile space for every four (4) attendants.
14. Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between 2:00 A.M. and 6:00 A.M. shall provide for camping and trailer parking and facilities in accordance with Public Act 368 of 1978, Part 125, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable provision by state or local law. Temporary campground permits are issued by the county health department.
15. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township Board.
16. Signs. Each temporary use may have one sign attached to a tent or other structure on the site. The sign area shall not exceed fifty (50) square feet. For corner lots, one additional sign of up to fifty (50) square feet may be permitted. In addition, signs required by law designating fire routes, tent entrances, and exits shall be permitted. Also, directional signs up to four (4) square feet in area and not greater than three (3) feet in height may be permitted at driveways serving the site. Additional directional signs may be placed at locations within the site if necessary for wayfinding and/or traffic safety. No balloons, festoons, inflatables, or other similar devices designed to attract attention to the site or use shall be permitted. Signs shall not be posted more than ten (10) days prior to the

opening of the attraction and must be removed within five (5) days of the attraction's closing. Temporary signs erected for Seasonal Retail Sales shall comply with the Lenox Township Sign Ordinance.

17. Other Conditions. The Planning Commission may impose additional conditions for the special land use approval, based on the uniqueness of the seasonal attraction and/or special considerations regarding the uniqueness of the proposed seasonal attraction's location.

Section 719.151 – Crematoriums

- A. Crematoriums may be approved for permitted use in the HI, Heavy Industrial Zoning District, and as a special land use in the LI, Light Industrial Zoning District.
- B. When reviewing the application for a crematorium, the Planning Commission shall determine that the application complies with the following minimum conditions:
 - 1. No crematorium shall be located within three hundred (300) feet of any adjacent residentially zoned or used parcels or within one hundred (100) feet of a parcel zoned or utilized for office or commercial.
 - 2. The crematorium shall emit no visible emissions or odors.
 - 3. Noise emitted from the crematorium shall not exceed the maximum sound levels outlined in this Zoning Ordinance.
 - 4. All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
 - 5. The crematorium shall not be used to dispose of waste materials.
 - 6. Before the issuance of a certificate of occupancy for any crematorium, the operator shall provide documentation to the Township that all applicable federal, state, and local permits have been obtained and provide to the Township all the equipment manufacturers' specifications for construction, installation, operation, and maintenance.
 - 7. Crematoriums shall be constructed, installed, operated, and maintained in accordance with all manufacturers' specifications and all applicable federal, state, and local permits, as amended. The Township shall have the right to enter and inspect a crematorium's operations to determine compliance with this provision.

Section 719.152 – Fraternal Organizations

- A. Non-profit fraternal organizations and clubs are permitted as a special land use in the AG district, subject to the following standards:
 1. The facility shall not be rented for commercial purposes, including, but not limited to, receptions, banquets, or parties.
 2. No residential facilities shall be located on the premises.
 3. Off-street parking shall be screened from adjacent residential properties and uses.
 4. Off-street parking and access drives shall be paved.
 5. All activities shall be located entirely within a fully enclosed structure unless otherwise authorized by the Planning Commission as part of the special land use approval.
 6. The facility shall not have a liquor license, except that the Planning Commission may approve a facility with an LCC “Club” license, provided it shall not be used in violation of item 1 above.

Section 719.153 – Wireless Communication Towers

Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and standard accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the AG, Agricultural District, the GB General Commercial District, the LI, Light Industrial District, and the HI, Heavy Industrial District when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, or any other materials or property in the area. Further, communication towers and facilities shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- B. A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice, and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure or antennae to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any

information regarding these concerns shall also be provided. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible. In all cases, communication towers shall be designed to blend into the surrounding environment to the maximum extent feasible.

- C. To maximize the efficiency of providing such services while minimizing the negative impact of such facilities on the Township, collocation of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a collocation at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if collocation is possible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:
 - 1. Promptly respond to any information requests from a potential co-user of their tower/antenna.
 - 2. Negotiate in good faith and allow for leased, shared use of the facility when it is technically practical; and,
 - 3. Make no more than a reasonable charge for a shared-use lease.
- D. If the application involves collocation on an existing tower or structure, the public hearing requirements shall be waived, and approval shall only include a site plan and documentation by the co-user as to their compliance with all the terms and conditions required of the host applicant. Collocation may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the Zoning District in which it is located.
- E. Approval of a communication tower facility shall not be granted until such time that the applicant has demonstrated all the following:
 - 1. The proposed facility is needed because of its proximity to an interstate highway or major thoroughfare, or is in proximity to areas of population concentration, or concentration of commercial, industrial, or business centers or
 - 2. The proposed facility is needed because there are areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions, and
 - 3. The proposed facility is needed because the telecommunications provider is unable to collocate its facility with another provider or other structure, and the proposed facility is required to complete its grid as it relates to the needs of Lenox Township and its surrounding communities and that there are no suitable sites in any of said surrounding communities; and

4. The proposed facility is designed and operated to operate within the requirements for radio frequency emissions of the Federal Communications Commission, and the applicant has operated similar facilities within these requirements consistently.
- F. The development of any such facility, together with accessory uses, shall be in such a location, size, and character as to be compatible with the orderly development of the Zoning Districts in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements.
 1. Towers may be located in the AG, GB, LI, and HI zoning districts after special land use approval and provided that the location of such facilities does not represent a hazard to the use and/or development of other uses on the site and in the area. New tower development is prohibited in all other zoning districts in the Township.
 2. The site shall be of such size and shape (no less than two (2) acres) that the proposed tower facility may be developed in compliance with all requirements of the Township, and any such tower/antenna shall not exceed one hundred ninety-nine (199) feet in height above the average grade around the structure it is mounted. Within that maximum structural height, sufficient support structures shall exist to accommodate no less than seven (7) additional antennas of licensed carriers in a collocation arrangement.
 3. The tower site shall meet all Township standards relating to drainage, lighting, landscaping, general safety, and other applicable standards. All landscaping shall be placed in an aesthetically pleasing and functional manner. Such landscaping shall be incorporated along access drives servicing the tower site.
 4. A six-foot fence shall surround all communication towers and facilities to prevent unauthorized access and vandalism. Such a fenced compound shall not be less than one hundred (100) feet by one hundred (100) feet. Further, six-foot-high evergreen trees shall be placed at ten-foot intervals on-center outside of said fence to screen the tower base and ancillary facilities.
 5. Lighting associated with communication towers and facilities shall comply with all applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
 6. A 12-foot-wide access road shall be provided and maintained in good condition to provide access for service and emergency vehicles. Such an access road shall meet all Township engineering design requirements.

7. Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section.
8. Minimum setback requirements, unless otherwise provided for, are as follows:
 - a. When adjacent to a nonresidential zoning district, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly document its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a Nonresidential Zoning District may be reduced to one-half ($\frac{1}{2}$) the overall height of the tower. In no instance shall any tower facility be located within the front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
 - b. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas plus one-half ($\frac{1}{2}$) of the proposed tower height. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any Residential District may be reduced to the overall height of the tower/antenna. In no instance shall any tower be located within the required front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and residential zoning district by an obscuring greenbelt.
 - c. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is non-buildable due to wetlands, floodplains, or other significant limitations. It shall also be found that developing the tower would have no adverse effects on reasonable development patterns in the area.
9. Cellular antennae and supporting structures shall be permitted to be attached to buildings and structures in all zoning districts, whether they are accessory to the building use, subject to the following conditions:
 - a. The principal use is a conforming use, and the building is a conforming structure.
 - b. If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae or antennae with supporting structures may not exceed twenty (20) feet in height.
 - c. The structure that supports antennae may not exceed ten (10) feet in height.
 - d. Such antennae with supporting structure shall not be credited to the overall height of the building.

- e. Any structure that supports antennae shall be setback from the outermost vertical wall or parapet of the building, a distance equal to at least two (2) times the height of such supporting structure.
- f. In addition to site plan review, the Planning Commission, with a majority vote, may require an independent third-party review of an application. Such a review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one (1) or more of the following findings:
 - (1) The applicant has not substantiated a need for a proposed tower to the satisfaction of the Planning Commission.
 - (2) The applicant has been unable to disprove the ability to collocate on an existing tower or structure to the satisfaction of the Planning Commission.
 - (3) The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
 - (4) The Planning Commission determined that the applicant's data was disorganized, confusing, or misleading.
 - (5) The applicant has not substantiated that alternative technology cannot be utilized in place of the proposed tower construction.
- g. All structures, buildings, and required improvements shall comply with all other applicable codes and ordinances and be continuously maintained in a safe, healthful, and complying condition. Every telecommunication provider with sites located in Richmond shall provide the Township with an annual report disclosing the radio frequency emissions of each tower or antenna it has within the Township and require annual inspections of radio frequency emissions of each tower or antenna by the Township to ensure that they are being operated within the requirements of the Telecommunications Act of 1996, as amended. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the Township Board. The Township shall charge a fee for the annual inspection to cover its costs.
- h. A condition of every approval of a wireless communication facility shall be adequate provision for removing the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with topsoil. For purposes of this Section, the removal of towers,

antennas, or other equipment from the facility or the cessation of operations (transmission and reception of radio signals) shall be considered as the beginning of a period of non-use.

- i. The applicant shall deposit with the Township, in a form that is satisfactory to the Township, a performance guarantee in an amount established by the Township Board resolution as security for the removal of the tower if abandoned.

Section 719.154 – Small Solar Energy Systems

Small solar energy systems may be installed and operated in all districts, provided the systems meet setback and other standards, as provided in this section:

- A. Small solar energy systems may be approved through the issuance of a Building Permit provided the application meets setback and other standards, as provided in this Section, and provided solar panels are roof-mounted. If the Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Site Plan approval to the Planning Commission.
- B. All ground-mounted solar panels require approval by the Planning Commission. Ground-mounted solar panels are not permitted on residential lots less than one-quarter acre in size or in the RH Residential High Density (Multiple Family) district.
- C. Approval by the Planning Commission is required for all small solar energy systems that do not meet A and B above.
- D. The requirement for a complete, professionally-prepared site plan shall not apply to applications proposing 1) only roof mounted solar panels or 2) proposing ground mounted panels that do not exceed 8,000 square feet in total area in non-residential districts, 400 square feet in area on residential lots between one quarter acre and two acres in size, or 1,000 square feet in area on residential lots larger than two acres. When a full site plan is not required, a sketch plan shall be submitted. A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Planning Commission that is necessary to determine compliance with this ordinance.
- E. Roof-mounted photovoltaic solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:
 1. Solar panels may not be cantilevered beyond the ridge of a pitched roof.

2. The total area of solar panels may not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area may not exceed the total area of that slope.
3. Roof-mounted solar panels placed on a residential structure must be parallel to the surface of the roof.

F. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line.

G. Ground-mounted solar collection panels, where the solar panels are attached to the ground by a pole, metal frame, or other similar support structure, shall comply with existing regulations for accessory structures, but in no instance shall the panels exceed twenty (20) feet in height in residential zones, and must meet a rear yard setback of five (5) feet. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district, or agricultural district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

H. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.

I. If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Necessary permits from outside agencies for off-site discharge shall be provided.

J. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

K. When a ground-mounted solar panel(s) is located adjacent to a residential or agricultural

district (i.e., properties zoned AG, R, RM, MH, or REC) or public right-of-way, a 26-foot wide (minimum) greenbelt shall be constructed to provide a buffer between the panels and the adjacent residential/agricultural or public property. The Planning Commission may waive or reduce the greenbelt requirement upon a determination that the solar panels are located more than 200 feet from an adjacent property zoned residential or agricultural or from any public right-of-way. The Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features will remain to provide adequate screening. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to give a screen to abutting properties. Specific planting requirements for greenbelts are as follows:

1. The planting strip shall be no less than twenty-six (26) feet in width.
2. Plant materials shall not be placed closer than four (4) feet from the property line.
3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

Section 719.155 – Medium Solar Energy Systems

- A. Medium solar energy systems may be installed and operated in the districts that refer to this section, provided the systems meet setback and other standards, as provided in this section.
- B. Medium-sized solar energy systems may be approved through the Site Plan approval process, which requires action by the Planning Commission.
- C. Roof-mounted photovoltaic solar energy systems, including solar water or swimming pool heating systems, may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the district in which it is located, or if this exceeds the height limit of an accessory structure, subject to the following:
 1. Solar panels may not be cantilevered beyond the ridge of a pitched roof.
 2. The total area of solar panels may not exceed the total area of the roof. Where panels are mounted on one slope of a pitched roof, their total area may not exceed the total area of that slope.
 3. Roof-mounted solar panels placed on a residential structure must be parallel to the surface of the roof.

- D. Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yard, but shall not be closer than five (5) feet to any property line.
- E. Ground-mounted solar collection panels shall comply with existing regulations for accessory structures.
- F. Medium solar facilities proposed in agricultural (AG) and recreation zones (REC) are encouraged to locate on predominantly (more than 60 percent) non-prime farm lands. If they do not meet this standard, the use shall be deemed a Special Land Use, which requires a public hearing. The Application for a Special Land Use permit shall include an analysis of the potential for agricultural use on the subject site by an expert in agriculture or soil science, as determined by the Planning Commission.
- G. Ground-mounted solar facilities shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: In all zones abutting a residential district (including AG) or residential use, the setbacks shall be at least 50 feet from all property lines adjoining said district(s) or use.
- H. Ground-mounted solar facilities shall meet the height limit requirements of the zone in which they are located.
- I. Any mechanical equipment used as part of the solar system shall be screened from view from any public street, residential district, or agricultural district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, as determined by the Planning Commission.
- J. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways. Traffic safety shall be protected, and adjacent properties shall be protected from unreasonable glare and radiation. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- K. The applicant shall submit documentation to verify compliance with this section. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professional the Planning Commission finds to be qualified to address this issue.
- L. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed and demonstrating that runoff from the site will not exceed the agricultural runoff rate or otherwise cause undue flooding. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, quantity and source of water, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided. Applicant

shall demonstrate that the use of well water shall not negatively impact the function of existing wells in the area.

- M. If the solar energy system ceases to operate or is abandoned for a period of six months or is deemed by the Building Official to be unsafe or not consistent with code, the Applicant shall repair and restore the system to good working order within a reasonable time set by the Building Official or, if no longer operating or no longer in compliance with federal, state or local codes, it shall remove the system in its entirety. This shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- N. The Applicant shall post a performance guarantee (cash, letter of credit, or bond deemed suitable by the Township attorney) to cover the cost of removal of the equipment, structures and foundations related to the solar system in the event of abandonment or failure to comply with federal, state or local laws (after being given a reasonable time to remedy the problem).
- O. When a ground-mounted solar panel(s) is located adjacent to a residential or agricultural district or public right-of-way, a 26-foot wide (minimum) greenbelt shall be constructed to provide a buffer between the panels and the adjacent residential/agricultural or public property. Planning Commission may waive or reduce the greenbelt requirement upon a determination that the solar panels are located more than 200 feet from an adjacent property zoned residential or agricultural or from any public right-of-way. Planning Commission may waive or reduce the greenbelt requirement if the adjacent residential or agricultural property is likely to remain undeveloped, or existing natural features will remain to provide adequate screening. Greenbelts shall be planted as part of an approved site plan and shall thereafter be maintained in a healthy, growing condition to provide a screen to abutting properties. Specific planting requirements for greenbelts are as follows:
 - 1. The planting strip shall be no less than twenty-six (26) feet in width.
 - 2. Plant materials shall not be placed closer than four (4) feet from the property line.
 - 3. A minimum of one (1) evergreen tree shall be planted at twenty (20) foot intervals (on average).
 - 4. A minimum of three (3) intermediate shrubs shall be placed between the spaced evergreen trees.

Section 719.156 – Large Solar Energy Systems

- A. Large solar energy systems may be installed and operated in the districts that refer to this section, provided the systems meet setback and other standards, as provided in this section.

- B. Large solar energy systems shall meet all the requirements of Section 719.155 Medium Solar Energy Systems, provided that all Large Solar Energy Systems shall be treated as a Special Land Use in the AG, OS, GB, and REC Districts. In the LI and HI Districts, Large Solar Energy Systems shall be a principal permitted use subject to the standards in this section.
- C. If the use is a Special Land Use, it shall adhere to the general special land use standards of the Township (Article 18). In reviewing the application, the Planning Commission shall particularly focus on the ability of the use to be in harmony with the surrounding area and the intent and policies of the Master Plan. Potential impact on neighboring properties in terms of glare, stormwater runoff, property values, aesthetics, and screening shall be considered by the Planning Commission in determining whether the use is appropriate on the subject property.

Article 8 – Zoning Board of Appeals

Section 719.157 – Zoning Board of Appeals Membership

- A. The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Chapter shall be observed, public safety secured, and justice is done. The Board shall consist of three (3) members, appointed by the Township Board, as recommended by the Township Supervisor.
- B. The first member shall be a member of the Township Planning Commission for the term of their office.
- C. The remaining members must be selected from the electors of Lenox Township and shall be representative of the population distribution and the various interests in the Township. One (1) member may be a member of the Township Board.
- D. An elected officer of the Township shall not serve as chair. An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.
- E. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one or more meetings. An alternate member may also be called upon to serve in place of a regular member to decide a case in which the regular member has abstained due to a conflict of interest. The alternate member appointed shall serve until a final decision has been made. The alternate member shall have the same voting rights as a regular Zoning Board of Appeals member.
- F. The terms of office for members of the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
- G. The Township Board may remove a Zoning Board of Appeals member for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. 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 constitutes malfeasance in office.

Section 719.158 – Meetings

- A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by the Board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact, and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Chapter or to affect any variation of this Chapter.
- B. The Zoning Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.
- C. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on unrelated issues involving the same property.

Section 719.159 – Jurisdiction

- A. An appeal concerning the administration of the provisions of this Chapter may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges a decision of the Zoning Administrator has aggrieved him or her.
- C. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Chapter.

- E. Any person, firm, corporation, or any officer, department, or board of the Township may appeal.
- F. Any person may appear and testify at the hearing in person or by a duly authorized agent or attorney.
- G. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

Section 719.160 – Stay

- A. An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to the circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. However, this Section shall not apply to an administrative decision to take enforcement action for alleged violations of this Chapter.

Section 719.161 – Variances

- A. **Dimensional Variance Standards:** The ZBA may grant dimensional variances when the applicant demonstrates in the official hearing record that the strict enforcement of this Chapter would result in practical difficulty. To establish practical difficulty, the applicant must establish all the following:
 - 1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not generally apply to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography, and is not due to the applicant's personal or economic hardship.
 - 2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or render conformity unnecessarily burdensome.
 - 3. Whether granting the requested variance would do substantial justice to the applicant and other property owners in the district or granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

4. The need for the requested variance is not the result of the action of the property owner or previous property owners (self-created).
5. The requested variance will not adversely impact surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 719.162 – Conditions of Approval

- A. The ZBA may impose such conditions or limitations in granting a necessary variance to protect the area's character.

Section 719.163 – Exercising Powers

- A. In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

Section 719.164 – Time Limit

- A. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

Section 719.165 – Appeals to Circuit Court

- A. Any party aggrieved by a Zoning Board of Appeals decision may appeal to the Macomb County Circuit Court.

Article 9 – Non-conforming Uses, Lots, and Structures

Section 719.166 – Intent

- A. It is the intent of this Section to permit legal nonconforming lots, structures, or uses to continue until they are removed and to provide for their gradual elimination. It is recognized that there exist within the districts established by the Ordinance and subsequent amendments, lots, structures, and uses of land and structures that were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under this Chapter or future amendments.
- B. Such uses are declared by this Chapter to be incompatible with permitted uses in the district involved. Further, this Chapter intends that non-conforming uses shall not be enlarged, expanded, or extended. Moreover, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land shall not be extended or enlarged after the passage of this Chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted in the district involved.
- C. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun before the effective date of adoption or amendment of this Chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened permanently, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, if work shall be diligently carried on until completion of the building involved.

Section 719.167 – Nonconforming Lots

If any lot of record (regardless of ownership) on the date of enactment of this subsection does not meet the minimum area and bulk requirements of this Chapter, such lot may receive a building permit under hardship conditions. If any lot or lots, or any portion or portions thereof, are included within the boundaries of a building site to secure issuance of a building permit under this subsection, no part thereof shall at any time thereafter be considered in the calculations of minimum area and bulk requirements.

Section 719.168 – Nonconforming Uses of Land

- A. Where, at the effective date of adoption or amendment of this Chapter, lawful use of land

exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Chapter.
3. If such nonconforming use of land ceases for any reason for more than three hundred sixty-five (365) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.

Section 719.169 – Nonconforming Structures

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter because of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 1. No such structure may be enlarged or altered to increase its nonconformity. Such structures may be enlarged or altered in a way that does not increase their nonconformity.
 2. Should such structure be destroyed, exclusive of the foundation, by any means to the extent of more than fifty (50) percent of its replacement costs, it shall be reconstructed only in conformity with the provisions of this Chapter.
 3. Should such a structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 719.170 – Nonconforming Uses of Structures and Land

- A. If a lawful use of a structure, or a structure and land in combination, exists at the effective date of adoption or amendment of this Chapter that would not be permitted in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise legal, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this Chapter 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 nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use and which existed at the time of adoption or amendment of this Chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this Chapter. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, in or on which a permitted use supersedes a nonconforming use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or eighteen (18) months during any three years, the structures, or structure and land in combinations, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision unless such use(s) are not utilized during a standard seasonal use period.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 719.171 – Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding

fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Chapter shall not be increased.

- B. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared unsafe by any official charged with protecting the public safety upon order of such official.

Section 719.172 – Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, or land and structures in combination.

Section 719.173 – Purchase or Condemnation of Nonconforming Uses

- A. The Township may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property to remove nonconforming uses.
- B. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township.
- C. The elimination of the nonconforming uses and structures in a Zoning District is declared to be for a public purpose and a public use.
- D. The Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain per Act No. 149 of the Public Acts of 1911, as amended.

Article 10 – Enforcement and Administration

Section 719.174 – Intent

A. This Chapter shall be administered and enforced by the Township Building Inspector, including any authorized assistants. They are hereby authorized and empowered to issue a stop order and revoke the license or permit of any person they find violating this Chapter, in any case he may find necessary, where there is imminent peril to the public health, safety, welfare, or morals. Any person aggrieved by such action may appeal to the Township Board per the following procedure:

1. File a written claim of appeal fifteen (15) days after receipt of such order or revocation with the Township Clerk, setting forth the claimed grounds of appeal in reasonable detail.
2. The Township Clerk shall then place the appeal on the agenda of a regular or special Township Board meeting within thirty-five (35) days after receipt of such request.
3. The Township shall conduct a hearing on the claim of appeal, at which time the applicant and his attorney, if any, may appear to present their case.
4. The Board shall render its decision on the appeal within fifteen (15) days after the hearing.

Section 719.175 – Non-Exclusiveness of Application

No provision of this Chapter shall in any way relieve any person, firm, or corporation of compliance with or adherence to any other Ordinance, regulation, or requirement of Lenox Township relative to the use, occupancy, construction, or improvement of lands, buildings, dwellings, or structures within the Township not in conflict with provisions of this Chapter.

Section 719.176 – Zoning Ordinance Amendments

The Township Board may, from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise district boundaries or the provisions and regulations herein established whenever the interests of the public health and safety, convenience, and other aspects of the general welfare require such amendment. Said amendment may be made by resolution of the Township Board or the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.

A. Amendment Procedures

1. This Chapter may be amended per the procedures in the Michigan Zoning Enabling Act 110 of 2006, as amended.
2. Upon the Township Clerk's receipt of a petition requesting an amendment to the Zoning Ordinance, the Township Clerk must transmit the petition to the Planning Commission for review and recommendation to the Township Board.
3. Planning Commission Procedures
 - a. The Planning Commission must hold at least one (1) public hearing on the petition and establish a date for a public hearing on the petition.
 - b. The notice of the time and place of the public hearing must be given as follows:
 - (1) If an individual property of 10 or fewer adjacent properties is the subject of the rezoning petition, the Planning Commission must give notice of the petition as follows:
 - (a) Publish in a newspaper of general circulation in the Township.
 - (b) Send a notice by mail or personal delivery to the property owners for which the amendment is being considered.
 - (c) Send a notice to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Township.
 - (d) Notice must be given no later than 15 days before the date the application will be considered. If the occupant's name is unknown, the term occupant may be used to make the notification.
 - c. The notice must contain each of the following:
 - (1) Description of the nature of the amendment request.
 - (2) Identification of the properties that are the subject of the request.
 - (3) State when and where the amendment will be considered.
 - (4) Indicate when and where written comments concerning the request will be received.

- d. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission must give notice of the petition proposing rezoning in the same manner as required under the preceding Section, except that:
 - (1) The notice need not be sent by mail or personal delivery to the property owners for whom approval is being considered.
 - (2) The notice need not be sent by mail or personal delivery to the property owners for whom approval is being considered.
 - (3) No individual property addresses must be listed in the notice.
 - (4) Notice of the time and place of the meeting must also be given by mail to each electric, gas, and pipeline, public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registered its name and mailing address with the Township Clerk to receive the notice of public hearing.
- e. All notices under this Section must include the place and time the proposed text and maps may be examined.
- f. Following the required public hearing, and within 125 days of the petition's filing date, the Planning Commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the Township Board. The 125-day time limit may be extended by agreement with the petitioner and the Planning Commission.

4. Township Board Procedures

- a. After receiving the Planning Commission's summary of comments and recommendations regarding the petition, the Township may hold a public hearing if it considers it necessary or otherwise required by law. If the Township Board opts to hold a public hearing, the Township must notify it in the same manner as the Planning Commission was required to do.
- b. The Township Board must grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail addressed to the Township Clerk.
- c. If the Township Board deems it advisable to make changes to the proposed amendment, the Township Board may refer such to the Planning Commission for consideration and comment within a time specified by the Township Board.

- d. The Township Board must consider and vote upon the petition. Any amendment to the Chapter requires a majority vote by the Township Board.
- e. In reviewing an application for the rezoning of land, whether the application be made with or without offer of conditions, factors that the Planning Commission and Township Board should consider include, but are not limited to, the following:
 - (1) Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan.
 - (2) Whether all the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
 - (3) Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning.
 - (4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses permitted under the current zoning.

Section 719.177 – Conditional Rezoning

- A. It is recognized that certain instances would be in the Township's best interests and advantageous to property owners seeking a change in zoning boundaries if they could propose certain conditions as part of a rezoning request. This Section intends to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act 110 of 2006, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and development of land as part of the zoning request.
- B. Application and Offer of Conditions
 - 1. An owner of land may voluntarily offer in writing conditions relating to the use or development of land for which a rezoning is requested. This offer must be made when the rezoning application is filed or by an amendment to the application for conditional rezoning made later during the rezoning process.
 - 2. The rezoning application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer or conditions, except as modified by the requirements of this Section.
 - 3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require special land use approval under the terms of this Chapter may only be commenced if a special land use permit for such use or development is ultimately granted under the provisions of this Chapter.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Chapter may only be commenced if the Zoning Board of Appeals ultimately grants a variance for such use or development per the provisions of this Chapter.
7. Any use or development proposed as part of an offer or conditions that would require site plan approval under the terms of this Chapter may only be commenced if site plan approval for such use or development is ultimately granted under the provisions of this Chapter.
8. The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions at any time before the final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. The Planning Commission, after public hearing and consideration of the factors for rezoning outlined in this Chapter, may recommend approval, approval with recommended changes, or denial of the rezoning, provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner. The applicant shall pay for any additional administrative costs incurred by the Township when reviewing the application for conditional rezoning.

D. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request.

E. Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming to the provisions of this Section.
2. The Statement of Conditions shall:

- a. Be in a form recordable with the Macomb County Register of Deeds, or the alternative, be accompanied by a recordable Affidavit of Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contains a legal description of the land to which it pertains.
 - c. Contains a statement acknowledging that the Certificate of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment of reference any diagram, plans, or other documents submitted or approved by the owners that are necessary to illustrate the implementation of the Statement of Conditions.
 - e. Contains a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum of Understanding giving notice thereof may be recorded by the Township with the Macomb County Register of Deeds.
 - f. Contain notarized signatures of all of the owners of the subject land, preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning designation and the designation with which the land was rezoned, accompanied by a Statement of Conditions.
4. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions outlined in the Statement of Conditions. Any failure to comply with the conditions contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Chapter for any use or development contrary to the applicable Statement of Conditions.

G. Period for Establishing Development or Use

1. Unless another period is specified in the conditions of rezoning the subject land, the approved development or use of land must commence within 18 months after the rezoning took effect.
2. This time limitation may, upon a written request to the Township Board, be extended for just cause.

H. If the approved development or use of the rezoned land does not occur within the time frame specified in Subsection G above, the land shall revert to its former zoning classification.

I. Nothing in the Statement of Conditions nor the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land subject to a Statement of Conditions to another zoning classification.

J. The Township shall not require a property owner to offer conditions for rezoning.

Section 719.178 – Referendum

- A. Within seven (7) days after an amendment to the Zoning Ordinance is published, a registered elector residing in the Township may file with the Lenox Township Clerk a notice of intent to file a petition under Section 402 of the Michigan Zoning Enabling Act 110 of 2006, as amended.
- B. If a notice of intent is filed, the petitioner has 30 days after publication of the amendment to file a petition signed by a number of registered electors residing in the Township not less than 15% of the total votes cast within the Township for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk, requesting submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval.

Section 719.179 – Duties of the Building Inspector

- A. The Building Inspector shall have the power to grant zoning compliance and occupancy permits, inspect buildings or premises, and carry out duties in enforcing this Chapter.
- B. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until such plans have been reviewed and inspected in detail and found to conform with this Chapter. To this end, the Building Inspector shall require that every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in the type of use or the type of occupancy be accompanied by a written statement and plans drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Chapter.

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is designed to accommodate.
4. The signature of the fee holder or owner of the premises concerned.
5. Other information concerning the lot or adjoining lots may be essential for determining whether the provisions of this Chapter are being observed. If the proposed excavation, construction, moving, alteration, or use of land as outlined in the application conforms with the provisions of this Chapter, the Building Inspector shall issue a zoning compliance permit. Whenever an application for a building permit and zoning compliance permit indicates the necessity for the construction of a sewage disposal system and waterwell system on the premises, the Building Inspector shall not issue such permit unless the Macomb County Health Department has approved a septic system permit for the proposed on-site facilities and has tested the quality of the on-site water supply well as required by this Chapter.

- C. The Building Inspector is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Chapter to any person making an application to excavate, construct, remove, alter, or use either buildings, structures, or land within the Township.
- D. The Building Inspector shall not refuse to issue a permit when the conditions imposed by this Chapter are complied with by the applicant, despite violations of contracts, such as covenants or private agreements, which may result upon granting said permit.

Section 719.180 – Permits

- A. It shall be unlawful for any person to commence excavation for the construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without obtaining a Zoning Compliance Permit and a Building Permit from the Building Inspector.
- B. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted under the provisions of this Chapter, showing that the construction proposed complies with this Chapter's requirements and the Building Code.

- C. No plumbing, electrical, drainage, or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Chapter.
- D. "Alteration" or "repair" of an existing building or structure shall not include any changes in structural members, stairways, primary construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, of this Chapter, except for minor repairs or alterations not involving any of the provisions described above.
- E. A Zoning Compliance Permit shall also be obtained for the new use of land, whether presently vacant or a change in said use is proposed.
- F. A Zoning Compliance Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- G. The Building Inspector may issue a permit for the temporary placement of a travel trailer or similar recreational vehicle, licensable under the Michigan Motor Vehicle Code, for use as temporary living quarters during the actual construction of a single-family dwelling, subject to the following:
 - 1. The initial permit period shall not exceed six (6) months and shall be concurrent with a valid building permit. No more than two (2) extensions, not to exceed three (3) months each, may be granted where substantial progress toward completion of the permanent dwelling is being demonstrated.
 - 2. The maximum length of any trailer or similar unit permitted hereunder shall be thirty-five (35) feet.
 - 3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to ensure the removal of the trailer unit upon expiration of the temporary permit.
- H. In the event of a total loss of a dwelling due to fire, tornado, or similar natural disaster, the Building Inspector may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:
 - 1. A building permit for repair or replacement of the permanent residence must be obtained before placement of the temporary unit.
 - 2. The initial permit period for the temporary residence shall not exceed six (6) months, and not more than two (2) extensions of three (3) months the Building Inspector may grant each.

3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to ensure removal of the temporary dwelling unit upon the expiration of the temporary permit.
- I. Wetlands Permit for All Land Uses. "The owner of land affected by wetlands intending to use the same for any purpose authorized by this Chapter shall furnish the Township Building Department with a wetlands permit issued by the Michigan Department of Natural Resources according to Act 203, Public Acts of 1979, as amended, as a precondition for said use."
- J. Expiration of Building Permit
 1. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; the Building Inspector shall cancel it, and written notice thereof shall be given to the persons affected at the address provided on the permit application.
 2. Once begun, if the work described in any building permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire unless it is renewed. The Building Inspector may reissue the permit for a second period of one (1) year at half the original permit fee. The renewal permit will expire at the end of one (1) year, allowing for a total of two (2) years for the final construction of the work described in the original permit.
 3. At the end of two (2) years from the date of issuance of the original building permit, the reissued permit shall expire, and the Building Inspector will notify the permit holder in writing of said expiration at the address provided on the permit application. No further work may be undertaken, and all monies (financial guarantees, performance bonds, plan review fees, and permit fees) shall be forfeited. A new application, permit, and fees shall be required to undertake additional work after this period.

Section 719.181 – Certificates of Occupancy

- A. It shall be unlawful to use or permit the use of any land, building, or structure for which a Building Permit is required and to use or permit to be used any building 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 Chapter have been complied with.
- B. The Certificate of Occupancy, as required for new construction of or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Chapter.

- C. Certificates of Temporary Occupancy may be issued for a part of a building or structure before the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force 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 or structure conform with the provisions of this Chapter.
- D. A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies thereof shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- E. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but, instead, may be included in the Certificate of Occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- F. Certificates of Occupancy shall be applied for in writing to the Building Inspector concurrently with the application for building permits. They shall be issued within five (5) days after notification of completion of the building if it is found that the building or structure or part thereof or the use of the land as per the provisions of this Chapter. If such a Certificate is refused for cause, the applicant shall be notified of such refusal and the reason thereof within five (5) days.

Section 719.182 – Final Inspection

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

Section 719.183 – Fees

- A. Fees for Inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Chapter, shall be collected by the Township Treasurer before such permits or certificates are issued.
- B. Before any permit is issued under this Chapter, an inspection fee must be paid in an amount fixed by a schedule established by resolution of the Township Board.

Section 719.184 – Violations and Penalties

- A. Any violations of this Chapter's provisions shall constitute a misdemeanor. Each day that a breach is permitted to exist or does exist shall constitute a separate offense.
- B. Any person, first or corporation, who violates any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred (\$500.00) dollars or ninety (90) days in jail, or both, in the discretion of the court.

Section 719.185 – Nuisance and Abatement

Use of land and dwellings, buildings, or structures, including tents and mobile homes, used, erected, altered, razed, or converted in violation of any of the provisions of this Chapter, is declared to be a nuisance per se and may be abated by order of a court of competent jurisdiction.

Article 11 – Schedule of District Regulations

Zoning Districts	Minimum Lot Dimensions (A, S)		Maximum Building Height (T)		Minimum Setbacks (B, H, I)			Maximum Lot Coverage (J, S)	Minimum Living Area per Unit
	Lot Area Density (N, O, P, Q)	Lot Width	Stories	Feet	Front (D)	Sides (E, L)	Rear		
AG, Agricultural									
Small Farm	5 acres (O, P, Q)	330'	2 ½ (C)	35' (C)	50'	20' (K)	50'	25%	1 Story-1,200 sq. ft.
Rural Home Site	2 acres (O, P, Q)	165'	2 ½ (C)	35' (C)	50'	20' (K)	50'	25%	1 ½ Story – 1,000 sq. ft. first floor, 500 sq. ft. second floor. 2 Story – 1,000 sq. ft. first floor, 1,000 sq. ft. second floor
R, Single Family									
No Sewer	1 acre (O, P, Q, R)	150'	2	35'	40'	20' (K)	50'	30%	1 Story-1,200 sq. ft.
Sewer	12,000 sq. ft. (P, Q, R)	100'	2	35'	30'	15' (K)	35'	30%	1 ½ Story – 1,000 sq. ft. first floor, 500 sq. ft. second floor. 2 Story – 1,000 sq. ft. first floor, 1,000 sq. ft. second floor

Zoning Districts	Minimum Lot Dimensions (A, S)		Maximum Building Height (T)		Minimum Setbacks (B, H, I)			Maximum Lot Coverage (J, S)	Minimum Living Area per Unit
	Lot Area Density (N, O, P, Q)	Lot Width	Stories	Feet	Front (D)	Sides (E, L)	Rear		
Manufactured Home Community									
	5,000 sq. ft.	40'	2	30'	30'	20'	20'	40%	720 sq. ft.
RM< Multiple Family									
Multiple Family Apartments, Condominiums, & Assisted Living Facilities	15-25 units per acre (G)	200'	3 (u)	40' (u)	50' (I)	40' (I, J, L)	50' (I)	35% building footprint, 50% max impervious surface (J)	Efficiency – 400 sq. ft. 1 BR – 700 sq. ft. 2 BR – 850 sq. ft. 3 BR – 1,000 sq. ft. 4 BR – 1,200 sq. ft. Detached condominium units shall contain a minimum of 864 sq. ft.

Zoning Districts	Minimum Lot Dimensions (A, S)		Maximum Building Height (T)		Minimum Setbacks (B, H, I)			Maximum Lot Coverage (J, S)
	Lot Area Density (N, O, P, Q)	Lot Width	Stories	Feet	Front (D)	Sides (E, L)	Rear	
OS, Office Service								
	20,000 sq. ft.	120'	2	25'	40'	20'	20'	40%
NB, Neighborhood Business								
	20,000 sq. ft.	120'	2	25'	40'	20'	20'	40%
CB, Community Business								
Shopping Center	10 acres		3	30'	75'	60'	60'	40%
Individual Building	1 acre		3	30'	75'	30'	30'	40%
GB, General Business								
	1 acre	150'	2	25'	40'	20'	30'	40%
LI, Light Industrial								
	1 acre	150'	2	45'	40'	20'	30'	40%
HI, Heavy Industrial								
	1 acre	200'	2	45'	40'	20'	60'	40%
REC, Recreation								
Park	10 acres	330'	2	30'	50'	20' (K)	50'	
Residence	2 acres	165'	2	30'	50'	20' (K)	50'	30%

Schedule of Regulations Footnotes

- A. The lot depth-to-width ratio shall not exceed 4:1 for any lot 20 acres or less in any district.
- B. In determining required yard spaces (minimum setbacks) for all land uses in any zoning district, determining such yard spaces shall be the distance from the building or structure on the lot at the nearest lot line. Front yard setbacks for the yard spaces shall be measured from the edge of the existing right-of-way line for such thoroughfare to the building or structure on a lot. See Section 323 for setbacks applying to accessory buildings.
- C. Except silos and agricultural storage barns
- D. Where a front yard of less depth than the specified depths exists in the front of more than 50 percent of the lots of record on one side of the street in any block at the time of the passage of this Ordinance, the depth of the front yard of any building subsequently erected on that side of the street in the block shall not be less than the average depths of the front yards of such existing dwellings. In rural areas, a block shall be measured 1,300 feet in each direction from the centerline axis of the lot in question or to the nearest intersecting street, whichever is less.
- E. The following shall apply to all districts: Where a side yard abuts a street, it shall constitute a front yard, and all buildings, structures, and accessory uses shall observe the required front setback.
- F. Detached single-family homes shall be limited to 25% of the total development within a High-Density residential development project.
- G. Individual two-family dwellings on their site shall have a minimum lot area of twenty thousand (20,000) square feet. Two-family dwellings in a complex of two or more two-family dwellings shall adhere to the land area requirements in the table below.

Where multiple dwellings are permitted, or two or more two-family dwellings are proposed, the first dwelling unit shall have a minimum lot area of ten thousand (10,000) square feet, plus the additional lot requirements per unit as listed below. These areas shall not include kitchens, bathrooms, closets, or other storage areas.

ARTICLE 11 – Schedule of Regulations

Minimum Land Area (in square feet) Required Per Dwelling Unit with Public Sewer and Water			
Residential Dwelling Types	Studio, Efficiency, 1 Bedroom	Two Bedrooms	Three or more Bedrooms
Two-family or Duplex Condominium	4,200	4,800	5,400
4-Plex Condominium	3,600	4,200	5,000
High-Density Condominium	2,200	2,500	2,800
Senior Assisted Living	1,750	2,000	2,200
Rental Apartments	2,200	2,500	2,800

H. Multiple Family Residential Development Requirements: Front, side, and rear yards relating to the spacing between buildings in multiple family developments shall have the following overall dimensions:

<u>Building Relationship</u>	<u>Overall Distance Between Buildings (Exclusive of Parking Area)</u>
Front to Front	50'
Front to Side	35'
Front to Rear	65'*
Rear to Rear	80'*

* Parking may be permitted in up to 50 percent of the required yard, provided at least 25' of yard space between the building and parking area.

ARTICLE 11 – Schedule of Regulations

I. Standards for Yards, Courts, and Building Orientation in Multiple Family Developments

Each exterior side yard shall be a minimum of forty (40) feet. This space shall be increased by two (2) feet for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line, provided that no multiple-family building shall exceed one hundred eighty (180) feet in length along any one face of the building.

Any court shall have a width equal to or not less than 50 feet. The depth of any court shall not be greater than three (3) times the width.

The front and rear of the multiple-family building shall be considered the faces along the longest dimension of said building.

The front of multiple-family buildings shall be considered in the direction indicated on the drawings submitted, provided it is not inconsistent with the floor plan of the individual unit, and the side of the multiple-family building shall be considered the face along the narrowest dimension of said building.

J. In all Multiple-family developments, there shall be usable open space provided for the use of the residents therein. Such space shall be provided on the following basis:

- Five thousand (5,000) square feet for the first unit.
- One hundred (100) square feet for each additional unit.
- The usable open space is to be separate and distinct from all other uses permitted upon said multiple-family site, and a specific site shall be designed for recreation, passive outdoor activities, and similar uses and permanently reserved for same.

K. For permitted non-residential uses, side setbacks shall be 30 feet for each side, with one additional foot for every 5 feet if the

ARTICLE 11 – Schedule of Regulations

structure exceeds 40 feet in length along the adjoining property line.

- L. A minimum setback of at least thirty (30') feet shall be provided for side yards that border a residential district. No interior side setback is required in all business and office zoning districts, provided adequate access is provided to all parking and loading/unloading areas, and provided the Fire Department can access all areas necessary for adequate fire protection.
- M. The minimum project size for a planned development of more than one OTW use shall be ten (10) acres, and the minimum lot width shall be three hundred (300) feet.
- N. The minimum lot area for all lots shall be the net lot area, excluding public road right-of-way and private road easements.
- O. Refer to Section 719.130 for Open Space Preservation Option for lot size reductions with the mandatory preservation of 50% of the property in accordance with P.A. 177 of 2001. The Open Space Preservation Option does not offer a density bonus for preserving open space.
- P. Calculations for determining the maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, floodplains, and open water bodies shall not be included in calculations for determining maximum density and number of lots permitted).
- Q. Refer to Section 719.101 Planned Unit Development for flexible residential and non-residential development options for parcels of twenty acres or more. Proposed residential PUDs meeting the standards of the section may qualify for a density bonus.
- R. Cluster Development. Lot widths and overall area reductions for qualified Cluster Developments shall not exceed twenty (20) percent. Approved modifications to side yard setbacks for single-family structures shall not result in side yards less than nine (9) feet. Side yards shall be oriented so that any detached single-family structure shall be located at least twenty (20) feet from any other detached single-family structure. Front setbacks for Cluster Developments in the RM district may not be reduced to less than 30 feet. Rear yards may be reduced to thirty (30) feet in the RM District when bordering on land dedicated to the common use of the development.
- S. Permitted projections into required yards shall be as follows:

ARTICLE 11 – Schedule of Regulations

- Covered porches and decks attached to the principal building shall comply with the district's principal building setbacks.
- Architectural features such as sills, belt courses, eaves, uncovered balconies, bay windows, chimneys, and the like may extend up to two feet into a required front or rear yard, but they may not extend more than 18 inches into a required side yard.
- Uncovered porches, paved terraces, and platform decks may project up to 16 feet into the required rear yard and be subject to the district's applicable lot coverage requirements.

T. The height limitations in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and are not intended for human occupancy.

U. Upon Planning Commission approval, the maximum building height within a Planned Unit Development as permitted by Section 335 may be increased to a maximum of fifty (50) ft. and four stories if the fourth floor is visually incorporated into the roof structure to have the appearance of a three (3) story building. This may be accomplished through the use of dormers or other similar features. In such instances, the minimum required side setback shall be increased so that it is equivalent to the height of the approved structure. If the structure is within three hundred (300) feet of a single-family residential district or use, it shall be limited to a maximum height of forty (40) feet.